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FISCAL IMPACT REPORT

SPONSOR Ortiz y Pino ORIGINAL DATE 1/31/2021
LAST UPDATED _____ HB _____
SHORT TITLE Psychology Injurisdictional Compact SB 119
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Board of Psychologist Examiners		\$10.0	\$10.0	\$20.0	Recurring	OSF

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Attorney General (NMAG)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 119 enters New Mexico into the Psychology Interjurisdictional Compact.

More specifically,

Article 1 states the purpose is to regulate both the practice of telepsychology and the temporary in-person practice of psychology across state boundaries for 30 days each year.

Article 2 provides definitions for terms used in the compact, such as “authority to practice interjurisdictional telepsychology,” “temporary authorization to practice” and “telepsychology.”

Article 3 clarifies the home state as the state the psychologist is physically present when delivering services and details the responsibilities of state licensing authorities in the compact.

Article 4 recognizes the right of a qualified psychologist to practice telepsychology in other compact states and outlines requirements that psychologists must meet to exercise that authority.

The home state maintains authority over the license of the psychologist practicing in another Compact state, but the psychologist is subject to the other Compact state's scope of practice.

Article 5 recognizes the right of a psychologist to temporarily practice in other compact states and outlines the qualifications that psychologists must have to use that temporary authorization.

Article 6 outlines the conditions of telepsychology practice, which include initiating the client or patient relationship from the home state via the use of telecommunication technologies.

Article 7 enumerates a home state's and distant state's ability to impose adverse action against a psychologist's license to practice telepsychology or temporary in-person, psychotherapy. However, the home state controls the determination of any adverse action against the licensee.

Article 8 outlines authorities a compact state holds regarding regulating a psychologists' license such as issuing subpoenas, cease and desist orders, and reporting adverse actions to other states.

Article 9 details the development and maintenance of a coordinated licensure information system between Compact states that also includes the sharing of disciplinary action information.

Article 10 establishes a Psychology Interjurisdictional Compact Commission and details its definition, composition, meeting requirements, voting authority, and other such functions.

Article 11 outlines commission duties, which NMAG notes includes similarities to New Mexico's Open Meetings Act and State Rules Act for providing notice and receiving public comments.

Article 12 addresses oversight issues including for states in default and for resolving disputes between states. According to NAMG, this section serves as a conflict of laws provision and enforcement mechanism for such states to give full weight to the compact. It also dictates outcomes for states who do not comply with the terms of the compact and enforcement thereof.

Article 13 discusses dates the compact becomes effective, terms of withdrawal, and amendments.

Article 14 provides that if the compact is held contrary to the state constitution of any state member of the compact, the compact shall remain in full force for the remaining compact state members.

There is no effective date of this bill. It is assumed the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

The Board of Psychologist Examiners (board) will pay an annual assessment based on a formula determined by the compact commission, estimated at \$3,000 per year, per state. The board will also incur expenses for one person to attend the annual meeting at an estimated \$2,000. In addition, the bill will require the board to adopt rules in accordance with the compact, which will incur additional costs for board member per diem, court reporting, publication and filing fees.

To participate in the compact, psychologists in New Mexico would apply for the E.Passport to practice telepsychology, or the interjurisdictional practice certificate (IPC) to practice the temporary, in-person practice of psychology. The cost for the E.Passport includes a \$40 one-time

fee, \$400 application fee, and a \$100 annual renewal fee. The cost for the IPC includes a \$40 one-time fee, \$200 application fee and \$50 annual renewal fee. It is presumed these fees are in addition to the state's initial application and biennial renewal fees of \$125 and \$500, respectively.

SIGNIFICANT ISSUES

Fourteen states have already enacted this legislation including Arizona, Colorado, and Texas.

SB119 enters New Mexico into the Psychology Interjurisdictional Compact. The purpose of the compact is to recognize licensed psychologists in other states and regulate telepsychology and temporary in-person practice of psychology. Features of the compact include (1) increasing public access to professional psychological services; (2) enhancing a member state's ability to protect public health and safety, specifically, client safety; (3) encouraging cooperation of compact states in licensure and regulation; (4) facilitating exchange of information among compact states regarding licensure and disciplinary actions; (5) promoting compliance with laws governing psychological practice in member states; and investing all member states with the authority to hold psychologists accountable through mutual recognition of compact state licenses.

The compact lays out criteria for member states, including requiring background checks, and grants power to the home state to investigate practice violations by licensees in other member states. The compact lays out requirements for standardizing practice across state lines either via telepsychology or on a temporary basis through an E.Passport issued by the Association of State and Provincial Psychology Boards. E.Passport requirements include a graduate degree in psychology from an accredited higher education institution in an appropriate program based on specific standards and holding an unrestricted license in the home state.

The Psychology Interjurisdictional Compact Commission consists of one delegate from each member state. It is granted specific authority to facilitate requirements of the Compact.

ADMINISTRATIVE IMPLICATIONS

The New Mexico State Board of Psychologist Examiners would need to adopt rules in accordance with the compact and develop procedures for obtaining and reporting licensing and disciplinary action information to the coordinated database, to be maintained by the compact commission.

OTHER SUBSTANTIVE ISSUES

According to DOH, access to behavioral health services in New Mexico is limited; 32 of 33 counties contain, in whole or in part, designated Health Professional Shortage Areas for mental health (<https://data.hrsa.gov/>). Additionally, 1.1 million New Mexico residents live in a county where the entire county is designated as a shortage area for mental health (<https://data.hrsa.gov/>).

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Telepsychology will not be practiced across state lines in New Mexico and out-of-state psychologists will continue to need New Mexico licensure in order to practice in New Mexico.