Telehealth and the Psychology Interjurisdictional Compact (PSYPACT)

PLC Presentation

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ASPPB

• 64 jurisdictions in the US and Canada
• Resource for licensing boards and colleges
• Helps promote mobility and standards for the regulatory community
  • EPPP
  • Credentials Bank – (there is no fee to bank your credentials)
  • Psychology Licensure Universal System (PLUS)
  • Interjurisdictional Practice Certificate (IPC)
  • Certificate of Professional Qualification (CPQ)
  • Code of Conduct
  • PSYPACT
Telepsychology

• Telepsychology is defined ... as the provision of psychological services using telecommunication technologies. Include but not limited to:
  • Telephones, mobile devices, interactive videoconferencing, email, chat, texting, and Internet (e.g. self-help, websites, blogs and social media)
  • In writing or images, sounds or other data
  • Synchronous with multiple parties in real times (videoconferencing, telephone) or
  • Asynchronous (email, online bulletin boards, storing or forwarding information) (APA Guidelines)
Interjurisdictional Telepsychological Practice

• Which laws to apply?
  • Where psychologist is located?
  • Where patient is located?
  • Which state has jurisdiction?
  • What to do with conflicting laws
    • Duty to Warn
    • Duty to Report
    • Record Keeping
    • Red Flag Laws
What is a Compact?

- Contract between states
- Effective means of addressing common problems
- Creates economies of scale
- Responds to national priorities
- Retains collective state sovereignty over issues belonging to the states
History of Compacts

• Date back to revolutionary times
• Colonies were independent and disputes went to the King to be resolved
• Compacts predate U.S. Constitution
• Compact Clause in the U.S. Constitution
  • Article I, Section 10, Clause 3 - “No state shall, without the Consent of Congress...enter into any Agreement or Compact with another State...”
Why Compacts?

• Legislators understand compacts
• Flexible, enforceable means of cooperation
• States given up rights to act unilaterally but retain shared control
• Not creating a “legal fiction” but creates a law which is binding on the states and participating psychologists
About Compacts

• More than 200 compacts exist today
• Typically, each state has between 20 to 40 compacts
  • DC has 22 (CSG): Potomac River Bridges Compact, Nursing Compact, Washington Metropolitan Area Transit Regulation Compact, Interstate Compact on Juveniles, Multistate Lottery Compact, Mental Health, Education Compact, Driver’s License,
• Examples include:
  • New York-New Jersey Port Authority Compact of 1921
  • Interstate Compact on Adult Offender Supervision
  • Interstate Compact on Mental Health
  • Driver’s License Compact
    • 1 driver, 1 license, 1 record
Other Compacts Currently in Development

• Nurse Licensure Compact (NCSBN)
• Interstate Medical Licensure Compact (FSMB)
• Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (NASEMSO)
• Physical Therapy Licensure Compact (FSBPT)
Need for PSYPACT

• In February 2015, the Board of Directors of ASPPB introduced the Psychology Interjurisdictional Compact (PSYPACT) to address concerns by member jurisdictions about the increasing availability of unregulated services provided via telecommunication technologies.

• Goal is to protect public through the regulation of interjurisdictional practice through verification of education, training and experience to ensure accountability for professional practice.
Psychology Interjurisdictional Compact (PSYPACT)

Interstate compact designed to:

• **Facilitate the practice of telepsychology across participating state lines** through Authorization to Practice Interjurisdictional Telepsychology

  AND

• **Allow for temporary in-person, face-to-face psychological practice for up to 30 work days per year** through Temporary Authorization to Practice
How Telepsychology Practice Works under PSYPACT

- Psychologist in Home Compact State
- Receiving Compact State #1
- Receiving Compact State #2
- Receiving Compact State #3
- Receiving Compact State #4
- Receiving Compact State #5
- Receiving Compact State #6

ASPPB
Association of State and Provincial Psychology Boards
Authorization to Practice Interjurisdictional Telepsychology

• DC psychologists can see patients in DC face to face.
• DC psychologists can see patients in DC via electronic mean.
• As of now, if patient goes to Florida, can you see the patient via video conferencing?
• As of now, if patient is in Florida and you vacation in Florida, can you see the patient while in Florida?
  • DC psychologist to DC patient but both in Florida
• If patient goes to Florida and the psychologist is in DC (and both DC and FL are PSYPACT states), the psychologist can see the patient electronically.
• If DC participates in PSYPACT, DC psychologists can provide telepsychological services from DC to patients in Florida if Florida is a PSYPACT state.
• If NE participates in PSYPACT, NE psychologists cannot provide telepsychological services from Florida (if Florida is a PSYPACT state) into other PSYPACT states unless the psychologist is also licensed in Florida.
How PSYPACT Works

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

• The PSYPACT Commission will be the governing body responsible for its oversight and the creation of its Rules and Bylaws.
How PSYPACT Works

• PSPACT becomes operational when seven states enact PSYPACT into law.

• Psychologists who wish to practice under PSYPACT obtain:
  • E.Passport (certificate for telepsychology)
  • Interjurisdictional Practice Certificate (IPC) for temporary in-person, face-to-face practice
E.Passport

• Creates a “legal” relationship between:
  • Psychologist
  • Home licensing board where psychologist is located and practicing form
  • Receiving licensing board where patient is located and where services are being provided into

• ASPPB to review, vet credentials and issue E.Passport Certificate based on established criteria
E. Passport Requirements

- Meet educational standards-doctoral degree
  - Graduate degree (education, experience, residency)
- Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State
- No history of adverse action
- No criminal record history
- Possess a current, active E. Passport credential
- Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification
- Meet other criteria as defined by the Rules of the Commission
- Be held to APA Guidelines on Telepsych and ASPPB Telepsychological Standards
Interjurisdictional Practice Certificate (IPC)

- A certificate that grants temporary authority for in-person, face-to-face practice

- Based on:
  - Notification to the licensing board of intention to practice temporarily,
  - and verification of one’s qualifications for such practice.

- ASPPB to review, vet credentials and issue IPC based on established criteria
IPC Requirements

• Meet educational standards-doctoral degree
  • Graduate degree (education experience, residency)
• Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State
• No history of adverse action
• No criminal record history
• Possess a current, active IPC
• Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification
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• Be held to APA Guidelines on Telepsych and ASPPB Telepsychological Standards
Benefits of PSYPACT

• Increases client/patient access to care
• Facilitates continuity of care when client relocates or travels
• Certifies that psychologists meet acceptable standards of practice
• Promotes cooperation in licensure and regulation between PSYPACT states
• Grants compact states authority to hold licensees accountable
• Increases consumer protection across state lines
• Promotes ethical and legal interjurisdictional practice
Challenges of PSYPACT

• Needs to be general enough but specific enough since can’t change it once adopted
• Not too high of a bar to exclude everyone or too low of a bar to allow everyone
• Degree requirements Masters v. Doctorate
• Does not apply when psychologists are licensed in both Home and Receiving/Distant States
• Does not apply to permanent face to face practice
Endorsements

- APA
- APAPO-Practice Organization
- APAGS
- APA Division 42
- APA Division 31
- THE TRUST
- CAC- Citizen Advocacy Center
- APPIC
- ATA- American Telemedicine Association
- ABPP-American Board of Professional Psychology
Following Licensing Boards have Endorsed PSYPACT

- Ohio
- Missouri
- Nevada
- Arizona
- Utah
- Wisconsin
- Rhode Island
- Texas
Current state of PSYPACT
Where are we now?

- Arizona became the first state to introduce and enact PSYPACT legislation in 2016
- Utah and Nevada passed PSYPACT in 2017
- Colorado, Nebraska, Missouri and Illinois passed PSYPACT in 2018
- Other states with bills introduced in 2019
  - Connecticut
  - District of Columbia
  - Georgia
  - New Hampshire
  - Oklahoma
  - Pennsylvania
  - Texas (through sunset)
Questions and Comments
Additional Information

www.psypact.org

Resources include: Compact legislation, legislative resource kit, FAQs, Up-to-date information about the status of PSYPACT in each state

Follow us on Twitter --@PSYPACT

Sign up for our email listserv

Read the APA Practice Organization’s Good Practice magazine – Fall 2017 issue!
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