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To: ASPPB Member Boards

RE: Jurisdictional Survey on Interjurisdictional Telepsychology Practice (IJTP)
Link to Online Survey:
https://docs.google.com/spreadsheet/viewform?formkey=dGZ2bEt0WVFIVTFIV1Z5VmdDbTUyNkE6MQ

As reported in some detail at the 2012 Midyear Meeting, ASPPB's Telepsychology Task Force has been considering an array of regulatory issues associated with the practice of telepsychology. Part of the Task Force's work has been identifying potential standards for telepsychology practice. Another part of the work, and the focus of this survey, has been identifying options for addressing interjurisdictional telepsychology practice (IJTP).

In considering the practice of telepsychology it has been critical for the ASPPB Task Force to assess the issues through the regulatory lens rather than the lens of the individual psychologist. Critical distinctions exist between the role of a regulator and that of a licensed/registered psychologist in any given jurisdiction. Specifically, whether a practice standard or regulatory language is viewed as providing protection or a barrier may hinge on this germane distinction.

The primary objective of every regulator within the field of occupational regulation should be public protection. Regulators typically achieve public protection by establishing licensing standards, engaging in complaint resolution, and by facilitating education. A central consideration in evaluating the effectiveness of any proposed telepsychology standard, guideline, or regulatory language is of its ability to ensure that the practice of psychology is done competently and at the minimum standard of acceptable and prevailing practice. In essence, by asking, "Will this solution to telepsychology protect the recipients of psychological services?" This lens is citizen focused.

The primary objective of licensed/registered psychologists may differ. Licensed/registered psychologists in general are committed to APA or CPA Ethical principles and Code of Conduct, which are client focused. As well, practicing psychologists may view proposed telepsychology standards, guidelines, and regulatory language through a lens that is focused on—in addition to the needs of their clients—the ease of conducting their own private practice, and their needs as professionals, rather than focused on the role of protector of the public interest.

We face the challenge of negotiating between regulatory and practitioner perspectives, creating a balance that ensures public protection within a realistic appraisal of telepsychology practice. Based on review of the current literature, commentaries, feedback responses, and best-practices of other organizations, the

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ASPPB Telepsychology Task Force reported to the 2012 Mid-Year meeting five options intended to reflect the spectrum of possible approaches to IJTP. (Another approach we heard at the mid-year meeting could be summarized as, "We will discipline one of our registrants who has harmed your citizen, separate from certification to practice telepsychology." We found this approach to be similar to the core of Option 4, but found the additional components of Option 4 to be important.) Further dialogue and reflection, including consideration of comments received at the mid-year meeting, have led us to eliminate three of those options from our consideration because we find they fail the test of ensuring public protection, and to eliminate one option because we find it would be substantially more problematic to implement than would remaining options.

Our original Option 1 was, "No license required to provide IJTP." This option maximizes public vulnerability to unregulated practice, found no support among regulators, and does not merit further consideration.

Our original Option 2 was, "Licensed/Registered in all jurisdictions that telepsychology practice is initiated or provided from and licensed/registered in all jurisdictions that telepsychology services are received." Unlike option 1, this option, which would reflect the status quo official expectations of most jurisdictions, has received some expressions of support from regulators. This option fails to facilitate telepsychological practice across jurisdictions due to costs associated with obtaining and maintaining multiple licenses/registrations. It reduces access to services to underserved populations because it discourages psychologists from telepsychological practice. It leaves to unregulated practitioners much of the growing market for services to the public which would better be met by psychologists. It provides no clear process of redress for clients in a distant jurisdiction who had been served by psychologists who did not follow the expectations for multiple licensure. However, members of the ASPPB Telepsychology Task Force have come to conclude that this option fails the test of public protection. It also reflects negatively on the profession and regulators by projecting that we are unable or unwilling to adapt regulatory responses to new technologies. The ASPPB Task Force believes we must create an alternative to the status quo for IJTP.

Our original Option 3 was, "Licensed/Registered in home jurisdiction, but jurisdictional authority based where client/patient resides/domiciles." This option parallels option 4, except for the location of jurisdictional authority. The ASPPB Task Force heard no support for option 3, and finds substantially more problems associated with locating jurisdictional authority in a jurisdiction where the psychologist is not licensed/registered than in the jurisdiction where the psychologist is licensed/registered. We believe that this option does not merit further consideration.

The ASPPB Telepsychology Task Force has identified the following three options to address interjurisdictional telepsychology practice:

- Option 4: Licensed/Registered in the psychologist's home jurisdiction and jurisdictional authority also based in home jurisdiction.
- Option 5: Licensed/Registered in the psychologist's home jurisdiction, jurisdictional authority also based in home jurisdiction, and psychologist holds national/international E-Passport for telepsychology (formerly referred to as a "certificate")
- Option 6: Licensed/Registered in the psychologist's home jurisdiction, jurisdictional authority also based in home jurisdiction, and psychologist holds national/international E-Passport for telepsychology (formerly referred to as a "certificate") and that E-Passport is open only to psychologists who have completed: a doctoral degree accredited by APA or

> CPA or listed by the Joint Designation Committee; a doctoral degree which encompasses a minimum of three academic years of full-time graduate study and a minimum of one continuous year of full-time residency at the educational institution granting the degree; two years of supervised practice, one of which shall have been completed after receipt of the doctoral degree; the EPPP with a score at or above the ASPPB pass score; and, five-years of independent practice.

All three of these options clarify that jurisdictional authority for investigation and discipline rests with the home jurisdiction of the psychologist. This presents challenges: Investigating complaints by someone living outside the psychologist's home jurisdiction could be practically cumbersome, and in some jurisdictions there might be legislative or regulatory barriers to such investigation and discipline. The regulatory body in the client's jurisdiction is left to trust that the psychologist's home jurisdiction will take appropriate action, and is limited to issuing cease and desist orders; in some jurisdictions there might be legislative or regulatory barriers to permitting people not registered in that jurisdiction to practice telepsychology into the jurisdiction.

Option 4 facilitates telepsychological practice into other jurisdictions with no added time or costs to the psychologist. It enables all psychologists who adhere to the principles/standards to practice into other jurisdictions, thereby maximizing choice in, and access to, service for clients/patients. This option is parsimonious and requires no new infrastructure; it does require jurisdictions to receive and log notifications from psychologists that the psychologists will be conducting telepsychology into the jurisdiction. Option 4 does nothing to modify the significant differences in requirements for practice which exist across jurisdictions.

Option 5 was developed in an effort to address some of the perceived challenges of Option 4. Option 5 introduces a new mechanism, the E-Passport, which does carry some time and financial costs to the psychologist. It removes from distant jurisdictions the requirement to receive and log notifications from psychologists conducting telepsychology into the jurisdiction. The E-Passport creates a contract between the psychologist and the certifying body that might provide some reassurance to jurisdictions being asked to accept telepsychology practice into the jurisdiction by people from jurisdictions with significantly different requirements for practice. The Task Force does see some value added by Option 5. In response to questions and other feedback received at the 2012 mid-year meeting about what the this option would look like, the Task Force has developed the attached E-Passport informational document for your review prior to completing this survey.

Option 6 was developed in response to the ASPPB Board's request for an option that reflected the high standards for the profession which have been promoted by ASPPB. Option 6 communicates the importance of such standards to psychologists and to the public, in a fashion consistent with past and present practice for advancing public protection. Option 6 reduces the expectation for jurisdictions to accept telepsychology practice into the jurisdiction by people from jurisdictions with significantly different (lower) requirements for practice. It includes the requirements and structure of the E-Passport as detailed in the attached informational document, but it adds substantial additional requirements. The additional substantial requirements do substantially limit the pool of psychologists who would be eligible for interjurisdictional telepsychology practice on the basis of requirements that are not specific to telepsychology. It would eliminate, for example,: Masters level psychologists (and in Canada, Psychological Associates) even into jurisdictions prepared to accept masters-level practitioners; psychologists whose degrees are not APA/CPA accredited or listed by the Joint Designation Committee; psychologists from jurisdictions without post-degree supervision requirement; psychologists who have

not been required to write the EPPP; psychologists with less than five years of independent practice. Option 6 would not address the needs of a jurisdiction which registers at the Masters level, including every Canadian jurisdiction (where, even with a doctoral standard for psychologists, jurisdictions register masters-level psychological associates for independent practice and/or register masters-level practitioners through the Agreement in Internal Trade). Of the three options in this menu, option 6 does the most to give comfort to jurisdictions with an exclusively doctoral standard concerned about inadequately trained (for psychology practice in general, not for telepsychology practice in particular) practitioners providing telepsychology into their jurisdiction. Of the three options in this menu, option 6 does the least to facilitate telepsychology practice into other jurisdictions and to enhance client choice and access to service.

The Task Force is genuinely open to jurisdictions' assessment of each option, and learning more from jurisdictions' experience.

To enable us to proceed most usefully, we request your assistance in providing two types of information about each of the options after you have had time to consult with your board about these issues:

- (1) an indication of what, if any, regulatory or legislative changes would be required within your jurisdiction to enable the option;
- (2) an indication of the extent of your jurisdiction's support for the option, setting aside for now issues of current regulatory or legislative barriers.

The experience of some Task Force members is that individual Board members' or administrators' initial ideas about regulatory or legislative changes required to enable such options do not always match well with the advice received from the jurisdiction's legal counsel. We encourage that your legal counsel be consulted before you submit a response to this survey. (That said, this is a survey, and not a declaration that binds your jurisdiction in any way; we are not requesting an exhaustive or expensive legal review.)

The ASPPB Telepsychology Task Force will summarize jurisdictional responses and make that summary available to all jurisdictions; to maximize information sharing, jurisdictional responses will not be anonymous, and will be identified in that summary.

Your response to this survey is requested by February 15, 2013. If you have any questions while completing the survey, please contact Janet Pippin Orwig at jorwig@asppb.org.

Finding effective, workable, and acceptable resolutions to the interjurisdictional challenges of telepsychology practice is a challenge. Your assistance in completing this survey will help us all move toward that goal. Thank you in advance for your help.

Sincerely,

Fred Millán

Fred Millán, Ph.D., ABPP
ASPPB President-Elect
Chair, ASPPB Telepsychology Task Force

PRINCIPLES/ STANDARDS

For purposes of this survey, please assume a situation where there has been success in developing a common set of telepsychology practice principles/standards. Such principles/ standards would recognize that telepsychology occurs within the context of existing ethical standards and principles for practice. Accordingly, in addition to general adherence to ethical principles and best practices, providers of telepsychology also need to be aware of issues particular to the telepsychological service they are offering. The Task Force has proposed the following set of principles/standards specific to telepsychology:

1. Psychologists providing telepsychology services will be held to the same standard of care/competence/conduct as they would when providing more traditionally based services.

2. Psychologists providing interjurisdictional telepsychology services shall be licensed/registered in good standing in the home jurisdiction from which the services are being provided.

3. Psychologists providing telepsychology services shall be aware of the location of the client/patient and ensure the legal entitlement to provide telepsychology services in that jurisdiction.

4. At the onset of professional services, psychologists providing telepsychology services shall provide notification to the boards of all jurisdictions into which the telepsychological service will be provided and in which the client/patient resides or is located at the time of service. The psychologist shall identify the home jurisdiction in which they hold a license in good standing.
   Please Note: Under Option 4 the psychologist would directly inform the distant jurisdiction(s); under Option 5 and Option 6 the certifying agency would inform the distant jurisdiction(s).

5. Psychologists providing telepsychology services shall be aware of applicable laws, rules, regulations, and standards for practice in the jurisdiction into which the service is being delivered, including but not limited to any requirement to have liability insurance in the jurisdiction into which the services are being provided. Where there is a conflict between jurisdictions with regard to laws, regulations, and standards, psychologists shall adhere to the laws, regulations and standards of his/her home jurisdiction in a manner consistent with the distant jurisdiction's laws and regulations as is reasonably possible. The psychologist will inform the patient/client of all significant conflicts that may adversely impact the professional services that the psychologists will provide with a particular emphasis on any limits to confidentiality, privilege, and duties to report.

6. Psychologists providing telepsychology services shall be competent in the technology of the service delivery medium and maintain current competency through continuing professional development, consultation or other procedures, in conformance with current regulatory requirements.

7. Psychologists providing telepsychology services will ensure the electronic and physical security and integrity of client records, including any electronic data and communications.

8. Psychologists providing telepsychology services shall be competent in the maintenance of privacy, confidentiality, and security related to equipment, electronic records and electronic communications or data, including the disposal of such.

9. Psychologists providing telepsychology services shall provide the client/patient with the contact information and process for filing a complaint with the regulatory body of the home jurisdiction in which they hold a license in good standing.

10. Psychologists providing telepsychology services shall establish and communicate policies with the client/patient regarding technological difficulties or failures.

11. Psychologists providing telepsychology services must verify at the onset of each contact the identity of the client/patient, as well as the identity of all individuals privy to any electronically transmitted service, at any time during the contact.

12. Psychologists providing telepsychology services must inform the client/patient of any limits to confidentiality, security, and privacy unique to the telepsychology service being provided.

Definitions

For purposes of this survey, please utilize the following definitions:

Telepsychology: The provision of psychological services using telecommunication technologies.

Please Note: In the survey you will be asked to consider whether activities which are completely administrative in nature such that they could be responsibly delegated to an administrative assistant (such as scheduling or cancelling an appointment) do and should constitute telepsychology. For purposes of this survey, please assume that they do ***not****, although other ethical requirements, such as confidentiality, would still apply.*

Client/Patient: The recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

Distant Jurisdiction: The jurisdiction where the client/patient was located at the time of receiving service. The distant jurisdiction maintains the right to generate a cease and desist against the psychologist to protect its citizen, the client/patient.

Home Jurisdiction: The jurisdiction where the psychologist is licensed/registered in good standing. In cases where the psychologist is licensed/registered in more than one jurisdiction, the home jurisdiction is where the services are being provided from. The home jurisdiction maintains the right to discipline the psychologist.

Interjurisdictional Practice: Any type of client/patient contact that crosses a jurisdiction.

Interjurisdictional Telepsychology Practice: Client/patient contact that crosses a jurisdictional line via telecommunications technologies.

DRAFT E-Passport Defined
Background

Advances in telecommunications technologies have provided psychologists the resources to reach populations in ways that they have not been able to in the past. They can offer services in new and innovative ways without both parties needing to be physically in the same place at the same time. A central challenge confronting psychologists doing this work is understanding and knowing the legal implications of transcending geographical boundaries. Currently, if a psychologist delivers services to a patient who is in a jurisdiction where the psychologist is not licensed, there are legal and ethical issues associated with that action. This raises an interjurisdictional question. That is, where does the practice take place? Is it in the state or province where the patient is located or where the psychologist is licensed to practice psychology? More specifically, if there were a problem with the delivery of the service, which jurisdiction would have the authority to prosecute the claim?

There are many different approaches to respond to these issues. Many practitioners would answer the question by saying as long as they are licensed in the jurisdiction, where they are located (i.e. home jurisdiction) then it does not matter where the patient is. In this scenario, the practice takes place where the psychologist is licensed to practice and not where the patient is located. Following this logic, the jurisdiction where the psychologist is licensed to practice would have the authority to adjudicate the matter. This could create complications for the home jurisdictions, for example, since the patient is in another state or province the home jurisdiction might not have the financial or technical means to bring the patient in to testify at the hearing, thereby limiting public protection.

Another potential solution gives the authority to the state or province where the patient resides and not where the psychologist is licensed to practice. The difficulty with this position is that licensing boards might not know who was providing the psychological service to their citizens or where the psychologist who is delivering the service into their jurisdiction is located. It is also questionable if that state or province would have jurisdictional authority over the psychologist who is not physically located in their state or province even though they are providing psychological services electronically to their citizens. Secondly, the state or province would not know if a psychologist providing the service has the technological and professional competency to provide the services.

The regulatory community might suggest another solution. Since the mandate of licensing boards is to protect the citizens of their state or province, many feel that this requires a psychologist to be licensed in any jurisdiction in which they are practicing. Therefore, the regulators would argue that a psychologist needs to be licensed in every jurisdiction where they are located, as well as, where their patients are located. For example, if a psychologist is licensed to practice in Pennsylvania and the patient lives in California, then the psychologist must be licensed in California as well as in Pennsylvania. While this seems to be a simple solution to a complicated problem, it would make providing telepsychological services impractical, unwieldy and too costly for the psychologist. In essence, it would be almost impossible for a psychologist to provide telepsychological services, limiting access to many underserved populations.

E-Passport

A solution to the potential conflict between psychologists and licensing boards is a compromise which would require those psychologists who want to provide telepsychological services **across** jurisdictions be issued an electronic or *"E" Passport.* The E-Passport would satisfy both positions. That is, a psychologist who chooses to practice telepsychology would be required to apply for and be granted an E-Passport. Once a psychologist has obtained an E-Passport, they would only have to be licensed in the state or province in which they are physically present to provide psychological services. This would be their "home jurisdiction" where they are licensed to practice. The psychologist would not have to be licensed in the state or province where the patient is located. The E-Passport is intended to allow the psychologist to use telecommunications technologies to provide psychological services **only** to patients who reside in another jurisdiction. It is not intended to bypass the traditional licensure process. If a psychologist wants to physically move or relocate to another state or province, then they must apply for licensure before they are able to practice in the new jurisdiction.

By accepting the compromise, licensing boards are agreeing to allow psychologists to practice into their jurisdiction using telecommunications technologies without requiring the psychologist to obtain another license. The E-Passport would assure each distant jurisdiction that any psychologist who chooses to use telecommunication technologies are competent to practice and are knowledgeable of their local jurisprudence, thereby satisfying the licensing board's need to protect their citizens . The states and provinces also would agree to recognize the E-Passport and comply with the provisions established for investigation and regulations of complaints from patients.

An internationally recognized certifying body (ASPPB) in collaboration with the states and provinces will develop criteria and standards for the E-Passport. While this certifying body is not a state or provincial licensing body and does not have the authority to issue or revoke a license to practice psychology, it can review and ensure that the psychologist has satisfied the requirements for the E-Passport and then issue an E-Passport to the psychologist. Since the standards will be used in and accepted by the licensing boards in the U.S. and Canada, the certificate will allow the psychologist to use electronic communications to provide services to patients across jurisdictions. As part of the agreement, the psychologist would notify ASPPB where their patient is located. ASPPB would then notify each state or province when a psychologist is practicing into their jurisdiction.

Psychologists who desire to use telecommunications technologies to practice interjurisdictionally must fulfill all the requirements of the E-Passport before it can be issued. Psychologists would have to certify that they are professionally competent to use telecommunications technologies to provide services to patients. Psychologists will be required as part of the application process to sign a contract agreeing that they will abide by the requirements and procedures of the E-Passport. The contract will specify what would be unacceptable practice and will articulate the procedure to investigate and adjudicate complaints. The contract will be binding on psychologists. Any violation of the contract will result in the E-Passport being declared void. If the contract is voided, the E-Passport will be removed and psychologists will no longer be authorized to provide interjurisdictional telepsychology services. In addition, the violation shall

serve as the basis for a claim against the psychologist's license in the psychologist's home jurisdiction. The home jurisdiction will have the ultimate authority to prosecute the action against the psychologist. The distant jurisdiction, where the patient is located, can decide to institute a cease and desist based on probable cause ordering the psychologist to stop providing services in that jurisdiction.

The ASPPB Telepsychology Task Force has created two versions the E-Passport. One for use with Option 5 and one for use with Option 6.

Option 5: E- Passport

The psychologist shall:

- be licensed/registered by a psychology regulatory board in good standing in the jurisdiction where he/she is practicing and have no disciplinary action on that license/registration;
- practice within the specified legal requirements of the home jurisdiction and all other jurisdictions where the practice or delivery of services is occurring. In the case of a conflict between the legal requirements of the jurisdictions, the psychologist will follow the higher standard and take all necessary steps to resolve the conflict including if needed seeking legal advice;
- be held to the APA/ASPPB/APAIT Telepsychology Guidelines and the ASPPB Telepsychology Principles/Standards;
- agree to comply and be bound by the terms of the contract established by the E-Passport between the psychologist and the certifying body . If the psychologist is in violation of the terms of the contract the E-Passport will be revoked and the psychologist will no longer have the authorization to provide interjurisdictional telepsychology services. The psychologist agrees to abide by this decision and stop providing interjurisdictional telepsychology services based on the issuance of the E-Passport. The psychologist is on notice that the violation of the E-Passport contract and revocation of the E-Passport may serve as a basis for action by a licensing board;
- provide telepsychology services only in those jurisdictions which recognize the E-Passport;
- inform the patient of his/her licensure status and location, that he/she possesses an E-Passport, inform the patient of any limitations on where the psychologist can practice, and how and where the patient can file a complaint;
- attest that he/she is competent with the telecommunications technologies that will be used to provide telepsychology services to patients based on the psychologist's education, training and experience;
- obtain one 3-hour course relevant to his/her telepsychology practice to maintain E-Passport;
- notify the patient where there is a conflict of law regarding confidentiality (e.g., duty to warn, duty to report), at the outset of the provision of services;

- be familiar with the differences between the rules, regulation and laws and inform the patient of the potential conflict that is pertinent to specific professional relationship as they arise;
- comply with any cease and desist orders from a distant jurisdiction
- provide E-Passport information on all promotional materials;
- complete all application requirements as well as pay necessary fees; and
- notify the certifying agency of any address or licensure/registration status changes.

Responsibilities of the Certifying Agency

For issuance of the E-Passport, the certifying agency shall:

- verify the applicant is licensed/registered in a jurisdiction that accepts the E-Passport;
- verify the applicant has current, appropriate, liability insurance covering the practice of telepsychology services
- primary source verify that the applicant has a current, valid license for independent practice as a psychologist in the U.S. or a psychologist or psychological associate in the Canada issued by a psychology regulatory body
- verify via the ASPPB Disciplinary Data System that the applicant has no record of any publicly reported discipline on any license/registration issued to the applicant from any psychology regulatory body
- obtain a completed Competency to Practice Attestation Form from the applicant
- require the applicant to attest that he/she has read, understands and will abide by the provided APA/ASPPB/APAIT Telepsychology Guidelines and ASPPB Telepsychology Standards .
- issue and administer the E-Passport
- send notice to any jurisdiction where the psychologist will be providing services
- revoke a Passport upon notification of any disciplinary action on the psychologist. This revocation will revoke all rights to telepsychological practice based on that Passport.

For renewal of the E-Passport, the certifying agency shall:

- ensure the e- E-Passport is renewed annually;
- receive and review an updated Competency to Practice Attestation Form;
- receive certification that the E-Passport holder has reviewed and be will be held to the current APA/ASPPB/APAIT Telepsychology Guidelines and the ASPPB Telepsychology Principles/Standards;
- verify that the psychologist has obtained required continued professional development related to providing telepsychology services; and
- verify current, active licensure/registration in good standing.

The certifying agency shall revoke an E-Passport for any of the following:

- Any disciplinary sanction imposed upon a E-Passport holder's license/registration by an ASPPB member board;
- Proof of fraud in application;
- Failure to comply with all applicable statutory, regulatory and ethical standards in representing certification status; or
- Failure to comply with the APA/ASPPB/APAIT Telepsychology Guidelines or the ASPPB Telepsychology Principles/Standards.

The certifying agency may revoke an E-Passport upon reasonable proof of the following:

- Expulsion from APA or CPA;
- A sanction issued by an ethics committee or any other entity within APA or CPA; or
- Conviction of a serious crime, despite the pendency of any appeal or other legal proceedings. A "serious crime" shall include any felony; any lesser crime, an element of which under applicable law is fraud, bribery, extortion, theft, or attempt or conspiracy to commit another serious crime; and any other criminal act.

Responsibilities of the Jurisdictions Recognizing and Adopting E-Passport

Jurisdictions recognizing and adopting the E-Passport shall:

- comply with the regulations established by the E-Passport;
- identify the minimal level of licensure (doctoral or master's) acceptable to practice telepsychology into the jurisdiction via the E-Passport;
- act on the authority to investigate, prosecute and adjudicate claims filed against a psychologist in their jurisdiction when the recipient of the service is a citizen of a distant jurisdiction.
- recognize that the distant jurisdiction, where the psychologist is not licensed and where the patient is receiving the services, has the authority based on a finding of fact to issue a cease and desist order mandating the psychologist stop providing telepsychology services into that jurisdiction; and
- notify the certifying agency if a psychologist is found by to have violated a regulation, rule or law . The violation of the jurisdictional regulation, rule or law shall serve to nullify and void the E-Passport.

Option 6: E-Passport

In addition to the requirements listed under Option 5's E-Passport, prior to issuing an E-Passport under Option 6, the certifying agency shall:

- verify that the degree on which the applicant's registration is based is from a regionally accredited institution
- verify a doctoral degree accredited by APA or CPA or is designated by the ASPPB/National Register Joint Designation Committee
- verify that the doctoral degree encompasses a minimum of three academic years of full-time graduate study and a minimum of one continuous year of full-time residency at the educational institution granting the degree
- verify two years of supervised practice, one of which shall have been completed after receipt of the doctoral degree;
- confirm through ASPPB completion of the EPPP with a score at or above the ASPPB pass score
- verify five-years of independent practice

All other responsibilities for the psychologist, certifying agency and jurisdictions recognizing or accepting the E-Passport are the same for the E-Passport under Option 5 or Option 6.

SURVEY

ASPPB Telepsychology Task Force

Jurisdictional Survey on Interjurisdictional Telepsychology Practice (IJTP)

Name of Jurisdiction:
Name of respondent:
Position of respondent (e.g., board administrator, registrar, board chair):
Respondent's email address:
Respondent's phone number:
Has your jurisdiction's legal counsel been consulted regarding responses to this survey? __ Yes __ No

ARE SOME TELECOMMUNICATIONS CONTACTS BETWEEN PSYCHOLOGIST AND CLIENT/PATIENT NOT "TELEPSYCHOLOGY"?

Question 1.1:
Based on the current laws and regulations of your jurisdiction, would contact between a psychologist and client/patient to reschedule an appointment via telecommunication devices while the psychologist and/or the client/patient are out of your jurisdiction constitute telepsychological services?
___ Yes
___ No
___ Current laws do not address this issue

Question 1.2:
Does your jurisdiction believe that contact between a psychologist and client/patient to reschedule an appointment via telecommunication devices while the psychologist and/or the client/patient are out of your jurisdiction should constitute telepsychological services?
___ Yes
___ No

Question 1.3: If feasible, please provide the rationale for your response to the preceding question:

OPTIONS

OPTION 4: LICENSED/REGISTERED IN THE PSYCHOLOGIST'S HOME JURISDICTION & JURISDICTIONAL AUTHORITY IS ALSO BASED IN HOME JURISDICTION; PSYCHOLOGIST REQUIRED TO NOTIFY DISTANT JURISDICTION THAT SERVICE WILL BE PROVIDED THERE

Under Option 4 any psychologist providing interjurisdictional services would need to be licensed/registered in the home jurisdiction but would not need to be licensed/registered in the distant jurisdiction. The home jurisdiction would carry responsibility to investigate, prosecute, and adjudicate claims filed against a psychologist in their jurisdiction when the recipient of the service lives in and/or received services in a distant jurisdiction. Participating jurisdictions would hold their registrants accountable to the Telepsychology Principles/Standards. The psychologist would inform the distant jurisdiction that the psychologist would be providing services there. Distant jurisdictions would have the authority, based on a finding of fact, to issue a cease and desist order mandating the psychologist

stop providing telepsychology services into that jurisdiction. Masters-level psychologists authorized for independent practice and, in Canada, psychological associates, would provide telepsychological services only into those jurisdictions willing to accept masters-level psychologists authorized for independent practice or in Canada psychological associates for purposes of telepsychology practice. This option would require all the participating jurisdictions to adopt the ASPPB recommended Principles/Standards in their entirety.

Question 2.1.a: *Setting aside for now the desirability or not of this option*, would any regulatory or legislative changes be required within your jurisdiction to enable this option? ___ Yes ___ No

Question 2.1.b: If Yes, which of the following statements best describes those changes?
___ So extensive or difficult to achieve that it is difficult to imagine them ever being made.
___ Extensive and difficult to achieve, but probably possible if we were determined to see them made.
___ Possible with a moderate effort on our part.
___ Reasonably easy for us to achieve.
___ Simply accomplished, in-house, by our board/administrative structure.

Question 2.1.c: If Yes, would this change require a (check all that apply):
___ Law change
___Regulation change
___Administrative change
___Don't know

Question 2.1.d: If feasible, please specify what changes would be required.

Question 3.1.a: *Setting aside for now issues of current regulatory or legislative barriers*, please indicate the extent of your jurisdiction's support for this option:
___ Strongly opposed
___ Somewhat opposed
___ Neutral
___ Somewhat supportive
___ Strongly supportive

Question 3.1.b: If feasible, please describe the rationale for this level of support.

OPTION 5: LICENSED/REGISTERED IN THE PSYCHOLOGIST'S HOME JURISDICTION, JURISDICTIONAL AUTHORITY ALSO BASED IN HOME JURISDICTION, AND PSYCHOLOGIST HOLDS NATIONAL/INTERNATIONAL E-PASSPORT FOR TELEPSYCHOLOGY

Under Option 5 any psychologist providing interjurisdictional services would need to be licensed/registered in the home jurisdiction but would not need to be licensed/registered in the distant jurisdiction. The home jurisdiction would carry responsibility to investigate, prosecute, and adjudicate claims filed against a psychologist in their jurisdiction when the recipient of the service lives in and/or received services in a distant jurisdiction. Participating jurisdictions would hold their registrants accountable to the Telepsychology Principles/Standards. A certifying agency (such as ASPPB) would

inform the distant jurisdiction that the psychologist would be providing services there. Distant jurisdictions would have the authority, based on a finding of fact, to issue a cease and desist order mandating the psychologist stop providing telepsychology services into that jurisdiction. Masters-level psychologists authorized for independent practice and, in Canada, psychological associates, would provide telepsychological services only into those jurisdictions willing to accept masters-level psychologists authorized for independent practice or in Canada psychological associates for purposes of telepsychology practice. This option would require all the participating jurisdictions to adopt the ASPPB recommended Principles/Standards in their entirety.

Psychologists practicing interjurisdictional telepsychology would (unless registered in all jurisdictions into which practice was delivered) hold an E-Passport, issued by a certifying agency, agreeing to comply and be bound by the terms of the contract established by the E-Passport. In applying for the E-Passport initially and upon renewal, the psychologist would attest to competence with the telecommunications technologies being used to provide telepsychology services to clients/patients based on their education, training and experience; additionally, annual renewal would require three hours professional/technological continuing education relevant to the psychologist's telepsychology practice. Psychologists would pay application and renewal fees for the E-Passport. Only psychologists whose registration is based upon a degree from a regionally accredited institution, and who have no record of disciplinary action, would be eligible for the E-passport.

The certifying agency would:

- verify the applicant is licensed/registered in a jurisdiction that accepts the E-Passport;
- verify the applicant has current appropriate liability insurance covering the practice of telepsychology services;
- primary source verify that the applicant has a current, valid license for independent practice as a psychologist in the U.S. or a psychologist or psychological associate in the Canada issued by a psychology regulatory body;
- verify that the degree on which the applicant's registration is based is from a regionally accredited institution;
- verify via the ASPPB Disciplinary Data System that the applicant has no record of any publicly reported discipline on any license/registration issued to the applicant from any psychology regulatory body;
- obtain a completed Competency to Practice Attestation Form from the applicant;
- require the applicant to attest that he/she has read, understands and will abide by the provided APA/ASPPB/APAIT Telepsychology Guidelines (see attached) and the ASPPB Telepsychology Principles/Standards;
- issue and administer the E-Passport;
- send notice to any jurisdiction where the psychologist will be providing services;
- revoke an E-Passport upon notification of any disciplinary action on the psychologist; this revocation will revoke all rights to e practice based on that E-Passport;
- at annual renewal:
    - obtain a completed Competency to Practice Attestation Form from the applicant;
    - verify licensure;
    - verify that the psychologist has obtained required continued professional development related to providing telepsychology services.

Please review the attached document on the E-Passport for further details.

Question 4.1.a: *Setting aside for now the desirability or not of this option*, would any regulatory or legislative changes be required within your jurisdiction to enable this option? ___ Yes ___ No

Question 4.1.b: If Yes, which of the following statements best describes those changes?
___ So extensive or difficult to achieve that it is difficult to imagine them ever being made.
___ Extensive and difficult to achieve, but probably possible if we were determined to see them made.
___ Possible with a moderate effort on our part.
___ Reasonably easy for us to achieve.
___ Simply accomplished, in-house, by our board/administrative structure.

Question 4.1.c: If Yes, would this change require a (check all that apply):
___ Law change
___Regulation change
___Administrative change
___Don't know

Question 4.1.d: If feasible, please specify what changes would be required.

Question 5.1.a: *Setting aside for now issues of current regulatory or legislative barriers*, please indicate the extent of your jurisdiction's support for this option:
___ Strongly opposed
___ Somewhat opposed
___ Neutral
___ Somewhat supportive
___ Strongly supportive

Question 5.1.b: If feasible, please describe the rationale for this level of support.

OPTION 6: LICENSED/REGISTERED IN THE PSYCHOLOGIST'S HOME JURISDICTION, JURISDICTIONAL AUTHORITY ALSO BASED IN HOME JURISDICTION, AND PSYCHOLOGIST HOLDS NATIONAL/INTERNATIONAL E-PASSPORT FOR TELEPSYCHOLOGY AND THAT E-PASSPORT IS OPEN ONLY TO PSYCHOLOGISTS WHO HAVE COMPLETED: A DOCTORAL DEGREE ACCREDITED BY APA OR CPA OR LISTED BY THE JOINT DESIGNATION COMMITTEE; A DOCTORAL DEGREE WHICH ENCOMPASSES A MINIMUM OF THREE ACADEMIC YEARS OF FULL-TIME GRADUATE STUDY AND A MINIMUM OF ONE CONTINUOUS YEAR OF FULL-TIME RESIDENCY AT THE EDUCATIONAL INSTITUTION GRANTING THE DEGREE; TWO YEARS OF SUPERVISED PRACTICE, ONE OF WHICH SHALL HAVE BEEN COMPLETED AFTER RECEIPT OF THE DOCTORAL DEGREE; THE EPPP WITH A SCORE AT OR ABOVE THE ASPPB PASS SCORE; AND, FIVE YEARS OF INDEPENDENT PRACTICE.

Under Option 6 any psychologist providing interjurisdictional services would need to be licensed/registered in the home jurisdiction but would not need to be licensed/registered in the distant

jurisdiction. The home jurisdiction would carry responsibility to investigate, prosecute, and adjudicate claims filed against a psychologist in their jurisdiction when the recipient of the service lives in and/or received services in a distant jurisdiction. Participating jurisdictions would hold their registrants accountable to the Telepsychology Principles/Standards. A certifying agency (such as ASPPB) would inform the distant jurisdiction that the psychologist would be providing services there. Distant jurisdictions would have the authority, based on a finding of fact, to issue a cease and desist order mandating the psychologist stop providing telepsychology services into that jurisdiction. This option would require all the participating jurisdictions to adopt the ASPPB recommended Principles/Standards in their entirety.

Psychologists practicing interjurisdictional telepsychology would (unless registered in all jurisdictions into which practice was delivered) hold an E-Passport, issued by a certifying agency, agreeing to comply and be bound by the terms of the contract established by the E-Passport. In applying for the E-Passport initially and upon renewal, the psychologist would attest to competence with the telecommunications technologies being used to provide telepsychology services to clients/patients based on their education, training and experience; additionally, annual renewal would require three hours professional/technological continuing education relevant to the psychologist's telepsychology practice. Psychologists would pay application and renewal fees for the E-Passport. Only psychologists whose registration is based upon a degree from a regionally accredited institution, and who have no record of disciplinary action, would be eligible for the E-passport.

The E-Passport would be open only to psychologists who had completed: a doctoral degree accredited by APA or CPA or listed by the Joint Designation Committee; a doctoral degree which encompasses a minimum of three academic years of full-time graduate study and a minimum of one continuous year of full-time residency at the educational institution granting the degree; two years of supervised practice, one of which shall have been completed after receipt of the doctoral degree; the EPPP with a score at or above the ASPPB pass score; and, five-years of independent practice.

The certifying agency would:

- verify the applicant is licensed/registered in a jurisdiction that accepts the E-Passport;
- verify the applicant has current appropriate liability insurance covering the practice of telepsychology services;
- primary source verify that the applicant has a current, valid license for independent practice as a psychologist in the U.S. or a psychologist or psychological associate in the Canada issued by a psychology regulatory body;
- verify that the degree on which the applicant's registration is based is from a regionally accredited institution;
- verify via the ASPPB Disciplinary Data System that the applicant has no record of any publicly reported discipline on any license/registration issued to the applicant from any psychology regulatory body;
- obtain a completed Competency to Practice Attestation Form from the applicant;
- require the applicant to attest that he/she has read, understands and will abide by the provided APA/ASPPB/APAIT Telepsychology Guidelines (see attached) and the ASPPB Telepsychology Principles/Standards;
- issue and administer the E-Passport;
- send notice to any jurisdiction where the psychologist will be providing services;

- revoke an E-Passport upon notification of any disciplinary action on the psychologist; this revocation will revoke all rights to e practice based on that E-Passport;
- at annual renewal:
  - obtain a completed Competency to Practice Attestation Form from the applicant;
  - verify licensure;
  - verify that the psychologist has obtained required continued professional development related to providing telepsychology services.

Please review the attached document on the E-Passport for further details.

Additionally, the certifying agency would:

- verify a doctoral degree accredited by APA or CPA or listed by the Joint Designation Committee;
- verify that the doctoral degree encompasses a minimum of three academic years of full-time graduate study and a minimum of one continuous year of full-time residency at the educational institution granting the degree;
- verify two years of supervised practice, one of which shall have been completed after receipt of the doctoral degree;
- confirm through ASPPB completion of the EPPP with a score at or above the ASPPB pass score;
- verify five-years of independent practice.

Question 6.1.a: *Setting aside for now the desirability or not of this option*, would any regulatory or legislative changes be required within your jurisdiction to enable this option? ___ Yes ___ No

Question 6.1.b: If Yes, which of the following statements best describes those changes?

___ So extensive or difficult to achieve that it is difficult to imagine them ever being made.
___ Extensive and difficult to achieve, but probably possible if we were determined to see them made.
___ Possible with a moderate effort on our part.
___ Reasonably easy for us to achieve.
___ Simply accomplished, in-house, by our board/administrative structure.

Question 6.1.c: If Yes, would this change require a (check all that apply):

___ Law change
___Regulation change
___Administrative change
___Don't know

Question 6.1.d: If feasible, please specify what changes would be required.

Question 7.1.a: *Setting aside for now issues of current regulatory or legislative barriers*, please indicate the extent of your jurisdiction's support for this option:

___ Strongly opposed
___ Somewhat opposed
___ Neutral
___ Somewhat supportive
___ Strongly supportive

Question 7.1.b: If feasible, please describe the rationale for this level of support.

Question 8: Please rank-order your support for the three options presented here:

___ Option 4 **LICENSED/REGISTERED IN THE PSYCHOLOGIST'S HOME JURISDICTION & JURISDICTIONAL AUTHORITY IS ALSO BASED IN HOME JURISDICTION**

___ Option 5 **LICENSED/REGISTERED IN THE PSYCHOLOGIST'S HOME JURISDICTION, JURISDICTIONAL AUTHORITY ALSO BASED IN HOME JURISDICTION, AND PSYCHOLOGIST HOLDS NATIONAL/INTERNATIONAL E-PASSPORT FOR TELEPSYCHOLOGY**

___ **Option 6** **LICENSED/REGISTERED IN THE PSYCHOLOGIST'S HOME JURISDICTION, JURISDICTIONAL AUTHORITY ALSO BASED IN HOME JURISDICTION, AND PSYCHOLOGIST HOLDS NATIONAL/INTERNATIONAL E-PASSPORT FOR TELEPSYCHOLOGY AND THAT E-PASSPORT IS OPEN ONLY TO PSYCHOLOGISTS WHO HAVE COMPLETED: A DOCTORAL DEGREE ACCREDITED BY APA OR CPA OR LISTED BY THE JOINT DESIGNATION COMMITTEE; A DOCTORAL DEGREE WHICH ENCOMPASSES A MINIMUM OF THREE ACADEMIC YEARS OF FULL-TIME GRADUATE STUDY AND A MINIMUM OF ONE CONTINUOUS YEAR OF FULL-TIME RESIDENCY AT THE EDUCATIONAL INSTITUTION GRANTING THE DEGREE; TWO YEARS OF SUPERVISED PRACTICE, ONE OF WHICH SHALL HAVE BEEN COMPLETED AFTER RECEIPT OF THE DOCTORAL DEGREE; THE EPPP WITH A SCORE AT OR ABOVE THE ASPPB PASS SCORE; AND, FIVE YEARS OF INDEPENDENT PRACTICE**

Question 8.1: ASPPB should invest further energy in developing Option 4:
___ Strongly agree
___ Somewhat agree
___ Neutral
___ Somewhat disagree
___ Strongly disagree

Question 8.2: ASPPB should invest further energy in developing Option 5:
___ Strongly agree
___ Somewhat agree
___ Neutral
___ Somewhat disagree
___ Strongly disagree

Question 8.3: ASPPB should invest further energy in developing Option 6:
___ Strongly agree
___ Somewhat agree
___ Neutral
___ Somewhat disagree
___ Strongly disagree

Question 9: Please add any other comments you would care to offer about IJTP:

Thank you for your assistance. We look forward to sharing the results of this survey with you.