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TESTIMONY

House Health and Human Services Committee

HB 2209

An Act concerning the behavioral sciences; relating to psychology; practice and licensing thereof; enacting the psychological interjurisdictional compact; provision for interjurisdictional authorization to practice telepsychology and temporary in-person, face-to-face psychology.

**Whitney Damron
on behalf of the
Kansas Psychology Association
www.kspych.org**

February 11, 2021

Madam Chair Landwehr and Members of the Committee:

Should the Committee have questions in regard to the impact this legislation has on staffing of our state's regulatory body, the Behavioral Sciences Regulatory Board or how disciplinary matters are handled by the BSRB, the Psychological Interjurisdictional Compact (PsyPact) has prepared informational documents on both of these issues and I have attached them to this cover sheet as supplemental information for the Committee.

When Janet Orwig testifies following my introductory remarks, she can expand on these and other regulatory matters.

Thank you.

WBD

Attachment:

- PsyPact and Discipline
- Staffing Impact and Implementation

PSYPACT AND DISCIPLINE:

Understanding the Role Each State Plays

TELEPSYCHOLOGY

PSYPACT grants a psychologist the **AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY** into a:

RECEIVING STATE

- ✓ A psychologist must obtain an E.Passport Certification to practice telepsychology into a **RECEIVING STATE**.
- ✓ A psychologist is subject to the **RECEIVING STATES** scope of practice.
- ✓ A **RECEIVING STATE** can limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology.
- ✓ If a **RECEIVING STATE** takes action, it will notify the **HOME STATE** and the PSYPACT Commission.
- ✓ A **HOME STATE** will investigate and take appropriate action on reported inappropriate conduct in a **RECEIVING STATE** as it would if such conduct had occurred within the **HOME STATE**.
- ✓ A **HOME STATE'S** law will control in determining any adverse action against a psychologist's license.

If a psychologist's license in any **HOME STATE**, another **COMPACT STATE**, or any Authority to Practice Interjurisdictional Telepsychology in any **RECEIVING STATE**, is restricted, suspended or otherwise limited, the E.Passport will be revoked, and the psychologist will not be eligible to practice telepsychology in a **COMPACT STATE** under the Authority to Practice Interjurisdictional Telepsychology.

Psychology Interjurisdictional Compact (PSYPACT)

One of the main purposes of PSYPACT is provide states with a regulatory mechanism designed to address disciplinary issues that occur across state lines in other compact states. PSYPACT specifies the role each state plays concerning disciplinary issues related to the practice of telepsychology and temporary in-person, face-to-face practice across state lines in PSYPACT states.

AND

TEMPORARY PRACTICE

PSYPACT grants a psychologist the **TEMPORARY AUTHORIZATION TO PRACTICE** in a:

DISTANT STATE

- ✓ A psychologist must obtain an Interjurisdictional Practice Certificate (IPC) to conduct temporary practice in a **DISTANT STATE**.
- ✓ A psychologist must practice within the scope of practice of the **DISTANT STATE** and is subject to the **DISTANT STATE'S** authority and law.
- ✓ A **DISTANT STATE** can limit, revoke or take adverse action on a psychologist's Temporary Authorization to Practice.
- ✓ If a **DISTANT STATE** takes action, it will notify the **HOME STATE** and the PSYPACT Commission.
- ✓ A **DISTANT STATE** will investigate and take appropriate action on reported inappropriate conduct which occurred in that **DISTANT STATE** as it would if such conduct had occurred within the **HOME STATE**.
- ✓ A **DISTANT STATE'S** law will control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

HOME STATE

- ✓ A psychologist must hold a current, full and unrestricted license to practice psychology in a **HOME STATE**, which has enacted PSYPACT.
- ✓ A **HOME STATE** maintains authority over the license of any psychologist practicing under the authority of PSYPACT.
- ✓ A **HOME STATE** can impose adverse action against a psychologist's license issued by the **HOME STATE**.
- ✓ All **HOME STATE** disciplinary orders which impose adverse action are reported to the PSYPACT Commission.

If a psychologist's license in any **HOME STATE**, another **COMPACT STATE**, or any Temporary Authorization to Practice in any **DISTANT STATE**, is restricted, suspended or otherwise limited, the IPC will be revoked, and the psychologist will not be eligible to practice in a **COMPACT STATE** under the Temporary Authorization to Practice.

Staffing Impact and Implementation

At this time, PSYPACT states have seen a limited impact on staff resources.

PSYPACT Authorization and its impact on staff:

- All vetting of psychologists participating in PSYPACT is done by the Commission and ASPPB as a service to the Commission.
- The only foreseen impact on staffing time depends on how each state is managing assessment of usage within their state regarding PSYPACT.
 - To assist with this function, a mechanism, the PSYPACT Directory, has been created to make this process as streamlined as possible.
 - Board staff can log into the directory and ascertain which practitioners are using PSYPACT to provide services.

PSYPACT Rule 9.4 requires the Compact State to provide the following:

9.4 Coordinated Licensure Information System – Dataset: A Compact State shall provide the following in accordance with the Compact Data Participation Agreement:

- (A) proof of current and active psychology license based on a doctoral degree for any psychologists applying for authorization to practice under the authority of this compact. Proof may be provided from a State Psychology Regulatory Authority website that is deemed to be a primary source or written official licensure verification from a State Psychology Regulatory Authority including proper signatures and state seals;
- (B) significant investigatory information;
- (C) non-confidential information related to alternative program participation information; and
- (D) adverse actions against a psychologist's license.

Rule 9.4 has limited impact on staff, in that:

- As part of compliance, PSYPACT will need access to Kansas licensure data (which I believe is available on the Kansas state website). No impact on staff.
- Regarding (B), (C) and (D), staff will need to enter this data into the ASPPB Disciplinary Data System.
 - (B) and (C) only require staff to enter names, licensure, and other pertinent information into the system.
 - Regarding (D), to assist with the entering of final adverse action data, ASPPB can be named Kansas' reporting agent for the board to the National Practitioner Data Bank which would keep them from having to enter discipline into two system.

Disciplinary Process and Staff Impact:

PSYPACT Rule 7.2 covers investigations under PSYPACT:

7.2 Investigations:

- A. In cases where a psychologist holds a license in more than one Compact State, the Compact State identified as the Home State shall have the responsibility for the investigation(s).
- B. Upon discovery that the psychologist is under investigation in another Compact State, the other Compact States may contact the investigating Compact State and request investigative documents and information.
- C. This section shall not be construed as limiting any Compact State's authority to investigate any conduct within that state or to investigate any licensee.

Since this rule requires the Home State to conduct investigations on their own licensees, it is structured similarly to the way Kansas conducts investigations currently.

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