

H.282: An act relating to the Psychology Interjurisdictional Compact

Prepared by the Office of Legislative Counsel

Sec. 1. Adds 26 V.S.A. chapter 56: Psychology Interjurisdictional Compact

§ 3051. PURPOSE

- Compact applies to telepsychology across state boundaries
- Compact applies to temporary in-person, face-to-face practice of psychology across state boundaries, but not permanent, face-to-face practice

§ 3052. DEFINITIONS

- Establishes Compact definitions

§ 3053. HOME STATE LICENSURE

- The home state is where psychologist is licensed to practice psychology
- Psychologist may hold one or more Compact state licenses at a time
 - If the psychologist is licensed in more than one state, the home state is where the psychologist is physically present when services are delivered
- Any Compact state can require psychologist to obtain/retain license to be authorized to practice in the Compact state under circumstances not otherwise authorized by temporary authorization to practice
- Home state's license authorizes a psychologist to practice in a receiving state under Authority to Practice Interjurisdictional Telepsychology if the home state:
 - Currently requires the psychologist to hold an active E.passport;
 - Has a mechanism for receiving and investigating complaints about licensed individuals;
 - Notifies the Commission of any adverse action or significant investigatory information regarding a licensed individual;
 - Requires the identity history summary of all applicants at initial licensure, incl. use of the results of fingerprints, or other biometric data, no later than 10 years after Compact activation; and
 - Complies with Compact rules and bylaws
- Home state's license grants temporary authorization to practice to a psychologist in a distant state only if the home state:
 - Currently requires the psychologist to hold an active interjurisdictional practice certification (IPC)
 - Has a mechanism for receiving and investigating complaints about licensed individuals;
 - Notifies the Commission of any adverse action or significant investigatory information regarding a licensed individual;
 - Requires the identity history summary of all applicants at initial licensure, incl. use of the results of fingerprints, or other biometric data, no later than 10 years after Compact activation; and

- Complies with Compact rules and bylaws

§ 3054. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

- Compact states must recognize the right of a psychologist licensed in a Compact state to practice telepsychology in other Compact states in which the psychologist is not licensed under the authority to practice interjurisdictional telepsychology
- To exercise authority to practice interjurisdictional telepsychology, a licensed psychologist in a Compact state must:
 - Hold a graduate degree in psychology from an institute of higher education that meets certain criteria;
 - Process a current, full, unrestricted license to practice;
 - Have no history of adverse action that violates Commission rules;
 - Have no criminal record history reported on an identity history summary that violates Commission rules;
 - Possess a current, active E. passport;
 - Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states
- The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology
- A psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology is subject to the receiving state's scope of practice
 - Receiving state may limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and take other necessary actions under the receiving state's laws
 - If a receiving state takes action, it shall notify the home state and Commission
- E. passport is revoked and psychologist is not eligible to practice telepsychology in a Compact state under authority to practice interjurisdictional telepsychology if psychologist's license in any home state, another Compact state, or any authority to practice interjurisdictional telepsychology in a receiving state is restricted/suspended/limited

§ 3055. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- Compact states shall recognize the right of psychologists to practice temporarily in other Compact states in which the psychologist is not licensed
- Provides requirements for temporary authorization to practice for a psychologists licensed to practice in a Compact state
- Requires psychologist practicing into a distant state under temporary authorization to practice to do so w/in the scope of practice authorized by the distant state
- A psychologist practicing into a distant state under the temporary authorization to practice is subject to the distant state's authority and law
 - A distant state may limit or revoke a psychologist's temporary authorization to practice in the distant state and may take action under the distant state's laws

- A distant state must notify the home state and Commission after taking action
- 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 interjurisdictional practice certification will be revoked and the psychologist will not be eligible to practice in a Compact state under temporary authorization to practice

§ 3056. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

- Allows 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 if certain conditions are met

§ 3057. ADVERSE ACTIONS

- A home state has the power to impose adverse action against a psychologist's license issued by the home state and a distant state has the authority to take adverse action on a psychologist's temporary authorization to practice within that distant state
- A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology w/in that receiving state
 - A home state may take adverse action against a psychologist based on an adverse action taken by the distant state regarding temporary in-person, face-to-face practice
- If a home state takes adverse action, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E. Passport is revoked, as well as termination of temporary authorization to practice and revocation of the interjurisdictional practice certificate
- A home state's regulatory authority shall investigate and take appropriate action regarding reported inappropriate conduct engaged in by a licensee in a receiving state as it would if conduct occurred in home state; home state law controls
- Distant state's psychology regulatory authority shall investigate and take appropriate action relating to reported inappropriate conduct by a psychologist practicing under temporary authorization to practice that occurred in the distant state as if conduct occurred in home state; distant state's law controls

§ 3058. ADDITIONAL AUTHORITIES INVESTED IN COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

- Compact State's Psychology Regulatory Authority has authority under Compact to:
 - Issue subpoenas for hearing and investigations; and
 - Issue cease and desist or injunctive relief orders or both to revoke psychologist's authority to practice interjurisdictional telepsychology under temporary authorization to practice
- Psychologist cannot change home state during an investigation; only once complete

- Home state's regulatory authority is authorized to complete any pending investigations of a psychologist, take appropriate actions, and report conclusion of investigations to Commission

§ 3059. COORDINATED LICENSURE INFORMATION SYSTEM

- Commission shall provide for development & maintenance of a Coordinated Licensure Information System and reporting system for licensure and disciplinary action information
- Compact states must submit uniform data to the Coordinated Database pursuant to rules
- Administrator of Coordinated Database must notify all Compact states of any adverse actions take or significant investigative information on any licensee in a Compact State
- Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public w/o express permission on the reporting Compact State
- Information submitted to the Coordinated Database that later needs to be expunged in accordance with State law shall be removed

§ 3060. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

- Compact States create a joint public agency: Psychology Interjurisdictional Compact Commission
- Commission consists of one voting representative appointed by each Compact State who serves as that State's Commissioner
- Commission is required to meet at least once each calendar year; meetings upon to the public, except in certain circumstances
- By a majority vote of the Commissioners, the Commission may adopt to rules/bylaws to govern its conduct and carry out the purposes of the Compact
- Commission has authority to:
 - Promulgate rules to facilitate and coordinate implementation and administration of Compact;
 - Bring and prosecute legal proceedings or actions in the name of the Commission;
 - Purchase and maintain insurance and bonds;
 - Borrow, accept, or contract for personnel services;
 - Hire employees, elect officers, fix compensation;
 - Accept donations and grants;
 - Lease, purchase, accept gifts or donations of property;
 - Sell, convey, mortgage, pledge, lease, exchange, abandon, or dispose of property;
 - Establish a budget and make expenditures;
 - Borrow money;
 - Appoint committees;
 - Provide and receive information from law enforcement agencies;
 - Adopt and use official seal
- Establishes an executive committee composed of 6 members and outlines their authority
- Establishes procedures for financing the Commission

- Establishes provisions for the qualified immunity and defense of members, employees, etc. of the Commission

§ 3061. RULEMAKING

- Rules and amendments are binding on member states
- If a majority of Compact State legislatures reject a rule, the rule shall not be in effect
- Provides a process for notice, hearings, and adoption of rules

§ 3062. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

- Each Compact State shall enforce the Compact
- Sets out remedial, termination, and enforcement processes if the Commission determines a Compact State has defaulted on its obligations or responsibilities under the Compact or its rules

§ 3063. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

- Compact takes effect when 7th State joins (35 states currently enacted)
- Compact State may withdraw from the Compact by repealing the statute; withdrawal will take effect 6 months after enactment of repealing statute
- Compact does not prevent a cooperative arrangement between a Compact and non-Compact state as long as the arrangement does not conflict with the Compact

§ 3064. CONSTRUCTION AND SEVERABILITY

- Compact construed liberally
- If Compact is any contrary to any state constitution it will remain in full force and effect for the remaining Compact states

Sec. 2. Effective Date

- July 1, 2023