

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/18/2026 **Check all that apply:**
Bill Number: HB 33 **Original** **Correction**
Amendment **Substitute**

Sponsor: <u>Rep. Marian Matthews</u>	Agency Name and Code Number: <u>Regulation & Licensing Dept. (RLD), 420</u>
Short Title: <u>Psychology Interjurisdictional Compact</u>	Person Writing <u>Jen Rodriguez</u> Phone: <u>505.623.1701</u> Email <u>Jen.rodriguez@rld.nm.gov</u>

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
(25.83)*	(51.65)*	(51.65)*	Recurring	Psychology Fund

(Parenthesis () indicate revenue decreases)

* See Note 1 in Fiscal Implications for how this calculation was made.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown** ⁺	70.0	0	70	Nonrecurring	Psychology Fund
	Unknown**	8.0 + **Unknown	68.0 + **Unknown	76.0 + **Unknown	Recurring	Psychology Fund

(Parenthesis () Indicate Expenditure Decreases)

**There could be an impact on operating budget due to an “annual assessment” and fees for “adverse actions in other states” that may be imposed on states as members of PSYPACT that was not included in this calculation. See Note 3 and Note 5 in the “Fiscal Implications” section below.

SECTION III: NARRATIVE

Synopsis: House Bill 33 (HB 33)

HB 33 would enter New Mexico into the Psychology Interjurisdictional Compact (PSYPACT). The purpose of PSYPACT is to create two (2) privileges to practice psychology in a compact participating state without requiring a license in that jurisdiction. Currently, forty-three (43) states and in the United States are members of PSYPACT. Seven (7) states have not joined PSYPACT (Alaska, California, Hawaii, Iowa, Louisiana, Massachusetts, New Mexico, New York, and Oregon). Of those, Alaska, Hawaii, New Mexico and New York have legislation filed or pre-filed for 2026 to adopt PSYPACT.

PSYAPCT purports to: (1) increase public access to professional psychological services; (2) enhance a member state’s ability to protect the public health and safety, specifically, client, patient safety; (3) encourage cooperation of compact states in licensure and regulation; (4) facilitate the exchange of information between compact states regarding licensure and disciplinary actions; (5) promote compliance with laws governing psychological practice in member states; and (6) invest all member states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

The two types of privileges created by PSYPACT are as follows:

- 1) Authority to Practice Interjurisdictional Telepsychology (APIT) allows psychologists whose “home state”- the state where the psychologist is licensed that participates in PSYPACT – to practice telepsychology in another compact state, a “receiving state.” Psychologists wishing to exercise this privilege must meet PSYPACT requirements and pay PSYPACT a fee.
- 2) Temporary Authorization to Practice (TAP) allows a psychologist licensed in a compact state to provide temporary in-person face-to-face services in a “distant state,” that is, a compact state where that psychologist is not licensed. The TAP is valid for thirty (30) days each calendar year and the psychologist must notify the distant state.

Psychologists wishing to exercise this privilege must meet PSYPACT requirements and pay PSYPACT a fee.

PSYPACT does not apply when a psychologist is licensed in both the home and receiving state nor does it apply to permanent in-person, face-to-face practice.

PSYPACT adoption will enroll New Mexico in the Psychology Interjurisdictional Compact Commission (Compact Commission.) The Compact Commission serves as the national administrative body of PSYPACT. The Compact Commission consists of one (1) delegate from each member state, with a six (6) member executive board (Executive Board). The Executive Board is granted specific authority to facilitate the requirements of PSYPACT.

APIT:

To participate in APIT, home states must:

- (1) require an active E. Passport, issued by the Association of State and Provincial Psychology Board (ASPPB);
- (2) have a mechanism in place for receiving and investigating licensees;
- (3) notify the Compact Commission of any adverse action or significant investigatory information regarding a licensee; and
- (4) require a Federal Bureau of Investigation (FBI) background check utilizing fingerprints or other biometric data.

The New Mexico Board of Psychologist Examiners (Board), which is administratively attached to the Regulation and Licensing Department (RLD), currently has an online system for reporting complaints against licensees and the RLD's compliance team investigates those complaints. The New Mexico Professional Psychologists Act already provides for the Board to adopt administrative rules requiring an FBI biometric background check for licensure and such rules are in place. Further, licensees must have no history of adverse action that violates the rules of the Compact Commission, and no criminal history record that violates the rules of the Compact Commission.

If HB 33 is enacted, it will be necessary for the Board to amend/update its administrative rules to require E. Passports and enrollment in PSYPACT's coordinated licensure information system (CLIS) before New Mexico psychologists could participate in APIT. PSYPACT further regulates the requisite education for participating psychologists, of which New Mexico psychologists will qualify under current education requirements for licensure. The Board's rules on education requirements would also have to be amended since the educational requirement in PSYPACT allows for psychologists with a master's degree to participate, while New Mexico does not license psychologists unless they have a Ph.D.

In addition to the home state requirements, licensees must apply for APIT with the Compact Commission and pay the requisite fee. The current application fee is forty dollars (\$40) and a renewal fee each year of forty dollars (\$40). Additionally, the E. Passport issued by ASPPB has an initial fee of four hundred dollars (\$400) and an annual fee of one hundred dollars (\$100).

Psychologists practicing under APIT must operate under the scope of practice of the receiving state. If an adverse action occurs in the receiving state, that state must notify the home state using the CLIS.

TAP:

To participate in TAP, home states must:

- (1) require an active Interjurisdictional Practice Certificate (IPC), issued by the ASPPB;
- (2) have a mechanism in place for receiving and investigating licensees;
- (3) notify the Compact Commission of any adverse action or significant investigatory information regarding a licensee; and
- (4) require an FBI background check with fingerprints or other biometric data.

The Board would need to change its administrative rules to require IPC's and enrollment in PSYPACT's coordinated licensure information system (CLIS) before New Mexico psychologists could participate in TAP. Additionally, psychologists licensed in a compact state must:

- (1) meet certain educational requirements that allows for psychologists holding both master's degrees and Ph.D.'s;
- (2) possess a current, full and unrestricted license in a home state;
- (3) have no history of adverse action that violates the rules of the Compact Commission; and
- (4) have no criminal history record that violates the rules of the Compact Commission.

In addition to the home state requirements, licensees must apply for TAP with the Compact Commission and pay the requisite fee. The current application fee is forty dollars (\$40) and annual renewal is also forty dollars (\$40). Additionally, the IPC issued by ASPPB has an initial fee of two hundred dollars (\$200) and an annual renewal fee of fifty dollars (\$50).

Psychologists practicing under TAP must operate under the scope of practice of the distant state. If an adverse action occurs in the distant state, that state must notify the home state using the CLIS.

Adverse Actions:

PSYPACT provides a mechanism for adverse actions to be initiated in the home state, receiving state, or distant state. If a home state takes adverse action against a licensee, their APIT or TAP privileges are revoked if the home state reports the action to the Compact Commission. Home states may investigate any issues with a licensee that occurred in the home state, receiving state, or distant state and take action against their license based on the home state's laws and regulations. Distant states may investigate any issues that occurred in that distant state and take adverse action on the psychologist's TAP within the distant state only based on the distant state's laws and regulations. Receiving states may take adverse action against a psychologist's APIT within the receiving state only based on the receiving state's laws and regulations.

PSYPACT does not restrict a participating state from permitting a psychologist to participate in an alternative program in lieu of an adverse action, but the psychologist may not practice ATIP or TAP while participating in that program.

Participating states may use their regulatory powers to issue subpoenas, orders, cease and desist, or request injunctive relief consistent with their laws and regulations. A psychologist under investigation may not change their home state until the investigation is complete.

CLIS:

The Compact Commission will provide for the development and maintenance of CLIS. Participating states must submit a uniform data set to CLIS on all licensees, including identifying information, licensing data, significant investigatory information, adverse actions, indicating

whether psychologist has had APIT or TAP privileges revoked, non-confidential information regarding alternative programs, any denial of an application and the reason for the denial, and any other information required per the rules of the Compact Commission.

The Compact Commission will notify all participating states of any adverse action. States can indicate that some information is not to be shared with the public without that state's permission, and any information submitted to CLIS that later needs to be expunged will be removed.

Compact Commission:

PSYPACT establishes and defines the authority of the Compact Commission. Each participating state's regulatory authority will appoint a delegate to the commission. The delegate will be a current member of the state's board and attend Compact Commission meetings, of which there must be at least one (1) every year. Meetings are open to the public, but the commission may have a closed meeting or section of a meeting to discuss particularly sensitive matters as outlined and the general reason for the closed session will be disclosed.

The Compact Commission will, by majority vote, prescribe by-laws and rules necessary to carry out the requirements of PSYPACT. The Compact Commission will be financed by fees charged to the participating states and any other appropriate revenue sources to meet the Compact Commission's budget. The Compact Commission members will have qualified immunity.

The Compact Commission will have rulemaking authority, but if a majority of the legislatures of the participating states rejects a rule, it will be rescinded. Rulemaking will be done after a public meeting and public comment period.

Executive Board:

The Executive Board of the Compact Commission will be composed of six (6) members who will have the power to act on behalf of the Compact Commission. Five (5) members of the Executive Board will be voting members elected from the current membership of the Compact Commission, by the Compact Commission. One (1) former member of the Executive Board will serve as the ex-officio, non-voting, sixth member. The Executive Board will meet at least annually to make recommendations to the Compact Commission regarding changes to rules, bylaws, and fees. They will also assist with PSYPACT administration, recommend a budget, maintain financial records, monitor compliance, establish additional committees as necessary, and any other duties provided for in rules or bylaws.

Oversight:

State governments will enforce PSYPACT, including the rules promulgated by the Compact Commission. Courts will take judicial notice of PSYPACT and the rules in any proceeding where PSYPACT may be affected and require that the Compact Commission receive service of process.

Enforcement:

The Compact Commission will enforce its rules with any participating state that fails to meet its obligations under PSYPACT. To enforce, they will first provide written notice and remedial training. If the participating state does not comply, the state may be terminated from PSYPACT or initiate legal action.

Dispute Resolution:

The Compact Commission will attempt to resolve disputes between participating states, upon

request. Rules will be promulgated allowing for both mediation and binding dispute resolution (arbitration) for disputes before the commission.

Withdrawal:

Participating states may withdraw from PSYPACT by enacting a statute repealing PSYPACT as long as the statute takes effect at least six (6) months after the enactment and withdrawal does not affect ongoing investigative and adverse action reporting requirements.

The effective date of HB 33 will be May 20, 2026.

FISCAL IMPLICATIONS

NOTE 1: The Regulation and Licensing Department (RLD) anticipates a loss of revenue from licensing fees as a direct fiscal impact of allowing the two (2) privileges to practice in New Mexico without a New Mexico-issued license and the accompanying license fees. This loss of revenue was calculated using the following assumptions:

- From January 1, 2023, through December 31, 2025, sixty-nine (69) Temporary Psychologist Licenses were issued by the Board, averaging twenty-three (23) per year. The licensing fee for Temporary Psychologists is three hundred dollars (\$300). Assuming all psychologists who wish to practice temporarily in New Mexico are able to obtain a TAP privilege from PSYPACT rather than a New Mexico-issued Temporary Psychologist license, the Psychology Fund would lose six thousand nine hundred dollars (\$6,900) per year in licensing revenue.
- There are currently nine hundred fifty-four (954) licensees under the Board. Of those, three hundred fifty-seven (357) have out-of-state home addresses. Assuming that fifty percent (50%) of those (179 licensees) are only practicing telehealth in New Mexico, reside in a PSYPACT jurisdiction, and would practice under the APIT privilege rather than renewing their license, the Psychology Fund would lose eighty-nine thousand five hundred dollars (\$89,500) in biennial renewal fees, or forty-four thousand seven hundred and fifty dollars (\$44,750) per year in licensing revenue.

NOTE 2: It is unclear what information technology (IT) requirements will be required of New Mexico to participate in CLIS. It is anticipated that the system will connect with participating states through an application programming interface (API). Such a system would require New Mexico to incur some costs to integrate PSYPACT's API into New Mexico's system and to pay for the ongoing costs of the MuleSoft software to translate the data. The RLD has some experience in integrating APIs into its current system as it has already done so for other licensed professionals. As a result, there is an idea of what costs it can reasonably expect to incur in integrating API systems into the RLD's NM Plus System. While these costs can fluctuate based on various factors, the RLD anticipates a one-time cost for implementation of approximately seventy thousand dollars (\$70,000) for two (2) APIs.

In addition, when utilizing the API process, NM Plus requires the use of MuleSoft, a Salesforce-based software, to process and translate the data that is received from an API. Multiple factors go into the costs involved with utilizing the MuleSoft software, but the RLD estimates a recurring cost of utilizing the MuleSoft program to be approximately sixty thousand dollars (\$60,000) for two (2) API's.

An administrative rulemaking process, including a public hearing and all required publication of

notices and proposed rules, would be required to update and amend current administrative rules issued pursuant to the Act if HB 33 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

NOTE 3: The New Mexico Board of Psychologist Examiners (Board) will be required to pay an annual assessment based on a formula to be determined by the Compact Commission and currently capped at six thousand dollars (\$6,000). The RLD is unable to determine at this time what the actual dollar amount of that annual assessment will be over upcoming years.

NOTE 4: If HB 33 is enacted, the Board may incur out-of-state travel expenses for its compact commission delegate member to attend annual meetings. It is unclear whether the travel costs will be covered by the Compact Commission, the attending delegates, or the Board itself. However, there is a possibility that expenses for a delegate's attendance will need to be covered. If the Board is responsible for these costs, the potential expenses—such as airfare, hotel, meals, ride share/ taxi, etc.—are unknown at this time but are estimated to cost a minimum of \$2,000 per day for a delegate each year, with an estimated four (4) days of travel per year. Therefore, the RLD anticipates a resulting expense of eight thousand dollars (\$8,000) per year in FY27 and future years.

NOTE 5: With respect to Article 7 of the bill, "Adverse Actions," the issuing state would incur expenses related to taking adverse action against a psychologist's privilege to practice within a member state. The issuing state is responsible for paying any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located. Potential expenses that may be incurred by the RLD on behalf of the Board under this provision cannot be reasonably estimated at this time.

SIGNIFICANT ISSUES

RLD consulted the Board about its position on the passage of HB 33. The Board has not reached a consensus on joining PSYPACT. Some board members have indicated their support for the expanded access to services. There is significant concern among some board members about the ability to discipline psychologists who cause harm to New Mexico clients while operating under these privileges. The board has also expressed concern that enforcement may be inconsistent across compact states leading to public harm.

Because PSYPACT allows psychologists to participate in APIT and TAP with a master's degree, the psychologists practicing in New Mexico under those privileges may have less education and training than New Mexico psychologists, as licensees here must hold a Ph.D. in psychology to receive a license.

The RLD estimates developing and implementing the numerous administrative rule provisions that would be necessitated by HB 33 as well as the upgrades to NM-Plus licensing database, along with the implementation of CLIS, will require months to accomplish, and requests consideration be given to delaying the effective date of HB 33 to January 1, 2027. (See also Amendments below)

PERFORMANCE IMPLICATIONS

Please see issues and comments provided in the "Significant Issues" above.

ADMINISTRATIVE IMPLICATIONS

Enactment of this bill would require the Board to initiate rulemaking to adopt rules in accordance

with the requirements, procedures and bylaws of PSYPACT. Administrative rulemaking under the requirements of the State Rules Act can be expected to take a minimum of one hundred-twenty (120) days to develop and draft proposed rules, publish proposed rules for public comment, conduct a public hearing, complete formal adoption proceedings and documentation, and publication of the final rule language before a new or amended rule takes legal effect. In addition, staff members from the RLD who provide administrative support to the Board will require training on how to report and obtain licensing and disciplinary action information with CLIS.

The PSYPACT requirements related to E. Passports and IPC's will have to be added to RLD's application system, NM-Plus, for both initial licensure applications and renewals. Licensing specialists will need to review these documents for sufficiency. (See also Fiscal Implications, Note 2)

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Psychologists from other states will continue to be licensed in New Mexico through Temporary Licenses, Expedited Licensure or Licensure by Qualifications, and New Mexico would be an outlier as the majority of states have joined PSYPACT.

AMENDMENTS

To ensure all required new and amended administrative rules are in place by the time HB 33 takes effect, as well as the CLIS implemented, and the NM-Plus licensing system is updated, the RLD requests the effective date of HB 33 set for January 1, 2027.