

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4205

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 4205.

As amended, this bill enters New Jersey into the Psychology Interjurisdictional Compact, which was established by the Association of State and Provincial Psychology Boards (ASPPB) in 2015. The compact allows a psychologist licensed in a member state who meets certain criteria to provide telepsychology services and limited in-person, face-to-face psychological services in other member states, without the need for individual licensure in those other states.

#### Requirements to Practice Psychology under the Compact

Psychologists licensed in a state that is a member of the compact (hereafter “home state”) will be permitted to provide telepsychology services, which are psychology services provided using telemedicine and telehealth, to patients in any other member state. Psychologists are also authorized to provide limited in-person, face-to-face psychological services in any other member state, provided the in-person services are limited to no more than 30 days in a calendar year and the psychologist provides notice to the member state. Psychologists providing services in a member state are subject to that state’s scope of practice requirements and may be subject to professional disciplinary action in the member state.

In order to provide psychology services under the compact, a psychologist is required to: 1) hold a graduate degree in psychology issued by an accredited institution of higher education or by a foreign college or university deemed equivalent by a recognized foreign credential evaluation service; 2) hold a graduate degree in psychology from a recognized psychology program that constitutes a discrete, coherent program within the institution of higher education, has identifiable programs, curricula, a core faculty overseen by a psychologist, and an identifiable student body, and comprises at least three academic years for a doctoral program and at least one academic year for a masters program; 3) possess a full and unrestricted license to practice psychology in the psychologist’s home state and have no criminal history or history of averse professional disciplinary actions;

4) provide attestations concerning areas of intended practice, criminal background, and knowledge and adherence to legal requirements in the home and receiving states; 5) provide a release of information to allow for primary source verification; and 6) meet any other requirements established by the Psychology Interjurisdictional Compact Commission (PICC), which is the entity that oversees administration of the compact.

To provide telepsychology services in a member state, the psychologist is additionally required to possess an active “e.passport” issued by the ASPPB and attest to competence in telepsychology technology.

To provide in-person services in a member state under a temporary authorization, the psychologist is additionally required to attest to work experience and possess a current, active Interjurisdictional Practice Certificate (IPC) issued by the ASPPB.

States that are members to the compact are required to provide notice to the PICC of any adverse disciplinary actions imposed against a psychologist practicing under the compact in that state. Adverse actions taken by a member state against a psychologist providing telepsychology services in that state are limited to adverse actions against the psychologist’s authority to practice telepsychology in that state. If a home state takes adverse disciplinary action against a psychologist, the psychologist’s authority to provide psychological services in any other member state under the compact are revoked.

The PICC is required to develop and maintain a coordinated licensure database and reporting system to help track psychologists providing services under the compact, as well as to monitor adverse disciplinary actions against a participating psychologist and provide appropriate notices to member states.

### The Psychology Interjurisdictional Compact Commission

The PICC comprises “commissioners” appointed by the member states, with one voting member appointed by each state. A state’s commissioner is required to be the head of the state’s psychology licensing authority or a designee.

The PICC is required to meet at least once a year and at other times as are required under its bylaws. Meetings of the PICC are generally open to the public, but closed, non-public meetings may be held to discuss enforcement and disciplinary matters, employment and personnel issues, litigation against the PICC, contract negotiations, confidential or proprietary information, and investigatory matters.

The PICC is required to establish bylaws concerning its internal structure, administration, and operations. The compact provides that the PICC holds certain enumerated powers to take actions manage its financial affairs, establish committees and subcommittees, hire personnel and establish the terms of employment, and similar matters.

The PICC is further overseen by an executive board comprising six members to provide recommendations concerning potential changes to the administration or operations of the PICC. Members, officers, and employees of the commission are generally afforded immunity from civil liability arising out of their official duties.

Rules and regulations adopted by the PICC are binding on member states and have the effect of statutory law. The executive, legislative, and judicial branches of state government in each compact state are required to enforce the compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. Member states can invalidate a PICC rule by a majority vote. Proposed rules are subject to a public comment period and may be subject to a public hearing.

The PICC is authorized to take action against a member state for noncompliance with PICC rules or with the requirements of the compact, which may include instituting a plan of corrective action or terminating the state's membership in the compact. The PICC is to resolve disputes between member states upon request.

The compact took effect upon the adoption of enabling legislation in seven states. Currently, the compact comprises 15 member states: Arizona, Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, Texas, Utah, and Virginia.

#### COMMITTEE AMENDMENTS:

The committee amendments make various technical corrections involving capitalization, grammar, and punctuation, as well as to reorganize certain provisions to put them in their proper order.