

# Telepsychology & the Psychology Interjurisdictional Compact (PSYPACT)

# APAPRACTICE ORGANIZATION

Promoting and supporting practicing psychologists



## ASPPB

Association of State and  
Provincial Psychology Boards

Presented by:

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# Today's webinar will cover the following:

- Current legal and regulatory factors for telepsychological practice
- Obstacles and solutions of interjurisdictional telepsychology practice
- Explain the PSYPACT proposal and current advocacy efforts to implement it
- There will be an opportunity for Q&A during this webinar including those previously submitted during registration. Please use your chat box to submit questions at any time during the presentation.

This webinar is being recorded and will be emailed within 48 hours post webinar to all participants and those who registered but could not attend.

# Telepsychology Practice Issues

Deborah Baker, JD  
American Psychological Association  
Practice Organization (APAPO)

# Initial issues to consider before engaging in Telepsychology

What is  
Telehealth or  
Telepsychology?

APA  
Telepsychology  
Practice  
Guidelines

Privacy/Security  
Issues

Payer Coverage &  
Reimbursement –  
State & Federal  
Policies

Intra-state  
versus  
Interstate  
Practice  
Considerations

# What is Telehealth?

## Telewhat?

- Telehealth? Telemental health? Telepsychology?

## How is it defined?

- No standard definition
- Expansive versus limited definitions



Is the term limited to certain providers?

Specific settings?

# APA Telepsychology Practice Guidelines

Competence

Standards of Care

Informed Consent

Confidentiality

Security &  
Transmission of  
Data

Disposal of Data

Testing and  
Assessment

Interjurisdictional  
Practice

# Are you competent to provide the proposed intervention?

- What is your experience & familiarity with technology?
  - Digital novices vs. Digital experts
  - Privacy/Security Issues
  - How to use?
  - How to troubleshoot?
- This is an evolving area
- Are you familiar with existing guidelines?
- Do you know who to consult if you need assistance?

# Client Assessment Considerations

- Client motivation & level of functioning
- Client competence & familiarity with technologies which will be used
- Reliability & ease of use of technology
- Closeness of technology to in-person
- Risk level presented by client & client situation



# Issues Regarding Informed Consent

- What are the benefits of using technology in providing services?
- What are any limitations of using technology in providing services?
- What are the known differences between electronic communication and in-person communication?
- What are the security measures?
- What other means of communication are available as backup?
- What happens if there is an emergency?
- Do not forget the other elements of an informed consent (e.g., limits of patient confidentiality, etc.)



# HIPAA/HITECH compliance

- Compliance with Privacy and Security Rule requirements extends to all of your patients' data
  - Secure transmission, transmission quality, audit trails, breach notification policies
- Need a business associate agreement (BAA) with any 3<sup>rd</sup> party that may have access to your patients' data
  - E.g., accountant, billing service, practice management software, answering service
- HHS's Office of Civil Rights – compliance audits in 2016
- Need policies and procedures in place for securely storing, transmitting & disposing of electronic patient data
- Use HIPAA-compliant vendors & encryption, when possible (NOT SKYPE)

# APA Telepsychology Guidelines: Interjurisdictional Practice

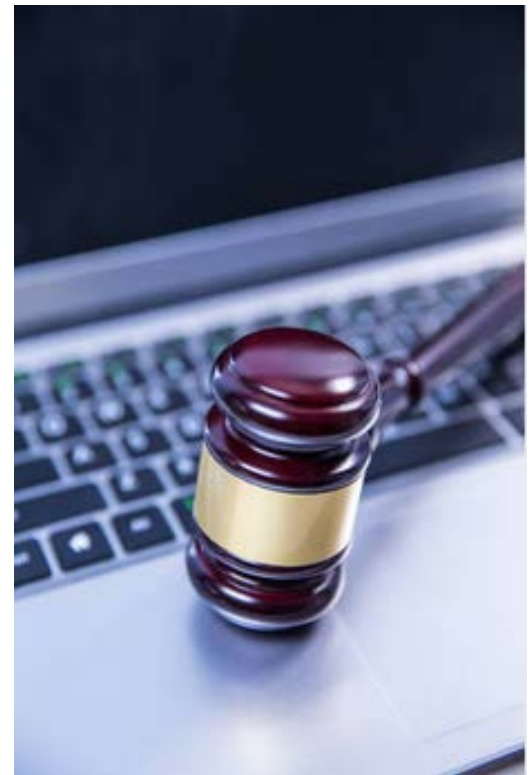
## Guideline 8:

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 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
  - Patient Confidentiality/Access to Records
  - Red Flag Laws (DE, FL and MD)



# Psychology Interjurisdictional Compact (PSYPACT)

Alex Siegel, JD, PhD

Association of State & Provincial  
Psychology Boards (ASPPB)

# 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

# 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



# 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)

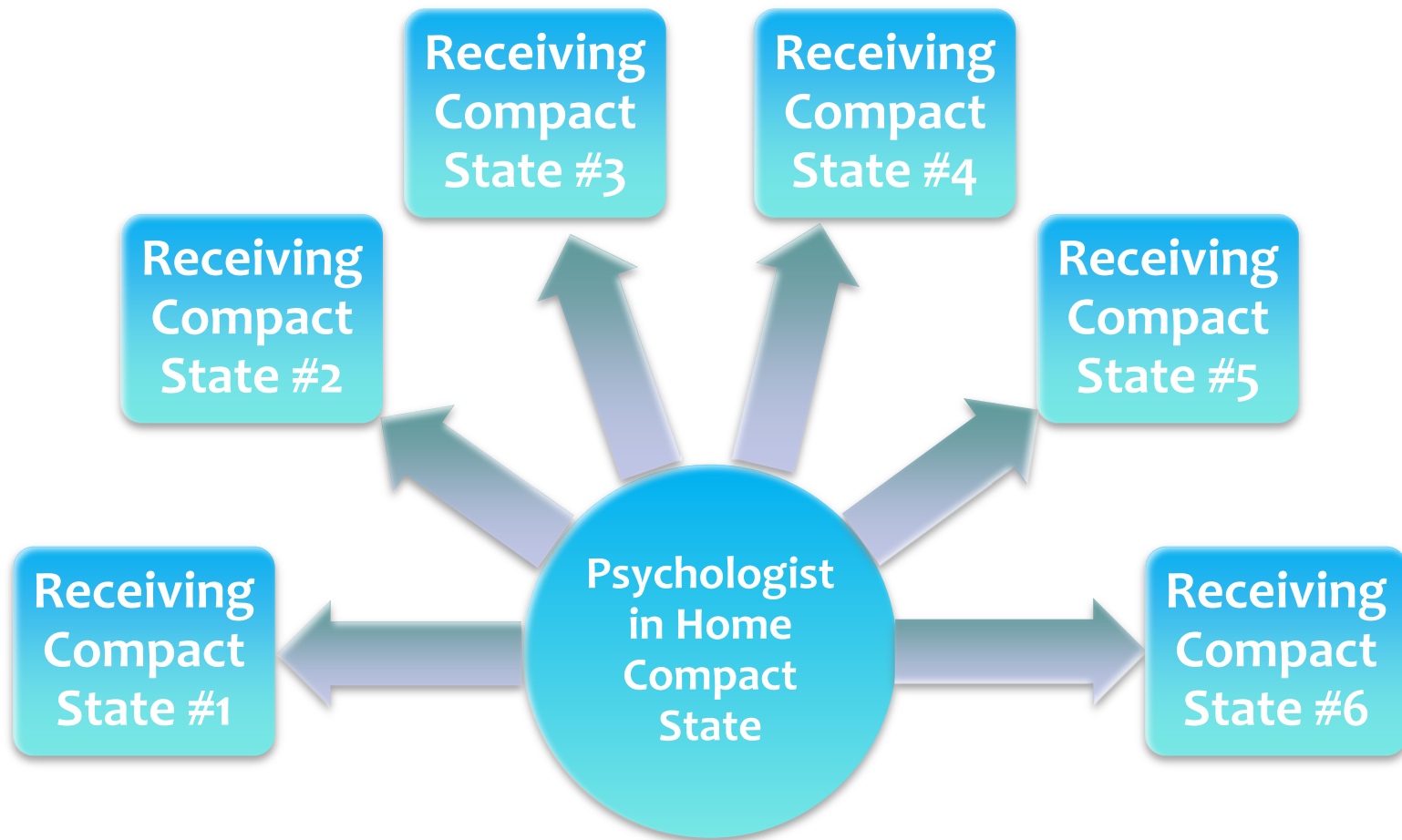
Interstate compact designed to:

- **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



# 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, cont.

- PSYPACT 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 from
  - 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.

# 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
- Meet other criteria as defined by the Rules of the Commission.

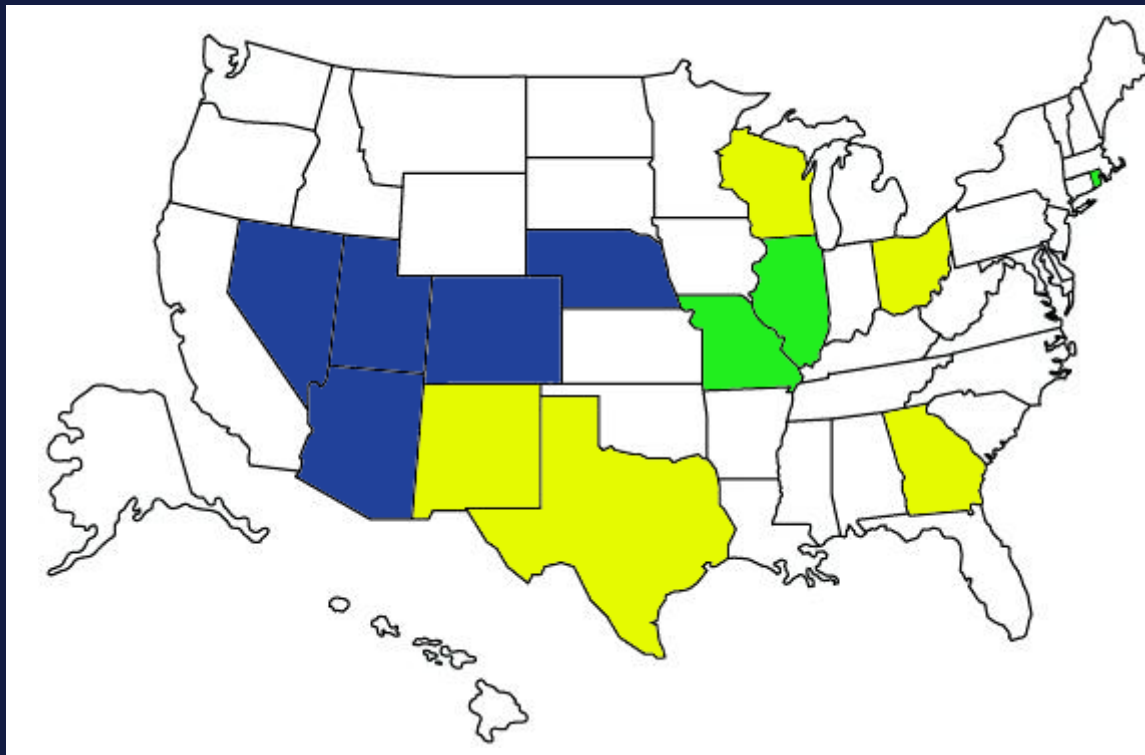
# Benefits of PSYPACT

- 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

# Current State of PSYPACT



## Map Key

- PSYPACT State
- States with Pending PSYPACT Legislation
- Endorsed by Psychology Licensing Board

Illinois – IL HB 2688 / IL SB 1391

Missouri – MO HB 1419 / MO HB 1629 / MO HB 1896 / MO SB 733

Rhode Island – RI H 7610

Arizona – AZ HB 2503 (Enacted on 5/17/2016)

Nevada – NV AB 429 (Enacted on 5/26/2017)

Utah – UT SB 106 (Enacted on 3/17/2017)

Colorado – CO HB 1017 (Enacted on 4/12/2018)

Nebraska – NE L 1034 (Enacted on 4/23/2018)

# Where are we now?

PSYPACT have been adopted in 5 states

- Arizona
- Utah
- Nevada
- Colorado
- Nebraska

Following States with Current PSYPACT Bills

- Illinois
- Missouri
- Rhode Island

# The Future of PSYPACT

The following states have requested a presentation about PSYPACT:

- California
- Florida
- Georgia
- Hawaii
- Maine
- Maryland
- Michigan
- Mississippi
- Missouri
- New Jersey
- New Mexico
- North Dakota
- Oklahoma
- South Carolina
- Texas
- Utah
- Vermont
- Virginia
- Washington
- Washington, D.C.
- Wyoming

# Get Involved with PSYPACT

- What can you do?
  - Get involved with your state psychological association
  - Talk to your licensing board about why PSYPACT is important for practice
  - Let your legislators know about PSYPACT
- Want to receive updates on PSYPACT?
  - Text “Psychology” to 52886
  - \*Message and data rates may apply

# For more information...

[www.psypact.org](http://www.psypact.org)

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



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Sign up for our email listserv by emailing [info@psypact.org](mailto:info@psypact.org)



# For additional information, please contact:

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# Question and Answer Time



# Check out Progress Notes!

<http://www.apapracticecentral.org/business/podcasts/index.aspx>

If you enjoy the content of our monthly webinars, be sure to check out Progress Notes. Progress Notes is a podcast produced by the APA Practice Organization with practicing psychologists in mind. Episodes cover a range of topics that affect practitioners, including the financial and legal aspects of running a business. Listeners will also hear expert analysis on developments in health care policy along with stories that highlight the work of fellow psychologists.



# Thank you for attending today's webinar.

A link to today's recorded webinar will be emailed to all registrants within 48 hours. In addition, the slides and the recording will be available on the APA Practice Organization website in a few weeks. ([www.apapracticecentral.org](http://www.apapracticecentral.org))

We'd like your feedback on this webinar; with each recording email, there is a link to a survey. We would appreciate it if you would take the time to fill it out.

Have a great day!