



October 18, 2021

To: 2021 Special Committee on Kansas Mental Health Modernization and Reform

From: Connor Stangler, Research Analyst

Re: Overview of the Psychology Interjurisdictional Compact

This memorandum provides an overview of [2021 SB 170](#), which enacted the Psychology Interjurisdictional Compact (PSYPACT).¹

Overview and Purpose

The bill provides for the interjurisdictional authorization of psychologists across state boundaries to practice telepsychology using telecommunication technologies and provide temporary in-person, face-to-face psychology services. The PSYPACT will be in effect on and after January 1, 2022. The PSYPACT formed in April 2019 when the seventh state enacted it into law. Twenty-seven states have enacted PSYPACT, and it is in effect in 23 of them.²

The bill states the purpose of the PSYPACT, among other things, is to regulate the day-to-day practice of telepsychology, which means providing psychological services using telecommunication technologies, and to regulate the temporary (30 days within a calendar year) in-person, face-to-face practice of telepsychology by psychologists across state boundaries in performing their psychological practice as assigned by an appropriate authority.

The PSYPACT does not apply to a psychologist licensed in both the home and receiving states and to the permanent in-person, face-to-face practice of psychology.

The bill states the following objectives of the PSYPACT:

- Increase public access to professional psychological services by allowing telepsychological practice across state lines and temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;
- Enhance the PSYPACT states' ability to protect the public's health and safety, especially patient and client safety;

¹ The bill also enacts the Physical Therapy Licensure Compact and amends the Physical Therapy Practice Act. In this memo, only the PSYPACT portions of the bill are reviewed.

² The PSYPACT becomes effective in New Jersey on November 23, 2021. It is enacted, but under further review, in Arkansas and West Virginia.

- Encourage the cooperation of compact states in the areas of psychology licensure and regulation;
- Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;
- Promote compliance with the laws governing psychological practice in each compact state; and
- Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

Definitions

The bill defines the following terms, among others:

- “Distant state” means the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;
- “Home state” means the compact state where a psychologist is licensed to practice psychology; and
- “Receiving state” means a PSYPACT state where the client or patient is physically located when the telepsychological services are delivered.

Home State Licensure

The bill lists the requirements for a home state’s licensure of a psychologist to practice interjurisdictional telepsychology in a receiving state.

PSYPACT Privilege to Practice Telepsychology

The PSYPACT requires compact states to recognize the right of a psychologist licensed in a PSYPACT state to practice telepsychology in other compact states in which the psychologist is not licensed. The PSYPACT establishes specific requirements for a psychologist licensed to practice in a compact state to exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of the PSYPACT.

A psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology is subject to the receiving state’s scope of practice, authority, and law. The PSYPACT authorizes a receiving state to limit or revoke a psychologist’s authority to practice interjurisdictional telepsychology in the receiving state and to take any other necessary actions under that state’s applicable law to protect the health and safety of the receiving state’s citizens. A state taking disciplinary action must notify the home state.

If the psychologist's license in any home state or another compact state is restricted, suspended, or otherwise limited, the psychologist is no longer eligible to practice interjurisdictional telepsychology in a compact state.

Adverse Actions

The PSYPACT establishes the following with regard to adverse actions against a psychologist:

- A receiving state is authorized to take action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state is allowed to take adverse action based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice;
- If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the interjurisdictional practice certificate is revoked; and
- A home state's psychology regulatory authority is required to investigate and take appropriate disciplinary action with regard to reported inappropriate conduct that occurred in a receiving state as if the conduct had occurred within the home state. In like manner, a distant state is required to investigate and take appropriate action against a psychologist practicing under a temporary authorization for reported inappropriate conduct that occurred in the distant state, as if such conduct had occurred within the home state.

Coordinated Licensure Information System

The PSYPACT provides for the development and maintenance of a coordinated licensure information and reporting system containing licensure and disciplinary action information on all individuals to whom the PSYPACT is applicable in all compact states.

Legislative Background

The Legislature enacted the PSYPACT in 2021 SB 170, but the original language was contained in 2021 HB 2209. In conference, members of the Senate Committee on Public Health and Welfare (Senate Committee) and House Committee on Health and Human Services (House Committee) agreed to remove the contents of SB 170 and insert the contents of HB 2209, as amended by the Senate Committee, and HB 2279 (Physical Therapy Licensure Compact), as amended by the Senate Committee. The Conference Committee agreed to add a new section to allow the Behavioral Sciences Regulatory Board (BSRB) to assess a fee for licensure or license renewal for any person seeking compact privilege to practice under the PSYPACT, in addition to any other fees authorized by law for licensure, not to exceed \$25.

House Committee on Health and Human Services

2021 HB 2209 was introduced by the House Committee at the request of a representative of the Kansas Psychological Association. In the February 11, 2021 House Committee hearing, representatives of the Kansas Psychology Association (Association), the PSYPACT, and a Kansas-licensed psychologist provided proponent testimony. The Association representative reviewed the dialogue the Association had engaged in with the BSRB regarding the legislation and indicated, in light of the BSRB's position on the July 1, 2021, effect date, the Association would be willing to consider extending the effective date to January 1, 2022, to allow the BSRB additional time. No neutral testimony was provided at the House Committee hearing. Opponent testimony was provided by a representative of the BSRB. The House Committee amended the effective date of the bill to January 1, 2022.

Senate Committee on Public Health and Welfare

In the March 24, 2021 Senate Committee hearing, representatives of the Association, the PSYPACT, and a Kansas-licensed psychologist provided proponent testimony. Written-only proponent testimony was provided by a Kansas-licensed psychologist and a Kansas- and Missouri-licensed psychologist representing the Kansas City Center for Anxiety Treatment, P.A. Neutral testimony was provided by a representative of the BSRB, who stated concerns regarding the economic impact of the bill would have on agency operations and the processes for complaints and investigations against out-of-state practitioners. No opponent testimony was provided. The Senate Committee amended the bill to change its effective date to January 1, 2022 and its publication in the *Kansas Register*.