

HOUSE BILL REPORT

SHB 1286

As Passed House:
February 9, 2022

Title: An act relating to the psychology interjurisdictional compact.

Brief Description: Adopting the psychology interjurisdictional compact.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham).

Brief History:

Committee Activity:

Health Care & Wellness: 1/31/22, 2/2/22 [DPS].

Floor Activity:

Passed House: 2/9/22, 96-0.

Brief Summary of Substitute Bill

- Adopts the Psychology Interjurisdictional Compact to allow professionals who are licensed in a compact state to provide psychological services through the use of telecommunication technologies and temporary in-person practice.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske, Davis, Harris, Macri, Maycumber, Riccelli, Rude, Simmons, Stonier, Tharinger and Ybarra.

Staff: Christopher Blake (786-7392).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Licensing of Psychologists.

To become licensed as a psychologist by the Department of Health (Department), an applicant must meet specific education, examination, and experience standards. The education standard requires the applicant to have a doctorate degree from an accredited program of graduate study in psychology. The experience standard requires the applicant to have at least two years of supervised experience. Applicants for a license to practice psychology may receive a license through an endorsement process if the applicant has held a license to practice psychology in another state that has essentially equivalent licensing standards to Washington for at least two years or if the applicant is a member of an approved professional organization. In addition, the Department must issue a probationary license to an applicant who has held a license within the prior 12 months in another state with a substantially equivalent scope of practice. The probationary license allows the psychologist to practice while the Department determines if any educational or experience standards may still need to be met for full licensure.

The Psychology Interjurisdictional Compact.

The Association of Provincial Psychology Boards administers the Psychology Interjurisdictional Compact (Psychology Compact) to establish standards and procedures for authorizing psychologists to practice interjurisdictional telepsychology and temporarily practice psychology in another compact state in person for up to 30 days within a calendar year. The Psychology Compact does not apply to the permanent in-person, face-to-face practice of psychology in a state in which the person is not licensed. The Psychology Compact is governed by a commission that includes one representative from each state that has adopted the Psychology Compact. There are currently 26 states and the District of Columbia that have adopted the Psychology Compact.

Summary of Substitute Bill:

Authority to Practice Psychology on an Interjurisdictional Basis.

The Psychology Interjurisdictional Compact (Psychology Compact) is adopted in Washington. The Psychology Compact authorizes psychologists who meet specified standards to practice interjurisdictional telepsychology in another compact state, referred to as the "receiving state," and temporarily practice psychology in person for up to 30 days within a calendar year in another compact state, referred to as the "distant state." The Psychology Compact does not apply to the permanent in-person, face-to-face practice of psychology in a state in which the psychologist does not hold a full license. A psychologist who is practicing into a compact state in which the patient or client is located is subject to the scope of practice as established in the patient's or client's state.

A psychologist may practice in another compact state under the Psychology Compact if the psychologist is licensed in a compact state that the psychologist designates as their home state. The home state is where a psychologist is physically present when practicing interjurisdictional telepsychology. To practice interjurisdictional telepsychology in a receiving state or to practice psychology temporarily in a distant state, the compact state

must: (1) have a mechanism for receiving and investigating complaints; (2) notify the Psychology Interjurisdictional Compact Commission (Compact Commission) of any adverse action or significant investigatory information regarding a licensed person; (3) require an identity history summary of all applicants for an initial license, including a federal fingerprint background check; and (4) comply with the bylaws and rules of the Compact Commission. If the psychologist seeks to practice interjurisdictional telepsychology in a receiving state, the compact state must additionally require that the psychologist hold an active e-passport. An e-passport is a certificate issued by the Association of Provincial Psychology Boards (Association) that facilitates the provision of telepsychology services between states. If the psychologist seeks to practice psychology temporarily in person in a distant state, the compact state must additionally require the psychologist to hold an active interjurisdictional practice certificate. An interjurisdictional practice certificate is a certificate issued by the Association that grants temporary authority to practice in a distant state upon notification to that state's psychology regulatory authority and the verification of qualifications.

The psychologist seeking to practice interjurisdictional psychology in a receiving state or temporarily practice psychology in a distant state must have graduated from an approved graduate psychology program, possess a full license to practice psychology in a home state, have no history of adverse actions that violate Compact Commission rules, have no criminal record history that violates Compact Commission rules, have an e-passport, and provide certain attestations about qualifications and areas of intended practice.

Psychologists practicing interjurisdictional telepsychology in a receiving state or temporarily practicing psychology in person in a distant state may have their privileges limited or revoked by the compact state if it finds such action is necessary to protect the health and safety of the state's residents. The compact state must promptly notify the psychologist's home state and the Compact Commission of the action. If a psychologist's license is restricted or revoked in any home state or other compact state, the psychologist's e-passport or interjurisdictional practice certificate must be revoked and the psychologist may not practice pursuant to the Psychology Compact.

Psychology Interjurisdictional Compact Commission.

The Compact Commission is created consisting of one voting representative from each compact state. The representative must be appointed by the state psychology regulatory authority and must either be the executive director of the state psychology regulatory authority, a current member of the state psychology regulatory authority, or a designee with delegated authority to act on behalf of the compact state. The Compact Commission also has an executive board comprised of five Compact Commission members and a nonvoting member from the Association. The executive board recommends rules to the full Compact Commission, oversees administrative services, prepares the annual budget, and monitors the compliance of compact states.

The Compact Commission is responsible for the development and maintenance of a

coordinated licensure information system (information system). The information system contains licensure and disciplinary action information on all psychologists covered by the Psychology Compact in all compact states. Compact states are required to submit data to the information system on all licensed psychologists. The data includes identifying information, licensure data, significant investigatory information, adverse actions against a psychologist's license, information about the revocation of a psychologist's authority to practice interjurisdictional psychology or temporary authorization to practice, and application denial information.

The Compact Commission may establish and collect annual assessments from each compact state to cover the costs of the Compact Commission's operations and activities.

A compact state may withdraw from the Psychology Compact by repealing the statute adopting the Psychology Compact. A withdrawal from the Psychology Compact is effective six months after the enactment of the repealing statute.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 25, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Telehealth is especially useful for patients who live in rural areas, need specialty care, or relocate to a different part of the state. This bill allows Washington to join the Psychology Interjurisdictional Compact which will benefit Washington by allowing patients to continue with their same psychologist when they move to another compact state, expanding access to specialists in other compact states, and expanding the capacity of Washington's behavioral health system.

Occupational licensure compacts are the gold standard in moving licensure from state to state and protecting patient safety in those states. Compacts allow professionals to provide services to underserved and geographically isolated populations. Compacts allow military personnel and spouses of military members to maintain their professional licenses when they relocate. Compacts can eliminate some of the significant barriers to employment that military spouses face upon relocation. This bill will reduce the burden that military spouses face in transferring their careers in these fields as the move into Washington.

(Opposed) None.

Persons Testifying: Representative Kelly Chambers, prime sponsor; Samantha Slaughter, Washington State Psychological Association; Tammie Perreault, Department of Defense;

Olivia Burley, Washington State Department of Veterans Affairs; and Maria Tobin, South Sound Military and Communities Partnership.

Persons Signed In To Testify But Not Testifying: None.