



April 5, 2019

ENGROSSED HOUSE BILL No. 1200

DIGEST OF HB 1200 (Updated April 3, 2019 11:52 am - DI 104)

Citations Affected: IC 25-33.

Synopsis: Telepsychology. Allows a psychologist to use telepsychology. Requires the psychologist who uses telepsychology to ensure that confidential communications stored electronically cannot be recovered or accessed by unauthorized persons when the psychologist disposes of electronic equipment and data.

Effective: July 1, 2019.

Frizzell, Kirchhofer, Shackelford, Bacon

(SENATE SPONSORS — CHARBONNEAU, BECKER, BREAUX)

January 10, 2019, read first time and referred to Committee on Public Health.
January 22, 2019, amended, reported — Do Pass.
January 24, 2019, read second time, ordered engrossed. Engrossed.
January 28, 2019, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Health and Provider Services.
April 4, 2019, amended, reported favorably — Do Pass.

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April 5, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1200

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-33-1-2, AS AMENDED BY P.L.2-2007,
2 SECTION 344, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) As used in this article:
4 "Appraisal instrument" means:
5 (1) a career and occupational instrument;
6 (2) an adaptive behavioral and symptom screening checklist; or
7 (3) an inventory of interests and preferences;
8 that is administered for the purpose of counseling individuals to cope
9 with or adapt to changing life situations or to situations that are due to
10 problems in living. The term includes marital, relational,
11 communicational, parent and child, family system assessment
12 instruments, and employment counseling.
13 "Board" means the state psychology board.
14 "Person" means an individual, firm, partnership, association, or
15 corporation.
16 "Practice of psychology" includes the following:
17 (1) Construction, administration, and interpretation of tests of

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- 1 intellectual and cognitive abilities, aptitudes, skills, interests,
 2 attitudes, personality characteristics, perception, emotion,
 3 motivation, and opinion.
 4 (2) Diagnosis and treatment of mental and behavioral disorders by
 5 a health service provider in psychology.
 6 (3) Educational and vocational planning and guidance.
 7 (4) Personnel selection and management.
 8 (5) Arrangement of effective work and learning situations.
 9 (6) Resolution of interpersonal and social conflicts.
 10 (7) Techniques used in interviewing, counseling, psychotherapy,
 11 and behavior modification of individuals or groups.
 12 (8) Supervision of psychological services.
 13 (9) Teaching of any of the practices listed in this subsection.
 14 (10) The planning and conduct of research on human behavior.

15 "Psychological services" means acts or behaviors coming within the
 16 purview of the practice of psychology (as defined in this article).

17 **"Psychologist" means a person who is licensed under this**
 18 **chapter to engage in the practice of psychology.**

19 "Recognized postsecondary educational institution" means any
 20 college, university, school, or similar educational establishment
 21 approved by the board for the purposes of this article.

22 "Agency" means the Indiana professional licensing agency under
 23 IC 25-1-5.

24 "Approved organization" means any organization or individual
 25 approved by the board.

26 "Continuing education course" means an orderly process of
 27 instruction that is designed to directly enhance the practicing
 28 psychologist's knowledge and skill in providing relevant psychological
 29 services, and that is approved by an approved organization.

30 (b) Nothing in this article shall be construed as permitting
 31 individuals licensed as psychologists to engage in any manner in the
 32 practice of medicine or optometry (as defined in the laws of this state).

33 (c) Nothing in this article shall be construed as permitting a
 34 psychologist to prescribe medication, unless a psychologist is
 35 participating in a federal government sponsored training or treatment
 36 program. An individual licensed as a psychologist may not prescribe
 37 medication unless the individual is a practitioner (as defined under
 38 IC 16-42-19-5).

39 SECTION 2. IC 25-33-3 IS ADDED TO THE INDIANA CODE AS
 40 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2019]:

42 **Chapter 3. Telepsychology**

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1 **Sec. 1. Nothing in this chapter authorizes a psychologist to**
2 **engage in the practice of psychology with a person who is**
3 **domiciled in a jurisdiction other than Indiana.**

4 **Sec. 2. The definitions in IC 25-33-1-2 apply to this chapter.**

5 **Sec. 3. As used in this chapter, "telepsychology" means the**
6 **practice of psychology using electronic communications and**
7 **information technology, including the following means:**

8 **(1) Videoconferencing.**

9 **(2) Telephone.**

10 **(3) Internet based communications.**

11 **Sec. 4. Subject to section 5 of this chapter, a psychologist may**
12 **use telepsychology to treat an individual.**

13 **Sec. 5. Before using telepsychology, the psychologist must do the**
14 **following:**

15 **(1) Establish and maintain competency in the use of**
16 **telepsychology, including through continuing education,**
17 **consultation, or other procedures, in conformance with**
18 **prevailing standards of scientific and professional knowledge.**

19 **(2) Establish and maintain competency in the appropriate use**
20 **of the information technologies used in the practice of**
21 **telepsychology.**

22 **(3) Assess if the client's primary problem and apparent**
23 **condition are consistent with the use of telepsychology to the**
24 **client's benefit.**

25 **(4) Determine if the client has sufficient knowledge and skills**
26 **to use the technology involved in telepsychology or if the client**
27 **can use a personal aid or assistive device to benefit from the**
28 **service.**

29 **(5) Refrain from providing telepsychology services to any**
30 **client when the outcome of the psychological analysis is**
31 **inconsistent with the delivery of telepsychology services,**
32 **including clinical or technological issues.**

33 **(6) At each contact with the client, make reasonable efforts to**
34 **verify the identity of the client.**

35 **(7) Establish an alternative means of contacting the client.**

36 **(8) Provide the client with an alternative means of contacting**
37 **the psychologist.**

38 **(9) Establish a written agreement concerning the client's**
39 **access to face-to-face emergency services in the client's**
40 **geographical area, including instances where the client is**
41 **experiencing a suicidal or homicidal crisis.**

42 **(10) When feasible, use secure communications with clients,**



1 which may include encrypted text messages via electronic
2 mail or secure Internet web sites.

3 (11) Obtain and document consent for the use of nonsecure
4 communications.

5 (12) Obtain the written informed consent of the client, in
6 language that is likely to be understood and is consistent with
7 accepted professional and legal requirements, concerning the
8 following:

9 (A) The limitations and innovative nature of using
10 telepsychology in providing psychological services.

11 (B) Potential risks to confidentiality of information due to
12 the use of telepsychology.

13 (C) Potential risks of sudden and unpredictable disruption
14 of telepsychology services and how an alternative means of
15 reestablishing an electronic or other connection will be
16 used under those circumstances.

17 (D) How and when the psychologist will respond to routine
18 electronic messages.

19 (E) Under what circumstances the psychologist and client
20 will use an alternative means of communication under
21 emergency circumstances.

22 (F) Who else may have access to communications between
23 the client and the psychologist.

24 (G) Specific methods for ensuring that a client's electronic
25 communications are directed only to the psychologist.

26 **Sec. 6. The psychologist who uses telepsychology shall ensure**
27 **that confidential communications stored electronically cannot be**
28 **recovered or accessed by unauthorized persons when the**
29 **psychologist disposes of electronic equipment and data.**

30 **Sec. 7. The board may adopt rules under IC 4-22-2 to**
31 **administer this chapter.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, delete "endorsed" and insert "**seeking endorsement**".

Page 4, delete lines 36 through 37 and insert "**any activities that may be identified as practicing psychology independently.**".

and when so amended that said bill do pass.

(Reference is to HB 1200 as introduced.)

KIRCHHOFER

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1200, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 1, delete "or a".

Page 3, line 2, delete "supervisee".

Page 3, delete lines 5 through 9.

Page 3, line 10, delete "5." and insert "**3.**".

Page 3, line 11, delete "psychology, including psychological supervision," and insert "**psychology**".

Page 3, delete line 16.

Page 3, line 17, delete "(4)" and insert "**(3)**".

Page 3, line 18, delete "6." and insert "**4.**".

Page 3, line 18, delete "7" and insert "**5**".

Page 3, line 18, delete "and a".

Page 3, line 19, delete "supervisee".

Page 3, line 20, delete "7. (a)" and insert "**5.**".

Page 3, line 20, delete "or".

Page 3, delete line 21.

Page 3, line 22, delete "provide,".

Page 4, line 3, delete "psychologist or supervisee." and insert

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"psychologist."

Page 4, line 25, delete "or supervisee".

Page 4, line 27, delete "or".

Page 4, line 28, delete "supervisee".

Page 4, line 31, delete "psychologist or supervisee." and insert

"psychologist."

Page 4, line 33, delete "psychologist or" and insert **"psychologist."**

Page 4, delete lines 34 through 42.

Page 5, delete line 1.

Page 5, line 2, delete "8." and insert **"6."**

Page 5, line 2, delete "or supervisor".

Page 5, line 5, delete "or supervisor".

Page 5, after line 6, begin a new paragraph and insert:

"Sec. 7. The board may adopt rules under IC 4-22-2 to administer this chapter."

and when so amended that said bill do pass.

(Reference is to HB 1200 as printed January 22, 2019.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 0.

