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Board of Examiners of Psychologists
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**2021 SESSION
POSITION PAPER**

BILL NO: HB 970
COMMITTEE: Health and Government Affairs
POSITION: OPPOSE

TITLE: Psychology Interjurisdictional Compact

BILL ANALYSIS: This Bill requires the Maryland Board of Examiners of Psychologists to enter into the Psychology Interjurisdictional Compact, or PSYPACT. It establishes certain criteria and duties for compact states and requires psychologists to meet certain eligibility requirements to practice interjurisdictional telepsychology and authorizes temporary in-person practice in certain circumstances.

POSITION AND RATIONALE: The Board of Examiners of Psychologists (the “Board”) opposes HB 970.

The Board agrees that expanding access to mental health services for Maryland’s residents is extremely important, and the ongoing pandemic has shown how essential telehealth services can be. In 2017, the General Assembly passed legislation that allowed for the delivery of teletherapy services in Maryland (Chapter 610, Acts of 2017). The Board promulgated regulations outlining telehealth protocols and included a provision for registered psychology associates to provide telehealth services to Maryland residents with increased access to care, *see* COMAR 10.36.10. In addition, in response to the COVID-19 pandemic, the Board expanded its authority pursuant to Md. Code Ann., Health Occ. § 18-301(e) to allow psychologists licensed in other states (who meet qualifications for licensure in Maryland, other than residence and examinations) to provide temporary services to Maryland residents without a license, via telehealth or in person.

PSYPACT was established in 2015 by the Association of State and Provincial Psychology Boards (“ASPPB”). PSYPACT is an interstate compact agreement between states that allows licensees to practice in states where they do not hold a license. Currently, thirteen states have enacted legislation for PSYPACT (one state, North Carolina, has enacted legislation for PSYPACT that is not yet effective). Although the Board supports an increase in access to telepsychology services for Maryland citizens (the Board is supporting, with amendment, the

Administration’s bill to expand the provision of telehealth services by out-of-state health practitioners, HB 732), the Board opposes HB 970 for the specific reasons listed below:

- Requirements for a psychology license are different in each state, and the requirements for a psychology license set forth in PSYPACT do not meet the standards established in Maryland. Specifically, HB 970 (Page 9, lines 16-20) provides that a psychologist who wants to participate in PSYPACT must “hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded . . . regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees . . . ” Maryland law, in Md. Code Ann., Health Occ. §§ 18-101(c)(1) & 18-302(f), requires a psychologist to hold a doctoral degree from a program accredited by the American Psychological Association. The Board is not aware of the standards used to determine regional accreditation; in addition, the language in HB 970 allows for the participation of psychologists trained at the masters OR doctoral level, not only doctoral as required in Maryland. Maryland law also requires rigorous internship training that may or may not be matched by other PSYPACT states.

- Because the Board is self-funded, licensing fees for Maryland-licensed psychologists will have to increase to pay for complaint and disciplinary processes related to out-of-state psychologists. In addition, the Board will likely have to impose a fee on the out-of-state psychologists on top of the fees (discussed below) imposed by ASPPB to handle the everyday administrative burden of participating in PSYPACT.

- HB 970 and PSYPACT, despite a stated purpose of increasing public access to psychological services, actually impose additional barriers to practice that may restrict movement. In order to participate in the compact, a psychologist needs to obtain either an E.Passport to practice telehealth, or an Interjurisdictional Practice Certificate, to practice temporarily in-person, from ASPPB – or both. Both the E.Passport and Interjurisdictional Practice Certificate come at significant expense, payable to ASPPB. Any fees imposed by the Board are set by regulation, but fees imposed by ASPPB are liable to change at a moment’s notice; more importantly, the Board – a government agency – will be required to enforce different licensure standards against psychologists located in and outside of Maryland based on whether the psychologist chooses to pay a fee to a private, non-governmental organization – a fee that is higher than the Board’s own licensing fee. The Board is also concerned that HB 970 (Page 8, lines 8-9, 23-24) seems to say a state can only participate in PSYPACT if the state already requires an E.Passport and/or Interjurisdictional Practice Certificate – something Maryland law does not currently require.

- Also, PSYPACT duplicates services that the Board currently provides without requiring an E.Passport or Interjurisdictional Practice Certificate. As noted above, the Board has fully embraced the expansion of telehealth in Maryland, which addresses previous geographical/regional issues that caused psychological services to be less readily available in some parts of Maryland as compared to others, The Board has a separate application for

Licensure by Mobility, which allows psychologists licensed in other states (with requirements substantially similar to Maryland's) to obtain a license in Maryland through a significantly expedited process. Finally, the Board has a process that allows out of state licensees to practice temporarily in Maryland through its Temporary Exception to Practice Program, which, as noted above, the Board recently extended to allow licensees to provide continuing care to their patients who relocated to Maryland because of COVID-19.

For all of these reasons, we respectfully request that the Committee vote unfavorable for HB 970. Thank you for your consideration. For more information, please contact Lorraine Smith, Executive Director at 410-764-4786 or Lorraine.smith@maryland.gov

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.