

**Subject** Psychology Interjurisdictional Compact

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### Overview

This bill establishes the Psychology Interjurisdictional Compact (PSYPACT) in Minnesota Statutes. Passing this legislation would lead to Minnesota becoming a PSYPACT member state. The compact would allow for psychologists licensed in Minnesota to practice interjurisdictional telepsychology or provide temporary in-person psychological services in other states that are members of the compact without going through a licensing process in each state (as would currently be required). The compact would also provide reciprocity for psychologists licensed in other member states to practice either modality in Minnesota without being licensed by the Minnesota Board of Psychology. Currently, 14 states are PSYPACT members, with one pending, and 12 states have pending legislation to enter the compact.

### Summary

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| 1 | <b>Psychology Interjurisdictional Compact (PSYPACT).</b><br>Proposes coding for § 148.9051. Provides enactment language for the psychology interjurisdictional compact. |
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#### Article I: Purpose

States that the purposes and intentions of the compact are to:

- regulate telepsychology practice across state boundaries;
- regulate temporary in-person psychology practice for 30 days in a calendar year;
- authorize state psychology regulatory bodies to legally recognize psychologists licensed in other states;
- increase public access to psychological services;
- enhance states' ability to protect public health and safety;

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- encourage cooperation between compact states;
- facilitate licensure and discipline information exchange between states;
- promote compliance with laws related to psychology practice;
- give authority to all compact states to hold licensed psychologists accountable

### **Article II: Definitions**

Defines the following terms: “Adverse action,” “Association of State and Provincial Psychology Boards” or “ASPPB,” “Authority to practice interjurisdictional telepsychology,” “Bylaws,” “Client” and “patient,” “Commissioner,” “Compact state,” “Coordinated Licensure Information System” or “coordinated database,” “Confidentiality,” “Day,” “Distant state,” “E.Passport,” “Executive Board,” “Home state,” “Identity history summary,” “In-person, face-to-face,” “Interjurisdictional Practice Certificate” or “IPC,” “License,” “Noncompact state,” “Psychologist,” “Psychology Interjurisdictional Compact Commission,” “Receiving state,” “Rule,” “Significant investigatory information,” “State,” “State psychology regulatory authority,” “Telepsychology,” “Temporary authorization to practice,” and “Temporary in-person, face-to-face practice.”

### **Article III: Home State Licensure**

- A. Specifies that a psychologist’s home state is a compact state in which the psychologist is licensed.
- B. For a psychologist licensed in more than one compact state, specifies that the home state is the state in which the psychologist is physically present when services are delivered.
- C. Allows any compact state to require a psychologist not previously licensed in a compact state to obtain a license to be authorized to practice in the compact state in circumstances beyond the telepsychology practice provided in this compact.
- D. Allows any compact state to require a psychologist not previously licensed in a compact state to obtain a license to be authorized to practice in the compact state in circumstances beyond the temporary authorization provided in this compact.
- E. Outlines requirements for a home state license to authorize interjurisdictional telepsychology practice in a receiving state.
- F. Outlines requirements for a home state license to authorize temporary practice in a distant state.

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**Article IV: Compact Privilege to Practice Telepsychology**

- A. Requires compact states to recognize the right of a psychologist licensed in a compact state (as required in Article III) to practice telepsychology in other compact states.
- B. Outlines requirements for licensed psychologists to practice interjurisdictional telepsychology under the compact.
- C. Specifies that the home state retains licensing authority over any psychologist practicing interjurisdictional telepsychology in a receiving state under the compact.
- D. Specifies that a psychologist practicing interjurisdictional telepsychology in a receiving state under the compact will be subject to the receiving state's scope of practice, and that the receiving state may limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state. Requires the receiving state to promptly notify the home state and the commission of any actions taken.
- E. Requires a psychologist's E.Passport to be revoked (thereby removing the psychologist's eligibility to practice interjurisdictional telepsychology) if the psychologist's license is restricted, suspended, or otherwise limited.

**Article V: Compact Temporary Authorization to Practice**

- A. Requires compact states to recognize the right of a psychologist licensed in a compact state (as required in Article III) to practice temporarily in other compact states or distant states, as provided in the compact.
- B. Outlines requirements for licensed psychologists to practice temporarily under the compact.
- C. Requires a psychologist practicing temporarily in a distant state under the compact to practice within the scope of practice authorized by the distant state.
- D. Specifies that a psychologist practicing temporarily in a distant state under the compact is subject to that state's authority and laws, and allows the distant state to limit or revoke a psychologist's authority to practice in the distant state. Requires the distant state to promptly notify the home state and the commission of any actions taken.
- E. Requires a psychologist's IPC to be revoked (thereby removing the psychologist's eligibility to practice temporarily in a distant state) if the psychologist's license is restricted, suspended, or otherwise limited.

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**Article VI: Conditions of Telepsychology Practice in a Receiving State**

Specifies that a psychologist may only practice interjurisdictional telepsychology within the scope of practice for psychology, and:

(1) the psychologist initiates client contact in a home state via telecommunications technology with a client in a receiving state; and

(2) according to the commission's rules.

**Article VII: Adverse Actions**

A. Specifies that a home state has the power to impose adverse licensing sanctions, and that a distant state has power to take adverse action on a psychologist's temporary practice authorization.

B. Allows a receiving state to take adverse action on a psychologist's authorization to practice interjurisdictional telepsychology; allows a home state to take adverse action against a psychologist based on adverse action taken by a distant state regarding temporary practice.

C. Provides that a psychologist's authority to practice interjurisdictional telepsychology and E.Passport, or temporary practice authority and IPC, are revoked if a home state takes action against the psychologist's license. Outlines disciplinary action reporting requirements.

D. Requires the home state psychology regulatory body to apply the home state's laws, investigate, and take licensing action on reported inappropriate conduct by a licensee that occurs in a receiving state, as if the conduct had occurred in the home state.

E. Requires a distant state psychology regulatory body to apply the distant state's laws, investigate, and take action against the psychologist's temporary practice authorization, for reported inappropriate conduct that occurred in the distant state.

F. Specifies that nothing in the compact overrides a compact state's decision to allow a psychologist's participation in an alternative program in lieu of adverse action, which may remain nonpublic if required under state laws. Prohibits participation in activities under the compact while a psychologist participates in an alternative disciplinary program.

G. Specifies that no other legal remedies are available to a psychologist if a compact state imposes adverse action under paragraph C.

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**Article VIII: Additional Authorities Invested in a Compact State's Psychology Regulatory Authority**

- A. Provides that a compact state regulatory body has the authority to: (1) issue subpoenas; and (2) issue cease and desist or injunctive relief orders.
- B. Prevents a psychologist from changing his or her home state licensure during an investigation; provides additional investigation and reporting requirements for home states and the commission. Allows a psychologist to change his or her home state licensure when an investigation concludes; requires the commission to notify the new home state of disciplinary decisions.

**Article IX: Coordinated Licensure Information System**

- A. Requires the commission to develop and maintain a coordinate licensure information system, database, and reporting system for all participating psychologists in all compact states.
- B. Specifies the required contents of the uniform data set a compact state must submit to the coordinated database.
- C. Requires the database administrator to promptly notify all compact states of any adverse action taken or significant investigative information taken against any licensee in a compact state.
- D. Allows compact states to designate database information as nonpublic.
- E. Requires information submitted to the database, but later expunged, to be removed from the database.

**Article X: Establishment of the Psychology Interjurisdictional Compact Commission**

- A. Establishes the Psychology Interjurisdictional Compact Commission; specifies legal provisions related to commission establishment.
- B. Establishes membership, voting, and meeting requirements and procedures.
- C. Requires the commission to prescribe bylaws and rules to govern its conduct and to carry out the compact, by a majority vote of the commissioners. Specifies required subjects of bylaws and rules to be prescribed.
- D. Outlines the commission's powers.
- E. Provides powers, composition, procedures, and duties of the Executive Board.

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F. Outlines provisions related to the commission's financing and accounting.

G. Provides for qualified immunity for commission members, officers, directors, employees, and representatives; specifies that the commission will defend those individuals in any civil action arising out of commission employment, duties, or responsibilities. Provides for indemnification of those individuals under specified circumstances.

**Article XI: Rulemaking**

A. Requires the commission to exercise its rulemaking powers pursuant to this article.

B. Specifies that if a majority of compact state legislatures rejects a rule by enactment of statute, the rule will not have force or effect in any compact state.

C. Requires rules or amendments to be adopted at commission meetings.

D. Provides notice publication requirements for proposed rulemaking.

E. Outlines requirements for information that must be included in notice of proposed rulemaking.

F. Requires the commission to allow for the submission of written data, information, and arguments, which must be made publicly available.

G. Outlines requirements for requests for public hearings on rules or amendments.

H. Outlines public hearing requirements.

I. Requires the commission to consider all written and oral comments received.

J. Requires the commission to take final action on a proposed rule by majority vote of all members, and to determine the effective date of the rule.

K. Permits the commission to promulgate rules without a public hearing, under specified circumstances.

L. Outlines procedures and requirements for emergency rulemaking.

M. Permits the commission to direct minor, nonsubstantive revisions to a previously adopted rule or amendment. Outlines requirements and procedures related to such revisions.

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**Article XII: Oversight, Dispute Resolution, and Enforcement**

A. Specifies that the state governments of each compact state must enforce the compact and that the compact must be statutory law. Provides judicial notice of the compact, and specifies service of process requirements.

B. Outlines procedures for when a state defaults on its obligations under the compact; provides for remedial training and technical assistance in the event of a default. Provides for compact state membership termination procedures and an appeal process.

C. Provides dispute resolution procedures.

D. Requires the commission to enforce the provisions and rules of the compact; permits the commission to initiate legal action by majority vote if needed to enforce the compact.

**Article XIII: Date of Implementation of the Psychology Interjurisdictional Compact Commission and Associate Rules, Withdrawal, and Amendments**

A. Makes the compact effective on the date that the compact is enacted in law in the seventh compact state.

B. Specifies that any state that joins the compact after the commission's initial adoption of rules shall be subject to the rules that exist on the date the compact becomes law in that state.

C. Allows any compact state to withdraw from the compact by repealing the statute.

D. Specifies that the compact does not invalidate or prevent any other cooperative psychology licensure arrangements between states.

E. Allows the compact to be amended by the compact states.

**Article XIV: Construction and Severability**

States the compact must be liberally construed to effectuate its purposes; provides for severability if the compact is deemed to be unconstitutional in any member state.

Makes this section effective the day following final enactment; requires the Board of Psychology to publish the effective date of the compact.

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2	<p><b>Appropriation.</b></p> <p>Appropriates funding in fiscal year 2022 from the state government special revenue fund to implement the compact. Makes this section effective the day following final enactment.</p>
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