



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 67

PRINTERS NO. 60

PRIME SPONSOR: J. Ward

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
Professional Licensure Augmentation Account	\$0	See "Fiscal Impact"

SUMMARY: Authorizes the Governor of Pennsylvania to enter into the Psychology Interjurisdictional Compact. This legislation would take effect in 60 days.

ANALYSIS: This legislation creates the Psychology Interjurisdictional Compact Act to grant the Governor the authority to enter into the compact and provides for the regulation of the practice of telepsychology and the temporary practice of face-to-face psychology.

A licensed psychologist in a compact state can apply for certification that permits the practice of telepsychology or the temporary in-person, face-to-face practice of psychology in another compact state for 30 days within a calendar year. The compact does not apply to permanent in-person, face-to-face practice.

Establishment of Commission: The Psychology Interjurisdictional Compact Commission (commission) is the compact's governing body and responsible for oversight of the compact.

Each member state has an appointed voting representative on the commission. The commission is required to meet at least once annually. Meetings are public and subject to public notice except for discussion of confidential information.

The commission shall be responsible for establishing bylaws and rules to govern its conduct which shall be published. The bylaws and rules must also be filed with the appropriate agency in each compact state.

The commission is authorized to collect an annual fee from each compact state (the licensing board) and to collect fees to cover the cost of the commission operations. The commission is self-funded, so it must collect a sufficient amount to cover its annual budget approved each year.

In the event of default, the commission shall provide written notice to a compact state. If a compact state fails to remedy the default, the commission can vote to terminate the state from the compact.

Home State Licensure: If a licensee has a license in more than one state, it is the state where the licensee is physically present.

Under the compact, a home state's license authorizes a psychologist to practice under the authority of the compact in another compact state (the receiving state) only if the compact state:

- Requires an "E-Passport" which is a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes standard criteria and practice of telepsychology or an Interjurisdictional Practice Certificate (IPC) which is a certificate also issued by ASPPB and similar to the E-Passport but relates to the temporary, in-person, face-to-face practice;
- Has a process for receiving and investigating complaints about licensed providers and notifies the commission of any adverse action or significant investigatory information regarding a licensee;
- Requires an FBI background check (including fingerprints of all applicants at initial licensure) within 10 years;
- Complies with the bylaws and rules of the commission.

Compact Privilege to Practice: The compact requires that each licensed psychologist:

- Hold a graduate degree in psychology from an accredited institute or that meets the specific requirements of the compact;
- Possess a current, full and unrestricted license to practice psychology in a compact home state;
- Have no history of adverse action or criminal record history;
- Possess a current, active E-Passport;
- Provide an attestation which includes the areas of intended practice, competency, criminal background, knowledge of the receiving state's laws and a release allowing the receiving state to obtain verification;
- Meet other criteria as defined by the commission rules.

The home state maintains authority over the license of the psychologist. The psychologist, however, is subject to the receiving state's scope of practice and laws. As such, the receiving state may limit or revoke the ability of the psychologist to practice within that state but not revoke or suspend their license to practice since the home state maintains authority over the license. If disciplinary action is taken by a receiving state, the receiving state must promptly notify the home state and the commission. If a psychologist's license is restricted, suspended or otherwise limited by any state, the E-Passport shall be revoked making the psychologist ineligible to practice under the compact.

State Authority Regarding Adverse Action: The home state retains power over the license held by a psychologist.

The home state shall investigate and take appropriate action if inappropriate conduct occurs during telepsychology. The investigation will be conducted as if the conduct had occurred in the home state and the home state's laws control.

The distant state shall investigate and take appropriate action if inappropriate conduct occurs during temporary, in-person, face-to-face practice. The investigation will be conducted as if the conduct occurred in the home state and the distant state's laws control.

If a distant state takes adverse action against a licensee, the home state may then take action based on the distant state's action. All adverse action must be reported to the compact commission. If adverse action is taken against a licensee, the licensee's authority to practice under the compact is terminated.

The compact does not override a compact state's decision to require a licensee to participate in an alternative program in lieu of adverse action. The licensee, however, may not practice under the compact during the time of enrollment in the alternative program.

A compact state has the authority to issue subpoenas, cease and desist and injunctive relief orders. A licensee may not change the home state designation during an investigation.

Coordinated Information System: The commission is required to develop and maintain a coordinated licensure information system containing licensure and disciplinary action information on all psychologists participating in the compact. Compact states are required to submit information, including:

- Identifying information and licensure data;
- Significant investigatory information and adverse actions against licensees;
- Any denial of application for licensure and reasons for such denial;
- Revocation of authority to practice under the compact;
- Non-confidential information related to alternative program participation;
- Any other information as determined by commission rules.

The system administrator is required to promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state. The information contained in the system may not be shared with the public without express permission of the reporting compact state. Information expunged by the reporting state is also removed from the system.

Commission Rules: Commission rules shall be binding in all compact states and are limited to the compact administration as it relates to telepsychology and temporary in-person practice, and do not constitute new rules for a compact state's licensure board as to its state responsibilities. Rules and amendments to the rules shall be adopted at a regular or special meeting of the commission. The commission is required to file a notice of proposed rulemaking before adoption of a final rule and permit a public comment period.

Rulemaking: States that join after the adoption of the rules shall be subject to the rules as they exist on the date which the compact becomes law in that state. Any state may withdraw from the compact by enacting a repealing statute. Withdrawal will be effective 6 months following the repealing statute. The compact cannot be amended unless the changes have been enacted into law by all compact states and the commission follows their requirements for establishing new rules.

The Secretary of the Commonwealth shall publish a notice in the Pennsylvania Bulletin that includes the date on which the compact becomes effective.

FISCAL IMPACT: Under the compact, the commission has the authority to levy 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. The commission has not yet determined the details of any potential annual assessment on current and future compact states such as Pennsylvania. The Association of State and Provincial Psychology Boards (ASPPB) projects the total ongoing cost for the commission will be approximately \$430,000 annually. Assuming the 12 states that have already enacted the compact and four states with pending legislation share equally in the commission's annual cost, each state will be required to pay approximately \$27,000 annually. This cost can be absorbed within the Department of State's existing budget.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: April 28, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.