



# HOUSE BILL 933: Reciprocity/School Psychologist Licensure.

2017-2018 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> June 13, 2018
<b>Introduced by:</b> Reps. Dobson, Torbett, Lewis, Lucas	<b>Prepared by:</b> Jason Moran-Bates
<b>Analysis of:</b> Third Edition	Staff Attorney

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**OVERVIEW:** *House Bill 933 would require the State Board of Education to issue a school psychologist license to any individual who holds the Nationally Certified School Psychologist (NCSP) credential issued by the National Association of School Psychologists (NASP) and make some technical changes to the licensing statute for school support personnel. It would make North Carolina a member of the Psychology Interjurisdictional Compact (PSYPACT). Finally, it would change the prohibition on insurers providing stop loss insurance to companies with fewer than 26 employees that do not comply with the provisions of G.S. 58-50-130 to apply to companies with fewer than 10 employees, and it would prevent the regulation under Chapter 58 of self-funded health benefit plans which are sponsored by certain nonprofit organizations.*

**CURRENT LAW:** Under current law, individuals who are already licensed as school psychologists in other states must follow the same process and meet the same criteria as North Carolina residents seeking initial licensure.

Individuals who are licensed as psychologists in other states must pass an examination administered by the North Carolina Psychology Board, apply for a license, pay an application fee, and meet several other requirements before they can be licensed to practice in North Carolina.

Currently insurers may not provide stop loss insurance to employers who employ fewer than 26 individuals unless those employers comply with the provisions of G.S. 58-50-130.

Under current law, self-funded health benefit plans sponsored by nonprofit organizations are subject to regulation under Chapter 58 of the General Statutes.

## **BILL ANALYSIS:**

**Sections 1.(a) and 1.(b)** of the bill would make technical changes to G.S. 115C-270.20.

**Section 2** of the bill would require the State Board of Education to issue a school psychologist license to any individual who holds an NCSP credential issued by the NASP.

**Section 3** of the bill would recodify the current Psychology Practice Act, Article 18A of Chapter 90 of the General Statutes, as Article 18G of Chapter 90 of the General Statutes.

**Section 4** of the bill would enact the PSYPACT.

G.S. 90-270.160 would set forth the purpose of the PSYPACT.

G.S. 90-270.161 would establish definitions for the PSYPACT.

G.S. 09-270.162 would:

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- Establish a psychologist's home state as the state in which the psychologist is licensed or physically present when practicing.
- Allow a psychologist to provide services, via telepsychology, to clients in other compact states, if those states:
  - Require the psychologist to hold an E.Passport.
  - Investigate complaints against psychologists.
  - Notify the PSYPACT Commission about adverse actions taken against psychologists.
  - Comply with the by-laws of the Commission.
  - Perform criminal background checks on psychologists.
- Allow a psychologist to provide face-to-face services in a compact state if that state:
  - Requires psychologists to hold a current Interjurisdictional Practice Certificate (IPC).
  - Investigates complaints against psychologists.
  - Notifies the PSYPACT Commission about adverse actions taken against psychologists.
  - Complies with the by-laws of the Commission.
  - Performs criminal background checks on psychologists.

G.S. 90-270.163 would allow a psychologist to practice telepsychology with clients in other compact states, provided that the psychologist has a graduate degree in psychology, is licensed in a compact state, has no criminal record, holds a valid E.Passport, and makes certain attestations.

Psychologists practicing under G.S. 90-270.163 would be subject to their home state's licensing authorities, and be subject to the compact state's rules regarding scope of practice.

G.S. 90-270.164 would allow a psychologist to practice psychology face-to-face with clients in compact states, provided the psychologist has a graduate degree in psychology, is licensed in a compact state, has no criminal record, holds a valid IPC, and makes certain attestations.

Psychologists practicing under G.S. 90-270.164 would be subject to the authority, law, and scope of practice of the compact state in which they are practicing.

G.S. 90-270.165 would allow a psychologist to practice telepsychology with patients in other compact states only when the psychologist initiates the session from the home state in which the psychologist is licensed.

G.S. 90-270.166 would allow home states, compact states in which a psychologist treats patients face-to-face, and states in which a psychologist practices via telepsychiatry to take adverse actions against the psychologist's license.

G.S. 90-270.167 would allow the regulatory authority in the compact states the power to:

- Issue subpoenas.
- Issue cease-and-desist orders.
- Prevent psychologists under investigation from changing their home state licensures.

G.S. 90-270.168 would allow the Commission to maintain a database containing the following data on licensed psychologists, which must be submitted by each compact state:

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- Identifying information.
- Licensure data.
- Significant investigatory information.
- Information on adverse actions taken by the regulatory authority.

G.S. 90-270.169 would create the Psychology Interjurisdictional Compact Commission. Membership in the Commission would consist of one voting member from each compact state. All meetings of the Commission must be public unless employment, discipline, litigation, contract negotiation, or adverse action investigation are being discussed. The Commission would have all the powers necessary to administer and carry out the business of the PSYPACT.

The Commission may be financed by accepting gifts and levying assessments on member states.

Commission members would be immune from suit for their official actions.

G.S. 90-270.170 would give the Commission power to make rules for the compact. These rules would not affect the rules of practice established by the regulatory authorities of the member states. Rules may be approved by a majority vote of Commission members, and any rule rejected by the legislatures of a majority of member states would no longer have any effect.

G.S. 90-270.171 would establish oversight, default, and conflict resolution provisions for the PSYPACT.

- All branches of government of all member states must enforce the PSYPACT's purpose and intent.
- If a state is in default under the terms of the PSYPACT and refuses to cure that default, the Commission may terminate the state's membership in the PSYPACT.
- By a majority vote of members, the Commission may initiate legal action to enforce compliance with the rules of the PSYPACT.
- The Commission will attempt to resolve any dispute between member and non-member states.

G.S. 90-270.172 would:

- Make the PSYPACT effective on the date the seventh member state enacts it.
- Allow member states to leave the PSYPACT by repealing the act enacting it.
- Prevent the Commission from prohibiting any other licensure agreements between member states, so any reciprocity agreements between member states would still remain in effect.
- Allow member states to amend the PSYPACT; however, amendments would not take effect until the legislatures of all the member states enacted them.

G.S. 90-270.173 would require the PSYPACT to be construed liberally, and if any portions of the PSYPACT are struck down by a court, the remaining provisions would remain in effect.

**Section 6** of the bill would amend G.S. 58-50-130(a)(5) to allow insurers to provide stop loss insurance to employers who have 16 or more employees, even if those employers do not comply with the provisions of G.S. 58-50-130.

**Section 7** of the bill would remove self-funded health benefit plans sponsored by nonprofit organizations from regulation under Chapter 58 of the General Statutes, provided that those nonprofit organizations:

- Are incorporated in North Carolina.
- Have been in existence for at least ten years.

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- Are classified as nonprofits under Section 501(c) of the Internal Revenue Code.
- Provide membership opportunities in all 100 counties.
- Provide members with representation on the nonprofit's governing board.

## **EFFECTIVE DATE:**

Sections 1 and 2 of this act are effective when it becomes law and apply to applications for licensure submitted on or after that date.

Sections 3 and 4 of this act become effective when at least seven states have enacted the PSYPACT.

Sections 5 and 6 of this act are effective January 1, 2020.

## **BACKGROUND:**

**Sections 1 and 2:** These sections were recommended by the House Select Committee on School Safety.

**Sections 3 and 4:** The PSYPACT is a multi-jurisdictional psychology compact. As of June 6, 2018, it had been enacted by six states (Arizona, Nevada, Utah, Colorado, Nebraska, and Missouri). It has been endorsed by the psychology licensing boards in five states (New Mexico, Texas, Georgia, Ohio, and Wisconsin). PSYPACT legislation is currently being considered in Illinois and Rhode Island. These sections were recommended by the Joint Legislative Oversight Committee on Health and Human Services.

**Section 5:** Stop loss insurance is a type of insurance designed to limit the exposure of entities that self-insure. The entity typically obtains coverage that will pay all losses in excess of a certain self-insured dollar amount.