



Opinion and Declaratory Ruling Regarding State Law Governing Temporary Licensure and the Practice of Psychology

Introduction

This correspondence is in response to a concern raised by the Kentucky Psychological Association and others that managed care companies and insurers may inappropriately discriminate against some licensed doctoral-level psychologists by determining that only individuals with a license, as opposed to individuals with a temporary license issued by the Board per 201 KAR 26:155 or 201 KAR 26:280, are eligible for reimbursement as a psychologist.

Psychologists who hold a temporary license from the Board have had otherwise appropriate claims for payment for psychological services rendered rejected, or have been rejected for inclusion on managed care panels, based solely on their licensure designation by the Kentucky Board of Examiners of Psychology as a temporary licensee while under supervision and awaiting appropriate licensure. KPA and others seek clarification regarding the intent of licensure by the Board.

The Board has authorized this correspondence 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 governing the practice of psychology in the Commonwealth of Kentucky.


The Board has described a broad scope of psychological practice for each practitioner regulated by the Board. This scope of practice includes the ability to diagnose and treat mental and nervous disorders and to provide diagnostic, assessment, preventive and therapeutic services directly to individuals and groups. This scope is set forth in the definition of the “practice of psychology” in Kentucky Revised Statute 319.010(6), which need not be repeated here. Those with a temporary credential from the Board must be supervised in accord with 201 KAR 26:171.

The Board hereby declares that licensure as a psychologist in Kentucky is otherwise generic without limitation under statute as to scope. In this context, the designation of a temporary license occurs when the applicant for a credential as a licensed psychologist or licensed psychological associate meets the standards of 201 KAR 26:155 or 201 KAR 26:280. These standards allow applicants for a credential to practice while awaiting the passage of the required examination otherwise required by statute. For licensed psychological associates, the temporary credential is specifically allowed under KRS 319.064(3). Likewise, temporary certification is allowed by KRS 319.050(3). All credential holders of the Board are mandated to follow the Board's statutes and regulations, including the Code of Conduct, 201 KAR 26:145, and may be disciplined by the Board under KRS 319.082. Individual practitioners must practice only within areas for which they are competent.

Determinations about eligibility to provide psychological services for temporarily licensed psychologists should be based on their holding the legal authority from the Board to engage in the "practice of psychology" as defined by KRS 319.010(6).

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, the Board declares and clarifies that temporarily licensed psychologists have the full authority of the Board to engage in the "practice of psychology" as defined in KRS 319.010(6). The designation of a "license" without regard to whether such license is "temporary" or not is the most appropriate means to determine whether an individual provider is eligible to be reimbursed for providing psychological services or to be included on a panel to provide psychological services.

This the 6th day of January, 2003.



Tracy Dwight Eells, Ph.D.

Chair, Kentucky Board of Examiners of Psychology