

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2209

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2209, as amended, would enact the Psychology Interjurisdictional Compact, PSYPACT (Compact), and provide for the interjurisdictional authorization of psychologists across state boundaries to practice telepsychology using telecommunication technologies and to provide temporary in-person, face-to-face psychology services.

The bill would become effective on January 1, 2022, and upon publication in the *Kansas Register*.

Article I—Purpose

The purpose of the Compact would be to regulate the day-to-day practice of telepsychology, the provision of psychological services using telecommunication technologies; 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; and to authorize state psychology regulatory authorities to legally recognize, in a manner consistent with the terms of the Compact, psychologists licensed in another state.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Compact would 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 Compact's design would be to achieve the following purposes and objectives:

- 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 states' ability to protect the public's health and safety, especially client/patient safety;
- 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.

Article II—Definitions

The Compact would define applicable terms, including the following:

- "Association of State and Provincial Psychology Boards" (Association) would mean the recognized membership organization composed of state and provincial psychology regulatory authorities

responsible for the licensure of psychologists throughout the United States and Canada;

- “Authority to practice interjurisdictional telepsychology” would mean a licensed psychologist’s authority to practice telepsychology, within the limits authorized under the Compact, in another compact state;
- “Commissioner” would mean the voting representative appointed by each state psychology regulatory authority pursuant to Article X;
- “Compact state” would mean a state, the District of Columbia, or a U.S. territory that has enacted Compact legislation and has not withdrawn pursuant to Article XIII(c) or been terminated pursuant to Article XII(b);
- “Coordinated licensure information system” or “coordinated database” would mean an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;
- “Distant state” would mean 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;
- “E.Passport” would mean a certificate issued by the Association that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

- “Home state” would mean the compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing interjurisdictional psychology, the home state would be the compact state where the psychologist is physically present when the services are delivered. If the psychologist is licensed in more than one compact state under a temporary authorization to practice, the home state would be any compact state where the psychologist is licensed;
- “Interjurisdictional practice certificate” would mean a certificate issued by the Association that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one’s qualifications for such practice;
- “Psychology Interjurisdictional Compact Commission” (Commission) would mean the national administration of which all compact states are members;
- “Receiving state” would mean a compact state where the client/patient is physically located when the telepsychological services are delivered; and
- “Rule” would mean a written statement by the Commission promulgated pursuant to Article XI that meets the four requirements set out, including having the force and effect of statutory law in a compact state.

Article III—Home State Licensure

Under the Compact, a home state’s license would authorize a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

- Currently requires the psychologist to hold an active E.Passport;
- Has a mechanism in place for receiving and investigating complaints about licensed individuals;
- Notifies the Commission, in compliance with the terms of the Compact, of any adverse action or significant investigatory information regarding a licensed individual;
- Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, not later than ten years after activation of the Compact; and
- Complies with the bylaws and rules of the Commission.

Under the Compact, a home state's license would grant temporary authorization to practice to a psychologist in a distant state only if the same five conditions noted above required for authorization to practice interjurisdictional psychology were met.

Article IV—Compact Privilege to Practice Telepsychology

The Compact would require compact states to recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice telepsychology in other compact states, or receiving states, in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the Compact.

The Compact would establish 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 Compact.

The Compact would provide the home state would maintain authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology would be subject to the receiving state's scope of practice.

The Compact would authorize a receiving state, in accordance with the state's due process laws, 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. The Compact would require a state taking such disciplinary action to notify the home state and the Commission.

The Compact would require the E.Passport to be revoked and a psychologist no longer be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology if the psychologist's license in any home state or another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended, or otherwise limited.

Article V—Compact Temporary Authorization to Practice

The Compact would require compact states to also recognize the right of a psychologist licensed in a compact state in conformance with Article III to practice temporarily in other compact states, or distant states, in which the psychologist is not licensed, as provided in the Compact.

The Compact would establish specific requirements for a psychologist licensed to practice in a compact state to

exercise the temporary authorization to practice under the terms and provisions of the Compact. These requirements would be the same as those for Compact privilege to practice telepsychology.

With regard to a psychologist practicing into a distant state under the temporary authorization to practice, the Compact would require the psychologist to:

- Practice within the scope of practice authorized by the distant state; and
- Be subject to the distant state's authority and law.

The distant state's authority to limit or revoke a psychologist's temporary authorization to practice in the distant state and its requirement to promptly notify the home state and the Commission of such disciplinary actions would be the same as that of a receiving state with regard to a psychologist's authority to practice interjurisdictional authority in a receiving state.

The Compact would require the revocation of an interjurisdictional practice certificate under the same conditions that would require the revocation of an E.Passport.

Article VI—Conditions of Telepsychology Practice in a Receiving State

The Compact would authorize a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the Commission, and under the following circumstances:

- The psychologist initiates a client/patient contact in a home state *via* telecommunications technologies with a client/patient in a receiving state; and
- Other conditions regarding telepsychology as determined by rules promulgated by the Commission.

Article VII—Adverse Actions

The Compact would establish the following with regard to adverse actions against a psychologist:

- A home state would have the power to impose adverse action against a psychologist's license issued by the home state. A distant state would have the power to take adverse action on a psychologist's temporary authorization to practice within the distant state;
- A receiving state would be authorized to take action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state would be 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 would be terminated and the E.Passport revoked. The psychologist's temporary authorization to practice would be terminated and the interjurisdictional practice certificate would be revoked. The Compact would require all home state disciplinary orders that impose adverse action and adverse actions by compact states to be reported to the Commission, in accordance with the rules of the Commission;

- A home state's psychology regulatory authority would be required to investigate and take appropriate disciplinary action with regard to reported inappropriate conduct that occurred in a receiving state as it would if such conduct had occurred within the home state. In these cases, the home state's law would control the determination of any adverse action against a psychologist's license. In like manner, a distant state would be required to investigate and take appropriate action against a psychologist practicing under a temporary authorization that occurred in the distant state, as if such conduct had occurred within the home state. The distant state's law would control in determining any adverse action against a psychologist's temporary authorization to practice;
- The Compact would not override a compact state's decision that a psychologist's participation in an alternative program would be used in lieu of adverse action and that participation would remain non-public if required by the compact state's law. During the term of the alternative program, compact states would be prohibited from allowing psychologists in an alternative program to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state; and
- No other judicial or administrative remedies would be available to a psychologist in the event a compact state imposes an adverse action that results in the revocation of an E.Passport or an interjurisdictional practice certificate.

Article VIII—Additional Authorities Invested in a Compact State’s Psychology Regulatory Authority

In addition to powers granted under state law, the Compact would provide a compact state’s psychology regulatory authority with additional authorities including:

- Issuing subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence; and
- Issuing cease and desist or injunctive relief orders to revoke a psychologist’s authority to practice interjurisdictional telepsychology or temporary authorization to practice.

Article IX—Coordinated Licensure Information System

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

Notwithstanding any other provision of state law to the contrary, a compact state would be required to submit a specified uniform data set to the coordinated database on all licensees as required by the rules of the Commission. The Compact would require the coordinated database administrator to promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state. Compact states would be allowed to designate information reported to the coordinated database that would not be shared with the public without the express permission of the compact state reporting the information. Information submitted to the coordinated database subsequently required to be expunged

by state law of the compact state reporting the information would be removed from the coordinated database.

Article X—Establishment of the Commission

Creation of Commission

The Compact would require compact states to create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission. The Commission would be a body politic and an instrumentality of the compact states. Venue would be proper and judicial proceeding by or against the Commission would be required to be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. To the extent the Commission adopts or consents to participate in alternative dispute resolution, the Commission could waive venue and jurisdictional defenses. Nothing in the Compact would be construed to be a waiver of sovereign immunity.

Membership, Voting, and Meetings

The Commission would consist of one voting representative appointed by each compact state who would serve as that state's commissioner. The state psychology regulatory authority would appoint its delegate, who would be empowered to act on behalf of the compact state. Limitations on who may be appointed as a delegate would be as outlined in the Compact.

The Compact would allow any commissioner to be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the Commission would be filled according to the laws of the compact state in which the vacancy exists.

The Compact would provide for the voting procedure for commissioners and establish the meeting requirements, including requiring meetings be open to the public and providing public notice of the meetings. The Compact would allow closed, non-public meetings to be convened if the Commission is required to discuss specific matters as outlined in the Compact and would require specific procedures be followed when such meetings are held.

Bylaws and Rules

The Compact would require the Commission, by a majority vote of the commissioners, to prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact. The Compact would describe the nature of such bylaws and rules.

Powers of the Commission

The Compact would grant the following powers to the Commission:

- Promulgating uniform rules to facilitate and coordinate implementation and administration of the Compact, which would have the force and effect of law and would be binding in all compact states;
- Bringing and prosecuting legal proceedings or actions in the name of the Commission, provided the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law would not be affected;
- Purchasing and maintaining insurance and bonds;

- Borrowing, accepting, or contracting for services of personnel, including, but not limited to, employees of a compact state;
- Hiring employees, electing or appointing officers, fixing compensation, defining duties, granting such individuals appropriate authority to carry out the purposes of the Compact, and establishing the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
- Accepting any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receiving, utilizing, and disposing of the same, provided that at all times the Commission strives to avoid any appearance of impropriety or conflict of interest;
- Leasing, purchasing, accepting appropriate gifts or donations of, or otherwise owning, holding, improving, or using, any real or personal property, or mixed, provided the Commission at all times strives to avoid the appearance of impropriety;
- Selling, conveying, mortgaging, pledging, leasing, exchanging, abandoning, or otherwise disposing of any real or personal property, or mixed;
- Establishing a budget and making expenditures;
- Borrowing money;
- Appointing committees, including advisory committees, with membership as described;
- Providing and receiving information from, and cooperating with, law enforcement agencies;
- Adopting and using an official seal; and

- Performing such other functions as may be necessary or appropriate to achieve the purpose of the Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face, and telepsychology practice.

Executive Board

The Compact would provide the elected officers would serve as the Executive Board (Board). The Board would have the power to act on behalf of the Commission according to the terms of the Compact. The Compact would designate the composition of the six-member Board, including one ex officio member from the recognized membership organization composed of state and provincial psychology regulatory authorities, allow for removal of a Board member as provided in the bylaws, set the frequency of the Board meetings, and establish the duties and responsibilities of the Board.

Financing of the Commission

The Compact would require the Commission to pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. The Commission would be:

- Allowed to accept any and all appropriate revenue resources, donations and grants of money, equipment, supplies, material, and resources;
- Allowed to levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which would be required to be in an amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment would be allocated based on a formula determined

by the Commission, and the Commission would be required to promulgate a rule binding upon all compact states;

- Prohibited from incurring obligations of any kind prior to securing the funds adequate to meet the same or from pledging the credit of any of the compact states, except by and with the authority of the compact state; and
- Required to keep accurate accounts of all receipts and disbursements. Such receipts and disbursements would be subject to the audit and accounting procedures established under the Commission's bylaws. Additionally, the Compact would require that all receipts and disbursements of funds handled by the Commission be audited yearly by a certified or licensed public accountant and the report of the audit be included in and become part of the annual report of the Commission.

Qualified Immunity, Defense, and Indemnification

The Compact would provide the members, officers, executive director, employees, and representatives of the Commission would be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities, provided that no such person would be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of such person.

The Compact would require the Commission to defend any member, officer, executive director, employee, or

representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that incurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities. Such person would not be prohibited from retaining his or her own counsel. The actual or alleged act, error, or omission could not have resulted from such person's intentional, willful, or wanton misconduct.

Further, the Compact would require the Commission indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided the act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

Article XI—Rulemaking

The Compact would require the Commission to exercise its rulemaking power according to this Article and the rules adopted thereunder. Additional rulemaking provisions would include the following:

- Rules and amendments would become binding as of the date specified in each rule or amendment;
- If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule would have no further force and effect in any compact state;

- Rules or amendments to the rules would be adopted at a regular or special meeting of the Commission;
- The Commission would be required to file a notice of proposed rulemaking prior to the promulgation and adoption of a final rule or rules by the Commission at least 60 days in advance of the meeting at which the rule would be considered and voted upon;
- The notice of proposed rulemaking would be required to contain certain specific items, as outlined in the bill;
- Prior to the adoption of a proposed rule, the Commission would be required to allow persons to submit written data, facts, opinions, and arguments, which would be made available to the public;
- The Commission would be required to grant an opportunity for a public hearing before the adoption of a rule or amendment if a hearing is requested by at least 25 persons who submit comments independently of each other, a governmental subdivision or agency, or a duly appointed person in an association that has at least 25 members;
- If a hearing is held on the proposed rule or amendment, the Commission would be required to publish the place, time, and date of the scheduled public hearing. The Compact would provide for written notification by persons wishing to provide public comment, the manner of conduct of the meeting to allow for such public comment, and provisions for transcripts and recordings of the hearing, and allow for rules grouped for hearings for the convenience of the Commission;

- Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission would be required to consider all written and oral comments received;
- The Commission would take final action on the proposed rule by a majority vote of all members and determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule;
- The Commission would be allowed to proceed with the promulgation of the proposed rule without a public hearing if no written notice of intent to attend the public hearing by interested parties is received;
- Upon determination that an emergency exists, the Commission would be authorized to consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided for in the Compact and in this Article are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. The Compact would provide for what constitutes an emergency rule; and
- The Commission or an authorized committee of the Commission would be allowed to direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. The method of public notice and challenges to such revisions would be as outlined in the bill.

Article XII—Oversight, Dispute Resolution, and Enforcement

Oversight

The Compact would provide for the following oversight:

- Executive, legislative, and judicial branches of state government in each compact state would be required to enforce the Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated thereunder would have standing as statutory law;
- All courts would be required to take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of the Compact that may affect the powers, responsibilities, or actions of the Commission; and
- The Commission would be entitled to receive service of process and would have standing to intervene in such proceedings for all purposes. Failure to provide service of process to the Commission would render the judgment or order void as to the Commission, the Compact, or promulgated rules.

Default, Technical Assistance, and Termination

The Compact would require the Commission, upon determination that a compact state has defaulted in the performance of its obligations or responsibilities under the Compact or promulgated rules, to provide written notice to the defaulting state and other compact states of the default, the proposed means of remedying the default, and any other action to be taken by the Commission, and provide remedial

training and specific technical assistance regarding the default.

If a compact state in default fails to remedy the default, the Compact would provide, upon an affirmative vote of a majority of the compact states, the defaulting state may be terminated from the Compact, and all rights, privileges, and benefits conferred by the Compact would be terminated on the effective date of the termination. A remedy of the default would not relieve the offending state of obligations and liabilities incurred during the period of default.

Termination of membership in the Compact would be imposed only after all other means of securing compliance have been exhausted. The Compact would require the Commission to provide written notice of the intent to suspend or terminate to the governor and the majority and minority leaders of the defaulting state's legislature and each of the compact states.

The Compact would require a compact state that has been terminated to be responsible for all assessments, obligations, and liabilities incurred through the effective date of termination.

Unless agreed upon in writing between the Commission and the defaulting state, the Compact would prohibit the Commission from bearing the costs incurred by the state found to be in default or that has been terminated from the Compact.

The Compact would allow a defaulting state to appeal the action of the Commission by petitioning the U.S. District Court for the State of Georgia or the federal district where the Compact has its principal offices. The prevailing state would be awarded all costs of such litigation, including reasonable attorney fees.

Dispute Resolution

Upon request by a compact state, the Commission would be required to attempt to resolve disputes related to the Compact that arise among compact states and between compact and non-compact states. The Compact would require the Commission to promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the Commission.

Enforcement

The Compact would require the Commission, in the reasonable exercise of its discretion, to enforce the provisions and rules of the Compact. By majority vote, the Commission would be authorized to initiate legal action in the U.S. District Court for the State of Georgia, or the federal district court where the Compact has its principal offices, against a compact state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The Compact would provide that both injunctive relief and damages may be sought. If judicial enforcement would be necessary, the prevailing member would be awarded all costs of such litigation, including reasonable attorney fees. The Compact would provide the remedies in this Article would not be the exclusive remedies of the Commission, and the Commission would be authorized to pursue other remedies available under federal or state law.

Article XIII—Date of Implementation of the Commission and Associated Rules, Withdrawal, and Amendments

Effective Date

The Compact would come into effect on the date on which it is enacted into law in the seventh compact state. The provisions that would come into effect at that time would be limited to the powers granted to the Commission related to

assembly and promulgation of rules. The Commission would then meet and exercise rulemaking powers necessary to implement and administer the Compact. [Note: The seventh state enacted the Compact in April 2019.]

The Compact would require any state joining the Compact after the Commission's initial adoption of rules to be subject to the rules as they exist on the date on which the Compact becomes law in such state and would have the full force and effect of law.

A compact state would be allowed to withdraw from the Compact by enacting a statute repealing the same. The Compact would provide that a compact state's withdrawal would not take effect until six months after enactment of the repealing statute and would not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of the Compact prior to the effective date of withdrawal.

The Compact would not invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state that does not conflict with the provisions of the Compact.

The compact states would be authorized to amend the Compact. No amendment to the Compact would become effective and binding upon any compact state until it is enacted into the law of all compact states.

Article XIV—Construction and Severability

The Compact would be liberally construed to effectuate its purposes. If the Compact would be held contrary to the constitution of any state member, the Compact would remain in full force and effect in the remaining compact states.

Background

The bill was introduced by the House Committee on Health and Human Services at the request of a representative of the Kansas Psychological Association.

House Committee on Health and Human Services

In the House Committee hearing, representatives of the Kansas Psychology Association, the Compact, and a Kansas-licensed psychologist provided **proponent** testimony. The Kansas Psychology Association representative reviewed the dialogue the association had engaged in with the Behavioral Sciences Regulatory Board (BSRB) regarding the legislation and indicated, in light of the BSRB's position on the July 1, 2021, effective date, the association would be willing to consider extending the effective date to January 1, 2022, to allow the BSRB additional time. The Compact representative stated the Compact has been enacted in 15 states, including Colorado, Missouri, Nebraska, and Oklahoma, and provided the Compact's history. The Compact representative stated the Compact increases access to mental health care where care is not readily available, while providing for continuity of care for an increasingly mobile society, and promotes public protection for the interstate practice of telehealth, where none may exist. The psychologist stated the benefits of providing services *via* telepsychology during the COVID-19 pandemic and the expanded opportunities for Kansas psychologists for interjurisdictional practice, without requiring them to maintain permanent and temporary licenses in multiple states. Written-only **proponent** testimony was provided by a psychologist.

No neutral testimony was provided.

Opponent testimony was provided by a representative of the BSRB who stated concerns about the lack of clarity regarding the process consumers would use to submit complaints against out-of-state psychologists providing services in Kansas, the lack of specificity regarding how the

BSRB would utilize an effective investigation process for out-of-state psychologists providing services in Kansas, and the economic impact of enactment of the Compact on agency operations. The BSRB representative asked the bill be tabled for the 2021 Legislative Session to allow time for the sponsors and the BSRB to craft a bill for the 2022 Legislative Session that would achieve the objectives of the sponsor but with clearer protections of the public.

The House Committee amended the effective date of the bill to January 1, 2022, and upon publication in the statute book.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, representatives of the Kansas Psychology Association, the Compact, and a Kansas-licensed psychologist provided **proponent** testimony. The proponents generally stated the benefits to allowing Kansas doctoral-level psychologists to engage in telepsychology and limited in-state practice in Compact states through a uniform regulatory process, similar to compacts adopted in Kansas for other health professionals. The proponents noted the Compact has been enacted in 18 states, including the four Kansas neighboring states, and being considered in 13 additional states. 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 enactment 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 upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the BSRB indicates enactment of the bill could increase annual expenditures for additional hours spent by staff investigating complaints on new practitioners from compact states. The agency indicates it is unable to provide a fiscal effect, as the number of additional complaints that would need to be investigated cannot be estimated. The BSRB indicates the bill could also decrease revenues to the BSRB Fee Fund if psychologists licensed by the BSRB would choose not to renew their Kansas license or apply for temporary out-of-state permits and practice under the provisions of the Compact. Since 10.0 percent of fee fund revenue is remitted to the State General Fund (SGF), the BSRB indicates the bill could also decrease revenue to the SGF. A fiscal effect cannot be estimated as the number of licensed psychologists who may choose to practice under the provisions of the Compact and not renew their Kansas license or seek a temporary, out-of-state permit is not known.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Behavioral sciences; Behavioral Sciences Regulatory Board; psychology; licensure; Psychology Interjurisdictional Compact; telepsychology; temporary in-person, face-to-face psychology