



HOUSE BILL 297: Psychology Interjdtl. Compact (PSYPACT).

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 25, 2019
Introduced by:	Reps. Grange, Dobson, Szoka	Prepared by:	Jeremy Ray* Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *House Bill 297 would make North Carolina a member of the Psychology Interjurisdictional Compact (PSYPACT).*

CURRENT LAW: There are no reciprocity agreements between North Carolina and other jurisdictions for individuals licensed as psychologists. 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.

BILL ANALYSIS:

Section 1 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 2 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. 90-270.162 would:

- 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.

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- 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:

- 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.

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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.

EFFECTIVE DATE: This act would become effective October 1, 2019.

BACKGROUND: The PSYPACT is a multi-jurisdictional psychology compact. As of March 18, 2019, it has been enacted by seven states (Arizona, Nevada, Utah, Colorado, Nebraska, Missouri and Illinois). Though Illinois has enacted PSYPACT legislation, it does not become effective until January 1st, 2020, and therefore does not count as the seventh state needed to make PSYPACT operational.

PSYPACT legislation is currently being considered in Connecticut, District of Columbia, Georgia, New Hampshire, Oklahoma, Pennsylvania and Texas. It has been endorsed by the psychology licensing boards in seven states (New Mexico, Texas, Georgia, Ohio, Wisconsin, Virginia and Rhode Island). PSYPACT was recommended by the Joint Legislative Oversight Committee on Health and Human Services to the 2018 Session of the 2017 General Assembly of North Carolina.

**Jason Moran-Bates and Jessica Boney, Staff Attorneys for the Legislative Analysis Division, contributed to this summary.*