

SENATE BILL REPORT

SHB 1286

As Reported by Senate Committee On:
Behavioral Health Subcommittee to Health & Long Term Care, February 16, 2022
Health & Long Term Care, February 16, 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: Passed House: 2/9/22, 96-0.

Committee Activity: Behavioral Health Subcommittee to Health & Long Term Care:
2/15/22, 2/16/22 [DP].
Health & Long Term Care: 2/16/22 [w/oRec-BH].

Brief Summary of Bill

- Enacts the Psychology Interjurisdictional Compact in Washington, allowing participating psychologists to practice telepsychology in other member states where the psychologist is not licensed, and to temporarily practice psychology in-person in a member state for up to 30 days per calendar year.

SENATE COMMITTEE ON BEHAVIORAL HEALTH SUBCOMMITTEE TO HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra, Nobles and Warnick.

Staff: Kevin Black (786-7747)

Background: Licensing of Psychologists. To become licensed as a psychologist by the

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Department of Health (DOH), 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. DOH 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 DOH determines if any educational or experience standards may still need to be met for full licensure.

The Psychology Interjurisdictional Compact. The Association of State and Provincial Psychology Boards (ASPPB) administers the Psychology Interjurisdictional Compact (PSYPACT) to establish standards and procedures for authorizing psychologists to practice telepsychology and temporarily practice psychology in another compact state. PSYPACT does not apply to the permanent in-person practice of psychology in a state in which the person is not licensed. Twenty-six states and the District of Columbia have adopted PSYPACT.

E-Passport. An E-Passport is a credential administered by the ASPPB which allows a psychologist from a PSYPACT member state to practice telepsychology.

Summary of Bill: PSYPACT is enacted to enable and regulate the practice of telepsychology across state boundaries, and the temporary in-person, face-to-face practice of psychology outside state boundaries for up to 30 days within a calendar year. PSYPACT must be governed by the Commission, which must include one voting member from Washington and each state within PSYPACT, and an executive board. The Commission and executive board must meet at least once a year and adopt and maintain bylaws and rules for governance of PSYPACT.

A psychologist in a PSYPACT state may practice in another compact state only if the psychologist has an active E-Passport with ASPPB and the psychologist's home state maintains a system for sharing information about the licensee with the Commission, including any adverse action or significant investigatory information obtained against the individual as the result of a complaint. A state which joins PSYPACT by enactment must require an FBI fingerprint background check of all newly licensed psychologists, which is not currently a practice in Washington.

To practice across state lines under PSYPACT a psychologist must meet specified minimum educational requirements and hold a current, full, and unrestricted license with no history of adverse actions or criminal history of a nature prohibited by Commission rules. The psychologist must attest to their areas of intended practice and qualifications. The

home state must maintain disciplinary authority over a psychologist practicing telepsychology, while the state which the psychologist is visiting for temporary in-person practice must take disciplinary authority over conduct while the psychologist is visiting the state. The psychologist must abide by scope of practice restrictions imposed by the state they are visiting through telepsychology or temporary in-person practice.

A state within PSYPACT has subpoena power to conduct hearings and investigations into the conduct of psychologists. The Commission must maintain a coordinated licensure information system with license and disciplinary information for all psychologists participating in PSYPACT. The Commission must promptly notify all PSYPACT states of adverse actions taken against a psychologist from their state. The Commission may charge an annual fee to each state in PSYPACT, and may bring and prosecute legal proceedings.

States within PSYPACT must take actions to enforce PSYPACT and effectuate its purpose and intent. Procedures are provided for taking action against a state which defaults in the performance of its obligations, including termination by majority vote. A state may withdraw from PSYPACT by repealing it in law. DOH and the Washington State Examining Board of Psychology are authorized to establish fees and make rules necessary to implement PSYPACT in Washington.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill was first introduced three years ago and now finally all the stakeholders are aligned. Joining PSYPACT will address psychological needs of Washingtonians by allowing psychologists to continue to serve their clients when they move to other compact states. Psychologists in other states can help Washington citizens with their needs. This is a high priority of the Department of Defense (DOD) because it allows military spouses to easily transfer their licenses. Recognizing PSYPACT makes sense because it is highly organized, well-governed, and has a proven record of success in allowing psychologists to provide services to populations who are underserved and geographically isolated. DOD has recognized the importance of considering opportunities for military spouse licensure when making basing decisions. The last two years have shown how effective telehealth can be. This allows patients to have continuity with their therapist in times of transition, and provides greater access to specialists. It increases capacity in the behavioral health system.

Persons Testifying: PRO: Representative Kelly Chambers, Prime Sponsor; Maria Tobin, South Sound Military & Communities Partnership; Tammie Perreault, Department of

Defense; Melanie Smith, Washington State Psychological Association.

Persons Signed In To Testify But Not Testifying: No one.