



Senate Fiscal Agency
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BILL ANALYSIS



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House Bills 5488 and 5489 (as reported without amendment)

Sponsor: Representative Bronna Kahle (H.B. 5488)

Representative Felicia Brabec (H.B. 5489)

House Committee: Health Policy

Senate Committee: Health Policy and Human Services

CONTENT

House Bill 5489 would enact within Article 15 (Occupations) of the Public Health Code the Psychology Interjurisdictional Compact, which would allow telehealth and temporary in-person, face-to-face practice of psychology across jurisdictional boundaries. Specifically, the Compact does the following:

- Allows a psychologist to hold one or more Compact state licenses at a time.
- Allows any Compact state to require a psychologist not previously licensed in a Compact state to obtain and retain a license to be authorized to practice in the Compact state.
- Specifies that a home state's license authorizes a psychologist to practice in a receiving state or grants temporary authority to practice in a distant state only under certain circumstances.
- Requires Compact states to recognize the right of a psychologist licensed in a Compact state to practice telepsychology in other Compact states in which the psychologist is not licensed.
- Requires a psychologist licensed to practice in a Compact state to meet certain requirements.
- Specifies that a psychologist practicing in a receiving state is subject to that state's scope of practice, and that a psychologist practicing in a distant state is subject to that state's authority and law.
- Requires a receiving state or distant state that takes adverse action against a psychologist to promptly notify the psychologist's home state and the Psychology Interjurisdictional Compact Commission.
- Grants a home state the power to impose adverse action against a psychologist's license issued by the home state.
- Grants a distant state the power to take adverse action on a psychologist's temporary authorization to practice within the distant state.
- Requires the Commission to provide for the development and maintenance of a coordinated licensure information system (coordinated database) and reporting system containing licensure and disciplinary action information on all psychologists and individuals to whom the Compact is applicable in all Compact states.
- Requires a Compact state to submit a uniform data set containing certain information to the coordinated database.
- Creates and establishes the Psychology Interjurisdictional Compact Commission, and prescribes its membership, voting procedures, meetings, and powers and authorities.
- Requires Commission meetings to be open to the public, but allows the Commission to convene in a closed, nonpublic meeting if it must discuss certain issues or matters.
- Requires the Commission to prescribe certain bylaws and rules to govern its conduct.

- Establishes an Executive Board to act on behalf of the Commission, and prescribes the Board's membership, duties, and responsibilities.
- Prescribes how the Commission must be financed.
- Requires the Commission to follow a prescribed rulemaking and rule adoption procedure.
- Requires the executive, legislative, and judicial branches of state government in each Compact state to enforce the Compact.
- Requires the Commission to enforce all provisions and rules of the Compact and take all actions necessary and appropriate to effectuate its purposes and intent.
- Prescribe the procedure for how a Compact state may withdraw from the Compact.

House Bill 5488 would amend Part 182 (Psychology) of the Public Health Code to modify the definition of "psychologist", and to allow a psychologist who had temporary authorization to practice under the Compact or was authorized to practice interjurisdictional telepsychology under the Compact to be authorized to practice psychology under the Code.

The bills are tie-barred.

MCL 333.18201 et al. (H.B. 5488)
Proposed MCL 333.16190 (H.B. 5489)

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bills would have an indeterminate negative fiscal impact on the Department of Licensing and Regulatory Affairs. The State's participation in the Compact could have a significant cost for the Department to participate because of the increased regulatory responsibilities that could increase the volume of investigations required, increase the number of hearings held, and increase costs due to other enforcement actions that would be required. These costs are indeterminate and would depend on the actual increase in the number of hearings, investigations, and enforcement actions undertaken.

The Department also could see additional information technology (IT) costs to ensure that the Department's current IT systems are compatible with the bill's requirements. Finally, the Psychology Interjurisdictional Compact Commission would be granted the authority to levy and collect annual assessments from Compact member states; however, whether it would do so, the amount of those assessments, is indeterminate.

Date Completed: 6-22-22

Fiscal Analyst: Joe Carrasco, Jr.