

## Psychology Interjurisdictional Compact (PSYPACT)

In February 2015 the Association of State and Provincial Psychology Boards released model language to facilitate the practice of telepsychology and temporary in-person psychology across jurisdictions, referred to as the Psychology Interjurisdictional Compact (hereafter referred to as “the Compact”). The Compact is only model language, and would have to be passed as a statute in at least seven states to come into existence.

### Key Words

**Distant Jurisdiction:** The jurisdiction where a psychologist is physically present (not through using telecommunications technologies) to provide temporary 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, the Home State is the Compact State where the psychologist was physically present when the services were delivered.

**Receiving State:** A Compact State where the client/patient is physically located when the services were delivered.

**Psychology Interjurisdictional Compact Commission (also referred to as “the Commission”):** The national administration of which all Compact States are members.

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## Compact Nuts and Bolts

Under the Compact, possessing a Home State psychology license authorizes a psychologist to practice:

- In a Receiving State under the Compact’s “**Authority to Practice Interjurisdictional Telepsychology**”. To practice in a Receiving State, the psychologist must initiate the client/patient contact in a Home State via telecommunications technologies, and comply with any other rules, as determined by the Commission. To allow this to take place, the psychologist would receive a certificate called an “E. Passport” that would be further defined when the Commission is in place.
- In a distant jurisdiction on a temporary basis in-person under the Compact’s “**Temporary Authorization to Practice**”. The Compact leaves it up to the Commission to determine the period of time that a psychologist would be able to practice in a distant jurisdiction. A psychologist would be given a certificate that grants temporary authority to practice called “Interjurisdictional Practice Certificate” (IPC).

To participate in the Compact, States must comply with the following criteria (in addition to adopting the Compact’s language into law):

Authority to practice interjurisdictional telepsychology	Temporary authorization to practice in a distant jurisdiction
<ul style="list-style-type: none"> <li>• Require an active E.Passport Certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Require an active Interjurisdictional Practice Certificate - IPC</li> </ul>
<ul style="list-style-type: none"> <li>• Have a mechanism in place for receiving and investigating complaints about licensed individuals;</li> <li>• Notify the Commission of any adverse action or significant investigatory information regarding a licensed individual;</li> <li>• Require an Identity History Summary of all applicants at initial licensure; and Comply with the bylaws and rules of the Commission</li> </ul>	

Additionally, to exercise the authority to practice interjurisdictional telepsychology or to be temporarily authorized to practice in a distant jurisdiction, the psychologist would need to:

- Hold a graduate degree in psychology from an accredited institute of higher education in the US or an equivalent foreign college or university;
- Hold a graduate degree that meets certain criteria (for example, that the psychology program consisted of an integrated, organized sequence of study);
- Possess a current, full, unrestricted license in their Home State which is a Compact State;
- Have no history of adverse action that violates the rules of the Commission;
- Have no criminal record;
- Possess a current active E.Passport certificate or IPC Certificate (depending on if the psychologist is practicing telepsychology or physically practicing in a distant jurisdiction temporarily);
- Provide attestation in regard to areas of intended practice, criminal background, competence in telepsychology technology, etc. Provide release of information to allow for primary source verification; and
- Meet other criteria as defined by the Commission.

Under the Compact, psychologists would be subject to the Receiving State’s authority and laws. A Receiving State may, in accordance with their due process law, limit or revoke a psychologist’s authority to temporarily practice psychology or practice interjurisdictional telepsychology in the Receiving State. In such circumstances, the Home State’s psychology regulatory authority would also be responsible for investigating the incident and taking appropriate action as it would if the misconduct had occurred within the Home State. All such adverse actions must be reported to the Commission. If a psychologist’s license in any Compact State is restricted, suspended or otherwise limited, the E.Passport or IPC certificate would be revoked, and the psychologist would not be able to practice interjurisdictional telepsychology or practice in a Compact State under the Temporary Authorization to Practice.

## **A Commission to Administer the Compact**

According to the Compact language, the Compact would be administered by the “Psychology Interjurisdictional Compact Commission” (also referred to as “the Commission”), which would have the authority to promulgate rules to facilitate and coordinate implementation and administration of the Compact. Each Compact State is entitled to one voting representative appointed by the states’ Psychology Regulatory Board. The rules would have the force of law in Compact States. The Commission would be entitled to receive service of process, and have standing to intervene in any judicial or administrative proceeding involving Compact States and the Compact’s rules.

The Commission would come into being upon the seventh states’ enactment of legislation containing the Compact language. At the time the legislation initially passes in the first seven states, it would only be enough to enact the Commission. The Commission would then begin to meet and exercise rulemaking powers necessary for the implementation and administration of the Compact. Subsequent states that join the Compact would be subject to the rules as they exist on the date on which the Compact becomes law in the state. Any Compact state can withdraw from the Compact by enacting a statute repealing the law. The Commission would also have authority to terminate states that have defaulted in the performance of their obligations or responsibilities under the Compact.

The rulemaking process of the Commission would be similar to that of state regulatory boards, with formal rulemaking procedures (including the option for emergency rulemaking), public comment periods, and hearings. In order to finance the Commission, they may levy and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of operations and activities.

In addition to rulemaking to govern the Compact, the Commission would also be responsible for developing and maintaining a Coordinated Licensure Information System (Coordinated Database) containing licensure and disciplinary action information on all licensees of Compact States. This will allow all Compact States to be promptly notified should an adverse action be taken against any licensee in the Compact State.

## **Additional Authorities for Compact State’s Psychology Regulatory Authority**

Passage of the Compact language would grant state psychology regulatory authorities additional powers, in addition to those given to them under state law. They would have the authority to issue subpoenas for both hearings and investigations requiring the attendance and testimony of witnesses and the production of evidence, including from other Compact States. Courts in Compact States must also enforce such subpoenas. The State’s psychology regulatory authority would also have the ability to issue cease and desist and/or injunctive relief orders to revoke a psychologist’s authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.



## Analysis

This Compact would provide an opportunity for psychologists residing in Compact States to extend their practice either in-person on a temporary basis, or through telepsychology to clients/patients in other Compact States without going through the full licensure process for every state in which they wish to practice. Although there would likely be some level of work involved in applying for either an IPC certificate or E.Passport, it would be a one-time endeavor (with the exception of any required renewals), and the psychologist could then practice in any Compact State without having to worry.

Many of the details of the Compact are not yet apparent, as many of them are left up to the Commission to determine. Therefore, it is unclear how burdensome the certification process will be, or if there will be other criteria, or rules that will make it difficult for psychologists to make use of the Compact. Additionally, the Commission is given the authority to levy fees on both Compact States and other parties. An application fee for the E.Passport and IPC certificate could therefore be charged, and the Commission could also levy additional fees, as it finds appropriate, and necessary for its operation. It is also important to note that the Compact as well as the Commission does not take effect until the Compact language is codified by at least seven states.

One final thing to note is that by practicing psychology under the rules of the Compact, a psychologist that is the subject of adverse action in a Receiving State, would be opening themselves up to an investigation in the Receiving State (under their laws/regulations) as well as their Home State, resulting in two investigations. This could jeopardize both their ability to practice across jurisdictions, and their ability to practice in their Home State. Likewise, any adverse action taken in their Home State would also revoke their ability to practice under the Compact in other jurisdictions. In these cases, the Home State's law would determine what adverse action takes place, if any, against the psychologist's license.