



COMMONWEALTH OF KENTUCKY  
**STATE BOARD OF PSYCHOLOGY**

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September 10, 2001

Re: Opinion and Declaratory Ruling by the Kentucky Board of Examiners of Psychology regarding state law governing guardianship proceedings

Dear Mr. Spear and Dr. Drury:

This correspondence is in response to your letters dated June 12, 2001, and August 2, 2001, asking for an opinion from the Kentucky Board of Examiners of Psychology on several issues regarding guardianship cases which arise under KRS Chapter 387 as well as the law under KRS Chapter 202A.

Please keep in mind that this correspondence is an opinion of the Board based solely on the facts presented, which will be summarized below. The Board has authorized this opinion to you as an Opinion and Declaratory Ruling pursuant to KRS 13A.130(3) and KRS 13A.010(2)(b) as the agency with jurisdiction to interpret the statutes and regulations in KRS Chapter 319 and 201 KAR Chapter 26 which govern the practice of psychology in the Commonwealth of Kentucky.

I. Whether a Psychological Associate  
Must Have AOC 765 Countersigned by a Supervising Psychologist

The Board is first presented with the question whether a psychological associate with less than four (4) years of supervised experience must have a report form

countersigned by the supervising psychologist. In guardianship cases, the court requires the filing of a form from health professionals. It is the Board's understanding that upon the filing of a petition for guardianship, the court appoints an Interdisciplinary Evaluation Team ("IET") consisting of a physician, social worker, and psychologist. A report is generated by the team on a form made by the Kentucky Administrative Office of the Courts("AOC 765").

KRS 387.540 requires that the psychologist be "licensed or certified under the provisions of KRS Chapter 319." KRS 387.540(3) also references the standard above in KRS Chapter 202A that at least one member of the IET be a qualified mental health professional as defined in KRS Chapter 202A, above.

201 KAR 26:171 § 8(1) mandates that psychological associates with less than a certain number of years of experience have all "psychological assessments" countersigned by the supervising psychologist. As KRS Chapter 319, allows, master's level psychological associates may practice psychology but only under the employment of and supervision by a licensed psychologist. As such, this administrative regulation mandates that "the supervisor . . . shall read and countersign all psychological assessments."

The Board is of the opinion that the AOC 765 itself is not a "psychological assessment" and does not have to be countersigned by the supervising licensed psychologist. AOC 765 is instead a report about such a psychological assessment. If a psychological associate with less than the required years of experience as set forth in 201 KAR 26:171 § 8(1) prepares a psychological assessment in order to complete AOC 765, then the underlying psychological assessment must be countersigned by the supervisor. AOC 765 is a form used by the courts in assisting judges and attorneys in the guardianship process. It is for the use of those trained in the law. It is not the kind of form and documentation generated by psychologists. Instead, it reflects, summarizes, and encapsulates the mental health data that credentialed professionals use whether that be the physician, social worker, or psychologist.

## II. Whether a Psychological Associate Has Been Designated by the Board as Competent to Make Examinations under KRS Chapter 387 and Chapter 202A.

The Board is next presented with the question whether the Board has designated certain psychologists as "competent" as required by KRS 202A.011(12)(c) which mandates that a psychologist "has been designated by the Kentucky Board of Examiners of Psychology as competent to make examinations under this chapter."

KRS 319.010(3) defines the “practice of psychology” which includes the kind of work that goes into the process resulting in recommendations to the court in guardianship proceedings. KRS 319.064(4) allows the psychological associate to “perform certain functions within the practice of psychology only under the supervision of a licensed psychologist approved by the Board.” As such, the Board deems any psychologist credentialed by the Board, no matter what the educational level or designation of credential, to be “competent to make examinations under” KRS Chapter 202A. The only condition attached to the psychological associate is the employment arrangement and supervision of the psychological associate’s practice. The Board has not ever made any distinction between the allowable activities of a psychological associate other than the employment and supervisory arrangements. It then follows that it is permissible under KRS Chapter 319 for a psychological associate to serve as a member of the evaluation team pursuant to KRS Chapter 387 and 202A.

## II. Conclusion.

As the agency authorized by the Kentucky General Assembly to regulate the practice of psychology in this state, the Board is empowered to interpret its statutes and regulations. In summary, a psychological associate need not have AOC 765 countersigned, and may serve as a qualified mental health professional under KRS Chapter 202A being deemed competent by virtue of the credential held by the psychological associate.

Sincerely yours,

Kentucky Board of Examiners of Psychology  
By:



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Robert J. Illback, Psy.D., Chair

cc: Board members

