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TESTIMONY OF KRISTINA M. HALVORSEN
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Neither for Nor Against L.D. 863

**“An Act to Have Maine Join the Interstate Psychology Interjurisdictional Compact to Improve
Telehealth Options for Psychologists and Their Patients”**

BEFORE THE JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES

Presented by Representative Denise Tepler
Public Hearing: May 6, 2021 – 10:00 a.m.

Senator Sanborn, Representative Tepler, and members of the Committee, I am Kristina Halvorsen, Administrator for the Board of Examiners of Psychologists within the Office of Professional and Occupational Regulation. I’m here today to testify neither for nor against LD 863, which proposes that Maine join the Psychology Interjurisdictional Compact, more commonly referred to as “PSYPACT.”

PSYPACT was created by the Association of State and Provincial Psychology Boards (“ASPPB”) to facilitate the practice of psychology using telecommunications technologies (telepsychology) and/or temporary, in-person, face-to-face psychological practice. PSYPACT operates as an agreement between participating states and must be enacted by a state legislature. Once enacted, the state joins the PSYPACT Commission, the governing body of PSYPACT. The Commission consists of a representative from each participating state and is supported by PSYPACT staff.

To practice telepsychology under the authority of PSYPACT, a psychologist licensed in a compact state applies for what is called an “E.Passport” from ASPPB. Then, the psychologist must obtain an Authority to Practice Interjurisdictional Telepsychology (“APIT”) from the PSYPACT Commission. The psychologist may use the E.Passport/APIT to practice telepsychology in any compact state without an additional license. The state where the client/patient is physically located is called the “Receiving State” and the psychologist is subject to the scope of practice of that state. The fee for the E.Passport is \$400, with a \$100 annual renewal fee.

PSYPACT also provides for temporary in-person, face-to-face practice (for 30 days per calendar year in each PSYPACT state). A psychologist licensed in PSYPACT states must obtain an

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Interjurisdictional Practice Certificate (IPC) from ASPPB. The psychologist is also required to obtain a Temporary Authorization (TAP) to Practice from the PSYPACT Commission. The psychologist practicing with the IPC/TAP is subject to the scope of practice of the state where they are physically present when providing the temporary, in-person face-to-face psychological services. The IPC costs \$200 and \$50 to renew annually.

The Office of Professional and Occupational Regulation (OPOR) and the Board are acutely aware of the shortage of mental health providers in Maine and around the country and we are committed to thoughtful efforts to increase access to high quality care. This session we worked with Rep. Kristin Cloutier to introduce LD 149 which establishes a “licensure by endorsement” application process for U.S. license holders who wish to obtain a Maine license. This endorsement process strikes a balance between allowing Maine’s boards to serve their public protection mission while also expanding the workforce to serve Maine citizens.

Similarly, joining PSYPACT would allow psychologists here in Maine to care for their clients in other PSYPACT jurisdictions and visa-versa. For example, a psychologist treating a client living in Maine part of the year, but in another compact state for another part of the year, would have the option to seek privileges under PSYPACT to be able to continue treatment. One group of individuals who would benefit from this would be students from Maine who leave the state to attend college in another PSYPACT state. In addition, this bill would allow psychologists physically located in other “home states” that are part of PSYPACT to treat clients located in Maine via telehealth, increasing the number of providers who can offer behavioral health care services in our state.

While we are supportive of facilitating Maine licensure and expanding the workforce, the Board has some lingering questions about the implementation of this compact. For one, it is important to note that states wishing to join the compact must adopt the model language—this is a contract that the states are mutually bound to, and there is no ability to modify or tailor it to a particular state (and, states are similarly bound to all rules promulgated by the PSYPACT Commission). A concrete example of how that might affect Maine is the requirement to report “significant” investigatory information to the Commission to make it available to other compact states, which is in conflict with Maine statute providing that all complaints and investigatory information remain confidential until the matter is dismissed, a hearing is scheduled, or a consent agreement is signed.

As Maine would be the “Home State” for psychologists practicing under the PSYPACT privileges while physically present in Maine, the Board would be responsible for investigating and taking appropriate action with respect to reported inappropriate conduct conducted by a licensee which occurred in a Receiving State. This may require the issuance of a subpoena that would need to be enforced in another state in order to obtain records or compel witnesses. The cost and logistics of issuing and enforcing out-of-state subpoenas is unknown at this time.

Moreover, it’s important to note that PSYPACT, while developed many years ago, only became “active” in April 2019 when Georgia joined as the 7th state to enact PSYPACT. The first Commission meeting took place in the summer of 2019, and ASPPB only began accepting E.Passport and IPC applications last summer. As such, many of the details are still being worked out, as was evident during the PSYPACT Commission’s November 2020 meeting. At the November meeting, a member state asked if a psychologist providing telepsychology services into another compact state was subject to the

scope of practice of that state, and which laws and rules apply to that psychologist? Would it be the Home State laws or the Receiving State's laws? Further, what happens if there is a conflict of laws? No clear answer emerged from the governing documents and the PSYPACT Rules Committee took the matter under review.

Lastly, there is a cost associated with participating -- \$10 per psychologist holding a PSYPACT privilege in Maine with a maximum cap of \$6,000 annually. The Board does not receive any revenue from any privilege granted to PSYPACT practitioners, and may need to consider raising license fees to cover this cost. In addition to a financial cost, there is one other cost to consider with this and any other compact. When a state joins a compact, it must abide by the licensure requirements of that compact. OPOR has been undertaking substantial efforts to facilitate licensure for our foreign educated and trained immigrants. The state's ability to be flexible with documentation requirements or other standards may be limited by the dictates of a compact.

Thank you for your attention and I would be happy to answer your questions now or at the work session.