



State of Vermont
Office of the Secretary of State

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To: Rep. Lori Houghton
House Committee on Health Care

From: S. Lauren Hibbert, Deputy Secretary of State
Lauren Layman, General Counsel, Office of Professional Regulation

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

Dear Committee,

Thank you for the opportunity to provide testimony on H. 282. The Office of Professional Regulation (OPR) and the Secretary of State continue to generally support the adoption of interstate compacts, including the Psychology Interjurisdictional Compact (or “PsyPact”).

As with other compacts, PsyPact provides a helpful tool for psychologists and clients/patients to continue care when the client and psychologist cannot meet in person, in Vermont. This can be very useful particularly given the access challenges patients and mental health professionals are facing in today’s world. Both the Vermont Board of Psychological Examiners and OPR support the policies underlying the PsyPact and the benefits it offers psychologists and patients. We do have some concerns, however, regarding PsyPact’s limited impact and stringent eligibility requirements, and regarding patient safety protections.

Occupational Compacts

Compacts are an agreement or contract between states. There are many compacts in our lives. An example of a compact is driving licenses. In the driver’s compact a driver from one state is allowed to drive in all other states because of the compact. Most compacts have the concept of a “home state.” This is the state where the licensee lives, votes, etc. After someone has a compact license in their home state they are either immediately authorized to practice in all other compact states or they have to ask the compact commission for the authority to practice in another state. This can

sometimes be accompanied by an additional fee. If a licensee moves to a new state, then they have to apply for a new compact licensee in their new home state.

Compacts are effective tools in occupational licensure. They solve some of the mobility challenges to having a license because they allow someone to practice in a state that they don't live in or immediately when they move to a new state. They also enable telehealth across state lines when both states are members of the compact.

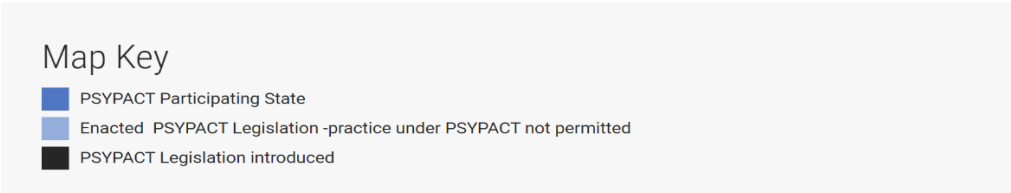
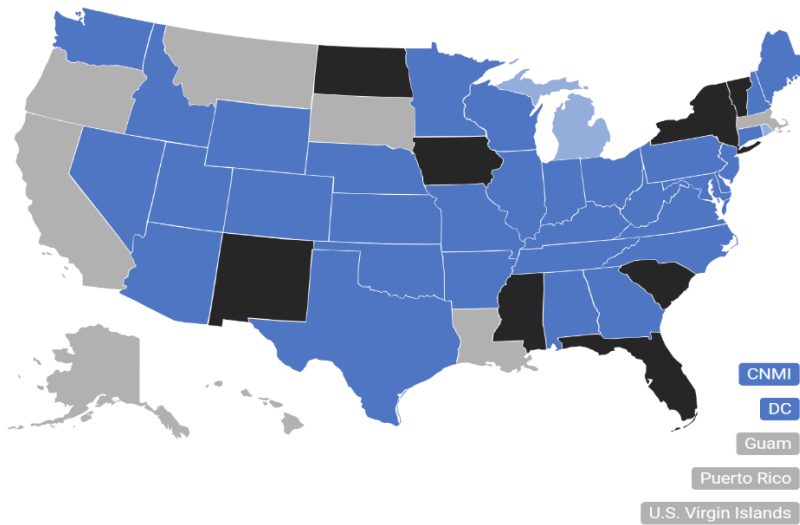
A compact almost always has a revenue impact because it removes the requirement for an out-of-state practitioner to get a Vermont license to provide care to clients or patients in Vermont. This is a relevant factor when you are a small state where people can easily travel across state lines to work.

Compacts also affect the enforcement process. Vermont retains jurisdiction over everyone who is practicing in Vermont – physically or via telehealth. This means that under a compact we could be investigating and prosecuting a person who is not a Vermont licensee. Post-Dobbs OPR has also been focused on any provision in a compact that mandates reciprocal discipline. We do not want to be forced to discipline a Vermont licensee because they provided an abortion or gender-affirming care in another state.

Psychology Interjurisdictional Compact

Background

- PsyPact was developed by the Council of State Government's National Center for Interstate Compacts.
- 36 states, including New Hampshire and Maine, have adopted PsyPact.



Features

- Participating psychologists are not authorized to engage in the full practice of psychology in other compact member states. Rather, PsyPact enables participating psychologists from member states to provide telepsychology services in another member state and/or to practice temporarily in another member state.
- Telepsychology
 - Under PsyPact, an eligible psychologist from a member state may provide telepsychology services to a patient/client who is in another member state if the psychologist obtains the following two credentials (in addition to a full license in a member state):
 - An E. Passport from the Association of State and Provincial Psychology Boards (“ASPPB”), and
 - An Authority to Practice Interjurisdictional Telepsychology from the PsyPact Compact Commission.
 - The initial fee to obtain an E. Passport is \$400.00. The Authority to Practice Interjurisdictional Telepsychology is an additional \$40. The E. Passport must be renewed every year for a \$100.00 fee. The Authority to Practice Interjurisdictional Telepsychology must be renewed annually at a cost of \$20.
- Temporary Practice

- Under PsyPact, an eligible psychologist from a member state may practice for a maximum of thirty days per year in another member state if they obtain the following two credentials (in addition to a full license in a member state):
 - An Interjurisdictional Practice Certificate (IPC) from the ASPPB; and
 - A Temporary Authorization to Practice from the PsyPact Compact Commission.
- The initial fee to obtain an IPC is \$200.00. The Temporary Authorization to Practice is an additional \$40. The IPC must be renewed every year for a \$50.00 fee. The Temporary Authorization to Practice must be renewed annually at a cost of \$20.
- Eligibility
 - To obtain an E. Passport (to provide telepsychology) or an IPC (to temporarily practice in another member state), a psychologist must
 - Have a current, active, doctoral-level license to practice psychology in a member state;
 - Have no disciplinary actions against their license; and
 - Have graduated from an APA-accredited psychology doctoral program.
 - For telepsychology, the applicant must also demonstrate passage of the national exam and complete three hours of continuing education annually prior to renewing the E. Passport.

Impacts

- Benefits
 - The mobility benefits with the PsyPact are limited but still positive.
 - PsyPact will allow Vermont psychologists to provide continuous, telepsychology care to patients/clients who move from Vermont to another member state, temporarily or permanently. The Vermont telehealth licenses, which are due to be implemented in 2023, will permit out-of-state psychologists to practice telehealth in Vermont but the new Vermont licenses will not allow Vermont licensees to practice out-of-state, which the PsyPact would facilitate.
 - Additionally, eligible psychologists will be able to provide in-person care to a patient/client located in another member state for up to a maximum of 30 days per year.
 - It is unlikely the PsyPact will result in a loss of any providers as it does not allow for full practice in another state. Access may be improved by allowing out-of-state providers to practice in Vermont in a limited capacity and by permitting eligible Vermont psychologists to provide continued care to patients/clients located in other member states.
- Concerns
 - The Board has expressed concern that psychologists who are practicing remotely in Vermont or another member state may not know where to direct patients who need

- emergency or crisis care. Information about crisis care is not readily available everywhere and, even if a crisis care resource is found, an out-of-state provider may not be aware of which resource is available or best suited to the client's need. This knowledge is often developed through regular practice in an area.
- The limited types of practice authorized under PsyPact (telepsychology and temporary, 30 days/year in-person practice) and the stringent eligibility requirements for psychologists to participate in the PsyPact limit the impact this compact will have on mobility and access.
 - After obtaining at least two, and as many as four, credentials in addition to a home state license, an eligible psychologist will only be authorized to practice via telepsychology in another member state and/or for a maximum of 30 days per year in another member state.
 - Only those psychologists with doctoral-level licenses who obtained degrees accredited by the American Psychological Association (APA) are eligible to practice under PsyPact. Vermont's masters-level psychologist licensees and those Vermont-licensed psychologists who graduated from non-APA accredited institutions are not eligible for the credentials under the PsyPact.
 - PsyPact requires reciprocal discipline, like other compacts. As currently written, if a receiving state or a distant state disciplines a psychologist, the psychologist's E. Passport and/or IPC are also revoked, making the psychologist unable to practice in under PsyPact. The Home State then has the option of whether to charge the Home State license.
 - Vermont cannot charge a fee separate from the Home State license fee for practice in Vermont under a PsyPact authorization. Revenues will be impacted by psychologists who choose to practice under PsyPact rather than obtaining or renewing a license in Vermont. At the same time, as with other compacts, OPR will need to invest significant resources (staff time, IT, outreach, enforcement) in the initial implementation and ongoing administration of the PsyPact.

