

**COMMONWEALTH OF KENTUCKY  
BOARD OF EXAMINERS OF PSYCHOLOGY  
AGENCY CASE NO. 14-200  
ADMINISTRATIVE ACTION NO. 16-KBEP-0094**

**COMMONWEALTH OF KENTUCKY,  
BOARD OF EXAMINERS OF PSYCHOLOGY**

**COMPLAINANT**

**V.**

**KATHLEEN KIRBY, Ed.D, Ph.D.  
(Licensed Psychologist no. 0883)**

**RESPONDENT**

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**FINAL ORDER**

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The Kentucky Board of Examiners of Psychology (“Board”), having reviewed the record of this proceeding and the Recommended Order of Default entered herein by the Hearing Officer, states the following as its Final Order:

1. Respondent was a Licensed Psychologist in the Commonwealth of Kentucky, under license number 0883.
2. The Board is authorized under KRS 319.082 to take disciplinary action against licensees. Sufficient evidence exists in this matter for the Board to take disciplinary action under KRS 319.082 and KRS 319.092.
3. The Respondent contracted with the family of Minor Child D to provide individual therapy and consult regarding said Minor Child. The Respondent was called as a witness in a contested custody matter captioned Kevin Hosp v. Kelly Witt, Cause no. 22D01-0902-DR-00077, in Floyd County, Indiana.
4. Minor Child D was a client of the Respondent from 2012 to 2014, including approximately 59 sessions by May 2014.

5. Over the time Minor Child D was a client of the Respondent, the Respondent made more than one report to the local office of Child Protective Services that there had been allegations of abuse of Minor Child D by his father. Child Protective Services was unable to substantiate any of the allegations.

6. Respondent began videotaping some of her sessions with Minor Child D for the purpose of attempting to document statements made by the client regarding alleged abuse by the father. Events recorded on video tape included, but were not limited to:

- a. During the second taped session, Minor Child D told the Respondent that his father had touched his buttocks once with a knife;
- b. Also during the second taped session, Minor Child D said that his father did this 130 times per day;
- c. During the third taped session, Minor Child D again mentioned the alleged abuse by his father;
- d. Respondent instructed Minor Child D to remove his clothing and demonstrate on the video tape what his father was doing to him; and
- e. Minor Child D removed his shorts and underwear, and demonstrated that his father had allegedly pressed against his penis and testicles, and inserted an object into his anus.

7. Respondent assumed the role as an advocate for Minor Child D in presenting the allegations of abuse by the father to the Court, because neither Child Protective Services nor the custody evaluator had evidence, nor believed Minor Child D's reports of abuse.

8. The video tapes made by Respondent were submitted to the Court, on or about August 29, 2014, and were reviewed by Judge Susan Orth. Judge Orth subsequently made a Complaint to the Board about the content of the tapes and procedures used by Respondent. The

allegations made by Judge Orth, as reflected by other materials in the record, constitute violations of KRS 319.082(1)(d), KRS 319.082(1)(f), and 201 KAR 26:145, Section 4.

9. Respondent allowed her license as a Licensed Psychologist, no. 0883, to lapse as of April 15, 2015, resulting in said license being cancelled for non-renewal, albeit during a time when Respondent's license was under investigation for possible disciplinary action based upon the aforestated facts and complaint. Respondent has since that time advised the Board that she has retired, and is now a resident of the State of California.

10. An Administrative Complaint was initiated by the Board on or about November 2, 2016, raising the above allegations. Despite Respondent's non-renewal of her license and retirement, the Board retains jurisdiction to proceed with an administrative disciplinary proceeding pursuant to KRS 319.118(3).

11. Respondent has at all times relevant to these proceedings had the opportunity to seek advice from competent legal counsel of her choice, and has in fact been advised by counsel until such time as Counsel withdrew from representation due to Respondent's failures to communicate with him.

### **FINAL ORDER**

Pursuant to KRS 13B.110(5), after having reviewed the administrative record, the Board makes the following findings and orders:

A. The Board adopts and incorporates by reference the statements made hereinabove in numerical paragraphs one (1) through eleven (11) as Findings of Fact for purposes of a Final Order;

B. IT IS HEREBY ORDERED THAT:

1. Respondent is retired, and her license in the Commonwealth of Kentucky has been cancelled for non-renewal effective April 15, 2015;

2. Respondent, because of her failure or refusal to respond to pleadings and orders entered in this case, is in DEFAULT, and thereby waives any and all defenses she may have made to the allegations made herein, and also waives any right she may have had to enter into a settlement of this proceeding;

3. Respondent's license, to the extent it was in force as of the time of the allegations made herein, as well as any rights she may have under KRS Chapter 319 based upon her former licensure, be, and he same are hereby REVOKED.

4. THIS IS A FINAL AND APPEALABLE ORDER. Pursuant to KRS 13B.140(1), a Party may institute an appeal of this Final Order by filing a Petition in the appropriate court within thirty (30) days after the Final Order is mailed or delivered by personal service.

SO ORDERED this the 3rd day of December, 2018.

*Elizabeth W. McKune, Esq.*

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BOARD CHAIR

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing has been served by mailing to:

Kathleen Kirby, Ed.D., Ph.D.  
1080 Arcadia Ave. Apt 204  
Vista, CA 92084

Kathleen Kirby, Ed.D., Ph.D.  
c/o Mark Brengelman  
306 W. Main Street  
McClure Bldg, Suite 503

David Trimble  
911 Leawood Drive  
Frankfort, KY 40601

This the 19<sup>th</sup> day of March, 2019.

  
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BOARD ADMINISTRATOR