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**Senator Heather B. Sanborn
Representative Denise A. Tepler
Co-Chairs, Joint Committee on Health Coverage, Insurance and Financial Services**

**Remarks of
Christopher R. Arnold
Northeast Region Liaison
United States Department of Defense-State Liaison Office**

Support of: LD863 – An Act To Have Maine Join the Interstate Psychology Interjurisdictional Compact To Improve Telehealth Options for Psychologists and Their Patients

Testimony

The Department of Defense expresses its support for the policy changes proposed in Maine LD863, the Psychology Interjurisdictional Compact (PsyPACT), which addresses licensing issues affecting our service members and their families. I would like to thank you for considering this issue in the 2021 session.

My name is Christopher Arnold. I am the northeast region liaison at the United States Department of Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness. We represent the Department and establish relationships with state leaders across the country who are concerned for our troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

Portable employment opportunities support military spouse career development. PsyPACT allows an active duty service member, or their spouse, to designate a home state where the individual has a current license in good standing. This state then serves as the individual's home state for as long as the service member is on active duty, while adhering to the laws, rules and scope of practice in Maine.

Licensure issues for both our transitioning military members and their spouses have been a priority for the Department for several years. The issue is so important, the Secretary of Defense has made taking care of Service members and their families a fourth line of effort in the National Defense Strategy.

To address license portability for military spouses, states have turned to occupational licensure interstate compacts, which streamline relicensing between member States of a compact for all practitioners in an occupation, and provide specific support for military spouses of relocating active-duty personnel through provisions recognizing unique requirements of military life.

The Secretaries of the Military Departments have made the importance of military spouse licensure explicitly clear as they consider the availability of license reciprocity when evaluating future basing or mission alternatives.¹ In 2018, the secretaries of the Army, Navy and Air force issued a policy memorandum to the national governor’s association noting they will consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives.²

The Air Force’s approved criteria assesses states’ policies for accepting professional licenses for psychologists as part of its strategic basing process.³ Future air force basing decisions made with a consistent framework will ensure optimal conditions for service members and their families.⁴

A 2018 study by the Federal Trade Commission, “Options to Enhance Occupational License Portability,” recognized there are two approaches to alleviating barriers to license portability. Namely, mutual recognition, which relates to occupational compacts, and expedited licensure, which encompasses exemption-based approaches.⁵

Occupational licensure compacts provide consistent rules for licensed members to work in other states. Common misinformation about compacts is that they either lower or raise the standards for the occupation, when in fact, compact states have the option to issue a “compact license” and also a “State-only license” to maintain their State’s standards.

Professional licensure has been an enduring problem for military spouses. Obtaining a license in a new State can be both time consuming and expensive, and military spouses often cannot adequately anticipate how to prepare for licensure in a new State due to the unpredictable nature of military moves. The short duration of military assignments, coupled with lengthy relicensing processes, can discourage military spouses from seeking relicensure, causing them to quit an occupation or causing military families to leave the military.

Complicating matters further, the term “reciprocity” is used differently among the States. The continuum of reciprocity related programs is represented graphically below. The continuum goes from red, representing little to no portability, to dark green, representing the DoD’s optimum state of full reciprocity. Understanding that military spouses need assistance now, and that many States have already committed to a variety of approaches, the Department advocates that States

¹ This consideration was codified by Congress as a requirement in the 2020 National Defense Authorization Act. Notably, §2883(h) requires the Department and each of the military services to produce annual basing decision scorecards at the state and installation level considering military family readiness issues, including interstate portability of licensure credentials.

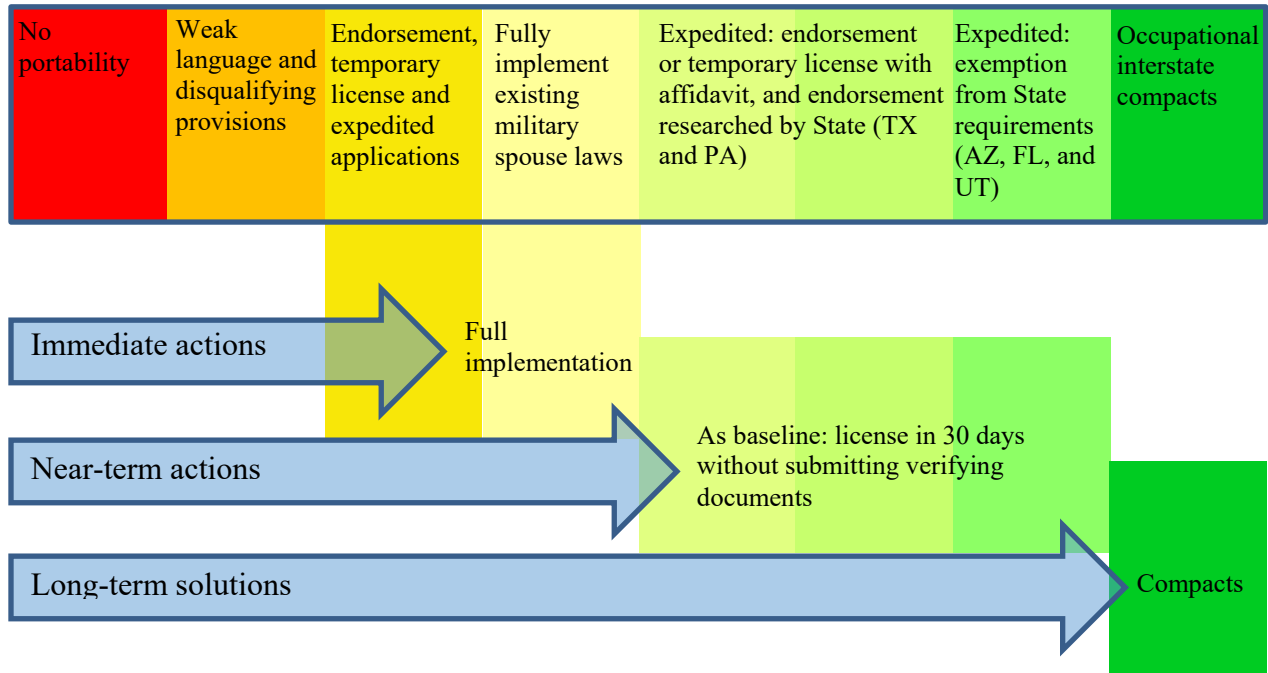
² The secretaries must further consider “*whether the State in which an installation subject to a basing decision is or will be located ... has entered into reciprocity agreements to recognize and accept professional and occupational licensure and certification credentials granted by or in other States or allows for the transfer of such licenses and certifications granted by or in other States.*” (*Id.* (b))

³ Secretary of the Air Force Public Affairs. “Department of the Air Force to consider military family support measures in future basing decisions.” February 24, 2020. Retrieved from <https://www.af.mil/News/Article-Display/Article/2092427/department-of-the-air-force-to-consider-military-family-support-measures-in-fut/>

⁴ The licensure portability framework is used to assess state laws, governors’ executive orders, state Supreme Court or bar association rules and the ability for an area to accommodate licenses earned from other locations.

⁵ Karen A. Goldman. “Options to Enhance Occupational License Portability.” Federal Trade Commission. September 2018. Retrieved from <http://www.ftc.gov/policy/reports/policy-reports/commission-and-staff-reports>

should pursue multiple approaches to reciprocity simultaneously. Available alternatives can be categorized as being more immediately attainable, achievable within the near-term, or obtainable in the long-term:



Military spouses are a cross-section of the American population, although a greater percentage of them are in licensed occupations than their civilian counterparts,⁶ and they are significantly more mobile.⁷ States have committed to using interstate compacts, which establish common understanding of competency and its measurement within the occupation, to resolve the interstate issue of license portability.

Approved in February 2015 by the Association of State and Provincial Psychology Boards (ASPPB) Board of Directors, PsyPACT has been created to facilitate telehealth and temporary in-person, face-to-face practice of psychology across jurisdictional boundaries. Under PsyPACT, a psychologist can obtain an E.Passport to practice telepsychology and/or conduct temporary in-person, face-to-face practice. A doctoral degree in psychology is required to obtain the E.Passport.⁸

PsyPACT is of dual benefit, in that it not only expands access to care for military services members, but also allows military spouses who are practicing psychologists to conduct interstate

⁶ 34 percent of active duty spouses self-identified as needing a State issued license to work (2017 Survey of Active Duty (Active Component) Spouses, Tabulations of Responses; Office of People Analytics Report No. 2018-006, May 2018), compared to 30 percent of the civilian population (The Hamilton Project, Brookings Institute, https://www.hamiltonproject.org/charts/percent_of_occupations_requiring_a_license_by_state)

⁷ “Military spouses are 10 times more likely to move across State lines than their civilian counterparts,” “Supporting Our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines,” U.S. Department of Treasury and U.S. Department of Defense, February 2012, page 7.

⁸ The Association of State and Provincial Psychology Boards *PSYPACT FAQs*. Retrieved from https://cdn.ymaws.com/www.asppb.net/resource/resmgr/PSYPACT_Docs/PSYPACT_FAQs.pdf

practice via telehealth or in person. To date, 20 states have joined PsyPACT and 11 states currently have legislation pending in addition to Maine. This compact is designed to achieve the following purposes and objectives:

- Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;
- Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
- Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;
- Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions and disciplinary history;
- Promote compliance with the laws governing psychological practice in each Compact State; and
- Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

The Department encourages States to engage in immediate actions to fully implement military spouse licensure laws, near-term actions to at least attain a baseline of getting military spouses a license in 30 days based on minimal documentation, and long-term solutions for reciprocity through compacts. How fast these actions and solutions can be approved and implemented is up to the States.

In closing, we are grateful for the tremendous efforts that Maine has historically made to support our military members and their families. We appreciate the opportunity to support the passage of the policies reflected in LD863 and the enactment of PsyPACT and are especially grateful to the Representative Tepler for introducing this important piece of legislation.

Thank you for taking the time to consider this issue. Please feel free to contact me with any questions you may have.

Yours etc.,

CHRISTOPHER R. ARNOLD
Northeast Region Liaison
Defense-State Liaison Office