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FISCAL IMPACT REPORT

SPONSOR Ortiz y Pino ORIGINAL DATE 1/31/19
 LAST UPDATED _____ HB _____

SHORT TITLE Psychology Interjurisdictional Compact SB 141

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$5.0	\$5.0	\$5.0	\$15.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 97, SB 354, and SB 354

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
 Department of Health (DOH)
 Human Services Department (HSD)
 Public Schools Insurance Authority (PSIA)

Responses Not Received From

Retiree Health Care Authority (RHCA)
 General Services Department (GSD)

SUMMARY

Synopsis of Bill

Senate Bill 141 would enter New Mexico into the multi-state Psychology Interjurisdictional Compact, known as PSYPACT. This would enable practitioners in other compact states to have a limited practice, either in-person or through telemedicine, in New Mexico without having to undergo separate licensure here.

The initial statement in the bill enters New Mexico into the compact; the remaining 46 pages of the bill copy in the interstate compact, available on line at https://cdn.ymaws.com/www.asppb.net/resource/resmgr/psypact_docs/Psychology_Interjurisdiction.pdf. A summary of that compact follows, using its article numbers as copied into this bill.

Compact Article Number	Provisions
I: Purpose	Purpose of the compact: to facilitate psychology practice across state lines, encouraging cooperation and facilitating cooperation among compact states on matters regarding licensure and adverse actions.
II: Definitions	Definitions used in the remainder of the compact, including one for a “coordinated licensure information system,” wherein a coordinated database would be set up to store information on compact member state laws and on the psychologists practicing within any one of those states. An “E.Passport” is defined which would facilitate telepsychology service across state lines.
III: Home State Licensure	Defines and gives specifics of home state licensure and the conditions under which that licensure would allow a psychologist to obtain an E.Passport and provide services in one or more compact states.
IV: Compact Privilege to Practice Telepsychology	Defines the conditions under which a psychologist can practice telemedicine across state lines, including educational requirements for doctoral and master’s level psychologists. Indicates that suspension or revocation of a license in any compact state will result in revocation of the E.Passport.
V: Compact Temporary Authorization to Practice	With similar specifications regarding education and revocation to Article IV, specifies the condition where a compact state-licensed psychology can practice temporarily in another state (for no more than 30 days), indicating that the practitioner will need to follow law applying in the state in which he/she is practicing.
VI. Conditions of Telepsychology Practice in a Receiving State	The scope of practice for out-of-state telepsychology would be specified by the Compact’s commission.
VII: Adverse Actions	Both home states and other compact states in which a psychologists are practicing can take adverse actions against the psychologist’s home state license.
VIII: Additional Authorities Invested in a Compact State’s Regulatory Authority	<p>The following authorities are granted:</p> <ol style="list-style-type: none"> 1) To issue subpoenas 2) To order telepsychologists or temporarily practicing psychologists in a non-home state to cease practice in that state. <p>Psychologists would not be permitted to change home state during an investigation.</p>
IX: Coordinated Licensure Information System	Each compact state would contribute information about all licensees to a central data base. This would include basic information about the licensee and her/his license and up-to-date information on any adverse actions or investigations against that license.
X. Establishment of the Psychology Interjurisdictional Compact Commission	Each state would select a voting “commissioner” appointed by the state’s licensing board. Meetings would be at least every 12 months, would comply with open-meetings rules (conditions requiring a closed meeting are detailed), and duties and powers of the commission are defined to include hiring staff and making rules. An executive board of six members would be elected by commissioners, and its duties and

	powers are enumerated.
XI: Rulemaking	Rule-making occurs at meetings of the commission, preceded by 60 days of notice published on PSYPACT’s and member states’ websites, allowing for public comment.
XII: Oversight, Dispute Resolution and Enforcement	All branches of government in each compact state would enforce the compact, and all courts would take judicial notice of the compact and rules generated by the commission. States deemed by the commission to not be fulfilling their duties according to the compact would be given notice, with remedies to include termination of membership in the compact and/or legal action against the offending state.
XIII: Date of Implementation of the [Compact] and Rules, Withdrawal and Amendments	The compact would come into effect upon the seventh state’s enactment of it [there are now seven states in the compact]; states joining after then, as New Mexico would under this bill, would be subject to any rules previously adopted. States could withdraw from the compact by repealing the relevant law, with the withdrawal occurring 6 months after repeal.
IV. Construction and Severability	Compact shall be construed liberally, and severability of provisions is noted.

FISCAL IMPLICATIONS

The Regulation and Licensing Department, which administers the Board of Psychologist Examiners, specifies the following costs:

The New Mexico State Board of Psychologist Examiners would be required to pay an annual assessment based on a formula to be determined by the commission, an estimated proposed fee of \$3,000.00 per year, per state. The Board would also incur out of state travel expenses for the Board’s representative commissioner to attend the annual meeting, depending on which compact state hosts the annual meeting. An additional amount of \$2,000.00 will be requested for travel expenses. In addition, implementation of this bill would require the Board to adopt rules in accordance with the compact, which will incur costs for board member per diem, court reporting, and publication and filing fees.

SIGNIFICANT ISSUES

New Mexico clearly suffers from a paucity of psychological and other mental health services, especially in non-urbanized portions of the state. One solution to this problem would be telemedicine, especially if that service could be provided by a provider out of the state, since a New Mexico provider providing telemedicine services to a New Mexican takes time away from that person seeing a New Mexican in his or her office. Thus joining a compact such as is proposed in this bill raises the possibility of adding services within the state.

DOH notes other advantages to telepsychology as

- 1) reducing or eliminating travel time,
- 2) patients in distress can be seen more quickly, often reducing relapse events,
- 3) consultations with off-site specialists can be quickly carried out,
- 4) off-site and part-time behavioral health specialists can be members of the clinic team via telehealth, and
- 5) staff can meet and collaborate more easily, especially when connecting staff located at

various sites...

Compacts can expand provider networks, expedite help from out-of-state providers in the wake of disasters, and allow states to share information when needed. Other benefits of PSYPACT participation could include facilitating continuity of care when a patient relocates, certification that psychologists have met acceptable standards of practice, and a higher degree of consumer protection across state lines for psychology services (https://cdn.ymaws.com/www.asppb.net/resource/resmgr/psypact_docs/PSYPACT_Fact_Sheet.pdf).

HSD amplifies these points, noting

The New Mexico Health Care Workforce Committee 2018 annual report once again highlighted the important need for a robust behavioral health workforce in New Mexico in light of critical health disparities related to behavioral health concerns. Although survey data did not enable the Committee to update the behavioral health workforce maps by BH profession for 2018, a recent survey of 80 behavioral health clinical directors across New Mexico identified the limitations of the behavioral health workforce as the biggest barrier to providing quality behavioral health care in the state (*2018 Annual Report*, New Mexico Health Care Workforce Committee, October 1, 2018). It is also noteworthy that the Committee's 2015 analysis indicated that 69% of psychologists were practicing in the state's three largest metropolitan counties (*2015 Annual Report*, New Mexico Health Care Workforce Committee, October 1, 2015). In its Strategic Plan, the Behavioral Health Collaborative identified workforce shortages as a key challenge for the behavioral health system in New Mexico (*A Behavioral Health Strategic Plan for System Improvement*, New Mexico Behavioral Health Collaborative January 14, 2016).

The PSYPACT was created by the Association of State and Provincial Psychology Boards and endorsed by the American Psychological Association. Research generally supports the effectiveness of telepsychology (Hilty, Donald et. al., *The Effectiveness of Telemental Health: A 2013 Review*, *Telemedicine Journal and E-Health*, 2013 June; 19 (6): 444-454). To the degree that the PSYPACT enables more access to psychological services in NM, this bill could help address behavioral health workforce shortages.

HSD's Behavioral Health Division has noted the many access problems associated with the existing workforce shortages across New Mexico, as has the Behavioral Health Collaborative.

The PSYPACT currently has seven member states, including nearby states Arizona, Nevada, Colorado, and Utah. There are five additional states, including New Mexico, considering legislation to allow their participation, and a further five states (notably including Texas) and the District of Columbia have the endorsement of their state psychology licensing boards to move forward on joining. From the PSYPACT website, <https://www.asppb.net/page/PSYPACT>.

ADMINISTRATIVE IMPLICATIONS

Enactment of this bill would require the New Mexico State Board of Psychologist Examiners to adopt rules in accordance with the requirements, procedures and bylaws of the compact. In addition, administrative staff shall develop and document procedures for reporting and obtaining

licensing and disciplinary action information to the coordinated database, which is the coordinated licensure information system developed and maintained by the commission.

RELATIONSHIP with Senate Bill 97 which would establish a similar interstate compact for physicians; Senate Bill 354, dealing with telemedicine, and Senate Bill 387, studying interstate health-related licenses.

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