

## APPENDIX 2

### Maryland Psychological Association – MPA

#### House Bill 970 - Psychology Interjurisdictional Compact Supporting Informational Documents

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## Purpose

- Allows for Telepsychological Communications from providers to patients in separate states.
- Allows for up to 30 days of In-Person Face-to-Face Practice
- Recognizes that states have vested interest in protection public health and safety and through this compact and regulation will afford the best available protection.
- Only applies to person not holding licenses in both home and receiving jurisdictions
- Compact does not apply to permanent In-Person Face-to-Face practice

## Article II

### Definitions

This article is used to define the terms as used throughout the compact. This was done in an effort to alleviate confusion on the part of the states and practitioners.

## Article III

### Home State Licensure

This article denotes what home state licensure means and further requirements to provide services through the compact.

This section defines the Home state. “Home state in which a psychologist is licensed shall be a compact state where a psychologist is licensed to practice psychology.” To provide the services allowed by this compact the professional must hold a license in a compact state.

Section E. Allows for practice to the receiving jurisdiction to practice telepsychology only if the state requires:

- That the psychologist holds an active E. Passport
- Has a mechanism in place for receiving and investigating complaints about licensed individuals.
- Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual.
- Requires an identity history summary of all applicants at initial licensure.
- Complies with the bylaws and rules of the commission.

Section F. Allows for temporary face-to-face practice in a distant state if requires:

- That the psychologist holds active Interjurisdictional Practice Certificate (IPC).
- Has a mechanism in place for receiving and investigating complaints about licensed individuals.
- Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual.
- Requires an identity history summary of all applicants at initial licensure.
- Complies with the bylaws and rules of the commission.

## Article IV

### Compact Privilege to Practice Telepsychology

This section lays out the requirements of education and training to provide services through the Compact.

This section allows for the practice of telepsychology in a “receiving state” in which the psychologist is not licensed. Only if the psychologist:

- Holds a graduate degree in psychology from an institute of higher education that was at the time the degree was awarded;
  - Regionally accredited by an accrediting body recognized by the US Department of Education to grant graduate degrees or authorize by provincial statute or royal charter to grant doctoral degrees.
  - A foreign college or university deemed to be equivalent by a foreign credential evaluation service that is a member of the NACES or by a recognize foreign credential evaluation.
- Hold a graduate degree in psychology that meets designated criteria
- Possess current, full and unrestricted license to practice psychology in a home state which is a compact state
- Have no history of adverse action that violate the rules of the commission
- Have no criminal record history that violates the rules of the commission
- Possess a current and active E. Passport
- Provide attestations regarding areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
- Meet other criteria as defined by the rules of the Commission.

This section also requires a psychologist practicing under the compact must practice within the areas of competencies and is subject to the scope of practice of the receiving state.

A receiving state may, in accordance with that state’s due process law, limit or revoke a psychologist’s authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state’s applicable law to protect the health and safety of the receiving state’s citizens. If a receiving state takes action, the state shall promptly notify the home state and the Commission.

If a psychologist’s license in any home state or another compact state or any authority to practice interjurisdictional telepsychology in any receiving state is restricted, suspended or otherwise limited, the E. Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

## Article V

### Compact Temporary Authorization to Practice

By accepting the compact the jurisdiction will allow for temporary face-to-face practice.

The education requirements are like those listed in Article IV with the substitution of a psychologist to be required to hold an Interjurisdictional Practice Certificate (IPC) instead of the E. Passport. The other components are similar to 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 jurisdiction and within the rules of the commission, as well as;

- The psychologist initiates a client/patient contact in home state via telecommunications technologies with a client/patient in a receiving state or

- other condition regarding telepsychology as determined by rule promulgated by the commission.

## Article VII

### Adverse Actions

This section covers how the compact, home and receiving states will conduct and report adverse actions. As well as the consequences for a psychologist who receives adverse actions.

- The home state may take adverse actions against a psychologist license. A receiving state may take adverse action on a psychologist authority to practice interjurisdictional telepsychology and temporary authorization to practice within that receiving state.
- If home state does take adverse action a psychologist's authority to practice interjurisdictional telepsychology is terminated and the E. Passport is revoked. In addition, that psychologist's temporary practice is terminated, and the IPC is revoked.
  - All adverse actions taken should be reported to the Commission. In accordance to the rules of the Commission.
  - If Discipline is reported against a psychologist, the psychologist will not be eligible for telepsychology or temporary practice in accordance with the rules of the Commission.
  - Other actions may be imposed as determined by the rules promulgated by the commission.
- A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.
- A license revoked, surrendered in lieu of discipline or suspended following investigation of all services granted through the compact would be terminated.
- Nothing in the compact will override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. The psychologist must cease providing services while in an alternative program.

## 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.

- Issue Subpoenas, for both hearings and investigations.
- Issue Cease and Desists and injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or through temporary authorization.

It also states if an investigation is taking place, a psychologist may not change their home state status. The conclusion of all investigations should be reported to the Commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall remain confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated discretionary sharing of information by compact states.

## Article IX

### Coordinated Licensure Information System

This section denotes the requirement of sharing licensee information for all compact states. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform dataset to the Coordinated Database on all

psychologists to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of adverse action against compact psychologists. The coordinated database information will be expunged by the law of the reporting compact state.

## Article X

### Establishment of the Psychology Interjurisdictional Compact 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 states regulatory Board.
- Vacancies of Commissioners must be filled in accordance of the laws of the compact state.
- Each commissioner is granted (1) vote in regard to 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 7 states.

## 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 Psychology Interjurisdictional Compact Commission and Associated Rules, Withdrawal 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.



# 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.

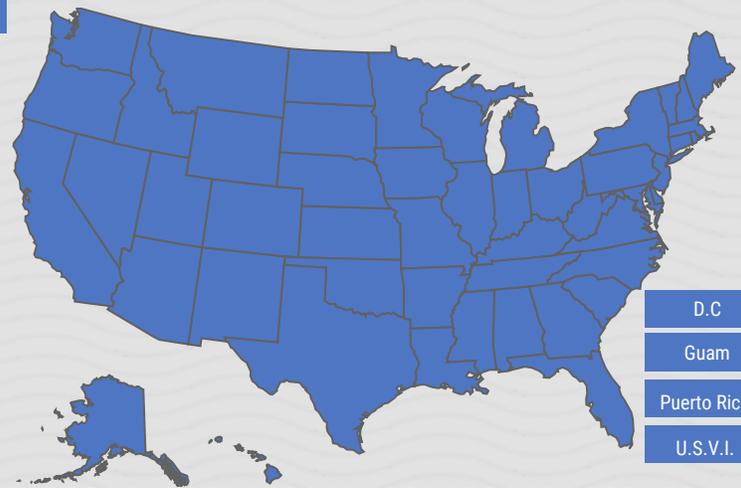
## ABOUT PSYPACT

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

1 **Psychology Interjurisdictional Compact (PSYPACT)**

2 **Psychology Interjurisdictional Compact Commission**

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- 4 **Title of Rule:** Definitions
- 5 **Drafted:** November 21, 2019
- 6 **Effective:** February 27, 2020
- 7 **Amended:**
- 8 **History for Rule:** Introduced at public meeting on November 21-22, 2019
- 9 Public hearing February 27, 2020
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- 12 **Section 2:** Definitions
- 13 **Authority:** Article II: Definitions

14 **2.0 Purpose:** Pursuant to Article II and for the purpose of the rules adopted by the  
15 PSYPACT Commission, the following definitions shall apply. Terms not  
16 specifically defined in these Rules shall have the definition as set forth in  
17 the Compact. In an event of a conflict with definitions found elsewhere in  
18 these Rules, definitions found in Section 2.1 shall control and prevail.

19 **2.1 Definition(s):**

- 20 (A) **“Adverse Action”** means: any action taken by a State Psychology Regulatory  
21 Authority which finds a violation of a statute or regulation that is identified by the  
22 State Psychology Regulatory Authority as discipline and is a matter of public record.
- 23 (B) **“Alternative Program”** means: any non-disciplinary monitoring program intended to  
24 remediate the licensee that is not a matter of public record and to which a State  
25 Psychology Regulatory Authority refers a licensee, or of which the State Psychology  
26 Regulatory Authority is aware of the licensee’s participation.
- 27 (C) **“Association of State and Provincial Psychology Boards (ASPPB)”** means: the  
28 recognized membership organization composed of State and Provincial Psychology  
29 Regulatory Authorities responsible for the licensure and registration of psychologists  
30 throughout the United States and Canada.
- 31 (D) **“Authority to Practice Interjurisdictional Telepsychology”** means: a licensed  
32 psychologist’s Authority to Practice Telepsychology, within the limits authorized  
33 under this Compact, in another Compact State. This Authority to Practice  
34 Interjurisdictional Telepsychology is deemed valid until the psychologist is no longer  
35 eligible under the Compact Statute and/or the Rules and/or Policies established by the  
36 Commission.

- 37 (E) **“Authorization Holder”** means: a licensed psychologist who has been granted  
38 Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization  
39 to Practice under this Compact.
- 40 (F) **“Bylaws”** means: those Bylaws established by the Psychology Interjurisdictional  
41 Compact Commission pursuant to Article X for its governance, or for directing and  
42 controlling its actions and conduct.
- 43 (G) **“Client/Patient”** means: the recipient of psychological services, whether  
44 psychological services are delivered in the context of healthcare, corporate,  
45 supervision, and/or consulting services.
- 46 (H) **“Commissioner”** means: the voting representative appointed by each State  
47 Psychology Regulatory Authority pursuant in Article X.
- 48 (I) **“Compact State”** means: a state, the District of Columbia, or United States territory  
49 that has enacted this Compact legislation and which has not withdrawn pursuant to  
50 Article XIII, Section C or been terminated pursuant to Article XII, Section B. For  
51 purposes of this Compact, Compact State and Member State may be used  
52 interchangeably.
- 53 (J) **“Coordinated Licensure Information System”** also referred to as “Coordinated  
54 Database” means: an integrated process for collecting, storing, and sharing  
55 information on psychologists' licensure and enforcement activities related to  
56 psychology licensure laws, which is administered by the recognized membership  
57 organization composed of State and Provincial Psychology Regulatory Authorities.
- 58 (K) **“Confidentiality”** means: the principle that data or information is not made available  
59 or disclosed to unauthorized persons and/or processes.
- 60 (L) **“Day”** means: any part of a day in which psychological work is performed.
- 61 (M) **“Distant State”** means: the Compact State where a psychologist is physically present  
62 (not through the use of telecommunications technologies), to provide temporary in-  
63 person, face-to-face psychological services.
- 64 (N) **“Encumbrance”** means: any action taken by the State Psychology Regulatory  
65 Authority that limits the practice or work of a psychologist. An encumbrance may be  
66 disciplinary or non-disciplinary in nature.
- 67 (O) **“E. Passport”** means: a certificate issued by the Association of State and Provincial  
68 Psychology Boards (ASPPB) that promotes the standardization in the criteria of  
69 interjurisdictional telepsychology practice and facilitates the process for licensed  
70 psychologists to provide telepsychological services across state lines.
- 71 (P) **“Executive Board”** means: a group of directors elected or appointed to act on behalf  
72 of, and within the powers granted to them by, the Commission.
- 73 (Q) **“Ex-Officio Member”** means: the non-voting representative from the membership  
74 organization composed of State and Provincial Psychology Regulatory Authorities.  
75 The Ex-Officio Member serves on the Commission Executive Board.
- 76 (R) **“Graduate Degree”** means: for the purpose of this Compact, a doctoral degree.
- 77 (S) **“Home of Record”** means: for the purpose of this Compact, the active duty military  
78 personnel's or spouse's state of legal residence on record with the military.
- 79 (T) **“Home State”** means: a Compact State where a psychologist is licensed to practice  
80 psychology. If the psychologist is licensed in more than one Compact State and is  
81 practicing under the Authorization to Practice Interjurisdictional Telepsychology, the  
82 Home State is the Compact State where the psychologist is physically present when the

- 129 (HH) *“State Psychology Regulatory Authority” means: the Board, office or other agency*  
130 *with the legislative mandate to license and regulate the practice of psychology.*
- 131 (II) *“Telepsychology” means: the provision of psychological services using*  
132 *telecommunications technologies.*
- 133 (JJ) **“Temporary Authorization to Practice”** means: a licensed psychologist’s authority  
134 to conduct temporary in-person, face-to-face practice, within the limits authorized  
135 under this Compact, in another Compact State. This Temporary Authorization to  
136 Practice is deemed valid until the psychologist is no longer eligible under the Compact  
137 Statute and/or the Rules and/or Policies established by the Commission.
- 138 (KK) *“Temporary In-Person, Face-to-Face Practice” means: where a psychologist is*  
139 *physically present (not through the use of telecommunications technologies), in the*  
140 *Distant State to provide for the practice of psychology for 30 days within a calendar*  
141 *year and based on notification to the Distant State.*

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144 Italicized definitions are mirrored directly from the PSYPACT Compact Language.

PRACTICE OF PSYCHOLOGY

**§18–302. Qualifications of applicants.**

(a) *In general.* — To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) *Moral character.* — The applicant shall be of good moral character.

(c) *Age.* — The applicant shall be at least 18 years old.

(d) *Residence; place of practice.* —

(1) Except as provided in this subsection, an applicant shall reside or practice, or intend to reside or practice, in this State.

(2) The Board may issue a license or registration to an applicant who is neither a resident of this State nor practicing in this State if the applicant shows that issuing the license or registration would be in the interest of the citizens or government of this State.

(e) *Criminal history records check.* — The applicant shall submit to a criminal history records check in accordance with § 18–302.1 of this subtitle.

(f) *Qualifications — Licensed psychologist.* — In addition to the other requirements of this section, to qualify to be a licensed psychologist, an applicant shall:

(1) Have a doctoral degree in psychology; and

(2) Have at least 2 years of professional, supervised experience in psychology that is approved by the Board in accordance with regulations adopted by the Board.

(g) *Qualifications — Registered psychology associate.* — Except as provided in subsection (i) of this section and in addition to the other requirements of this section, to qualify to be a registered psychology associate, an applicant shall:

(1) Have a master's degree in clinical psychology, counseling psychology, or school psychology from a program accredited by the Council for Higher Education Accreditation;

(2) Have a master's degree in education with a field of specialization in psychology or counseling psychology from a program accredited by the Council for Higher Education Accreditation;

(3) Be admitted to candidacy for a doctoral degree in clinical psychology, counseling psychology, school psychology, or education with a field of specialization in psychology or counseling psychology in

PRACTICE OF PSYCHOLOGY

a program accredited by the Council for Higher Education Accreditation, after having satisfactorily:

(i) Completed at least 3 years of postgraduate education in psychology; and

(ii) Passed preliminary doctoral examinations;

(4) Have completed a doctoral degree in psychology or in education with a field of specialization in psychology or counseling psychology from a program accredited by the Council for Higher Education Accreditation; or

(5) Have at least a master's level degree from a program outside the United States that has been determined by the Board to be equivalent to a degree listed in item (1), (2), or (4) of this subsection.

(h) *Examination.* — (1) An applicant for a psychologist license shall successfully pass:

(i) A national examination in the practice of psychology; and

(ii) The State jurisprudence examination.

(2) Except as provided in subsection (i) of this section, an applicant for a psychology associate registration shall successfully pass the State jurisprudence examination.

(i) *Waiver of requirements.* — The Board shall grant a waiver of the requirements of subsections (g) and (h)(2) of this section to an applicant for a psychology associate registration if the applicant was approved by the Board before October 1, 2014, to practice psychology as a psychology associate under the supervision of a licensed psychologist.



# ASPPB Interjurisdictional Practice Certificate (IPC) QUICK GUIDE

*\*Read the ASPPB Mobility Program Policies and Procedures for a comprehensive look at the Mobility Program and requirements. Note: Requirements are subject to change and are determined by the Mobility Committee.*

The IPC facilitates the process for licensed psychologists to provide temporary psychological services across state lines, in states that participate in PSYPACT,\* without obtaining additional licenses. Temporary psychological services can be provided up to 30 days per calendar year.

*\*In order to conduct temporary practice under the authority of PSYPACT, the PSYPACT Commission requires that a psychologist obtains a Temporary Authorization to Practice (TAP). The IPC is required in order to obtain a TAP from the PSYPACT Commission.*

## Application Checklist



### License

- Must have a current and active psychology license, based on a doctoral degree, in at least one PSYPACT participating state.
- No disciplinary action listed on any psychology license.



### Education

- Must have a doctoral degree in psychology from an institution of higher education that was, at the time the degree was awarded: (1) 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; or (2) deemed to be equivalent to (1) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service.
- Graduate degree transcripts must be sent directly by the degree granting institution to ASPPB in a sealed envelope with appropriate institutional seals

## Renewal Requirement

Annual renewal by submission of established fee and documentation of a current and active license in a PSYPACT participating state. Failure to renew will cause the certificate to expire and the certificate holder may not practice if certificate is expired.



# ASPPB E.Passport QUICK GUIDE

*\*Read the ASPPB Mobility Program Policies and Procedures for a comprehensive look at the Mobility Program and requirements. Note: Requirements are subject to change and are determined by the Mobility Committee.*

The E. Passport facilitates the process for licensed psychologists to practice telepsychology across state lines, in states that participate in PSYPACT,\* without obtaining additional licenses.

*\*In order to practice telepsychology under the authority of PSYPACT, the PSYPACT Commission requires that a psychologist obtains an Authority to Practice Interjurisdictional Telepsychology (APIT). The E.Passport is required in order to obtain an APIT from the PSYPACT Commission.*

## Application Checklist



### License

- Must have a current and active psychology license, based on a doctoral degree, in at least one PSYPACT participating state.
- No disciplinary action listed on any psychology license.



### Education

- Must have a doctoral degree in psychology from an institution of higher education that was, at the time the degree was awarded: (1) 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; or (2) deemed to be equivalent to (1) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service.
- Graduate degree transcripts must be sent directly by the degree granting institution to ASPPB in a sealed envelope with appropriate institutional seals



### Examination

- Successful completion of the Examination for Professional Practice in Psychology (EPPP) with a score that meets or exceeds the established ASPPB recommended passing score at the time of application.

## Renewal Requirement

Annual renewal by submission of established fee, documentation of a current and active license in a PSYPACT participating state and demonstration of 3 hours of continuing education relevant to the use technology in psychology (continuing education may include academic courses and/or approved sponsor continuing education). Failure to renew will cause the certificate to expire and the certificate holder may not practice if certificate is expired.

# PSYPACT AND DISCIPLINE:

## Understanding the Role Each State Plays

One of the main purposes of PSYPACT is provide states with a regulatory mechanism designed to address disciplinary issues that occur across state lines in other compact states. PSYPACT specifies the role each state plays concerning disciplinary issues related to the practice of telepsychology and temporary in-person, face-to-face practice across state lines in PSYPACT states.

### TELEPSYCHOLOGY

PSYPACT requires that a psychologist obtain an **AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY (APIT)**. Psychologists can then practice telepsychology into a:

#### RECEIVING STATE

- ✓ As a requirement of the APIT, a psychologist must obtain an E.Passport Certificate to practice telepsychology into a **RECEIVING STATE**.
- ✓ A psychologist is subject to the **RECEIVING STATE'S** scope of practice.
- ✓ A **RECEIVING STATE** can limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology.
- ✓ If a **RECEIVING STATE** takes action, it will notify the **HOME STATE** and the PSYPACT Commission.
- ✓ A **HOME STATE** will investigate and take appropriate action on reported inappropriate conduct in a **RECEIVING STATE** as it would if such conduct had occurred within the **HOME STATE**.
- ✓ A **HOME STATE'S** law will control in determining any adverse action against a psychologist's license.

If a psychologist's license in any **HOME STATE**, another **COMPACT STATE**, or Authority to Practice Interjurisdictional Telepsychology in any **RECEIVING STATE**, is restricted, suspended or otherwise limited, the E.Passport will also be revoked, and the psychologist will not be eligible to practice telepsychology in a **COMPACT STATE** under the Authority to Practice Interjurisdictional Telepsychology.

AND

#### HOME STATE

A psychologist must hold a current, full and unrestricted license to practice psychology in a **HOME STATE**, which has enacted PSYPACT.

A **HOME STATE** maintains authority over the license of any psychologist practicing under the authority of PSYPACT.

A **HOME STATE** can impose adverse action against a psychologist's license issued by the **HOME STATE**.

All **HOME STATE** disciplinary orders which impose adverse action are reported to the PSYPACT Commission.

### TEMPORARY PRACTICE

PSYPACT requires that a psychologist obtain a **TEMPORARY AUTHORIZATION TO PRACTICE (TAP)**. Psychologists can then practice temporarily into a:

#### DISTANT STATE

- ✓ As a requirement of TAP, a psychologist must obtain an Interjurisdictional Practice Certificate (IPC) to conduct temporary practice in a **DISTANT STATE**.
- ✓ A psychologist must practice within the scope of practice of the **DISTANT STATE** and is subject to the **DISTANT STATE'S** authority and law.
- ✓ A **DISTANT STATE** can limit, revoke or take adverse action on a psychologist's Temporary Authorization to Practice.
- ✓ If a **DISTANT STATE** takes action, it will notify the **HOME STATE** and the PSYPACT Commission.
- ✓ A **DISTANT STATE** will investigate and take appropriate action on reported inappropriate conduct which occurred in that **DISTANT STATE** as it would if such conduct had occurred within the **HOME STATE**.
- ✓ A **DISTANT STATE'S** law will control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

If a psychologist's license in any **HOME STATE**, another **COMPACT STATE**, or Temporary Authorization to Practice in any **DISTANT STATE**, is restricted, suspended or otherwise limited, the IPC will also be revoked, and the psychologist will not be eligible to practice in a **COMPACT STATE** under the Temporary Authorization to Practice.

# PSYPACT FAQs

## Compacts

## History

## General

## Telepsychology

## Temporary In-Person, Face-to-Face Practice

## Requirements of PSYPACT

## Discipline

## Impact on States

## Impact on Psychologists

## Impact on Consumers

## Compacts

### Q1. What is an interstate compact?

A1. Interstate compacts are powerful, durable, and adaptive tools for ensuring cooperative action among the states. Interstate compacts provide a state-developed structure for collaborative and dynamic action, while building consensus among the states. The nature of an interstate compact makes it the ideal tool to meet the demand for cooperative state action: developing and enforcing stringent standards, while providing an adaptive structure that, under a modern compact framework, can evolve to meet new and increased demands over time.

General purposes for creating an interstate compact include:

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multistate governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards, or procedures for agencies in the compact's member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or in partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.

### Q2. Must Congress approve an interstate compact?

A2. Article I, Section 10 of the U.S. Constitution provides in part that "no state shall, without the consent of Congress, enter into any agreement or compact with another state." Historically, this clause generally meant all compacts must receive congressional consent. However, the purpose of this provision was not to inhibit the states' ability to act in concert with each other. In fact, by the time the Constitution was drafted, the states were already accustomed to resolving disputes and addressing problems through interstate compacts and agreements. The purpose of the compact clause was simply to protect the pre-eminence of the new national government by preventing the states from infringing

upon federal authority or altering the federal balance of power by compact.

Accordingly, the Supreme Court indicated more than 100 years ago in *Virginia v. Tennessee*, 148 U.S. 503 (1893) that not all compacts require Congressional approval. Today, it is well established that only those compacts that affect a power delegated to the federal government or alter the political balance within the federal system, require the consent of Congress.

### **Q3. Will my state's constitution permit the creation and/or joining of such a compact?**

A3. Compact language is usually drafted with state constitutional requirements common to most state constitutions such as separation of powers, delegation of power, and debt limitations in mind. The validity of the state authority to enter into compacts and potentially delegate authority to an interstate agency has been specifically recognized and unanimously upheld by the U.S. Supreme Court in *West Virginia vs. Sims*, 341 U.S. 22 (1951).

### **Q4. How prevalent are interstate compacts?**

A4. More than 200 interstate compacts exist today. Typically, a state belongs to more than 20 interstate compacts.

### **Q5. What types of interstate compacts exist?**

A5. Although there are many types of interstate compacts, they generally are divided into three types of compacts:

- **Regulatory Compacts:** The broadest and largest category of interstate compacts may be referred to as “regulatory” or “administrative” compacts. Such compacts are a development of the twentieth century and embrace wide-ranging topics including regional planning and development, crime control, agriculture, flood control, water resource management, education, mental health, juvenile delinquency, child support, and so forth. Examples of such compacts include:
  - *Driver License Compact:* Exchange information concerning license suspensions and traffic violations of non-residents and forward them to the state where they are licensed known as the home state.
  - *Interstate Compact on Adult Offender Supervision:* Regulate the movement of adult offenders across state lines.
  - *Midwest Radioactive Waste Disposal Compact:* Regulate radioactive waste disposal.
  - *Washington Metropolitan Area Transit Regulation Compact:* Regulate passenger transportation by private carrier.
  - *1921 Port Authority of New York-New Jersey Compact:* Provides joint agency regulation of transportation, terminal and commerce/trade facilities in the New York metropolitan area.

Regulatory compacts create ongoing administrative agencies whose rules and regulations may be binding on the states to the extent authorized by the compact.

- **Border Compacts:** These types of compacts are agreements between two or more states that alter the boundaries of a state. Once adopted by the states and approved by Congress, such compacts permanently alter the boundaries of the state and can only be undone by a subsequent compact approved by Congress or the repeal of the compact with Congress's approval. Examples include the Virginia-Tennessee Boundary Agreement of 1803, Arizona-California Boundary Compact of 1963, the Missouri-Nebraska Compact of 1990, and the Virginia-West Virginia Boundary Compact of 1998.
- **Advisory Compacts:** These types of compacts are agreements between two or more states that create study commissions. The purpose of the commission is to examine a problem and report back to the respective states on their findings. Such compacts do not result in any change in the state's boundaries nor do they create ongoing administrative agencies with regulatory authority. They do not require congressional consent because they do not alter the political balance of power between the states and federal government or intrude on a congressional power. An example of such a compact is the Delmarva Peninsula Advisory Council Compact (to study regional economic development issues), 29 Del. C. § 11101 (2003); Va. Code Ann. § 2.2- 5800 (2003).

### **Q6. Are all regulatory interstate compacts in the field of healthcare alike?**

A6. No, depending on the needs of the profession, interstate compacts addressing regulatory matters within the healthcare field can be structured quite differently. Currently, there are several professions utilizing interstate compacts to address regulatory matters and each profession has taken a different approach when writing its compact language. Two examples involve the professions of medicine and nursing. Medicine chose to construct its compact to address expedited licensure; while nursing's compact creates a multistate license. Psychology already had a mechanism to address expedited licensure, the Certificate of Professional Qualification in Psychology (CPQ), but needed a way to regulate the practice of telepsychology across state lines as well as provide some consistency among the states around temporary in-person, face-to-face practice. Thus, the interstate compact model is a feasible solution to regulate this type of practice across state lines within the profession of psychology.

### **Q7. What are the advantages of an interstate compact?**

A7. Interstate compacts provide an effective solution in addressing multi-state issues. Compacts enable the states, in their sovereign capacity, to act jointly and collectively, generally outside the confines of the federal legislative or regulatory process while respecting the view of Congress on the appropriateness of joint action. Interstate compacts can preempt federal involvement into matters that are traditionally within the purview of the states and yet which have regional or national implications.

Compacts afford states the opportunity to develop dynamic, self-regulatory systems over which the participating states can maintain control through a coordinated legislative and administrative process. Compacts enable the states to develop adaptive structures that can evolve to meet new and increased challenges that naturally arise over time.

Interstate compacts can provide states with a predictable, stable and enforceable instrument of policy control. The contractual nature of compacts ensures their enforceability on the participating states.

The fact that compacts cannot be unilaterally amended ensures that participating states will have a predictable and stable policy platform for resolving issues. By entering into an interstate compact, each participating state acquires the legal right to require the other states to perform under the terms and conditions of the compact.

### **Q8. What are the disadvantages of an interstate compact?**

A8. Interstate compacts may often require a great deal of time to both develop and implement. While recent interstate compact efforts have met with success in a matter of a few years, some interstate compacts have required decades to reach critical mass. The purpose of an interstate compact is to provide for the collective allocation of governing authority between participating states. The requirement of substantive “sameness” prevents participating states from passing dissimilar enactments notwithstanding, perhaps, pressing state differences with respect to particular matters within the compact.

To the extent that a compact is used as a governing tool, they require, even in the boundary compact context, that participating states cede some portion of their sovereignty. The matter of state sovereignty can be particularly problematic when interstate compacts create ongoing administrative bodies that possess substantial governing power. Such compacts are truly a creation of the twentieth century as an out-growth of creating the modern administrative state.

However, as the balance of power continues to realign in our federalist system, states may only be able to preserve their sovereign authority over interstate problems to the extent that they share their sovereignty and work together cooperatively through interstate compacts.

### **Q9. How is an interstate compact created?**

A9. Compacts are essentially contracts between states. To be enforceable, they must satisfy the customary requirements for valid contracts, including the notions of offer and acceptance. An offer is made when one state, usually by statute, adopts the terms of a compact requiring approval by one or more other states to become effective. Other states accept the offer by adopting identical compact language. Once the required number of states has adopted the pact, the contract between them is valid and becomes effective as provided. The only other potential requirement is congressional consent.

### **Q10. What does a recent interstate compact look like?**

A10. The compact should contain the minimum basics upon which it needs to operate, both in terms of the agreement between states and the operation of its governing body. The compact does not need to address every conceivable eventuality, nor should it. Its purpose is to provide the framework upon which to build. The rules are the actuators of the compact, containing the details of state interaction, how information will be shared, what standards and practices will be followed, forms used, timelines established, etc. By using the compact as the broad framework, the rules can be adapted and adjusted as needed throughout the life of the compact without the need to go back each time for legislative approval from the member states, subject to the legislatively delegated authority.

## History

### Q1. How was PSYPACT developed?

A1. The development of any interstate compact should be a state-driven and state-championed solution for issues that cross state boundaries. ASPPB, the alliance of psychology licensing boards in the United States and Canada, was approached by its members to develop a mechanism to assist in the regulation of telepsychology. In doing so, ASPPB in partnership with the psychology licensing boards and other stakeholder organizations, developed PSYPACT via the following steps:

- **ASPPB Telepsychology Task Force:** ASPPB created a Task Force to review various options for the regulation of telepsychology. The ASPPB Telepsychology Task Force met several times and originally focused on the possibility of creating a certificate to assist in the regulation of telepsychology. This option was presented to the membership, and the membership questioned what type of agreement could be created between jurisdictions to address this issue. An Advisory Group was formed to review options for agreements, including interstate compacts.
- **Advisory Group:** Composed of more than 14 regional and national psychology organizations as well as state officials, the Advisory Group examined the challenges encountered by clients receiving telepsychological services. The group then reviewed the feasibility of drafting a compact as a way of regulating telepsychological services as well as meeting the request of the member boards to create an agreement between the states. The Advisory Group met once in 2014. Their work culminated in a set of broad recommendations as to what the final compact product should entail.
- **Drafting Team:** The ASPPB Telepsychology Task Force reconvened and served as the drafting team for the new compact. The Drafting Team was tasked with implementing, via a draft compact, the thoughts, ideas and suggestions of the Advisory Group as well as incorporating the original work of the Task Force. The eight (8) member Drafting Team, composed of compact and issue area experts, crafted the recommendations, as well as provided their thoughts and expertise, into the draft compact. The document was then open for comment in September 2014 for both the stakeholders as well as public. After the public feedback period, the Drafting Team made modifications as needed based on the feedback. When presented to the ASPPB membership, the feedback was to include not only telepsychology in the compact but to also include a mechanism for temporary in-person, face-to-face practice. The Drafting Team added that component to the draft compact language and the ASPPB Board of Directors voted to approve the final Psychology Interjurisdictional Compact (PSYPACT) in February 2015.
- **PSYPACT Advisory Workgroup:** A workgroup comprised of ASPPB Board of Directors and staff, members and staff from state psychology licensing boards and representatives from the American Psychological Association (APA) and the Council of Executives of State, Provincial (and Territorial) Psychological Associations (CESPPA), convened in July 2015 to devise an implementation plan for PSYPACT and create resource materials about PSYPACT.

## General

### **Q1. What is PSYPACT?**

A1. PSYPACT is an interstate compact designed to allow licensed psychologists to practice of telepsychology and conduct temporary in-person, face-to-face practice of psychology across state boundaries legally and ethically without necessitating that an individual become licensed in every state to practice.

### **Q2. When does PSYPACT become operational?**

A2. PSYPACT becomes operational once seven (7) states enact PSYPACT and enter into the compact. Check with us often for status updates on the progress of PSYPACT!

### **Q3. Why are seven states required to join PSYPACT before it can become operational?**

A3. PSYPACT becomes operational after seven states have enacted PSYPACT. A workgroup of stakeholders from various psychology organizations determined seven states would be the critical mass needed to make PSYPACT a useful and viable instrument to practice under the authority of PSYPACT across state lines. Coincidentally, other compacts like the Interstate Medical Licensure Compact have used seven states as a benchmark for their compact to become operational.

### **Q4. What happens when PSYPACT becomes operational?**

A4. PSYPACT becomes operational when seven states enact the PSYPACT Model Legislation. When this occurs, the PSYPACT Commission is then created. The Commission is the governing body of PSYPACT and is responsible for its oversight and the creation of its Rules and Bylaws. Individual licensed psychologists can then apply for one or more of the certificates required to participate in PSYPACT: the E.Passport to practice telepsychology and the Interjurisdictional Practice Certificate (IPC) for the temporary in-person, face-to-face practice of psychology.

### **Q5. What is the role of the PSYPACT Commission?**

A5. The Commission is the governing body of PSYPACT and is comprised of one representative from each PSYPACT state. The Commission is responsible for implementing the Rules and Bylaws of PSYPACT.

### **Q6. What is the relationship between the PSYPACT Commission and ASPPB?**

A6. The PSYPACT Commission operates as the free-standing governing body of PSYPACT. ASPPB will have one ex-officio, nonvoting member serve on the Executive Board of the Commission.

### **Q7. How can I learn more about PSYPACT?**

A7. Contact us at [info@psypact.org](mailto:info@psypact.org)! You can also sign up for our PSYPACT listserv to receive updates about the progress of PSYPACT and stay informed about legislative changes or follow us on Twitter @PSYPACT.

## Telepsychology

### Q1. What is telepsychology?

A1. Telepsychology is defined as “provision of psychological services using telecommunication technologies.” For additional information about telepsychology, please refer to *the APA Guidelines for the Practice of Telepsychology* developed by the Joint Task Force for the Development of Telepsychology Guidelines for Psychologists comprised of members from the American Psychological Association (APA), the Association of State and Provincial Psychology Boards (ASPPB) and the Trust.

*According to Article II, telepsychology is defined as “provision of psychological services using telecommunication technologies.”*

### Q2. How has telepsychology proven to be effective modality of treatment?

A2. Research has shown that psychological and other mental health services are particularly conducive for the use of telecommunication modalities since they are most frequently conducted through verbal communications without the need of expensive and elaborate medical equipment or physical intervention (Brenes, Ingraham & Danhaur 2011; Newman, 2004; Smith, Fagan, Wilson, Chen, Corona & Nguyen, 2011, Gilman & Stensland, 2013). Additionally, using telehealth procedures for psychological treatment has been repeatedly demonstrated to be effective (Barak, Hen, Boniel-Nissim & Shapira, 2008; Epstein, 2011) and provides several advantages over traditional treatment methods such as accessibility, versatility and affordability (Wencesalo, 2012).

Given the urgency and gravity oftentimes associated with situations involving mental health treatment, psychologists have already been delivering services via telehealth within states where they are licensed to provide access to care in emergency situations and to underserved populations as well as provide continuity of care as patients travel and relocate and ensure overall patient safety. Additionally, the provision of services through telehealth affords the opportunity to reach populations that are geographically isolated, that avoid needed mental health care due to stigma of mental illness or that lack specialty care. Individuals in rural parts of the country could especially benefit from increased availability of telehealth services provided by qualified licensed psychologists who are not physically located in their local area or even nearby community (Dollinger & Chwalisz, 2011; McCord, Elliot, Wendel, Brossart, Cano, Gonzalez & Burdine, 2011). Although evidence continues to accumulate about the effectiveness and applicability of telehealth services, the use of technologically enhanced methodologies by licensed psychologists has been restricted in large part because of the barriers imposed by the state based system of psychology regulation through psychology licensing boards (Baker & Bufka, 2011; Harris and Younggren, 2011).

*See Appendix A for a list of references.*

## Temporary In-Person, Face-to-Face Practice

### **Q1. Why is PSYPACT applicable to only temporary in-person, face-to-face practice and not applicable to permanent practice?**

A1. The Certificate of Professional Qualifications in Psychology (CPQ), developed by ASPPB, expedites the licensure process for qualified psychologists and is utilized by 45 states. PSYPACT affords the opportunity to provide in-person, face-to-face services on a temporary basis without necessitating licensure in every state.

If a psychologist wishes to establish a permanent practice, he or she must obtain a license within that state and must practice under the licensing authority of that state and can use certifications like the CPQ to apply for licensure.

*Article I – “Whereas this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.”*

### **Q2. Why is temporary in-person, face-to-face practice limited to 30 days within a calendar year?**

A2. The limit of 30 days within a calendar year for temporary in-person, face-to-face practice was established so that individuals who intend to practice for a significant number of days must become licensed and must practice under the licensing authority of that state. The 30-day limit is per PSYPACT state in which temporary in-person, face-to-face practice was conducted within a calendar year.

*Article I – “Whereas this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority.”*

## Requirements of PSYPACT

### **Q1. Why is a doctoral degree in psychology not specified in PSYPACT?**

A1. The prevailing standard in the United States for the profession of psychology is for an individual to possess a doctoral degree in psychology. The E.Passport will require a doctoral degree in psychology. However, PSYPACT is written in a way to be definitive in nature but also allow for flexibility and growth in the future as the profession of psychology continues to evolve and change. Standards within the PSYPACT language are written so as not to be too high to limit the number of eligible participants and not allow for growth within the profession but also not to be too low to allow for too many unqualified participants and provide a lesser degree of public protection. Criteria, such as educational requirements, within PSYPACT are designed to be stringent yet flexible enough to satisfy changes in the profession. Once PSYPACT is enacted, it cannot be altered again unless additional legislative changes are made.

*Articles IV and V, Section B – “Hold a graduate degree in psychology from an institute of higher education that was, at the time of the degree was awarded: A. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial statute or Royal Charter to grant doctoral degrees; OR B. A foreign college or university deemed to be equivalent to 1 (A) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service.”*

### **Q2. Why is residency not specially defined in PSYPACT?**

A2. The E.Passport will define residency as the physical presence, in person, at the educational institution granting the doctoral degree in a manner that facilitates the full participation and integration of the individual in the educational and training experience and includes faculty-student interaction. However, PSYPACT is written in a way to be definitive in nature but also allow for flexibility and growth in the future as the profession of psychology continues to evolve and change. Standards within the PSYPACT language are written so as not to be too high to limit the number of eligible participants and not allow for growth within the profession but also not to be too low to allow for too many unqualified participants and provide a lesser degree of public protection. Criteria, such as residency requirements, within PSYPACT are designed to be stringent yet flexible enough to satisfy changes in the profession. Once PSYPACT is enacted, it cannot be altered again unless additional legislative changes are made.

*Articles IV and V, Section B 2(j) - The graduate degree in psychology must be a program that “includes an acceptable residency as defined by the Rules of the Commission.”*

### **Q3. Why must a psychologist have no adverse actions that violate the Rules of the Commission or have no criminal record history in order to be eligible to participate in PSYPACT?**

A3. A licensed psychologist’s participation in PSYPACT requires that he or she meet a defined set of criteria as stated in PSYPACT. By obtaining an E.Passport to practice telepsychology and/or an IPC to conduct temporary in-person, face-to-face practice, a psychologist has met this criteria, thus allowing he or she to practice into PSYPACT states where they may not hold a license to practice psychology.

Through a state’s participation in PSYPACT and a psychology licensing board’s acknowledgement of the E.Passport and the IPC, boards do not conduct the full assessment and review as required when

reviewing an individual's application for licensure. Rather, they rely on PSYPACT and these certifications to vet an individual's qualifications and ensure that they meet this defined set of standards, such as not having any disciplinary issues, as those individuals participating in PSYPACT will not be reviewed by a board on a case by case basis.

*Articles IV and V, Sections B 4 and 5, a participant must "Have no history of adverse action that violate the Rules of the Commission" and "Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission."*

#### **Q4. Can an individual with a master's degree in psychology practice under the authority of PSYPACT?**

A4. At this time, the E.Passport and the IPC, which are the certificates required to practice telepsychology and/or conduct temporary in-person, face-to-face practice under the authority of PSYPACT, require that an individual possess a doctoral degree in psychology. Currently, those individuals who are eligible for independent practice at the master's level are ineligible to apply for the E.Passport and/or the IPC and therefore cannot practice under the authority of PSYPACT. Individuals who obtain a license to practice psychology through their master's degree are ineligible to apply for E.Passport and/or IPC. However, in these situations, it does not mean that these individuals are incompetent to provide psychological services in states where they are licensed.

## Discipline

### **Q1. What happens when an individual's E.Passport and/or IPC are revoked?**

A1. An individual can no longer practice under the authority of PSYPACT if his or her E.Passport and/or IPC are revoked. It is important to note that an individual is still eligible to apply for licensure directly in any state, regardless of that state's participation in PSYPACT. By applying for licensure, the board will make the final, ultimate determination to decide if a license to practice psychology should be granted.

*Articles IV and V, Section E – “If a psychologist’s license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology” and “If a psychologist’s license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.”*

### **Q2. What happens if a psychologist's license is revoked?**

A2. The revocation of a license for a psychologist practicing under the authority of PSYPACT means his or her E.Passport and/or IPC will be revoked as well as their authority to practice under PSYPACT. It is important to note that PSYPACT cannot revoke an individual's license. Rather, the Home State can revoke an individual's license and PSYPACT can revoke their Authority to Practice Interjurisdictional Telepsychology and/or the Temporary Authorization to Practice.

*Articles IV and V, Sections D and E – “A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Home State’s authority and laws. A Receiving State may, in accordance with that state’s due process law, limit or revoke a psychologist’s Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State’s applicable law to protect the health and safety of the Receiving State’s citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission. If a psychologist’s license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State’s authority and law. A Distant State may, in accordance with that state’s due process law, limit or revoke a psychologist’s Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State’s applicable law to protect the health and safety of the Distant State’s citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission. If a psychologist’s license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.”*

### **Q3. What happens if a psychologist enters into an alternative program while practicing under the authority of PSYPACT?**

A3. A psychologist's authority to practice and E.Passport and/or IPC are not revoked while a psychologist is in an alternative program. However, a psychologist cannot provide services as defined under PSYPACT during the time of the alternative program. It is the responsibility of the PSYPACT state to notify the

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Commission that a psychologist has entered into such a program and that their practice is temporarily surrendered.

*Article VII Section F – “Nothing in this Compact shall override a Compact State’s decision that a psychologist’s participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State’s law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.”*

### **Q4. Why isn’t a separate license required in every PSYPACT state to practice telepsychology or to conduct temporary in-person, face-to-face practice?**

A4. PSYPACT was created to provide an accessible and manageable regulatory structure for the practice of telepsychology and temporary in-person, face-to-face practice. Advantages to consumers are increased access to care, an avenue for complaints and a greater degree of public protection. Psychologists also have a means to provide services into other states where they may not currently hold a license. PSYPACT requires that a psychologist be licensed in their Home State but allows a psychologist to practice telepsychology in a Receiving State or conduct temporary in-person, face-to-face practice in a Distant State. This allows the Home State to continue to regulate and also allows the Receiving States and Distant States to know who is practicing in their state and in what capacity without requiring psychologists to obtain and maintain a license in every PSYPACT state.

## Impact on States

### Q1. How does PSYPACT promote compliance with laws governing psychological practice in each PSYPACT state?

A1. Licensing requirements vary state to state. As a means to promote compliance with laws as well as develop consistency in practice standards amongst states, PSYPACT serves as mechanism in which states agree to accept psychologists that have met a defined level of standards who are practicing in their state via telepsychology or temporary in-person, face-to-face practice.

*Article I – “Promote compliance with the laws governing psychological practice in each Compact State.”*

### Q2. Several types of states are defined within PSYPACT. What do they mean and how are they different?

A2. A psychologist must be licensed to practice psychology in their **Home State** in order to practice telepsychology or conduct temporary in-person, face-to-face practice as defined in PSYPACT.

- If the psychologist is licensed in more than one **Compact State** and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the **Home State** is the **Compact State** where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one **Compact State** and is practicing under the Temporary Authorization to Practice, the **Home State** is any **Compact State** where the psychologist is licensed.
- Should a licensed psychologist want to practice telepsychology from their **Home State**, services would be provided into a **Receiving State**.
- Should a licensed psychologist want to conduct temporary in-person, face-to-face practice, services would be rendered within a **Distant State**.
- It is important to note that should any adverse actions be taken, all states will be notified.

#### *Article II*

- *Compact State: “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 been terminated pursuant to Article XII, Section B.”*
- *Distant State: “The Compact State where a psychologist is physically present (not through using telecommunications technologies), to provide temporary in-person, face-to-face psychological services.”*
- *Home State: “A Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.”*
- *Non-Compact State: “Any State which is not at the time a Compact State.”*
- *Receiving State: “A Compact State where the client/patient is physically located when the telepsychological services are delivered.”*

### Q3. Other compacts indicate practice originates where the patient is located. According to PSYPACT, practice originates where the psychologist is located. Why is PSYPACT structured like this?

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A3. PSYPACT indicates Home State is where the psychologist is licensed. Regulatory authority rests with the state where the psychologist is licensed. Disciplinary actions against a license may only be taken by the state where the psychologist is licensed. Therefore, it is important to allow the Home State to have authority over psychologists licensed in their state and set the standards and procedures for discipline.

*Article II – “Home State means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.”*

### **Q4. How do rules of PSYPACT apply to state laws?**

A4. The rules of PSYPACT are only applicable to states that enact PSYPACT. 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.

*Article II – “Rule means a written statement by the Interjurisdictional Psychology Compact Commission promulgated pursuant to Section XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the Amendment, repeal or suspension of an existing Rule.”*

### **Q5. Can a state withdraw from PSYPACT?**

A5. A state can withdraw from PSYPACT by repealing the PSYPACT Model Legislation. The withdrawal shall not take effect until six (6) months after enactment of the repealing Statute.

Withdrawal will not affect the continuing requirement of the withdrawing State’s Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

*Article XIII, Section C – “Any Compact State may withdraw from this Compact by enacting a Statute repealing the same.”*

### **Q6. Does PSYPACT impact state’s rights?**

A6. PSYPACT does not impact a state’s right or ability to issue a license. It is applicable to the interjurisdictional practice of telepsychology and temporary in-person, face-to-face practice and only takes precedence over state laws regarding this type of interjurisdictional practice. For example, any licensed psychologist must obtain an E.Passport to practice telepsychology under the authority of PSYPACT and must have three (3) hours of continuing education training in technology as required by the E.Passport. Should a PSYPACT state not require continuing education, this requirement of PSYPACT would supersede the state’s authority.

## Impact on Psychologists

### Q1. As a psychologist, how do I utilize PSYPACT?

A1. Once PSYPACT becomes operational, psychologists can apply for the E.Passport and/or IPC, which are required to practice telepsychology and/or temporary in-person, face-to-face practice in PSYPACT states through the following steps:

To practice telepsychology:

- Apply for and obtain the Association of State and Provincial Psychology Boards (ASPPB) E.Passport to practice telepsychology in PSYPACT states and pay associated certification fees.
- Identify and notify ASPPB and the PSYPACT Commission of telepsychological practice into each PSYPACT state.
- Complete continuing education requirements for E.Passport.
- Annually renew the E.Passport.

To conduct temporary in-person, face-to-face practice:

- Apply for and obtain the Association of State and Provincial Psychology Boards (ASPPB) Interjurisdictional Practice Certificate (IPC) to conduct temporary in-person, face-to-face practice telepsychology in PSYPACT states and pay associated certification fees.
- Identify and notify ASPPB and the PSYPACT Commission of temporary in-person, face-to-face practice into each PSYPACT state.
- Annually renew the IPC.

### Q2. I am a psychologist licensed in both the Home State and Receiving/Distant States. Why does PSYPACT not apply to me?

A2. By already being licensed in the Home State and Receiving/Distant States, an individual has already established full rights to practice in these states, and therefore, PSYPACT is not applicable to these individuals. PSYPACT only applies to the interjurisdictional practice of telepsychology and/or temporary in-person, face-to-face practice.

*Article I – “Whereas this compact does not apply when a psychologist is licensed in both the Home and Receiving state.”*

### Q3. What happens when laws conflict within PSYPACT states (e.g. duty to warn laws, child/elder abuse laws, recording keeping rules, etc.)?

A3. Currently, there is no easy answer to this question. If a psychologist is in one state and a patient is in another, it can be confusing which laws to follow and which laws take precedence. A good example is the “duty to warn” standards among the states. States like California have a mandatory “duty to warn/protect” requirement, in Pennsylvania there is a mandatory duty to use reasonable care to protect by warning while other states like Texas have more permissive requirements. In some states, like North Dakota and Nevada, there is no duty to warn or protect requirement. These differences make it very difficult for psychologist to know what standard to apply when practicing telepsychology. Under

## PSYPACT FAQs

PSYPACT, this is simplified as this process is defined in the legislation. Compact States agree to the following:

- If a psychologist is practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology, he or she is subject to the Home State's authority and laws.
- If a psychologist is practicing into a Distant State under the Temporary Authorization to Practice, he or she will be subject to the Distant State's authority and law.

However, psychologists must be aware of each state's laws where they are conducting practice. Statutes and regulations pertaining to the practice of psychology vary from state to state.

## Impact on Consumers

### **Q1. How does PSYPACT ensure the public is better protected from harm?**

A1. PSYPACT is a mechanism that can ensure public protection and improve access to care while easing the barriers for competent and qualified psychologists through the following:

- All psychologists must hold an active license in their Home State and an active E.Passport and/or Interjurisdictional Practice Certificate, which has acceptable education and training requirements.
- Although psychologists are not required to have a license in the Receiving and/or Distant State, they must meet established criteria, have had no disciplinary sanctions, and provide regular updates on their intended practice activities.
- States will have access to a real-time, searchable database that provides information about where and in what capacity E.Passport and IPC holders are intending to practice within their state.
- PSYPACT provides a structure for the receiving state to revoke the psychologist's ability to practice within their state.
- Currently, states may not have the authority to impose discipline on their licensees for practice outside state boundaries. PSYPACT allows the Home State to impose discipline regarding the practice in other states.

Through PSYPACT, states can be assured that their consumers will be receiving care from qualified psychologists and have improved access to care. States will now have a means to identify telepsychology and temporary practice providers in their state as well as have a procedure to address disciplinary sanctions.

### **Q2. Why is PSYPACT important to consumers?**

A2. Through PSYPACT, consumers will have greater access to care. PSYPACT will allow licensed psychologists to provide continuity of care as clients/patients relocate. Psychologists will also be able to reach populations that are currently underserved, geographically isolated or lack specialty care.

Additionally, states will have an external mechanism that accounts for all psychologists who may enter their state to practice telepsychology or conduct temporary in-person, face-to-face practice, thus indicating psychologists have met defined standards and competencies to practice in other states. PSYPACT will also help states ensure the public will be better protected from harm.

## Appendix A – References

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