Telepsych and PSYPACT

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PLC

Washington, D.C.
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Association of State & Provincial Psychology Boards (ASPPB)
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

• What is it?
• Is it a new concept or just another mechanism to provide psychological services?
• Do you need specialized training to provide electronic services?
• Do you need to develop a separate ethics code for the telepsychology practice?
• Do you need to develop special competencies?
• How do you deal with different laws in different jurisdictions?
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)
8. Interjurisdictional Practice

- Psychologists are encouraged to be familiar with and comply with all relevant laws and regulations when providing telepsychology services to clients/patients across jurisdictional and international borders.
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
PSYPACT

• Psychology Interjurisdictional Compact
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
  • TN has 33 (CSG): Nursing, Physical Therapy, EMT, Interstate Compact on Juveniles, Interstate Compact on Educational Opportunity for Military Children, Multistate Lottery Compact, Mental Health, Compact for Placement of Children, Southern Regional Education
• 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)
Why a Compact

ADDRESS VARIATIONS IN LAWS AMONG JURISDICTIONS

ADDRESS DISCIPLINARY PROCESSES ACROSS JURISDICTION LINES

ADDRESS INCONSISTENCIES IN LICENSURE REQUIREMENTS FOR TELEPSYCHOLOGY

ASPPPB
Association of State and Provincial Psychology Boards
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 an Authority to Practice Interjurisdictional Telepsychology (APIT)

AND

• Allow for temporary in-person, face-to-face psychological practice for up to 30 work days per year through a Temporary Authorization to Practice (TAP)
How Telepsychology Practice Works under PSYAPACT

![Diagram showing how telepsychology practice works under PSYAPACT](image-url)
Practice Interjurisdictional Telepsych

• HI psychologists can see patients in HI face to face.
• HI psychologists can see patients in HI via electronic mean.
• As of now, if patient goes to Washington, can you see the patient via video conferencing?
• As of now, if patient is in Washington and you vacation in Washington, can you see the patient while in Washington?
  • HI psychologist to HI patient but both in Washington
• If patient goes to Washington and the psychologist is in HI (and both HI and WA are PSYPACT states), the psychologist can see the patient electronically.
• If HI participates in PSYPACT, HI psychologists can provide telepsychological services from HI to patients in Washington if Washington is a PSYPACT state.
• If HI participates in PSYPACT, HI psychologists cannot provide telepsychological services from Washington (if Washington is a PSYPACT state) into other PSYPACT states unless the psychologist is also licensed in Washington.
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.
Authority to Practice Telepsychology (APIT)

• **Telepsychology:** In order to practice telepsychology in PSYPACT states, licensed psychologists (who are licensed in PSYPACT states only) can apply to the PSYPACT Commission for their Authority to Practice Interjurisdictional Telepsychology (APIT). One required component of this authorization granted from the PSYPACT Commission is that psychologists must apply for and obtain an E.Passport Certificate from ASPPB.
E.Passport

• A required component of the Authority to Practice Interjurisdictional Telepsychology (APIT) is that psychologists must obtain an E.Passport Certificate from ASPPB.

• 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
Temporary Authorization to Practice (TAP)

Temporary In-Person, Face-to-Face Practice: In order to conduct temporary practice in PSYPACT states, licensed psychologists (who are licensed in PSYPACT states only) can apply to the PSYPACT Commission for their Temporary Authorization to Practice (TAP). One required component of this authorization granted from the PSYPACT Commission is that psychologists must apply for and obtain an Interjurisdictional Practice Certificate (IPC).
Interjurisdictional Practice Certificate (IPC)

• A required component of the Temporary Authorization to Practice (TAP) is that psychologists must obtain an Interjurisdictional Practice Certificate (IPC) from ASPPB.

• 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

• Meet other criteria as defined by the Rules of the Commission

• 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
Benefits of PSYPACT for Psychologists

- Ability to continue therapeutic relationships
- Ease of practice
- Ability to readily know legal requirements
- Possibility of more frequent contacts or a mixture of face-to-face and remote contacts
- Offer services to a specific population
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
- APAPPO-Practice Organization
- APAGS
- APA Division 42
- APA Division 31
- APA Division 19
- THE TRUST
- CAC- Citizen Advocacy Center
- APPIC
- ATA- American Telemedicine Association
- ABPPP-American Board of Professional Psychology
Current Status 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
• Georgia, New Hampshire, Oklahoma, Texas, Delaware enacted PSYPACT legislation in 2019
States with Active PSYPACT Legislation

Alabama – AL SB 61
District of Columbia – DC B 145
Hawaii – HI SB 2771
Indiana – IN SB 355
Iowa – IA HB 2094
Kentucky – KY HB 110
Michigan – MI SB 758
North Carolina – NC HB 29
Ohio – OH SB 258
Pennsylvania – PA SB 67
Rhode Island – RI HB 7171
Tennessee – TN SB 1142
Virginia – VA SB 760
Washington – WA HB 2408 & WA SB 6549
West Virginia – WV Hb 4427
Wyoming – WY SB 37
Starting Point

PSYPACT becomes operational when seven states enact PSYPACT into law.

The Commission, the governing body of PSYPACT, is formed.

As new states enact they join the Commission.

Each state will have one representative.

Bylaws and Rules need to be created by Commission.

PSYPACT states communicate and exchange information including verification of licensure and disciplinary sanctions.
1st Commission Meeting

Took place on July 22-23, 2019

12 states have enacted PSYPACT Legislation
– 1 has an effective date later this year

11 Commissioners were present
Outcomes of 1st Commission Meeting

- Established Bylaws
- Elections
- Adopted Proposed Transitional Timeline
- Drafted Proposed Implementation Rules:
  - Rule on Rules
  - State Assessment
  - IPC
  - E.Passport
  - Coordinated Database
Rules Adopted at February 27, 2020 meeting

- Rule on Additional Authority Vested in State Psychology
- Regulatory Authorities
- Rule on Adverse Action
- Rule on Compact Privilege to Practice Telepsychology
- Rule on Compact Temporary Authorization to Practice
- Rule on Conditions of Telepsychology Practice into a Receiving State
- Rule on Coordinated Licensure Information System
- Rule on Definitions
- Rule on Oversight Dispute Resolution and Enforcement
- Rule on PSYPACT Commission
Looking Down the Road

- **30 Sep.**
  - Proposed Rules out for Public Comment until September 30th

- **9 Oct.**
  - Open Meeting regarding proposed rules on October 9th

- **21 Nov. and 22 Nov.**
  - Next in-person Commission meeting November 21st and 22nd

- **2020**
  - Proposed full implementation date: First Quarter 2020
Timeline

• No later than July 1, 2020
• E.Passport & IPC Applications are being accepted
• PSYPACT Authority to Practice Interjurisdictional Telepsychology and Temporary Authorization to Practice Applications are being accepted
• Set November 2020 Commission Annual Meeting with meeting notification to go by October 1, 2020
  • Election of Officers
  • 2021 Budget
Away We Go: How PSYPACT Works

States Enact PSYPACT

PSYPACT Commission is Established

Licensed psychologists can practice under the authority of PSYPACT by applying for and meeting criteria established by the Commission:

Authority to Practice Interjurisdictional Telepsychoogy (APIT) Which requires the ASPPB E.PASSPORT

Temporary Authorization to Practice (TAP) Which requires the ASPPB IPC

To Practice Telepsychoology

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

Into a receiving state

In a distant state
## Fees

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<thead>
<tr>
<th>Telepsychology</th>
<th>Temporary In-Person, Face-to-Face Practice</th>
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<tbody>
<tr>
<td>Authority to Practice Interjurisdictional Telepsychology (APIT): $40.00 with NO renewal fee</td>
<td>Temporary Authorization to Practice (TAP): $40.00 with NO renewal fee</td>
</tr>
<tr>
<td>E.Passport: $400.00 with annual renewal fee of $100.00</td>
<td>Interjurisdictional Practice Certificate (IPC): $200.00 with annual renewal fee of $50.00</td>
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Questions and Comments
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

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Read the APA Practice Organization’s Good Practice magazine – Fall 2017 issue!
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Like our PSYPACT Facebook page
Join our Grassroots Advocacy Platform to Support PSYPACT

Text “Psychology” to 52886 or visit www.psypact.org
“Take Action”

• Sign up for PSYPACT updates
• Contact your legislator through social media
• Find your officials & register to vote
For additional information, please contact:

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