



KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

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Kerry B. Harvey
Secretary

March 25, 2020

MEMORANDUM

To: All Licensees and Applicants for Licensure
From: Kentucky Board of Examiners of Psychology
Date: March 20, 2020
Subject: COVID-19 Response and Governor's Executive Order 2020-243

Governor Andy Beshear released on March 18, 2020 Executive Order 2020-243, "State of Emergency Relating to Social Distancing." This Executive Order has direct implications on the operations, and statutes and regulations, under which the Kentucky Board of Examiners of Psychology ("Board") is governed. Executive Order 2020-243 specifically orders all Citizens of the Commonwealth to take all feasible steps to practice safe and appropriate social distancing to reduce the risks of the spread of COVID-19, in accordance with guidelines issued by the Centers for Disease Control and the Kentucky Department of Public Health. The Order further directs all Boards and agencies of the Commonwealth to likewise facilitate appropriate social distancing, and that to the extent any statute or regulation conflicts with this mandate, they are to be suspended. THESE CHANGES ONLY REMAIN IN EFFECT FOR THE DURATION OF THE STATE OF EMERGENCY AS IT IS DECLARED BY THE GOVERNOR'S OFFICE. Executive Order 2020-243 does, however, give state agencies the authority to extend deadlines and modify licensure and continuing education requirements to implement the order.

The Board has reviewed its statutes and regulations, in addition to the numerous questions it has received from Licensees and Applicants, and has determined that the following laws and regulations are affected by Executive Order 2020-243, and shall be adjusted or suspended as indicated below:

1. Suspension of applications for licensure: Applications for licensure under multiple statutes and regulations, including KRS 319.050, .053, .056, and .064, as well as 201 KAR 26:155, :180, :185, :280, :290, and :300, any and all deadlines for completion or acceptance of applications shall be suspended until ninety (90) days after the state of emergency is lifted.

2. License Renewal: License renewals under KRS 319.071 and 201 KAR 26:225: Licensees may continue to submit license renewal information and fees during the state of emergency, via electronic means or regular mail. The Board will continue to process these as they are received. Expiration dates of all currently held licenses, and temporary licenses, however, including but not limited to renewal requirements such as statutory or regulation deadlines and continuing education required for renewal, shall be suspended until ninety (90) days after the state of emergency is lifted. Licensees shall have until expiration of this period of time to submit renewal information including continuing education credits, and make payments of licensure fees. Licenses will not expire or be cancelled, nor cease and desist orders issued, until after expiration of this period of time.

3. Telehealth: Telehealth services are licensed services provided by electronic means, as opposed to in-person, face-to-face contact. KRS 319.140 provides for use of telehealth as a means of provision of psychological services in Kentucky. The provision of telehealth services in any state is governed by the laws of that state. For example, telehealth services in Indiana are governed by Indiana law. For a Kentucky licensee to provide services in Indiana, he/she must be licensed in Indiana, or comply with requirements prescribed by Indiana to do so. This is a general rule of thumb applicable in most, if not all, states. Until the state of emergency is lifted, a “treating psychologist or psychological associate” providing or facilitating the use of telehealth services under KRS 319.140 and 201 KAR 26:310, may do so to meet the mandates of social distancing, including any practitioners who are under a requirement for supervision, subject to the below-stated requirements for supervision.

4. Supervision: Supervision as required under KRS 319.050, and 201 KAR 26:171, and .190, shall not be required to be face-to-face or by direct observation until the state of emergency is lifted. Licensees are not required during this time to seek Board permission for electronic supervision. Any and all supervision shall be carried out by electronic means, at the frequency and form required by 201 KAR 26:171, Section 2 and Section 11. The usual documentation and reporting requirements set forth in this regulation shall remain in place.

(a) No licensee shall be required to engage in direct client care while receiving clinical supervision.

(b) A licensee may petition the Board to be relieved from supervision requirements under 201 KAR 26:171, Section 3, but shall remain under supervision until such time as the Board rules on said petition.

5. Continuing Education: Any and all deadlines for obtaining continuing education course credits are hereby suspended until ninety (90) days after the state of emergency is lifted.

(a) Any continuing education course approved as an in person, face-to-face course shall remain approved if to be presented by electronic media, so long as the content and the qualifications of the presenter remain the same as previously approved.

(b) Any deadlines for the review and approval of continuing education courses for providers and sponsors are suspended until the state of emergency is lifted.

6. Disciplinary hearings: Any deadlines related to the scheduling of hearings under KRS Chapter 13B, KRS 319.082, or 201 KAR 26:140 before the Board or a Hearing Officer are suspended until the state of emergency is lifted.

7. Nonresident status: 201 KAR 26:215, Section 2, provides: A nonresident psychologist temporarily employed in the state may render psychological services immediately upon written notification to the Board of the intent to so practice, and verification that the psychologist holds the IPC issued by the ASPPB, the CPQ, or is board-certified by the ABPP, and is licensed in a jurisdiction with which Kentucky has established reciprocity, and payment of the required fee of \$100. Kentucky regulations also provide that a person licensed to practice psychology in another jurisdiction and who is providing service in response to a declared disaster pursuant to an agreement between the American Red Cross and the American Psychological Association's Disaster Response Network may begin practice in Kentucky upon notification to the board.

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BOARD CHAIR