

Session: 68th Legislative Assembly, Regular Session (2023)
Bill: SB 2205
Committee: House Industry, Business and Labor Committee
Hearing: Tuesday, March 28th, 2023 at 8:00 a.m.
Testimony: Written Testimony Only
Witness: Brian Balstad, Lobbyist for North Dakota Psychological Association

Chairman Louser and members of the Industry, Business and Labor Committee:

My name is Brian Balstad. I am the lobbyist for the North Dakota Psychological Association (NDPA), the professional association for psychologists in the State of North Dakota. I am providing testimony in favor of SB 2205 and the proposed amendment to SB 2205 on behalf of NDPA.

SB 2205 allows North Dakota to participate in the Psychology Interjurisdictional Compact (PSYPACT). PSYPACT is an interstate compact that allows psychologists licensed in a state that has enacted PSYPACT to practice telepsychology and temporary in-person psychology in other states that have enacted PSYPACT. Specifically, psychologists licensed in a state that has enacted PSYPACT may: 1) practice telepsychology, i.e. the provision of psychological services using telecommunication technologies, in other states that have enacted PSYPACT without limitation in a calendar year; and 2) practice in-person psychology in other states that have enacted PSYPACT up to thirty (30) days per calendar year per PSYPACT state.

PSYPACT is governed by the PSYPACT Commission. In order for a psychologist licensed in a PSYPACT state to be authorized to practice telepsychology in another PSYPACT state, the psychologist is required to apply for an *Authority to Practice Interjurisdictional Telepsychology* (APIT) from the PSYPACT Commission. If the psychologist satisfies all of the requirements, including paying an application fee, providing all of the required information and documentation, and obtaining an E.Passport from the Association of State and Provincial Psychology Boards

(ASPPB), an APIT will be issued by the PSYPACT Commission. In order for a psychologist licensed in a PSYPACT state to be authorized to practice temporary in-person psychology in another PSYPACT state, the psychologist is required to apply for a *Temporary Authorization to Practice* (TAP) from the PSYPACT Commission. If the psychologist satisfies all of the requirements, including paying an application fee, providing all of the required information and documentation, and obtaining an *Interjurisdictional Practice Certificate* from the ASPPB, a TAP will be issued by the PSYPACT Commission.

The PSYPACT Commission consists of one (1) commissioner from each PSYPACT state. The commissioner is selected by the psychology regulatory body of the state and is required to be: 1) the executive director, executive secretary, or similar executive; 2) a current member of the psychology regulatory body of the state; or 3) a designee empowered with the appropriate delegate authority to act on behalf of the state. In North Dakota, the psychology regulatory body is the North Dakota State Board of Psychologist Examiners.

The PSYPACT Commission is authorized to elect PSYPACT Commission officers. The elected officers serve as the executive board and perform the duties and responsibilities required to be performed by the executive board, namely: recommending changes to the rules or bylaws, changes to PSYPACT legislation, fees paid by compact states, and any other applicable fees, ensuring PSYPACT administration services are appropriately provided, preparing the budget and making budget recommendations, maintaining financial records on behalf of the PSYPACT Commission, monitoring compliance with PSYPACT by PSYPACT states and providing compliance reports to the PSYPACT Commission, establishing additional committees, as necessary, and performing other duties as provided in the rules or bylaws.

In order to finance the operations and activities of the PSYPACT Commission and its staff, the PSYPACT Commission may: 1) accept appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services; and 2) levy on and collect an annual assessment from each PSYPACT state or impose fees on other parties in an amount sufficient to cover the approved annual budget if revenue from other sources is insufficient. Under the current PSYPACT rules, each PSYPACT state will be assessed ten dollars (\$10.00) per psychologist licensed in the state who participates in PSYPACT with an annual maximum of six thousand dollars (\$6,000.00). Approximately two hundred seventy-five (275) psychologists are currently licensed in North Dakota. In order to change the annual assessment amount, the PSYPACT Commission is required to provide public notice of any proposed change at least ninety (90) calendar days prior to the PSYPACT Commission meeting at which the proposed change will be considered. A state may withdraw from PSYPACT by enacting a statute repealing PSYPACT which becomes effective six (6) months after the statute is enacted.

In regard to discipline, North Dakota may, in relevant part: 1) take adverse action against a psychologist's APIT within North Dakota, including limiting or revoking a psychologist's APIT in North Dakota, and take any other necessary actions under North Dakota law to protect the health and safety of North Dakota citizens; 2) take adverse action against a psychologist's TAP within North Dakota, including limiting or revoking a psychologist's TAP in North Dakota, and take any other necessary actions under North Dakota law to protect the health and safety of North Dakota citizens; and 3) impose adverse action against a psychologist's license issued by North Dakota.

As of the current date, thirty-six (36) jurisdictions have enacted PSYPACT, namely Alabama, Arizona, Arkansas, Colorado, Commonwealth of the Northern Mariana Islands, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky,

Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.¹ Further, bills to enact PSYPACT have been introduced in five (5) additional states, namely Florida, Massachusetts, New York, North Dakota, and Vermont. One (1) state, namely South Carolina, passed a bill (SC H 3833) to enact PSYPACT. However, due to the changes made in the bill, South Carolina was not accepted as a participating state. A bill (SC H 3204) was pre-filed on December 8th, 2022 to correct the issue. If appropriate bills are passed in South Carolina and the additional states previously noted, a total of forty-two (42) jurisdictions will have enacted PSYPACT.

Participating in PSYPACT will provide several significant benefits. Participating in PSYPACT will ensure continuity of care. If an individual who resides in North Dakota and who receives psychological services from a North Dakota psychologist relocates to a different PSYPACT jurisdiction, temporarily or permanently, the individual would be able to continue receiving the same psychological services from the same psychologist in North Dakota. The latter would be beneficial for military members and their families who relocate to a different PSYPACT state as the result of a reassignment. It would be beneficial for parents and children who relocate to a different PSYPACT state as a condition of employment. It would be beneficial for college students who attend college in a different PSYPACT state. It would also be beneficial for individuals who temporarily relocate to warmer states during the winter months. Likewise, if an individual who resides in another PSYPACT state and who receives psychological services from a psychologist in the other PSYPACT state relocates to North Dakota, temporarily or permanently, the individual would be able to continue receiving the same psychological services from the same

¹ PSYPACT will become effective in Michigan on March 29th, 2023 and effective in Rhode Island on July 1st, 2023 (tentatively). PSYPACT is effective in all of the other jurisdictions listed.

psychologist. Further, if an individual who resides in a PSYPACT state that borders North Dakota and who normally receives in-person psychological services from a North Dakota psychologist is unable to travel to North Dakota for an in-person appointment, e.g. it is an emergency, there is inclement weather, etc., the individual would still be able to receive psychological services via telepsychology.

Participating in PSYPACT will provide individuals greater access to psychological services. Individuals who reside in other PSYPACT states will be able to receive specialty services that are not available in their state, however, are available in North Dakota. Likewise, North Dakota citizens will be able to receive specialty psychological services that are not available in North Dakota, however, are available in another PSYPACT state.

Participating in PSYPACT will facilitate coordination of care. If an individual resides in North Dakota and a family member who coordinates care for the individual resides in another PSYPACT state, the psychologist may allow the family member to participate in the psychological services provided by the psychologist without concern the psychologist is practicing in the state in which the family member resides without a license. Likewise, if an individual resides in another PSYPACT state and a family member who coordinates care for the individual resides in North Dakota, the psychologist in the other PSYPACT state may allow the family member to participate in the psychological services provided by the psychologist without concern the psychologist is practicing in North Dakota without a license.

Ensuring continuity of care, increasing access to psychological services, and facilitating the coordination of care will improve the quality of life for numerous individuals. The latter is not only beneficial for those individuals, it is also beneficial for our state and our nation. Generally speaking, individuals who are mentally healthy are more likely to secure and maintain employment

and are generally more productive. A population that is employed, continues to remain employed, and is productive benefits both the economy of North Dakota and the economy of the United States. Further, participating in PSYPACT will allow North Dakota psychologists to expand service provision to other PSYPACT states, particularly neighboring PSYPACT states. An expansion in service provision may result in new employment opportunities and an increase in income tax revenue.

For the reasons noted, among other things, NDPA is in favor of SB 2205. Further, NDPA is in favor of the proposed amendment to SB 2205. Therefore, it is respectfully requested the Industry, Business and Labor Committee adopt the amendment, and thereafter, issue a “do pass” recommendation for SB 2205 as amended. Thank you for your time and consideration and for the opportunity to provide testimony.