

PSYPACT FAQ

The factual answers below have been confirmed by PSYPACT as accurate
(December 18, 2023)

Basics:

What are the two ways a psychologist can practice under PSYPACT?

A psychologist licensed in a PSYPACT state can apply to practice telepsychology and/or conduct temporary in-person, face-to-face practice in PSYPACT states. For eligibility requirements see:
<https://psypact.org/page/PracticeUnderPSYPACT>

What steps do I need to take to provide cross-jurisdictional tele-psychological practice under PSYPACT?

There are two required components and a psychologist must have **BOTH** in order to practice under PSYPACT:

The **E.Passport** and the **Authorization to Practice Interjurisdictional Telepsychology (APIT)**

1. The **E.Passport** is obtained through the Association for State and Provincial Psychology Boards (ASPPB) and is required before one can then apply for the APIT. See: www.psypro.org
2. Once you have obtained your E.Passport, you must then obtain your **APIT** from the PSYPACT Commission. See: <https://psypact.org/page/ApplicationFlowChart>

If a psychologist only obtains the E.Passport (and not the additional APIT), they are **not** practicing legally under PSYPACT

What steps do I need to take to provide temporary in-person psychological practice in other states under PSYPACT?

There are also two required components to practice in this way, and a psychologist must have **BOTH** in order to practice legally under PSYPACT:

The **Interjurisdictional Practice Certificate (IPC)** and the **Temporary Authorization to Practice (TAP)**

1. The **IPC** is obtained through the Association for State and Provincial Psychology Boards (ASPPB) and is required before one can then apply for the **TAP**. See: www.psypro.org
2. Once you have obtained your **IPC** you must then obtain your **TAP** from the PSYPACT Commission. See: <https://psypact.org/page/ApplicationFlowChart>

If a psychologist only obtains the IPC (and not the additional TAP), they are **not** practicing legally under PSYPACT

Can I obtain certifications for both interjurisdictional telepsychology and temporary in-person, face-to-face practice?

Yes, you would go through both of the above processes and obtain all four certificates (i.e., E.Passport and APIT; IPC and TAP)

Home State:

What is the 'home state' requirement?

This is a requirement when practicing interjurisdictional telepsychology under the APIT. "Home state" is defined as a Compact State where a psychologist is licensed to practice psychology. In order to practice telepsychology under PSYPACT, you must:

1. Declare a home state (in which you hold a full, unrestricted license; the state must be a PSYPACT member jurisdiction) **AND**
2. You, the psychologist, must be **physically located** in that home state when you are providing telepsychology services under your APIT

Why is there a 'home state' requirement?

This requirement came out of the need to manage potential disciplinary complaints. Under PSYPACT regulations, the only body that can take a disciplinary action against the psychologist is the state that holds your license. As a result, the psychologist **must** be physically in their home state of licensure when providing services so the home state will have jurisdictional authority to discipline the clinician if needed. If the psychologist is not located in their designated home state at the time services are provided (under APIT), it is not considered legal practice under PSYPACT.

Is it likely this 'home state' requirement will be amended in the future?

No. This is required by PSYPACT regulations, and a legal opinion has been issued that there is no way around this requirement (https://cdn.ymaws.com/psypact.org/resource/resmgr/legal_opinions/20230124_-_signed_legal_opin.pdf). PSYPACT has said this requirement will not be modified in the future.

Do I have to reside in a PSYPACT state in order to be credentialed under PSYPACT?

No. Your **place of residence** does not matter with respect to PSYPACT.

In order to be credentialed under PSYPACT you must be licensed in a PSYPACT state and, for the provision of telepsychology under the APIT, you **must be physically located in your home state of licensure at the time you provide the services.**

Can I change my home state?

Yes. In your Psypro account (www.psypro.org), you can change your declared home state to another home state **so long as you hold a full, unrestricted license in that other state.** You cannot change your home state to a state in which you are not licensed.

How often can I change my home state designation?

As often as you need to; there is no limit. There is also no fee for changing it, and the change does not require any review or approval from PSYPACT (so there is no time delay). It is effective the moment you update your Psypro account. It is a simple process to change your home state. You just have to remember to do so!

I have offices in 3 PSYPACT states (e.g., VA, MD, DC) and I provide telepsychology from each of those offices every week, such that I am in different locations throughout the week. Does the home state requirement mean that I have to change my home state each and every time I go to another location (even if that's daily)?

Yes. In order to practice legally under your APIT, you must declare a home state in which you are licensed and you must be physically located in that state when you provide services. So based on the example scenario given above, if you leave VA (which you designated as your Home State) and travel to MD, you must also be licensed in MD and you must change your home state to MD for the time period in which you provide services from MD. When you return back to either VA or DC you would then have to change your home state again to accurately designate in which state you are physically located. Keep in mind:

- If your declared home state (on your Psypro account) does not match the state you are physically located in when providing tele-psychological services under your APIT, **then you are not practicing legally under PSYPACT.**

- If you travel to a state in which you are not licensed or that is not a PSYPACT member state, you cannot legally practice under your APIT.

Can you declare dual or multiple home states for ease of travel and to ensure one doesn't forget to declare the correct home state?

No, at present designating dual or multiple home states is not an option. However, the PSYPACT Commission is currently looking into the possibility of whether they can make this an option in the future.

Let's take an example: I routinely provide tele-psychological services under my APIT, and my home state is North Carolina (NC, which is a PSYPACT member state and the only state in which I am licensed). I have active clients/patients in my home state (NC), as well as clients/patients in 4 other PSYPACT member states (SC, GA, TN, and VA). I travel to California for one month. In this specific situation:

- **While I am physically in CA, can I provide tele-psychological services to my clients/patients in any of the 4 PSYPACT member states (SC, GA, TN, VA) where I am not licensed?**
 - This has two answers:
 - **No**, not under the APIT; doing so would constitute illegal practice because the psychologist is not physically located in his/her/their home state at the time services are provided.
 - **Possibly, if one were to practice under the State's temporary practice law.** Depending on the state's temporary practice law (which is separate and distinct from practice under PSYPACT), it is possible the psychologist may be able to legally practice for a short time into those states if he/she/they meet the requirements for temporary practice into that specific state. This would require knowing and meeting the requirements for the specific temporary practice law for that state and would be practicing under that specific state law (it would not be practicing under PSYPACT). **Be aware:** temporary practice laws are state specific, vary quite dramatically from state to state, and there are some states that do not have options for practicing in this temporary way.
- **While I am physically in CA, can I provide tele-psychological services to my clients/patients in NC where I am licensed?**
 - **Possibly.** This depends on whether the licensing board in both states - the state where you are physically located (in this example, CA) and the state where you are licensed and your client/patient is physically located (in this example, NC) – would allow such practice. You need to contact both licensing boards and determine whether such practice would be legal.

Crisis Services:

Staying with that same example: I routinely provide tele-psychological services under my APIT, and my home state is North Carolina (NC, which is a PSYPACT member state and the only state in which I am licensed). I have active clients/patients in my home state (NC), as well as clients/patients in 4 other PSYPACT member states (SC, GA, TN, and VA). I travel to California for one month. In this specific situation:

- **While I am physically in CA my client/patient from SC calls me in a suicidal crisis. Can I provide a few crisis sessions to that client/patient while I am in CA?**
 - This is a complex answer.
 - Legally, this would **not be allowed under PSYPACT**. PSYPACT has been very clear that it is **not currently legal** for psychologists who are not in their home states to provide crisis intervention services to clients/patients in Compact States under PSYPACT rules. They are currently considering whether any changes can be made to make this possible.

- It **might be legal** under SC's temporary practice law, if the psychologist can meet the requirements of that law and both the CA and SC board would allow for it.
- It's possible a crisis event could occur in situations in which it would not be legal under a state's temporary practice law, and the clinician would then be faced with the conflict between legal requirements and ethical/clinical obligations.

Other Jurisdictional Questions:

Does having an APIT and E.Passport in any way preclude me from providing care into a non-PSYPACT state under that non-PSYPACT state's temporary licensing law?

- No. PSYPACT has no authority over non-PSYPACT states.

If my client moves to a non-PSYPACT state (e.g., California or New Mexico), am I able to use my APIT under PSYPACT to continue to treat them via teletherapy?

- No. The APIT **only** authorizes provision of tele-psychological services into other active PSYPACT member states.
- In this case, it **may** be possible for the psychologist to provide a few sessions under the state's temporary practice law, depending on that law's requirements and whether the licensing board where the psychologist is located would allow it. However, this would only be for **temporary** practice, and would not be sufficient for long-term, ongoing provision of services into the other state.
- The other option for legal practice would be to get fully licensed in the other state (if the psychologist wanted to provide services beyond what the temporary practice law would allow).

If a psychologist is out of the country, can he/she/they practice back into the United States under PSYPACT?

No. In order to practice legally under PSYPACT, you must be physically located in your Home State. So, if you are out of the country, you could not legally practice under PSYPACT.

Requirement to Follow Distant/Receiving State Laws and Regulations:

What is a Distant State?

- The Compact State where a psychologist is physically located when he/she/they provide in-person, face-to-face psychological services under the TAP. This is only relevant to clinicians practicing under their TAP.

What is a Receiving State?

- The Compact State where the client/patient is physically located when a psychologist provides tele-psychological services under their APIT. This is only relevant to clinicians practicing under their APIT.

What does the PSYPACT rule about the Distant or Receiving State Laws actually state?

- **Regarding practice under TAP:**
- **"5.10 State Law to Protect the Health and Safety of its Citizens:** A psychologist practicing in a Distant State under a Temporary Authorization to Practice is subject to the Distant State's State Law to Protect the Health and Safety of its Citizens, which may include, among others, laws that:
 1. Require abuse reporting by a psychologist.
 2. Require a psychologist to secure informed consent from or for a patient and/or prescribe the manner in which informed consent must be obtained.
 3. Require a psychologist to make disclosures to an individual that the individual is at

- serious risk of bodily injury or other harm by a third person.
- 4. Prohibit any individual from engaging in conduct that causes or may reasonably cause another to suffer physical or psychological harm.
- 5. Establish standards, processes or criteria for involuntary commitment and/or involuntary treatment of individuals.”
- **Regarding practice under APIT:**
- “4.10 State Law to Protect the Health and Safety of its Citizens: A psychologist practicing under an Authority to Practice Interjurisdictional Telepsychology into a Receiving State is subject to the Receiving State’s State Law to Protect the Health and Safety of its Citizens, which may include, among others, laws that:
 1. Require abuse reporting by a psychologist.
 2. Require a psychologist securing informed consent from or for a patient, and/or prescribe the manner in which informed consent must be obtained.
 3. Require a psychologist to make disclosures to an individual that the individual is at serious risk of bodily injury or other harm by a third person.
 4. Prohibit any individual from engaging in conduct that causes or may reasonably cause another to suffer physical or psychological harm.
 5. Establish standards, processes or criteria for involuntary commitment and/or involuntary treatment of individuals.”

How does PSYPACT define “State Law to Protect the Health and Safety of its Citizens”?

- **Under both the TAP and the APIT**, it is defined as:
- “...a state statute, regulation, court decision or other controlling authority within a state that has binding legal force and which has as its purpose the protection of the health and safety of citizens of the state.” (See Rule 4 and 5: <https://psypact.org/page/governance>)

What does this mean and which laws am I responsible for knowing/complying with?

- According to PSYPACT, this means that a psychologist practicing under either the TAP or the APIT is responsible for **knowing and complying with the scope of practice and all laws of the Distant/Receiving state just as if the psychologist were fully licensed in that state (i.e., to the same degree that the psychologists knows/complies with the laws in his/her/their Home State).**
- If in doubt about which laws one is responsible for, PSYPACT recommends the psychologist err on the side of the best protection of the client/patient.
- Thus, this includes all the examples stated in PSYPACT Rule 4.10 and 5.10, as well as other laws relevant to practice, such as (but not limited to): record keeping laws, minor consent laws, red flag and firearm laws, impaired provider laws, laws regarding release of records and release of psychological test data.
- This will require the psychologist to research the laws and legal interpretations for each state in which they provide services.

How do I find the laws for each PSYPACT state in which I see clients/patients?

- As of yet, there is no central depository for this information.
- The PSYPACT website has a page listing all state board contacts and links to their rules and regulations: <https://psypact.org/page/BDcontact>
 - The PSYPACT Training and Public Relations Committee is actively working to make this a more robust resource over time.

If there is a conflict between the Home State's laws and the Distant/Receiving State's laws, which law do I follow?

- PSYPACT requires a psychologist to abide by the Distant/Receiving State's law to protect the safety and welfare of their citizens. If there is a board complaint, the psychologist will be judged based on the laws/standards where the client/patient is located.
- So, for example:
 - If a client/patient in a Distant/Receiving State requests records, the psychologist must abide by the Distant/Receiving State's laws for records release.
 - If a client/patient in a Distant/Receiving State reports an intention to harm themselves or others, the psychologist must abide by the Distant/Receiving State's laws regarding hospitalization, duty to protect, etc.
 - If there is a child abuse issue, the psychologist must follow the mandated child abuse reporting laws for the Distant/Receiving state.

Informed Consent:

PSYPACT Rules 4.10 and 5.10 specifically note that authorization holders under PSYPACT are responsible for knowing and complying with informed consent laws of the Distant/Receiving State. Does this mean I need a state specific informed consent document for each state in which I provide services?

- Yes.

Board Complaints:

What is the process by which a licensing board complaint would be handled under PSYPACT?

- The licensing board that investigates is determined by where the psychologist is physically located at the time services are provided. So, if psychologist is practicing under the APIT, this would be his/her/their Home State; if practicing under the TAP, this would be the Distant State. Both states could also choose to collaborate with one another.
- For example, if a psychologist with a home state of Texas is providing tele-psychological services to a client/patient in North Carolina and that client/patient files a board complaint in NC:
 - Texas would investigate the complaint to determine if any action would be taken against the psychologist's license. **They would do so on the basis of the Receiving State's laws (NC in this example).**
 - After the investigation, NC could also issue a cease-and-desist order or an injunction disallowing the psychologist to practice in that state. If that occurs, it would be considered a disciplinary action under PSYPACT, **which would permanently disallow the psychologist from practicing under PSYPACT.**

Can a psychologist change his/her/their Home State designation while there is an active licensing board investigation?

- No. If there is an active investigation, the psychologist may not change his/her/their home state while the investigation is ongoing. This means the psychologist could only legally practice from within the home state that was designated at the time the complaint was filed (so, the psychologist would have to be physically present in that particular home state to provide telepsychology services during the investigatory period). Depending on your situation this may impact continuity of care for some clients/patients and this would need to be carefully thought out and managed.

Under PSYPACT any adverse action against a psychologist's license that is disciplinary in nature results in the psychologist no longer being eligible for the APIT or TAP. Does this mean that clinician could never again practice under PSYPACT?

- Yes. Once there has been any kind of formal disciplinary action taken against a psychologist's license, they are permanently disallowed from practicing under PSYPACT at any point in the future.

Supervision:

Can my supervisee see clients/patients in other PSYPACT states under my APIT or TAP? Said differently: I have an APIT and/or TAP, but my supervisee does not have either. Can my supervisee provide psychological services across jurisdictions into other PSYPACT states under my APIT or TAP (in the same way they are working under my license in my state of licensure)?

- No. The PSYPACT rules are very clear that APIT and TAP apply to the authorization holder only. The authority to practice under those certificates cannot be delegated to anyone, such that supervisees cannot practice under their supervisor's APIT or TAP.

Can I, as the authorization holder of an APIT or TAP, provide supervision in another PSYPACT member state?

- Yes. A psychologist can provide supervision in other jurisdictions under the APIT and TAP as long as it is allowed in the scope of practice of the Receiving State. However, as noted above, their supervisees are not authorized to practice under the supervisor's APIT or TAP.

Professional Liability Insurance:

Does the Trust policy cover my practice under PSYPACT?

Licensure is a requirement for the practice of psychology and is a matter of public policy. There are exclusions to coverage with any professional liability policy and practicing illegally is one of them. If you are practicing within your scope of practice, following the laws, and practicing legally, coverage will not be excluded due to lack of licensure for your work under PSYPACT.

Other States:

Will other states such as California or New Mexico eventually join PSYPACT?

The decision to join PSYPACT is entirely up to each individual state and requires a new law be passed in the state. PSYPACT often works with state psychological associations, as well as other stakeholders to assist states with introducing PSYPACT legislation. The best place to obtain information on where a particular state stands with respect to the possibility of joining PSYPACT is to contact the State Psychological Association for that state and ask them directly.