

**LAWS AND REGULATIONS RELATING TO  
LICENSURE AS A PSYCHOLOGIST**



Published By  
The Kentucky Board of Examiners of Psychology  
P.O. Box 1360  
Frankfort, KY 40602  
<http://psy.ky.gov>

June 2022 Edition



## **DISCLAIMER**

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this profession, please visit <https://legislature.ky.gov/Pages/index.aspx>.

# TABLE OF CONTENTS

## KENTUCKY REVISED STATUTES

KRS 319.005	Practice of psychology and use of title by persons not licensed or certified prohibited – Voluntary health practitioners.....	4
KRS 319.010	Definitions.....	4
KRS 319.015	Activities not included in practice of psychology.....	5
KRS 319.020	Board of Examiners of Psychology.....	6
KRS 319.030	Annual report of board – Principal office – Register.....	7
KRS 319.032	Authority for administrative regulations.....	7
KRS 319.050	Examination for license – Fee – Supervision and temporary licensure – Designation as “health services Provider”.....	9
KRS 319.053	“Licensed psychological practitioner”.....	10
KRS 319.054	Psychology Interjurisdictional Compact.....	11
KRS 319.056	“Certified psychologist with autonomous functioning” – “Certified psychologist” – Practice and title authorization.....	28
KRS 319.064	Psychological associate.....	28
KRS 319.071	Renewal of licenses and certificates – Fee – Cancellation – Restoration – Inactive status.....	29
KRS 319.082	Disciplinary actions against license and certificate holders.....	30
KRS 319.092	Administrative hearing – Sanctions – Appeal.....	31
KRS 319.118	Immunity of board members from liability – Standing to institute and maintain legal actions – Effect of surrender of license or certificate – Representation of board by public officers.....	32
KRS 319.131	Fees credited to fund for board use.....	32
KRS 319.140	Duty of treat psychologist utilizing telehealth to ensure patient’s informed consent and maintain confidentiality – Board to promulgate administrative regulations – Definition of “telehealth” .....	33
KRS 319.990	Penalties.....	33

## KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 26:115	Definition of psychological testing.....	34
201 KAR 26:121	Scope of practice and dual licensure.....	35
201 KAR 26:125	Health service provider designation.....	36
201 KAR 26:130	Grievances and administrative complaints.....	37
201 KAR 26:140	Procedures for disciplinary hearings.....	41
201 KAR 26:145	Code of conduct.....	42
201 KAR 26:155	Licensed psychologist: application procedures and temporary license.....	47
201 KAR 26:160	Fee schedule.....	50
201 KAR 26:165	Inactive status.....	51
201 KAR 26:171	Requirements for clinical supervision.....	52
201 KAR 26:175	Continuing education.....	57
201 KAR 26:180	Requirements for granting licensure as a psychologist by reciprocity.....	61
201 KAR 26:185	Requirements for granting licensure as a psychologist to an applicant licensed in another state.....	63
201 KAR 26:190	Requirements for supervised professional experience.....	64
201 KAR 26:200	Education requirements .....	67
201 KAR 26:215	Nonresident status.....	70
201 KAR 26:225	Renewal and reinstatement .....	71
201 KAR 26:230	Examinations and applications.....	73
201 KAR 26:250	Employment of a psychological associate, a temporarily licensed psychological associate, or a temporarily licensed psychologist.....	76
201 KAR 26:270	Change of license status.....	78
201 KAR 26:280	Licensed psychological associate: application procedures and temporary license.....	79
201 KAR 26:290	Licensed psychological practitioner: application procedures.....	81
201 KAR 26:310	Telehealth and telepsychology.....	82
	SELECTED MENTAL HEALTH LAW RELATING TO KRS 319.....	85

# KENTUCKY REVISED STATUTES

## **319.005 Practice of psychology and use of title by persons not licensed or certified prohibited -- Voluntary health practitioners.**

- (1) No person shall engage in the practice of psychology as defined in KRS 319.010 or hold himself or herself out by any title or description of services which incorporates the words "psychological," "psychologist," or "psychology", unless licensed by the board. No person shall engage in the practice of psychology in a manner that implies or would reasonably be deemed to imply that he or she is licensed, unless he or she holds a valid license issued by the board.
- (2) The provisions of subsection (1) of this section shall not apply to volunteer health practitioners providing services under KRS 39A.350 to 39A.366.

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 96, sec. 16, effective June 26, 2007. -- Amended 2001 Ky. Acts ch. 80, sec. 1, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 1, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 128, sec. 1, effective July 15, 1986. -- Created 1964 Ky. Acts ch. 154, sec. 14.

## **319.010 Definitions.**

As used in this chapter unless the context requires otherwise:

- (1) "Association" means the Kentucky Psychological Association;
- (2) "Board" means the Kentucky Board of Examiners of Psychology;
- (3) "Credential holder" means any person who is regulated by the board;
- (4) "EPPP" means the Examination for Professional Practice in Psychology developed by the Association of State and Provincial Psychology Boards;
- (5) "IPC" means the Interjurisdictional Practice Certificate developed by the Association of State and Provincial Psychology Boards;
- (6) "License" means the credential issued by the board to a licensed psychologist, licensed psychological practitioner, certified psychologist with autonomous functioning, certified psychologist, or a licensed psychological associate;
- (7) "Practice of psychology" means rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and psychotherapy; and psychological testing in constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation. The application of said principles in testing, evaluation, treatment, use of psychotherapeutic techniques, and other methods includes, but is not limited to: diagnosis, prevention, and amelioration of adjustment problems and emotional, mental, nervous, and addictive disorders and mental health conditions of individuals and groups; educational and vocational counseling; the evaluation and planning for effective work and learning situations; and the resolution of interpersonal and social conflicts;
- (8) "Psychotherapy" means the use of learning, conditioning methods, and emotional reactions, in a professional relationship, to assist a person or persons to modify feelings, attitudes, and behavior which are intellectually, socially, or emotionally maladjustive or ineffectual; and
- (9) "Psychologist" means any person who holds himself or herself out by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychology,"

"psychopractice," or any other term or terms that imply he or she is trained, experienced, or an expert in the field of psychology.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 1, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 80, sec. 2, effective June 21, 2001. -- Amended 1986 Ky. Acts ch. 128, sec. 2, effective July 15, 1986. -- Amended 1964 Ky. Acts ch. 154, sec. 1. -- Created 1948 Ky. Acts ch. 169, sec. 1.

### **319.015 Activities not included in practice of psychology.**

Nothing in this chapter shall be construed to limit:

- (1) The activities, services, and use of title on the part of a person in the employ of the federal government;
- (2) Persons from engaging in the teaching of psychology, the conduct of psychological research, the provision of consultation services to organizations or institutions, or the provision of expert testimony, provided that such activities do not involve the delivery or supervision of direct psychological services to individuals or groups;
- (3) Persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes from rendering services consistent with the laws regulating their professional practice and the ethics of their profession. The use of written or computerized interpretations of any psychological testing or the administration and use of symptomatic and behavioral assessments by a practitioner of the healing arts as defined in KRS 311.271(2), clinical social worker, marriage and family therapist, professional art therapist, advanced practice registered nurse, physician, physical therapist, or occupational therapist who uses these interpretations or administers and uses these assessments shall not be limited. They shall not represent themselves to be psychologists or use the term "psychological" in describing their services;
- (4) The activities of a student, intern, or resident in psychology, pursuing a course of study approved by the department of psychology of an educational institution rated acceptable by the board for qualifying training and experience, provided such activities are recognized by transcript as a part of his or her supervised course of study;
- (5) The recognized educational activities of teachers in accredited public and private schools, the authorized duties of guidance counselors who are certified by the Education Professional Standards Board, or the activities of persons using psychological techniques in business and industrial organizations for employment placement, promotion, or job adjustment of their own officers and employees;
- (6) Persons who are credentialed as school psychologists by the Education Professional Standards Board from using the title "school psychologist" and practicing psychology as defined in KRS 319.010, if their practice is restricted to regular employment within a setting under the purview of the Education Professional Standards Board. These individuals shall be employees of the educational institution and not independent contractors providing psychological services to educational institutions;
- (7) A duly ordained minister, priest, rabbi, Christian Science practitioner, or other clergyman from carrying out his or her responsibilities while functioning in a ministerial capacity within a recognized religious organization serving the spiritual needs of its constituency, if he or she does not hold himself or herself out as a psychologist; or
- (8) Any nonresident temporarily employed in this state from rendering psychological services for not more than thirty (30) days every two (2) years, if he or she holds a valid current license or certificate as a psychologist in his or her home state or country and registers with the board prior to commencing practice in the Commonwealth or if he or she holds a valid current IPC.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 2, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 79, sec. 10, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 80, sec. 3, effective June 21, 2001. -- Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 104, sec. 2, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 128, sec. 3, effective July 15, 1986. -- Created 1964 Ky. Acts ch. 154, sec. 15.

**Legislative Research Commission Note (7/15/2010).** 2010 Ky. Acts ch. 85, sec. 52, changed the designation of "advanced registered nurse practitioner" to "advanced practice registered nurse" in KRS 314A.011, the definitions section for KRS Chapter 314A relating to nursing. A change has been made in the text of this statute to conform.

### **319.020 Board of Examiners of Psychology.**

- (1) The board shall consist of nine (9) members appointed by the Governor. Six (6) members shall be licensed psychologists. Two (2) members shall be credentialed by the board as certified psychologists, licensed psychological practitioners, or licensed psychological associates. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.
- (2) Licensed psychologist members shall be appointed by the Governor from a group consisting of the three (3) nominees receiving the most votes for each position to be filled, the nominees to be selected by all licensed psychologists credentialed under this chapter from a list of eligible candidates prepared by the Kentucky Psychological Association. Candidates shall be solicited from all licensed psychologists credentialed according to the provisions of this chapter and each nominee shall be a licensed psychologist credentialed according to the provisions of this chapter. Each licensed psychologist member shall be a resident of this state and shall have engaged in the practice or teaching of psychology as a licensed psychologist for at least three (3) years in this state.
- (3) Certified psychologist, licensed psychological practitioner, or licensed psychological associate members shall be appointed by the Governor from a group consisting of the three (3) nominees receiving the most votes for each position to be filled, the nominees to be selected by all certified psychologists, licensed psychological practitioners, and licensed psychological associates credentialed under this chapter from a list of eligible candidates prepared by the Kentucky Psychological Association. Candidates shall be solicited from all certified psychologists, licensed psychological practitioners, and licensed psychological associates credentialed according to the provisions of this chapter. Each nominee shall be a resident of this state, licensed according to the provisions of this chapter, and shall have engaged in the practice or teaching of psychology as a certified psychologist, licensed psychological practitioner, or licensed psychological associate for at least three (3) years in this state.
- (4) The term of each board member shall be four (4) years and until a successor is appointed and qualified. No member shall serve more than two (2) consecutive full terms. The Governor shall fill any vacancy occurring in the board in the manner prescribed in subsection (2) of this section. Upon recommendation by a majority of the board members and after notice and a hearing, the Governor shall remove any member for incompetence, neglect of duty, or malfeasance in office.
- (5) Five (5) members of the board shall constitute a quorum. Each member shall receive one hundred dollars (\$100) per day for attending each meeting and shall receive his necessary expenses incurred in the performance of the duties required by this chapter. Annually the board shall elect one (1) of its licensed members as chairperson for a term of one (1) year. No person shall serve more than two (2) consecutive full terms as chairperson. The board shall meet at least twice annually and at other times as it determines necessary. Special meetings may be called by the chairperson and shall be called upon the written request of two (2) members.

**Effective:** June 21, 2001

### **319.030 Annual report of board -- Principal office -- Register.**

- (1) On June 30 of each year the board shall submit to the Governor a written report including the names of all persons to whom licenses have been granted as provided in this chapter and any cases heard and decisions rendered.
- (2) The board may locate its principal office, meet, or conduct any of its business at any place in this state.
- (3) The board shall keep a record of its proceedings and a register of licensed and certified psychologists, licensed psychological practitioners, and licensed psychological associates. The books and records of the board shall be prima facie evidence of the matters therein contained.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 5, effective June 21, 2001. -- Amended 1988 Ky. Acts ch. 291, sec. 2, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 128, sec. 5, effective July 15, 1986. -- Amended 1964 Ky. Acts ch. 154, sec. 3. -- Created 1948 Ky. Acts ch. 169, sec. 3.

### **319.032 Authority for administrative regulations.**

- (1) The board shall promulgate administrative regulations:
  - (a) Establishing requirements, standards, and tests to determine the moral, intellectual, educational, scientific, technical, and professional qualifications of applicants for licensure; and preparing or selecting and administering examinations on general psychological knowledge. Neither certified psychologists, licensed psychological practitioners, nor licensed psychological associates may participate in the examination of applicants for licensure as licensed psychologists;
  - (b) Establishing and defining the scope of practice within the field of psychology;
  - (c) Setting the requirements for issuing, denying, suspending, restricting, and revoking licenses, and placing credential holders on probation;
  - (d) Developing specific guidelines to follow upon receipt of an allegation of sexual misconduct by a person credentialed by the board. The guidelines shall include investigation, hearing officer, and hearing procedures which ensure that the process does not revictimize the alleged victim or cause harm if a credential holder is falsely accused;
  - (e) Requiring training for the board and investigators hired by the board on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders;
  - (f) Establishing requirements for continuing education not to exceed thirty-nine (39) contact hours per three (3) year renewal period as a condition for renewal of licenses, the increased requirement to be a condition for renewal of licenses beginning with renewals occurring after June 30, 2013;
  - (g) Establishing and collecting reasonable fees for directories, transcribing, transferring of records, and other services;
  - (h) Conducting hearings or appointing hearing officers to conduct hearings on any matter under the jurisdiction of the board, in accordance with KRS Chapter 13B;
  - (i) Entering into reciprocal agreements with boards of examiners of psychology of other states having qualifications and standards at least as high as those of this state providing for reciprocal licensure;



- (j) Employing personnel, including hearing officers which it considers necessary for the performance of its functions, determining the duties of personnel, and compensating them within the limits of funds available to the board;
  - (k) Investigating complaints or suspected violations of this chapter and notifying proper law enforcement authorities. For the purpose of enforcing the provisions of this chapter, the board shall have the authority to administer oaths, receive evidence, interview persons, issue subpoenas, and require the productions of books, papers, documents, or other evidence;
  - (l) Governing the supervision of certified psychologists and the supervision and employment of licensed psychological associates and candidates for licensure;
  - (m) Developing specific guidelines to allow school psychologists who are dually credentialed by the Education Professional Standards Board and the board to obtain supervision acceptable to the board from a licensed psychologist who is neither an employee nor contractor of the school system that employs the school psychologist being supervised; and
  - (n) Notwithstanding the fee schedules specified in this chapter, increasing or decreasing fees as it deems appropriate.
- (2) The board shall have the authority to promulgate other administrative regulations as it deems necessary for the proper administration of this chapter.
  - (3) The board, at its discretion, may use funds as necessary to purchase liability insurance for members and executive officers of the board, inspectors, examiners, investigators, and staff members exempt from classified service of the state by KRS 18A.115.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 3, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 80, sec. 6, effective June 21, 2001. -- Amended 1996 Ky. Acts ch. 318, sec. 275, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 8, effective July 15, 1994; and ch. 470, sec. 8, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 104, sec. 4, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 3, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 128, sec. 6, effective July 15, 1986.

**Legislative Research Commission Note (7/15/2010).** 2010 Ky. Acts ch. 50, sec. 3, subsec. (1)(f), replaced "thirty (30) contact hours" with "thirty-nine (39) contact hours," and inserted the clause that provides, "the increased requirement to be a condition for renewal of licenses beginning with renewals occurring after June 30, 2013."

**Legislative Research Commission Note (7/15/94).** This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

**Legislative Research Commission Note (11/19/91, amended 7/15/94).** Pursuant to KRS 7.136(1), the Reviser of Statutes has replaced the word "suspended" in subsection (9) of this statute (1986 Acts ch. 128, sec. 6) with "suspected" to correct a manifest clerical or typographical error. (1992 Acts ch. 104, sec. 4 renumbered the former subsection (9) of this statute as subsection (1)(i); 1994 Acts ch. 470, sec. 8 renumbered subsection (1)(i) as subsection (1)(k).)

**History:** Amended 2001 Ky. Acts ch. 80, sec. 4, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 3, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 128, sec. 4, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 154, sec. 33, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 206, sec. 13. -- Amended 1964 Ky. Acts ch. 154, sec. 2. -- Created 1948 Ky. Acts ch. 169, sec. 2.



**319.050 Examination for license -- Fee -- Supervision and temporary licensure -- Designation as "health service provider."**

- (1) Before granting a license to practice psychology and to use the title "licensed psychologist" the board shall require the applicant to pass an examination in psychology and to fulfill all requirements for supervised experience.
- (2) The applicant shall:
  - (a) Pay a fee not to exceed three hundred dollars (\$300);
  - (b) Have received a doctoral degree in psychology that is acceptable to the board from a regionally accredited educational institution; provided, however, the board may grant a license to an individual otherwise qualified under this chapter who has received a doctoral degree in psychology that is acceptable to the board from an educational institution outside the United States, if the educational institution would otherwise be accredited by a regional accrediting body if located in the United States;
  - (c) Have passed the national EPPP examination at the doctoral level; and
  - (d) Have had at least two (2) years of supervised professional experience satisfactory to the board, one (1) year of which shall be an internship.
- (3) Upon acceptance of the application to sit for the examination in psychology, the applicant may practice psychology under the supervision of a licensed psychologist under conditions of supervision and temporary licensure established by the board. The board shall establish a grace period not to exceed sixty (60) days to allow for the employment and supervision of the applicant by an agency from the time the applicant's degree requirements are completed to the submission of the complete application. During this period of supervision, the applicant for licensure may not supervise certified psychologists, licensed psychological associates, other applicants for licensure, or temporarily licensed persons, nor shall he engage in an independent practice, except under the employment of his supervising psychologist. Upon certification to the board of completion of the two (2) years of supervision satisfactory to the board, the applicant shall be examined on psychological practice, ethical principles, and the law.
- (4) The board shall grade and keep the examinations and results on file for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examination.
- (5) Upon successful completion of the examination process, the board shall issue a license to practice psychology and the applicant may use the title "licensed psychologist."
- (6) Licensed psychologists may function independently without supervision. Licensed psychologists who have the designation "health service provider" may retain that designation and may employ and supervise certified psychologists and licensed psychological associates. Licensed psychologists who have the designation "health service provider" may supervise no more than a total of six (6) certified psychologists, licensed psychological associates, or applicants for licensure at one (1) time.
- (7)
  - (a) From July 15, 2010, until July 1, 2013, the designation "health service provider" shall be made on the license of those licensed psychologists who have completed one (1) year of supervised experience under conditions of temporary licensure approved by the board or who have completed one (1) year of supervised experience acceptable to the board after achieving licensure status as a licensed psychologist.
  - (b) Beginning July 1, 2013, the designation "health service provider" shall be made on the license of those licensed psychologists who have completed one (1) additional year of supervised experience satisfactory to the board in health care service delivery. This year of supervised experience shall be in addition to the supervised experience requirement for licensure as a licensed psychologist. Health service providers may provide supervision of direct health care services by applicants for licensure, certified psychologists, and licensed psychological associates. Health service providers may supervise no more than a

total of six (6) certified psychologists, licensed psychological associates, or applicants for licensure at one (1) time.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 4, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 80, sec. 7, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 5, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 4, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 128, sec. 7, effective July 15, 1986. -- Amended 1970 Ky. Acts ch. 120, sec. 11; and ch. 290, sec. 1. -- Amended 1964 Ky. Acts ch. 154, sec. 5. -- Created 1948 Ky. Acts ch. 169, sec. 5.

### **319.053 "Licensed psychological practitioner."**

- (1) A person holding a credential as a certified psychologist or as a licensed psychological associate may apply for a license to perform certain functions within the practice of psychology without supervision and to use the title of "licensed psychological practitioner" when all of the following conditions are met:
  - (a) Submission of three (3) letters of endorsement to the board to sit for the examination;
    1. One (1) of the letters shall be from the applicant's current board-approved supervisor of record and shall include a statement describing the scope of practice demonstrated in the clinical experience of the applicant; and
    2. Two (2) letters shall be from licensed mental health professionals who are acceptable to the board and who are familiar with the clinical work of the applicant;
  - (b) Payment of a fee not to exceed two hundred dollars (\$200);
  - (c) Documentation of at least sixty (60) semester hours of graduate study in psychology or a related field or its equivalent acceptable to the board; and
  - (d) Completion, after credentialing by the board as a certified psychologist, psychological associate, or licensed psychological associate, of the equivalent of five (5) full-time years of professional experience under the supervision of a board-approved licensed psychologist.
- (2) An applicant for licensure under this section shall not have been subject to disciplinary action by the board. An applicant who has been the subject of disciplinary action may appeal to the board for an exception.
- (3) An applicant for licensure under this section shall be required by the board to pass the national objective examination known as the EPPP, with a score equal to or exceeding the score required for passage for a licensed psychologist candidate at the doctoral level at the time the examination is taken. The board shall accept the applicant's previous examination results for the objective EPPP examination if the original test score satisfied the licensure requirement at the doctoral level in effect at the time of that test administration. If the applicant's previous score does not meet this criterion, the applicant may retake the examination until the score obtained equals or exceeds the score required for independent practice at the doctoral level at the time the examination is taken.
- (4) The board shall require an applicant for licensure under this section to pass an examination on psychological practice, ethical principles, and the law. The examination shall be conducted in accordance with procedures established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A. The examination shall be evaluated using the same criteria as the examination for licensed psychologist candidates.
- (5) The applicant may continue to function under the supervision of a board-approved licensed psychologist until the applicant successfully completes the requirements for licensure as a licensed psychological practitioner.

- (6) The board shall grade and keep the examinations and results on file for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examinations.
- (7) Upon successful completion of all requirements, the board shall issue to the applicant a license to perform certain functions within the practice of psychology without supervision and to use the title "licensed psychological practitioner."
- (8) The licensee under this section shall not supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 5, effective July 15, 2010. -- Created 2001 Ky. Acts ch. 80, sec. 8, effective June 21, 2001.

### **319.054 Psychology Interjurisdictional Compact.**

#### ARTICLE I PURPOSE

Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice;

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty (30) days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice, and it does allow for authorization of temporary psychological practice;

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each Compact State; and
6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II  
DEFINITIONS

- A. "Adverse Action" means: any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.
- B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
- C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.
- D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.
- E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.
- F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X.
- G. "Compact State" means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.
- H. "Coordinated Licensure Information System" also referred to as "Coordinated Database" means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
- I. "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.
- J. "Day" means: any part of a day in which psychological work is performed.
- K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary inperson, face-to-face psychological services.
- L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.
- M. "Executive Board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.
- N. "Home State" means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.
- O. "Identity History Summary" means: a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

- P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.
- Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.
- R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.
- S. "Non-Compact State" means: any State which is not at the time a Compact State.
- T. "Psychologist" means: an individual licensed for the independent practice of psychology.
- U. "Psychology Interjurisdictional Compact Commission" also referred to as "Commission" means: the national administration of which all Compact States are members.
- V. "Receiving State" means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.
- W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.
- X. "Significant Investigatory Information" means: 1. Investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or 2. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.
- Y. "State" means: a state, commonwealth, territory, or possession of the United States, and the District of Columbia.
- Z. "State Psychology Regulatory Authority" means: the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.
- AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.
- BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.
- CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for thirty (30) days within a calendar year and based on notification to the Distant State.

### ARTICLE III

#### HOME STATE LICENSURE

- A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.
- B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

- C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.
- D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.
- E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:
  - 1. Currently requires the psychologist to hold an active E.Passport;
  - 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
  - 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
  - 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten (10) years after activation of the Compact; and
  - 5. Complies with the Bylaws and Rules of the Commission.
- F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:
  - 1. Currently requires the psychologist to hold an active IPC;
  - 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
  - 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
  - 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten (10) years after activation of the Compact; and
  - 5. Complies with the Bylaws and Rules of the Commission.

#### ARTICLE IV

##### COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

- A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.
- B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:
  - 1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
    - a. Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR
    - b. A foreign college or university deemed to be equivalent to 1.a. above by a foreign credential evaluation service that is a member of the National



Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND

2. Hold a graduate degree in psychology that meets the following criteria:
    - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
    - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
    - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
    - d. The program must consist of an integrated, organized sequence of study;
    - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
    - f. The designated director of the program must be a psychologist and a member of the core faculty;
    - g. The program must have an identifiable body of students who are matriculated in that program for a degree;
    - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
    - i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degree and a minimum of one (1) academic year of full-time graduate study for master's degree; and
    - j. The program includes an acceptable residency as defined by the Rules of the Commission;
  3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
  4. Have no history of adverse action that violates the Rules of the Commission;
  5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
  6. Possess a current, active E.Passport;
  7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
  8. Meet other criteria as defined by the Rules of the Commission.
- C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.
- D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall



not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

## ARTICLE V

### COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.
- B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:
  1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
    - a. Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR
    - b. A foreign college or university deemed to be equivalent to 1.a. above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND
  2. Hold a graduate degree in psychology that meets the following criteria:
    - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
    - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
    - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
    - d. The program must consist of an integrated, organized sequence of study;
    - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
    - f. The designated director of the program must be a psychologist and a member of the core faculty;
    - g. The program must have an identifiable body of students who are matriculated in that program for a degree;
    - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
    - i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degree;
    - j. The program includes an acceptable residency as defined by the Rules of the Commission;
  3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
  4. Have no history of adverse action that violate the Rules of the Commission;
  5. Have no criminal record history that violates the Rules of the Commission;
  6. Possess a current, active IPC;
  7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
  8. Meet other criteria as defined by the Rules of the Commission.

- C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.
- D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

#### ARTICLE VI

##### CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

- A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:
  1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;
  2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

#### ARTICLE VII

##### ADVERSE ACTIONS

- A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.
- B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.
- C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.
  1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.
  2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of the Commission.
  3. Other actions may be imposed as determined by the Rules promulgated by the Commission.
- D. Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within

the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

- E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.
- F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.
- G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C, above.

#### ARTICLE VIII

#### ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

- A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:
  - 1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and
  - 2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.
  - 3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

## ARTICLE IX

### COORDINATED LICENSURE INFORMATION SYSTEM

- A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.
- B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:
  - 1. Identifying information;
  - 2. Licensure data;
  - 3. Significant investigatory information;
  - 4. Adverse actions against a psychologist's license;
  - 5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
  - 6. Non-confidential information related to alternative program participation information;
  - 7. Any denial of application for licensure, and the reasons for such denial; and
  - 8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.
- C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.
- D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.
- E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

## ARTICLE X

### ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

- A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.
  - 1. The Commission is a body politic and an instrumentality of the Compact States.
  - 2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
  - 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.
- B. Membership, Voting, and Meetings
  - 1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:
    - a. Executive Director, Executive Secretary or similar executive;
    - b. Current member of the State Psychology Regulatory Authority of a Compact State; OR
    - c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.
3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.
4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.
5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.
6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:
  - a. Non-compliance of a Compact State with its obligations under the Compact;
  - b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
  - c. Current, threatened, or reasonably anticipated litigation against the Commission;
  - d. Negotiation of contracts for the purchase or sale of goods, services or real estate;
  - e. Accusation against any person of a crime or formally censuring any person;
  - f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
  - g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
  - h. Disclosure of investigatory records compiled for law enforcement purposes;
  - i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or
  - j. Matters specifically exempted from disclosure by federal and state statute.
7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

- C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:
1. Establishing the fiscal year of the Commission;
  2. Providing reasonable standards and procedures:
    - a. For the establishment and meetings of other committees; and
    - b. Governing any general or specific delegation of any authority or function of the Commission;
  3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;
  4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
  5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;
  6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;
  7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
  8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;
  9. The Commission shall maintain its financial records in accordance with the Bylaws; and
  10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.
- D. The Commission shall have the following powers:
1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;
  2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
  3. To purchase and maintain insurance and bonds;
  4. To borrow, accept or contract for services of personnel, including but not limited to employees of a Compact State;
  5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;



6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;
7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;
8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
9. To establish a budget and make expenditures;
10. To borrow money;
11. To appoint committees, including advisory committees composed of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;
12. To provide and receive information from, and to cooperate with, law enforcement agencies;
13. To adopt and use an official seal; and
14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

E. The Executive Board

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be composed of six (6) members:
  - a. Five (5) voting members who are elected from the current membership of the Commission by the Commission;
  - b. One ex officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
2. The ex officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.
3. The Commission may remove any member of the Executive Board as provided in Bylaws.
4. The Executive Board shall meet at least annually.
5. The Executive Board shall have the following duties and responsibilities:
  - a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;
  - b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
  - c. Prepare and recommend the budget;
  - d. Maintain financial records on behalf of the Commission;
  - e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
  - f. Establish additional committees as necessary; and
  - g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.



2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.
  3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.
  4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.
  5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.
- G. Qualified Immunity, Defense, and Indemnification
1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.
  2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.
  3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI  
RULEMAKING

- A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.
- C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
  - 1. On the website of the Commission; and
  - 2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.
- E. The Notice of Proposed Rulemaking shall include:
  - 1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
  - 2. The text of the proposed rule or amendment and the reason for the proposed rule;
  - 3. A request for comments on the proposed rule from any interested person; and
  - 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.
- G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
  - 1. At least twenty-five (25) persons who submit comments independently of each other;
  - 2. A governmental subdivision or agency; or
  - 3. A duly appointed person in an association that has at least twenty-five (25) members.
- H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.
  - 1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
  - 2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
  - 3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.
  - 4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

- J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.
- L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:
  - 1. Meet an imminent threat to public health, safety, or welfare;
  - 2. Prevent a loss of Commission or Compact State funds;
  - 3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
  - 4. Protect public health and safety.
- M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

## ARTICLE XII

### OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

- A. Oversight
  - 1. The Executive, Legislative and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.
  - 2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.
  - 3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.
- B. Default, Technical Assistance, and Termination
  - 1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:
    - a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and

- b. Provide remedial training and specific technical assistance regarding the default.
  2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
  3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.
  4. A Compact State which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.
  5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.
  6. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.
- C. Dispute Resolution
  1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.
  2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.
- D. Enforcement
  1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.
  2. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.
  3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

## ARTICLE XIII

### DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

- A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

- B. Any state which joins the Compact subsequent to the Commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.
- C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.
  - 1. A Compact State’s withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
  - 2. Withdrawal shall not affect the continuing requirement of the withdrawing State’s Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.
- D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.
- E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

#### ARTICLE XIV

##### CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

#### ARTICLE XV

##### APPLICABILITY OF KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this Compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

- A. By entering into this Compact, this state authorizes the licensing board as defined in Article II. Z. of this Compact and as created by KRS Chapter 319 to implement the provisions of this Compact.
- B. Notwithstanding any provision of this Compact to the contrary:
  - 1. When a rule is adopted pursuant to Article XI of this Compact, the licensing board of this state as defined by Article II. Z. of this Compact shall have sixty (60) days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, following the requirements of KRS Chapter 13A. Failure by the licensing board of this state as defined by Article II. Z. of this Compact to promulgate a rule adopted by the Psychology Interjurisdictional Compact Commission as an administrative regulation pursuant to KRS Chapter 13A shall result in withdrawal as set forth in Article XIII of this Compact. Nothing in these provisions shall negate the applicability of a Commission rule or Article XI of this Compact to this state.
  - 2. If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the provisions of Article XII of this Compact shall apply. If the deficiency is resolved in a manner determined by the Commission to be inconsistent with this Compact or its rules, or if the procedures under Article XII of this Compact fail to resolve an issue, the withdrawal provisions of Article XIII of this Compact shall apply.

3. If a court of competent jurisdiction determines that the Psychology Interjurisdictional Compact Commission created by Article X of this Compact exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted under this Compact, then such an action by the commission shall be invalid and have no force or effect.
- C. Article X. F. of this Compact pertaining to the financing of the commission shall not be interpreted to obligate the general fund of this state. Any funds used to finance this Compact shall be from money collected pursuant to KRS 319.131. D. This Compact shall apply only to those psychologists who practice or work under a compact privilege. Effective: June 29, 2021 History: Created 2021 Ky. Acts ch. 46, sec. 1, effective June 29, 2021.

**319.056 "Certified psychologist with autonomous functioning" -- "Certified psychologist" -- Practice and title authorization.**

- (1) A person currently authorized to use the title "certified psychologist with autonomous functioning" may continue to function with that title or may choose to permanently change this title to "licensed psychological practitioner" and notify the board of this choice. The board shall issue a license at the time of renewal to the credential holder with the title of choice.
- (2) A certified psychologist with autonomous functioning or a licensed psychological practitioner may continue to function without supervision unless the board revokes his or her license pursuant to KRS 319.082. He or she shall not supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.
- (3) A person currently authorized to use the title "certified psychologist" may continue to function with that title or may choose to permanently change this title to "licensed psychological associate" and notify the board of this choice. The board shall issue a license at the time of renewal to the credential holder with the title of choice.
- (4) A certified psychologist or a licensed psychological associate may continue to function under the supervision of a licensed psychologist unless the board revokes his certificate pursuant to KRS 319.082.
- (5) A certified psychologist, whether functioning under that title or as a licensed psychological associate, may perform certain functions within the practice of psychology only under the supervision of a licensed psychologist approved by the board, and shall not employ or supervise other certified psychologists, licensed psychological practitioners, or licensed psychological associates.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 9, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 6, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 128, sec. 8, effective July 15, 1986.

**319.064 Psychological associate.**

- (1) An individual credentialed as a psychological associate shall use the title "licensed psychological associate" and the board shall issue a license with that title at the time of renewal.
- (2) For an individual with a master's degree in psychology, the board shall issue a license to perform certain functions within the practice of psychology and to use the title "licensed psychological associate" to any applicant who:
  - (a) Pays a fee not to exceed three hundred dollars (\$300);
  - (b) Has received a master's degree in psychology acceptable to the board from a regionally accredited educational institution or from an educational institution outside the United



- States, if such educational institution would otherwise be accredited by a regional accrediting body if located in the United States; and
- (c) Has passed an examination procedure in psychology.
- (3) Upon acceptance of the application to sit for the examination in psychology, the applicant may practice psychology under the supervision of a licensed psychologist under conditions of temporary licensure established by the board. The board shall establish a grace period not to exceed sixty (60) days to allow for the employment and supervision of the applicant by an agency from the time the applicant's degree requirements are completed to the submission of the complete application.
- (4) The board shall grade and keep the examinations and results for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examination.
- (5) Any psychological associate licensed pursuant to this section may perform certain functions within the practice of psychology only under the supervision of a licensed psychologist approved by the board. The licensed psychological associate shall not practice independently, except under the employment and supervision of the board-approved licensed psychologist. A licensed psychological associate shall not represent himself or herself as a licensed or certified psychologist or as a licensed psychological practitioner. A licensed psychological associate shall not employ or supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 10, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 7, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 7, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 128, sec. 11, effective July 15, 1986.

### **319.071 Renewal of licenses and certification -- Fee -- Cancellation -- Restoration -- Inactive status.**

- (1) Licenses must be renewed every three (3) years on or before the anniversary date of issue or renewal. Credential holders shall pay to the board a renewal fee not to exceed one hundred dollars (\$100) and shall receive a renewal license. The board shall cancel a license not renewed within three (3) months of the renewal date, but the board may reinstate any canceled license upon payment of the renewal fee and a penalty not to exceed the amount of the renewal fee within three (3) years after cancellation. A credential holder whose license has been canceled shall not practice psychology until the license has been restored.
- (2) Any credential holder who has failed to renew his or her license or has been inactive for three (3) or more years may renew his or her license only upon passing an examination procedure and paying the renewal and penalty fees.
- (3) Upon petition to the board, credential holders may be granted inactive status for a period of time not to exceed three (3) consecutive years. Credential holders shall not practice psychology while under inactive status and certified psychologists and licensed psychological associates need not be supervised by a licensed psychologist. Inactive credential holders may apply for active licenses as provided for by regulation of the board.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 11, effective June 21, 2001. -- Amended 1986 Ky. Acts ch. 128, sec. 12, effective July 15, 1986. -- Amended 1970 Ky. Acts ch. 290, sec. 2. -- Created 1964 Ky. Acts ch. 154, sec. 9.



### **319.082 Disciplinary actions against license and certificate holders.**

- (1) The board may suspend, revoke, or refuse to issue or renew a license; may accept an assurance of voluntary compliance; restrict, or place a credential holder on probation; or issue an administrative reprimand or private admonishment upon proof that the credential holder has:
  - (a) Committed any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of such a crime, the judgment and sentence is presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended;
  - (b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement thereof;
  - (c) Committed any unfair, false, misleading, or deceptive act or practice;
  - (d) Been incompetent or negligent in the practice of psychology;
  - (e) Practiced psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction;
  - (f) Violated any state statute or administrative regulation governing the practice of psychology;
  - (g) Unlawfully failed to cooperate with the board by:
    1. Not furnishing any papers or documents requested by the board;
    2. Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board;
    3. Not appearing before the board at the time and place designated; or
    4. Not properly responding to subpoenas issued by the board;
  - (h) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
  - (i) Aided or abetted an unlicensed person to practice when a license or certificate is required;
  - (j) Grossly overcharged for professional services;
  - (k) Practiced beyond the scope demonstrated by an appropriate combination of knowledge, skill, experience, training, and education;
  - (l) Failed to provide adequate supervision for certified psychologists, licensed psychological associates, applicants for licensure, or other staff;
  - (m) Been convicted of any misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended;
  - (n) Physically abused or had sexual contact with a patient, client, student, or supervisee;
  - (o) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a client, patient, or student, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or been found by the board to have had sexual contact as defined in KRS 510.010 with a client, patient, student, or supervisee;
  - (p) Improperly divulged confidential information;
  - (q) Exercised undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;

- (r) Showed an inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition; or
- (s) Failed to comply with the requirements of the board for continuing education.
- (2) Private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(1) and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in subsequent disciplinary action against the credential holder or applicant.
- (3) No unlawful act or violation of any provision of this chapter by any credential holder employed or supervised by a licensed psychologist shall be cause for the revocation of the supervisor's license, unless the board finds that the licensed psychologist had knowledge of it.
- (4) Three (3) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate his or her petition and may reinstate his or her license upon finding that the former licensee has complied with the provisions of this chapter and administrative regulations promulgated by the board and is again able to engage in the practice of psychology with reasonable skill, competency, and safety to the public.
- (5) The board may, at its own discretion, reconsider, modify, or reverse its probations, suspensions, revocations, restrictions, or refusals to issue or renew licenses at any time.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 182, sec. 61, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 45, sec. 8, effective June 20, 2005; and ch. 93, sec. 5, effective March 16, 2005. -- Amended 2001 Ky. Acts ch. 80, sec. 12, effective June 21, 2001. -- Amended 1994 Ky. Acts ch. 265, sec. 9, effective July 15, 1994; and ch. 470, sec. 9, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 104, sec. 8, effective

### **319.092 Administrative hearing -- Sanctions -- Appeal.**

- (1) In every proceeding for probation, suspension, or revocation of a license, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The board or a hearing officer appointed by the board shall conduct the hearing.
- (2) All decisions revoking or suspending a license or placing a credential holder on probation shall be made by the board.
- (3) If, after a hearing, a majority of the board finds that a credential holder has violated any provision of this chapter, the board may:
  - (a) Revoke or suspend the license;
  - (b) Impose a monetary penalty not to exceed two thousand dollars (\$2,000) per violation;
  - (c) Revoke or suspend the license or impose a monetary penalty, but suspend enforcement thereof by placing the credential holder on probation, which shall be revocable if the board finds the conditions of the probation order are not being followed by the credential holder;
  - (d) Require the credential holder, as a condition of probation, to submit to care, counseling, or treatment by a professional designated by the board, or require the credential holder to be supervised by a licensed psychologist designated by the board. The expense of this action shall be borne by the credential holder on probation;
  - (e) Modify the conditions of the probation, with good cause, and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both;
  - (f) Require restitution; and
  - (g) Assess the costs of the disciplinary proceeding.
- (4) If the board substantiates that sexual contact occurred between a credential holder and a patient while the patient was under the care or in a professional relationship with the credential holder, the credential holder's license may be revoked or suspended with mandatory treatment of that

- individual as prescribed by the board. The board may require the credential holder to pay a specified amount for mental health services for the patient which are needed as a result of the sexual contact.
- (5) Final orders of the board suspending or revoking a license or placing a credential holder on probation shall become effective immediately after written notice is served on the credential holder and the credential holder shall not, after notice of same, engage or continue to engage in the practice of psychology unless the board's final order is revoked or modified by the court after judicial review.
  - (6) The board shall make public its final order in all disciplinary actions.
  - (7) Any person aggrieved by a final order of the board may appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 13, effective June 21, 2001. -- Amended 1996 Ky. Acts ch. 318, sec. 277, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 10, effective July 15, 1994; and ch. 470, sec. 10, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 104, sec. 9, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 128, sec. 14, effective July 15, 1986.

**Legislative Research Commission Note (7/15/94).** This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

### **319.118 Immunity of board members from liability -- Standing to institute and maintain legal actions -- Effect of surrender of license or certificate -- Representation of board by public officers.**

- (1) Members of the board, its agents, and employees shall be immune from personal liability in any action, civil or criminal, which is based upon any official act or acts performed by them in good faith.
- (2) Notwithstanding the existence or pursuit of any other remedy, civil or criminal, the board may institute and maintain actions to restrain or enjoin any violation of this chapter, rules and administrative regulations, or order of the board.
- (3) The surrender of a license shall not serve to deprive the board of jurisdiction to proceed with disciplinary actions pursuant to this chapter.
- (4) The city, county, Commonwealth's attorney, and the Attorney General shall, within their respective jurisdictions and within their legal discretion, represent the board, its agents, and employees, in the enforcement of the provisions of this chapter and the rules and administrative regulations of the board.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 14, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 10, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 128, sec. 16, effective July 15, 1986.

### **319.131 Fees credited to fund for board use.**

All fees received by the board of examiners under this chapter shall be placed in the State Treasury to the credit of a trust and agency fund for the use of the board in carrying out its functions.

**History:** Created 1964 Ky. Acts ch. 154, sec. 16, July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 8, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 128, sec. 13, effective July 15, 1986.

**Legislative Research Commission Note (6/20/2005).** Although KRS 319.082 was included in 2005 Ky. Acts ch. 45, sec. 8, and ch. 93, sec. 5, as having been amended, the

amendment relettering paragraphs of this section in those acts became unnecessary when the Office of the Kentucky Attorney General requested that other changes be made to the rearrangement of the paragraphs of KRS 61.878, which was also amended in 2005 Ky. Acts chs. 45 and 93. The Statute Reviser made these changes under the authority of KRS 7.136.

**Legislative Research Commission Note (7/15/94).** This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

**319.140 Duty of treating psychologist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".**

- (1) A treating psychologist or psychological associate who provides or facilitates the use of telehealth shall ensure:
  - (a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and
  - (b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.
- (2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:
  - (a) Prevent abuse and fraud through the use of telehealth services;
  - (b) Prevent fee-splitting through the use of telehealth services; and
  - (c) Utilize telehealth in the provision of psychological services and in the provision of continuing education.
- (3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 376, sec. 16, effective July 14, 2000.

**319.990 Penalties.**

- (1) Any person who violates KRS 319.005 shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than six (6) months, or by a fine of not more than five hundred dollars (\$500), or by both fine and imprisonment, and each violation shall be deemed a separate offense.
- (2) Either the Attorney General or the appropriate Commonwealth's or county attorney shall have the authority to prosecute violations of KRS 319.005.
- (3) The board may recover the costs of investigative expenses including reasonable attorney fees relating to the prosecution of those found guilty of violating KRS 319.005.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 15, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 11, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 128, sec. 17, effective July 15, 1986. -- Amended 1964 Ky. Acts ch. 154, sec. 17. -- Created 1948 Ky. Acts ch. 169, sec. 13.

# KENTUCKY ADMINISTRATIVE REGULATIONS

## 201 KAR 26:115. Definition of psychological testing.

RELATES TO: KRS 319.010

STATUTORY AUTHORITY: KRS 319.032(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(b) requires the Board of Examiners of Psychology to promulgate administrative regulations to establish and define the scope of practice within the field of psychology. This administrative regulation establishes parameters of psychological testing.

Section 1. Definition. "Psychological testing" means the use of one (1) or more standardized measurement instruments, devices, or procedures including the use of computerized psychological tests, to observe or record human behavior, and which require the application of appropriate normative data for interpretation or classification and includes the use of standardized instruments for the purpose of the diagnosis and treatment of mental and emotional disorders and disabilities, the evaluation or assessment of cognitive and intellectual abilities, personality and emotional states and traits, and neuropsychological functioning.

Section 2. Psychological Tests. Psychological tests may include a version or reformulation of the following:

- (1) Individual tests for the evaluation of cognitive and intellectual abilities, examples of which are:
  - (a) The Wechsler intelligence scales;
  - (b) The Stanford-Binet intelligence scales; and
  - (c) The Kaufman Assessment Battery for Children;
- (2) Individual, objective, and projective tests of personality and emotional states and traits, examples of which are:
  - (a) The Minnesota Multiphasic Personality Inventory;
  - (b) The Millon Clinical Multiaxial Inventory;
  - (c) The Millon Adolescent Clinical Inventory; and
  - (d) Projective techniques including:
    1. The Rorschach Ink Blots;
    2. Thematic Apperception Test; and
    3. The Holtzman Ink Blots; and
- (3) Individual tests of neuropsychological functioning, examples of which are:
  - (a) The Halstead-Reitan Battery;
  - (b) The Luria-Nebraska Battery;
  - (c) The Lezak or Kaplan Battery; and
  - (d) The NEPSY (A Developmental Neuropsychological Assessment).

Section 3. Services that are described as psychological testing shall only be administered and interpreted by persons credentialed by this board or who meet the formal academic training and experience qualifications established in KRS Chapter 319 and these administrative regulations and who are otherwise exempt by statute.

- (1) Persons credentialed by this board, as well as other licensed or certified professionals, may also use tests of language, education, and achievement, as well as tests of abilities, interests, and aptitudes. With the exception of the test categories and psychological tests listed in Section 2 of this administrative regulation, the use of these other tests is not exclusively within the scope of this administrative regulation.
- (2) Persons not credentialed by this board shall not train or supervise any person in performing psychological testing.

- (3) Services that are described as psychological testing shall be administered to minor children only upon the notification of and the granting of written permission by the parent or legal guardian(s), unless otherwise required by the courts subject to specific state or federal law. (20 Ky.R. 671; 931; eff. 10-21-1993; 28 Ky.R. 1455; 1799; eff. 2-7-2002; 37 Ky.R. 1511; 1976; eff. 3-4-2011; 47 Ky.R. 2037; 48 Ky.R. 312; eff. 8-26-2021; 48 Ky.R. 1859, 2568; eff. 6-2-2022.)

**201 KAR 26:121. Scope of practice and dual licensure.**

RELATES TO: KRS 319.010, 319.015, 319.032(1)(b), 319.050(7)

STATUTORY AUTHORITY: KRS 319.032(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(b) requires the board to promulgate administrative regulations establishing and defining scope of practice within the field of psychology. This administrative regulation establishes the required scope of practice for licensed psychologists who hold the health service provider designation, licensed psychologists, certified psychologists, certified psychologists with autonomous functioning, licensed psychological associates, and licensed psychological practitioners.

Section 1. A license holder shall not practice or present himself or herself outside the area or areas of competency specified in the application for a license and approved by the board based upon examination and review of qualifications, training, and experience, unless the credential holder has obtained additional education, training, experience, or supervision appropriate to the new practice area.

Section 2. Scope of Practice.

- (1) A licensed psychologist who holds the health service provider designation, a licensed psychologist, a certified psychologist with autonomous functioning, a certified psychologist, a licensed psychologist associate, or a licensed psychological practitioner may:
- (a) Work in various health care service delivery settings; and
  - (b) Provide one (1) or more of the following direct or supportive services:
    - 1. Diagnosis of an emotional, mental, nervous, or addictive disorder, including mental health conditions or an adjustment problem of an individual or group through the use of psychological testing or other techniques;
    - 2. Evaluation or assessment of the functioning of an individual, group, or organization;
    - 3. Treatment of an emotional, mental, nervous, or addictive disorder, including mental health conditions, or an adjustment problem of an individual or group;
    - 4. Intervention or a preventive technique that facilitates the functioning of an individual, group, or organization;
    - 5. Consultation services;
    - 6. Program planning or development services;
    - 7. Evaluation of a psychological or human service program; or
    - 8. Supervision of health service delivery by a licensed psychologist who holds the health service provider designation, as established in 201 KAR 26:171.
- (2) The practice of psychology shall be construed within the meaning of the definition contained in KRS 319.010(7) without regard to whether payment is received for services rendered.
- (3) All license holders from this board shall restrict their practice to the delivery of specific services for which they are competent based on professional education, training, and experience.

Section 3. Dual Credentialing.

- (1) An individual who holds both a license to practice psychology from this board and a mental health credential from another regulatory board authorized by a Kentucky statute shall:
- (a) Inform the recipient of a particular service under which license the provider is practicing; and



- (b) Not participate in the practice of psychology, as defined by KRS 319.010, under the auspices of another credential, recognizing that some activities are exempted by KRS 319.015.
- (2) Psychological testing, as defined by 201 KAR 26:115, shall not be delivered under a credential other than a license issued by the Board of Examiners of Psychology. (15 Ky.R. 1727; 2010; eff. 3-10-1989; 20 Ky.R. 577; 931; eff. 10-21-1993; 25 Ky.R. 403; 820; eff. 9-16-1998; 28 Ky.R. 1456; 1800; eff. 2-7-2002; 37 Ky.R. 1513; eff. 3-4-2011; 42 Ky.R. 503; 1716; eff. 12-16-2015; Crt eff. 9-5-2019; 47 Ky.R. 2039; 48 Ky.R. 313; eff. 8-26-2021.)

**201 KAR 26:125. Health service provider designation.**

RELATES TO: KRS 319.050

STATUTORY AUTHORITY: KRS 319.032(2), 319.050(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(7) requires that the designation of health service provider shall be required for a licensed psychologist who supervises a psychological health care service. KRS 319.032(2) authorizes the board to promulgate administrative regulations necessary to administer KRS Chapter 319. This administrative regulation establishes the requirements for the granting of that designation.

Section 1.

- (1) The designation of health service provider shall refer to a licensed psychologist who is authorized under KRS 319.050(7) and this administrative regulation to clinically supervise a certified psychologist, temporarily licensed psychologist, licensed psychological associate, temporary licensed psychological associate, licensed psychologist, a graduate-level psychology student in providing psychological health care services, or any credential holder under discipline.
- (2)
  - (a) Except as provided by paragraph (b) of this subsection, a licensed psychologist who does not have the designation of health service provider shall not clinically supervise psychological health care services.
  - (b) A temporarily licensed psychologist or a licensed psychologist may provide concurrent clinical supervision to graduate students while under clinical supervision of a psychologist with a health service provider designation.

Section 2. Psychological health care services shall include delivery of diagnosis, assessment, psychotherapy, treatment, or other therapeutic services to individuals, couples, families, or groups whose growth, adjustment, or functioning is impaired or who otherwise seek psycho-logical health care services.

Section 3.

- (1) A health service provider shall be a licensed psychologist who has completed appropriate training and clinically supervised experience in psychological health service delivery at the doctoral level. The training and experience may occur in a variety of psychological health care delivery sites. The training and supervised experience shall include:
  - (a) 1,800 hours of clinically supervised experience as established in subsection (2) of this section; or
  - (b) Certification as established in subsection (3) of this section.
- (2) 1,800 Hours of Clinically Supervised Experience.
  - (a) The 1,800 hours of clinically supervised experience shall be within one (1) or more health care settings in which the licensed psychologist delivered direct psychological health care services, pursuant to Section 2 of this administrative regulation, in addition to the 3,600 supervised experience hours required for licensure as a li-censed psychologist under 201 KAR 26:190.



- (b) The clinical supervision shall be provided by a licensed psychologist with the health service provider designation approved by the board and shall consist of one (1) hour of individual supervision each week.
- (3) Certification. The licensed psychologist shall:
  - (a)
    - 1. Hold a Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB) or a successor organization;
    - 2. Be board-certified by the American Board of Professional Psychology (ABPP) or a successor organization; or
    - 3. Hold a Certificate from the National Register of Health Service Providers in Psychology or a successor organization;
  - (b) Have a minimum equivalent of five (5) years of full time practice at the independent practice level; and
  - (c) Have had no disciplinary action taken by a licensure board or on record in the ASPPB data base. (20 Ky.R. 672; 933; eff. 10-21-1993; 25 Ky.R. 406; 823; eff. 9-16-1998; 28 Ky.R. 1458; 1802; eff. 2-7-2002; 37 Ky.R. 1514; 1977; eff. 3-4-2011; 43 Ky.R. 1805; 44 Ky.R. 18; eff. 7-17-2017; Crt eff. 9-5-2019; 47 Ky.R. 2041; eff. 8-26-2021; 48 Ky.R. 1861, 2568; eff. 6-2-2022.)

**201 KAR 26:130. Grievances and administrative complaints.**

RELATES TO: KRS 319.005, 319.032, 319.082, 319.118, 319.990

STATUTORY AUTHORITY: KRS 319.032(1)(k)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(k) requires the board to promulgate administrative regulations that establish the procedure for investigating complaints or suspected violations of KRS Chapter 319 and notifying proper law enforcement authorities. KRS 319.005 prohibits unlicensed persons from engaging in the practice of psychology or using the title of psychologist, licensed psychologist, certified psychologist, licensed psychological practitioner, or licensed psychological associate. KRS 319.082 delineates the causes for which disciplinary action may be taken against a credential holder. KRS 319.118 authorizes the board to institute and maintain actions to restrain or enjoin violations of applicable statutes, administrative regulations, and orders of the board. KRS 319.990 sets forth the criminal penalty for violations and authorizes prosecution of violators. KRS 319.032 authorizes the board to develop guidelines for use in complaints involving alleged sexual misconduct by a license holder, and for training of investigators in these matters. This administrative regulation is established to protect and safeguard the health and safety of the citizens of Kentucky and to provide procedures for filing, evaluating, and disposing of administrative complaints asserted against credential holders or applicants for licenses.

Section 1. Definitions.

- (1) "Administrative complaint" means a formal administrative pleading authorized by the board that sets forth charges against a credential holder or applicant and commences a formal disciplinary proceeding in accordance with KRS Chapter 13B.
- (2) "Board" is defined in KRS 319.010(2), and for purposes of this administrative regulation, shall also mean a hearing panel.
- (3) "Charge" means a specific allegation contained in any document issued by the board or hearing panel alleging a violation of a specified provision of the KRS Chapter 319 or 201 KAR Chapter 26.
- (4) "Grievance" means any allegation alleging misconduct by a license holder or applicant or alleging that an unlicensed person is engaging in the practice of psychology or using the title of psychologist.
- (5) "Order" means the whole or any part of a final disposition of a hearing.
- (6) "Person" means any individual, partnership, corporation, association, or public or private organization of any character other than an agency.

- (7) "Respondent" means the person against whom a grievance or administrative complaint has been made.

Section 2. Grievance.

- (1) Source. A grievance may be initiated by:
- (a) The board;
  - (b) The public; or
  - (c) Any governmental agency.
- (2) Form.
- (a) A grievance shall:
    1. Be in writing through use of hard copy or digital forms provided by the board;
    2. Clearly identify the licensee against whom the grievance is being made;
    3. Contain the date the grievance is initiated;
    4. Clearly identify the complainant through printed name, contact information, and signature;
    5. Contain a clear and concise statement of the facts giving rise to the grievance, including the relationship of the complainant to the licensee;
    6. Indicate if the grievance arises out of a court-involved evaluation, consultation, treatment, or psychoeducation of a person;
    7. Provide consent, or a means of acquiring consent, from the legal guardian for investigations involving minors or adults under guardianship; and
    8. Provide a waiver of confidentiality for the complainant and the complainant's minor children or wards, if applicable.
  - (b) A certified copy of a court record for a misdemeanor or felony conviction relating to the practice of psychology shall be considered a valid grievance.
  - (c) The board shall not accept or process anonymous grievances or administrative complaints.
- (3) A grievance shall be filed with the board at its designated office or place of business, or by e-mail.
- (4) Response. The board shall provide a copy of the grievance to the respondent in a timely manner along with additional information and documents supplied by the complainant throughout the administrative process.
- (5) The respondent shall have twenty (20) days to file with the board a written response to the grievance.
- (6) Initial review of the grievance by the complaint screening committee:
- (a) All grievances shall be assigned an identification number and be referred to as such to ensure anonymity.
  - (b) At the next subsequent regularly-scheduled meeting of the board's designated complaint screening committee, or as soon thereafter as practicable, the complaint screening board or a panel committee of the board shall review the grievance and response as well as determine if the matter is within the board's jurisdiction. At that time, and if all necessary information for decision making is available, the complaint screening committee may recommend:
    1. Dismissal of the grievance if the complaint screening committee determines there is no evidence of a violation of law or ethics as provided by the statutes or administrative regulations pertaining to the practice of psychology or if it is determined that the facts alleged in the grievance or investigative report do not constitute a prima facie violation. If the complaint screening committee recommends dismissal, and the board approves, the complaint screening committee shall notify the complainant and the respondent that no further action shall be taken at the present time.
    2. Investigation;

3. Tabling the decision to allow for acquisition of additionally requested information, which may include a fitness for duty evaluation;
  4. Referral of the grievance to the full board for further review and action; or
  5. Issuing a voluntary assurance of compliance to unlicensed individuals whom engage in the practice of psychology.
- (7) Investigation. The board shall provide investigators to explore the ethical and professional conduct of respondents related to the filing of grievances.
- (a) The investigator shall review the factors and variables within the grievance that are pertinent to the practice of psychology and consider the circumstances for which the board's review is required.
  - (b) The respondent shall be contacted by the investigator or board administrator to begin the investigation. With the consent of the respondent, a meeting may be scheduled at which time the respondent may further respond to the allegations of the grievance. The board and the respondent shall have the right to be represented at the meeting by legal counsel.
  - (c)
    1. If the grievance pertains to a minor or any person under legal guardianship as a consumer, collateral, or participant of the investigation, the investigator shall acquire consent from all-involved legal guardians of the minor or ward prior to proceeding with the investigation, unless otherwise ordered by a court of law.
    2. If the grievance arises out of a court-involved evaluation, treatment, or psychoeducation of a person whereby the respondent's engagement was affiliated with a legal action, the investigator shall secure information from all involved parties, as well as judicial officers and other involved professionals, concerning the role of the respondent and the purpose and scope of the respondent's court-affiliation. The investigator shall also secure information from opposing parties and other stakeholders in the legal process when assessing the role of the respondent in legal proceedings and how the role is related to the grievance.
    3. Investigators shall consider information from multiple data-gathering methods to increase accuracy and objectivity.
    4. Investigators shall strive to use a balanced and fair process of investigation through collection of valid collateral source information that demonstrates sufficiency and reliability.
    5. In the investigation of the grievance, the investigator shall review all data provided from both the complainant and the respondent as well as answer to all requested information from the board.
    6. Investigators shall perform reasonable inquiry when confronted with information about a possible violation of law or ethics; however, the scope of the investigation shall be delineated by grievance.
    7. Investigators shall be free from multiple relationships and conflicts of interest prior to acceptance and through completion of the investigation.
    8. If the investigator is a member of the board, the investigating member shall not vote on disposition of the grievance.
    9. Investigators shall complete the investigation in less than sixty (60) days from the respondent's final interview. If an extension is needed, the investigator shall inform the complaints screening committee of the reason for the extension as well as an estimated date of completion in fourteen (14) day intervals.
- (8) Report of investigation. Upon the completion of the investigation, the person or persons making the investigation shall submit a written report to the complaints screening committee containing a succinct statement of the facts disclosed or discovered by the investigation. The investigator shall also acknowledge incomplete, unreliable, or missing data.

- (9) After consideration of the grievance and investigative report by the complaint screening committee, the committee may consider the options in paragraph (6)b of this section. If referred to the board, the board shall determine, with the weight it sees fit, if there has been a prima facie violation of KRS 319.082 based on consideration of the:
  - (a) Grievance;
  - (b) Response;
  - (c) Investigative report, if an investigation was warranted; and
  - (d) Fitness for duty examination, if an examination was warranted
- (10) If it is determined that the facts alleged in the grievance or investigative report do not constitute a prima facie violation, the board shall notify the person making the grievance and the respondent that no further action shall be taken at the present time.
- (11) If it is determined that there is a prima facie violation, the board shall:
  - (a) Issue an administrative complaint against the credential holder or applicant;
  - (b) File suit to enjoin the violator; or
  - (c) Seek criminal prosecution pursuant to KRS 319.990.

Section 3. Administrative Complaint. If the board determines that the grievance shall be made an administrative complaint, the administrative complaint shall be adjudicated pursuant to KRS Chapter 13B.

Section 4. Administrative Response. Within twenty (20) days of service of the formal administrative complaint, the respondent shall file with the board a written response to the specific allegations set forth in the administrative complaint. Allegations not properly responded to shall be deemed admitted, and may form the basis for a default adjudication against the respondent subject to the administrative complaint if the requisite elements of a violation are admitted. The board may, for good cause, permit the late filing of a response.

Section 5. Allegations of Sexual Misconduct by a License Holder.

- (1) To assure confidentiality for the complainant, the alleged victim's name shall not be used in any written document. This individual shall be identified by initials only or by some other mechanism for identification adopted by the board.
- (2) Upon request, the testimony of the alleged victim may be taken by deposition to assure his or her confidentiality.
- (3) To protect the confidentiality of all parties, the board may issue an order restraining all parties and their representatives, including counsel, from any discussion or release of information about the allegations outside of the investigative and hearing processes.
- (4) In accordance with the provisions of KRS 319.032(1)(d), the board may hold some or all of the hearing procedures in closed session.

Section 6. Fitness for Duty Examination.

- (1) If there is reasonable cause to believe that a credential holder or applicant for a license is physically or mentally incapable of practicing psychology with reasonable skill and safety to clients, the board may order the credential holder or applicant to submit to an examination by a psychologist or other health care provider designated by the board to determine the credential holder's or applicant's fitness and competence to practice psychology.
- (2) The expense of this examination shall be borne by the board.
- (3) The board shall then consider the findings and conclusion of the examination.
- (4) The board shall provide a copy of the examination to the respondent. The respondent may file with the board a written response to the examination within fifteen (15) days of the date on which the findings and conclusion of the examination was provided to the respondent.

- (5)
  - (a) Based on consideration of the psychological or physical examination, the board shall determine if there has been a prima facie violation of KRS 319.082.
  - (b) If it is determined that the findings and conclusion of the examination do not constitute a prima facie violation of KRS 319.082, the board shall notify the respondent and complainant, if any.
  - (c) If it is determined that there is a prima facie violation of KRS 319.082, the board shall issue an administrative complaint against the credential holder or applicant.

Section 7. Board Member Training for Cases of Sexual Misconduct.

- (1) Within six (6) months of their appointment, all board members and investigators shall undergo specialized training to cover the content specified by KRS 319.032(1)(e).
- (2) An investigator shall not be assigned to cases where sexual misconduct has been alleged until the required training has been completed.
- (3) Training shall consist of a three (3) hour course that includes the content specified by KRS 319.032(1)(e) and may be delivered by means of either live presentation, individual tutorial, or electronic media. (13 Ky.R. 2162; eff. 7-2-1987; 20 Ky.R. 579; 933; eff. 10-21-1993; 28 Ky.R. 1459; 1802; eff. 2-7-2002; 37 Ky.R. 1516; 1977; eff. 3-4-2011; 43 Ky.R. 1807; 44 Ky.R. 19; eff. 7-17-2017; 45 Ky.R. 1324, 2073; eff. 1-23-2019; Crt eff. 9-5-2019; 47 Ky.R. 2042, 48 Ky.R. 313; eff. 8-26-2021; 48 Ky.R. 1863, 2569; eff. 6-2-2022.)

**201 KAR 26:140. Procedures for disciplinary hearings.**

RELATES TO: KRS Chapter 13B, 319.092

STATUTORY AUTHORITY: KRS 319.032

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.092 mandates a hearing upon the filing of a grievance alleging a violation of KRS Chapter 319 to be conducted in accordance with the provisions of KRS Chapter 13B. KRS 319.032(2) authorizes the board to promulgate administrative regulations necessary to administer KRS Chapter 319. This administrative regulation establishes procedures which supplement the provisions of KRS Chapter 13B.

Section 1. Composition of the Hearing Panel. Disciplinary actions may be heard by a hearing panel consisting of either a hearing officer and at least one (1) board member appointed by the board, or upon unanimous decision of the board, only by a hearing officer.

Section 2. Right of Administrative Hearing from a Denial of Initial Licensure or Refusal to Renew, Restore, or Reinstate a License.

- (1) The board shall issue written notice of the denial of a license informing the applicant:
  - (a) Of the specific reason for the board's action, including:
    1. The statutory or regulatory violation; and
    2. The factual basis on which the denial is based; and
  - (b) That the applicant may appeal the pending denial to the board within twenty (20) calendar days after receipt of this notification, excluding the day he or she receives notice.
- (2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days of the date of the board's notice of the denial of a license. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.
- (3) If the request for an appeal is not timely filed, the notice of the denial of a license shall become a final order of the board upon the expiration of the time for the certificate holder to request an appeal.
- (4) Documentary evidence for an appeal shall be limited to the application and supporting documents submitted to the board during the application process.

- (5) A renewal applicant may petition the board, in writing, for a stay of the denial of the license until completion of the administrative hearing process.

### Section 3. Revocation of Probation.

- (1) If the board moves to revoke probation of a probationee, the board shall issue written notice of the revocation of probation and inform the probationee:
  - (a) Of the factual basis on which the revocation is based;
  - (b) Of each probation term violated;
  - (c) Of the sanction to be imposed; and
  - (d) That the probationee may appeal the revocation to the board within twenty (20) calendar days of the date of notification of revocation, excluding the day he or she receives notice. The notification shall be sent to the last known address on file with the board for the credential holder.
- (2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days of the date of the board's notice of the revocation of probation. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.
- (3) If the request for an administrative hearing is not timely filed, the notice of the revocation of probation shall become a final order of the board upon the expiration of the time for the credential holder to request an appeal.

Section 4. A request for an administrative hearing shall be sent to the Kentucky Board of Examiners of Psychology by mail to P.O. Box 1360, Frankfort, Kentucky 40602 or by hand-delivery to 911 Leawood Drive, Frankfort, Kentucky 40601.

Section 5. An administrative hearing shall be governed in accordance with KRS Chapter 13B.

Section 6. Hearing Fee. If the final order of the board is adverse to a credential holder or applicant, or if the hearing is scheduled at the request of a credential holder or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 319, a hearing fee in an amount equal to the costs of stenographic services, the costs of the services of a hearing officer, if any, and the board's attorney fees shall be assessed against the credential holder or applicant. In case of financial hardship, the board may waive all or part of the fee.

Section 7. Notification of Action Taken. A public notification describing all final disciplinary actions taken by the board to suspend, revoke, or refuse to issue or renew a license, restrict, or place a credential holder on probation shall be provided as mandated by KRS 319.092(6) and to the Association for State and Provincial Psychology Boards for publication in their data base. (13 Ky.R. 2162; eff. 7-2-1987; 20 Ky.R. 580; 934; eff. 10-21-1993; 28 Ky.R. 1461; 1803; eff. 2-7-2002; 43 Ky.R. 1809; 44 Ky.R. 21; eff. 7-17-2017; 45 Ky.R. 1326, 2075; eff. 1-23-2019; Crt eff. 9-5-2019.)

### **201 KAR 26:145. Code of conduct.**

RELATES TO: KRS 202A.400, 209A.030, 319.032, 319.082, 422.317, 620.030, 645.270

STATUTORY AUTHORITY: KRS 319.032(1)(c), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(c) requires the board to establish requirements for disciplining a credential holder of this board, whether a licensed psychologist, certified psychologist, certified psychologist with autonomous functioning, licensed psychological practitioner, licensed psychological associate, an applicant or a holder of a temporary license. This administrative regulation establishes a code of conduct for a person practicing psychology.



### Section 1. Definitions.

- (1) "Client" means a person who meets the requirements established in Section 3 of this administrative regulation.
- (2) "Confidential information" means information revealed by a client or clients or otherwise obtained by a credential holder in a professional relationship
- (3) "Court order" means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if the authority has been lawfully delegated to the magistrate or administrator.
- (4) "Credential holder" is defined by KRS 319.010(3).
- (5) "Professional relationship" means a mutually agreed upon relationship between a credential holder and a client for the purpose of the client obtaining the credential holder's professional expertise.
- (6) "Professional service" means all actions of the credential holder in the context of a professional relationship with a client.
- (7) "Supervisee" means a person who functions under the extended authority of the credential holder to provide psychological services.

### Section 2. Responsibility to Clients.

- (1) A credential holder shall promote the well-being of a client and, if required by KRS 202A.400 or 645.270, the safety and well-being of an individual whose life might be affected by the client's behavior or circumstance.
- (2) A credential holder shall not verbally abuse or harass or physically threaten or assault a client, supervisee, board member, or agent of the board.

### Section 3. Client Requirements.

- (1) Identification of a client. A client shall be a person who receives:
  - (a) An evaluation, assessment, or psychological testing;
  - (b) Other professional psychological services for the treatment or amelioration of an emotional, mental, nervous, addictive or behavioral disorder or distress, or a mental health condition; or
  - (c) Psychological consultation in the context of a professional relationship.
- (2) A corporate entity or other organization shall be considered the client if the professional contract is to provide a psychological service of benefit to the corporate entity or organization.
- (3) A legal guardian of a minor or legally incompetent adult shall be considered the client for a decision-making purposes.
- (4) A person identified as a client pursuant to subsections (1)-(3) of this section shall be deemed to continue to be a client for a period of two (2) years following the last date of service rendered to the person.

### Section 4. Competence.

- (1) Limits on practice. The credential holder shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training, and experience.
- (2) Maintaining competency. The credential holder shall maintain current competency in the areas in which he or she practices, through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge.
- (3) Adding new services and techniques. The credential holder, if developing competency in a service or technique that is new either to the credential holder or new to the profession, shall engage in ongoing consultation with other psychologists or relevant professionals and shall obtain appropriate education and training. The credential holder shall inform a client of the innovative nature and the known risks associated with the service, so that the client can exercise freedom of choice concerning the service.

- (4) Referral. The credential holder shall make or recommend referral to other professional, technical, or administrative resources if a referral is clearly in the best interests of the client.
- (5) Sufficient professional information. A credential holder rendering a formal professional opinion in a report, letter, or testimony about a person shall not do so without direct and substantial professional contact with or a formal assessment of that person.
- (6) Maintenance and retention of records.
  - (a) The credential holder rendering professional services to an individual client, or services billed to a third-party payor, shall maintain professional records that include:
    - 1. The presenting problem, purpose, or diagnosis;
    - 2. The fee arrangement;
    - 3. The date and substance of each professional contact or service;
    - 4. Test results or other evaluative results obtained and the basic test data from which the results were derived;
    - 5. Notation and results of a formal consult with another provider; and
    - 6. A copy of all test or other evaluative reports prepared as part of the professional relationship.
  - (b) The credential holder shall ensure that all records are maintained for a period of not less than six (6) years after the last date that services were rendered.
  - (c) The credential holder shall store and dispose of written, electronic, and other records in a manner which shall ensure their confidentiality.
  - (d) For each person supervised pursuant to KRS Chapter 319, the credential holder shall maintain for a period of not less than six (6) years after the last date of supervision a record of each supervisory session that shall include the type, place, date, and general content of the session.
- (7) Continuity of care. The credential holder shall make arrangements for another appropriate professional or professionals to provide for an emergency need of a client, as appropriate, during a period of his or her foreseeable absence from professional availability.

#### Section 5. Impaired Objectivity and Dual Relationships.

- (1) Impaired credential holder.
  - (a) The credential holder shall not undertake or continue a professional relationship with a client if the objectivity or competency of the credential holder is impaired due to a mental, emotional, physiologic, pharmacologic, or substance abuse condition.
  - (b) If an impairment develops after a professional relationship has been initiated, the credential holder shall:
    - 1. Terminate the relationship in an appropriate manner;
    - 2. Notify the client in writing of the termination; and
    - 3. Assist the client in obtaining services from another professional.
- (2) Prohibited dual relationships.
  - (a) The credential holder shall not undertake or continue a professional relationship with a client if the objectivity or competency of the credential holder is impaired because of the credential holder's present or previous familial, social, sexual, emotional, financial, supervisory, administrative, or legal relationship with the client or a relevant person associated with or related to the client.
  - (b) The credential holder, in interacting with a client, shall not:
    - 1. Engage in verbal or physical behavior toward the client which is sexually seductive, demeaning, or harassing;
    - 2. Engage in sexual intercourse or other physical intimacy with the client; or
    - 3. Enter into a potentially exploitative relationship with the client.

- (c) The prohibitions established in paragraph (b) of this subsection shall extend indefinitely if the client is clearly vulnerable, by reason of emotional or cognitive disorder, to exploitative influence by the credential holder.
- (3) A credential holder shall not engage in the practice of psychology if under the influence of alcohol, another mind-altering or mood-altering drug, or physical or psychological illness which impairs delivery of the services.

#### Section 6. Client Welfare.

- (1) Providing explanation of procedures. The credential holder shall give a truthful, understandable, and appropriate account of the client's condition to the client or to those responsible for the care of the client. The credential holder shall keep the client fully informed as to the purpose and nature of an evaluation, treatment, or other procedure, and of the client's right to freedom of choice regarding services provided.
- (2) Termination of services.
  - (a) If professional services are terminated, the credential holder shall offer to assist the client in obtaining services from another professional.
  - (b) The credential holder shall:
    - 1. Terminate a professional relationship if the client is not benefiting from the services; and
    - 2. Prepare the client appropriately for the termination.
- (3) Stereotyping. The credential holder shall not impose on the client a stereotype of behavior, values, or roles related to age, gender, religion, race, disability, nationality, sexual preference, or diagnosis which would interfere with the objective provision of psychological services to the client.
- (4) Solicitation of business by clients. The credential holder providing services to an individual client shall not induce that client to solicit business on behalf of the credential holder.
- (5) Referrals on request. The credential holder providing services to a client shall make an appropriate referral of the client to another professional if requested to do so by the client.

#### Section 7. Welfare of Supervisees and Research Subjects.

- (1) Welfare of supervisees. The credential holder shall not exploit a supervisee.
- (2) Welfare of research subjects. The credential holder shall respect the dignity and protect the welfare of his or her research subjects, and shall comply with 920 KAR 1:060 and 45 C.F.R. 46.101 - 46.409.

#### Section 8. Protecting the Confidentiality of Clients.

- (1) General. The credential holder shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional services. Except as provided in this section, the credential holder shall obtain the informed written consent of the client prior to disclosing confidential information.
- (2) Disclosure without informed written consent. The credential holder shall disclose confidential information without the informed consent of the client if the credential holder has a duty to warn an intended victim of the client's threat of violence pursuant to KRS 202A.400 or 645.270.
- (3) Disclosure if the client is a corporation or other organization. If the client is a corporation or other organization, the requirements for confidentiality established in this section shall:
  - (a) Apply to information that pertains to:
    - 1. The corporation or organization; or
    - 2. An individual, including personal information, if the information is obtained in the proper course of the contract; and
  - (b) Not apply to personal information concerning an individual if the individual had a reasonable expectation that the information was:

1. Obtained in a separate professional relationship between the credential holder and the individual; and
  2. Subject to the confidentiality requirements established in this section.
- (4) Services involving more than one (1) interested party. If more than one (1) party has an appropriate interest in the professional services rendered by the credential holder to a client or clients, the credential holder shall clarify to all parties prior to rendering the services the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.
  - (5) Multiple clients. If service is rendered to more than one (1) client during a joint session, the credential holder shall at the beginning of the professional relationship clarify to all parties the manner in which confidentiality shall be handled.
  - (6) Legally dependent clients. At the beginning of a professional relationship the credential holder shall inform a client who is below the age of majority or who has a legal guardian, of the limit the law imposes on the right of confidentiality with respect to his or her communications with the credential holder.
  - (7) Limited access to client records. The credential holder shall limit access to client records to preserve their confidentiality and shall ensure that all persons working under the credential holder's authority comply with the requirements for confidentiality of client material.
  - (8) Release of confidential information. The credential holder shall release confidential information upon court order or to conform with state law, including KRS 422.317, or federal law or regulation.
  - (9) Reporting of abuse or neglect of children and adults. The credential holder shall be familiar with the relevant law concerning the reporting of abuse or neglect of children and adults, and shall comply with those laws, including KRS 620.030 and KRS 209A.030.
  - (10) Discussion of client information among professionals. If rendering professional services as part of a team or if interacting with other appropriate professionals concerning the welfare of the client, the credential holder may share confidential information about the client if the credential holder takes reasonable steps to ensure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.
  - (11) Disguising confidential information. If case reports or other confidential information is used as the basis of teaching, research, or other published reports, the credential holder shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client identification.
  - (12) Observation and electronic recording. The credential holder shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed written consent of the client.
  - (13) Confidentiality after termination of professional relationship. The credential holder shall continue to treat as confidential information regarding a client after the professional relationship between the credential holder and the client has ceased.

#### Section 9. Representation of Services.

- (1) Display of credentials. The credential holder shall display his or her current credential to practice psychology on the premises of his or her professional office.
- (2) Misrepresentation of qualifications. The credential holder shall not misrepresent directly or by implication his or her professional qualifications such as education, experience, or areas of competence.
- (3) Misrepresentation of affiliations. The credential holder shall not misrepresent directly or by implication his or her affiliations, or the purposes or characteristics of institutions and organizations with which the credential holder is associated.
- (4) False or misleading information. The credential holder shall not include false or misleading information in a public statement concerning professional services offered.
- (5) Misrepresentation of services or products. The credential holder shall not associate with or permit his or her name to be used in connection with a service or product in a way which misrepresents:

- (a) The service or product;
  - (b) The degree of his or her responsibility for the service or product; or
  - (c) The nature of his or her association with the service or product.
- (6) Correction of misrepresentation by others. The credential holder shall correct others who misrepresent the credential holder's professional qualifications or affiliations.

Section 10. Disclosure of Cost of Services. The credential holder shall not mislead or withhold from a client, prospective client, or third party payor, information about the cost of his or her professional services.

Section 11. Assessment Procedures.

- (1) Confidential information. The credential holder shall treat as confidential assessment results or interpretations regarding an individual.
- (2) Protection of integrity of assessment procedures. The credential holder shall not disseminate a psychological test in a way that may invalidate it.
- (3) Information for professional users. The credential holder offering an assessment procedure or automated interpretation service to another professional shall accompany this offering by a manual or other printed material which describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The credential holder shall state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The credential holder shall ensure that advertisements for the assessment procedure or interpretive service are factual.

Section 12. Aiding Illegal Practice.

- (1) Delegating professional responsibility. The credential holder shall not delegate professional responsibilities to a person not appropriately credentialed or otherwise appropriately qualified to provide psychological services.
- (2) Providing supervision. The credential holder shall exercise appropriate supervision over a supervisee, as required by 201 KAR 26:171. (20 Ky.R. 672; eff. 10-21-1993; Am. 24 Ky.R. 1117; 1655; eff. 2-17-198; 28 Ky.R. 1463; 1805; eff. 2-7-2002; 31 Ky.R. 998; 1508; eff. 3-8-2005; 43 Ky.R. 1811; 44 Ky.R. 22; eff. 7-17-2017.)

**201 KAR 26:155. Licensed psychologist: application procedures and temporary license.**

RELATES TO: KRS 319.050

STATUTORY AUTHORITY: 319.032(1) (a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychologist. This administrative regulation establishes the requirements for applicants for licensure and the conditions for a temporary license.

Section 1. Application.

- (1) After the requirements established in KRS 319.050(2) are met, an application for a credential as a licensed psychologist or a temporarily licensed psychologist may be submitted to the board, to an online application management system contracted by the board for the purposes of application screening, or as the board directs.
- (2) The application made to the board or to the online application management system shall include:
  - (a) A certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and
  2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification.
- (b) Payment of the application fee, which shall be:
1. Made payable to the Kentucky State Treasurer if the application is processed through the board; or
  2. Made to the online application management system as directed by the board.
- (c) Three (3) recommendations from persons qualified to evaluate the applicant's professional ability within five (5) years from the date of application, including two (2) persons who have received a doctorate in psychology (Ph.D., PsyD., Ed.D.). The recommendations shall be submitted on the Recommendation Form for Licensure as a Psychologist; and
- (d) An official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse.

## Section 2. Temporary Licensure.

- (1) Pending successful completion of required examinations, an applicant may request permission to practice psychology at the doctoral level on a temporary basis pursuant to KRS 319.050(3). The request for a temporary credential shall be cosigned by the candidate and the proposed supervisor, who shall be a licensed psychologist with health service provider certification approved by the board.
- (2) Supervision during the period of temporary licensure shall be a minimum of one (1) hour of individual, face-to-face supervision on a weekly basis.
- (3) A report of supervision shall be submitted on a regular basis as required by 201 KAR 26:171, Section 6.
- (4) The candidate shall take the national EPPP within one (1) year of the board's written approval of temporary licensure.
- (5)
  - (a) A temporary license shall be valid for one (1) year from the date of the notice of approval by the board.
  - (b) During the period of temporary licensure, a candidate shall:
    1. Successfully complete all credentials and examination procedures;
    2. Pass the EPPP; and
    3. Pass the Kentucky examinations as outlined in 201 KAR 26:230, Section 1(2), within one (1) year of the date of the notice of approval by the board for a temporary license.
- (6)
  - (a) Under exceptional circumstances and upon written request cosigned by the board approved supervisor, the board may approve an extension of the period of temporary licensure.
  - (b) If a temporary licensee requires an extension after one (1) year, the licensee may request a six (6) month extension.
  - (c) After the six (6) months, a second extension may be requested for an additional six (6) months.
  - (d) After a total of two (2) years of temporary licensure, the licensee may request a second temporary license following the steps in this section.
  - (e) If after two (2) years on the second temporary license another extension is requested, the licensee may request a third temporary license following the steps in this section.
  - (f) Licensees shall not exceed a total of six (6) years of extensions for all temporary licenses nor hold a temporary license for longer than six (6) years.
  - (g) All extensions are provided by the board at the board's discretion.



- (h) A licensee shall submit a completed Request for Extension of Temporary Licensure as a Psychologist to request an extension.

### Section 3.

- (1) An individual who submits an Application for Licensure as a Psychologist and has been approved by another state to take the EPPP shall submit:
  - (a) The official notice of the results of the EPPP from the state psychology regulatory board that approved the applicant to take the EPPP; or
  - (b) A request to ASPPB to release the results of the EPPP to the board and notify the board of the submission of the request.
- (2) The applicant shall submit the official notice or notification of the request to ASPPB to the board within thirty (30) days of taking the examination.

Section 4. Grace Period for Submission of Credentials. To allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed sixty (60) days within which candidates who have completed their degree requirements may begin to practice psychology under supervision of a board-approved supervisor, as established in 201 KAR 26:190.

- (1) Upon acceptance of employment or the beginning of the required period of supervision, the candidate and the licensed psychologist who shall serve as his or her supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice shall be deemed as grounds for disciplinary action against the candidate and the supervisor.
- (2) The candidate shall ensure that all materials are forwarded to the board within thirty (30) days from the date of employment or supervision. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if the application material is insufficient to take any action, he or she shall be notified by the board and directed to cease practice until the requirements are met or the necessary documentation has been submitted.
- (3) The grace period shall not be extended beyond sixty (60) days. Candidates who fail to achieve approval within this timeframe shall not practice psychology until credentialed by the board.
- (4) Upon filing the notice set forth in Section 3(1) of this administrative regulation, the candidate is deemed to be practicing psychology under the jurisdiction of the board, and shall comply with KRS Chapter 319 and 201 KAR Chapter 26.

Section 5. Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing, and may be destroyed.

### Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Application for Licensure as a Psychologist", October 2021;
  - (b) "Recommendation Form for Licensure as a Psychologist", March 2021; and
  - (c) "Request for Extension of Temporary Licensure as a Psychologist", March 2021.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the Board's Web site and the address is: <https://psy.ky.gov>. (20 Ky.R. 674; 936; eff. 10-21-1993; 24 Ky.R. 1121; 1658; eff. 2-17-1998; 28 Ky.R. 1466; 1807; eff. 2-7-2002; 31 Ky.R. 1001; eff. 3-8-2005; 37 Ky.R. 1518; 1978; eff. 3-4-2011; 43 Ky.R. 1814; 44 Ky.R. 24; eff. 7-17-2017; Crt eff. 9-5-2019; 47 Ky.R. 2046; 48 Ky.R. 316; eff. 8-26-2021; 48 Ky.R. 1866, 2571; eff. 6-2-2022.)

**201 KAR 26:160. Fee schedule.**

RELATES TO: KRS 319.050(2)(a), 319.064(2)(a), 319.071(1)

STATUTORY AUTHORITY: KRS 319.032(1)(n), 319.071(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(2)(a) and 319.064(2)(a) require an applicant to pay a fee for applying for licensure. KRS 319.071(1) requires a credential holder to pay a renewal fee established by the board. KRS 319.032(1)(n) requires the board to promulgate administrative regulations increasing or decreasing the fees for an applicant or credential holder as the board deems necessary. This administrative regulation establishes the application and renewal fees for credential holders.

Section 1.

- (1) Except as provided in subsection (3) of this section, an applicant for licensure as a psychologist shall pay the following:
  - (a) A \$100 application review fee;
  - (b) The fee for taking the EPPP, which shall be paid directly to the ASPPB examination contractor; and
  - (c) A \$100 fee for taking the jurisprudence and competency examinations.
- (2) Except as provided in subsection (3) of this section, an applicant for licensure as a psychological associate shall pay the following:
  - (a) A \$100 application review fee; and
  - (b) The fee for taking the EPPP, which shall be paid directly to the ASPPB examination contractor.
- (3) The examination fee established in subsection (1)(b) or (2)(b) of this section shall be waived if a candidate has:
  - (a) Previously taken the EPPP in another state; and
  - (b) Achieved a score which would be considered as passing in Kentucky.
- (4) Upon successful completion of the application and examination processes, the initial licensure fees shall be as follows:
  - (a) An applicant for licensure as a psychologist or psychological practitioner shall pay \$250 for the first three (3) year period;
  - (b) An applicant for licensure as a psychological associate shall pay \$200 for the first three (3) year period.
- (5) Every three (3) years a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall pay to the board a renewal fee of \$450.
- (6) Every three (3) years a certified psychologist or licensed psychological associate shall pay to the board a renewal fee of \$300.

Section 2. The late renewal fee for late renewal during the three (3) month period shall be seventy-five (75) dollars.

Section 3. The reinstatement fee for licensure shall be \$100.

Section 4. The fee for registration as a nonresident psychologist shall be \$100.

Section 5.

- (1) If the applicant fails the Examination for Professional Practice in Psychology (EPPP) and applies to retake the examination, the applicant shall submit the examination fee as established by the ASPPB examination contractor directly to the contractor.
- (2) If the applicant fails either the jurisprudence or competency examination and applies to retake the examination, the fee shall be fifty (50) dollars for each attempt.

Section 6. An application for licensure by reciprocity shall be accompanied by a fee of \$100.

Section 7. All fees required by this administrative regulation shall be nonrefundable. (13 Ky.R. 1964; eff. 6-9-1987; 15 Ky.R. 1678; eff. 3-10-1989; 17 Ky.R. 101; eff. 8-17-1990; 24 Ky.R. 1123; 1660; e ff. 2-17-1998; 28 Ky.R. 1468; 1809; eff. 2-7-2002; 29 Ky.R. 507; eff. 10-16-2002; 43 Ky.R. 1816; 44 Ky.R. 25; eff. 7-17-2017; Crt eff. 9-5-2019; 48 Ky.R. 1868, 2572; eff. 62-2022.)

**201 KAR 26:165. Inactive status.**

RELATES TO: KRS 319.071

STATUTORY AUTHORITY: KRS 319.032(2), 319.071(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.071(3) authorizes the board to grant inactive status for a credential holder for a period of up to three (3) consecutive years. KRS 319.032(2) authorizes the board to promulgate administrative regulations necessary to administer KRS Chapter 319. This administrative regulation establishes the requirements for inactive status.

Section 1. Inactive status may be granted to a credential holder pursuant to KRS 319.071(3) by submitting a completed Request for Change of License Status.

- (1) The credential holder shall be relieved of his or her obligation to pay the renewal fee and of maintaining supervision of his or her practice, but shall continue to meet the requirements for continuing education.
- (2) The credential holder may return to active status within the three (3) year period upon:
  - (a) Notification to the board;
  - (b) Payment of the current renewal fee;
  - (c) Resumption of any required supervisory relationship with a supervisor acceptable to the board; and
  - (d) Demonstration of compliance with all continuing education requirements during the period of inactive status.
- (3) The three (3) consecutive year period of inactive status shall begin at the date of expiration of the current period of licensure.
- (4) If the credential holder does not reactivate his or her credential at the end of the three (3) year period of inactive status, then the credential shall be forfeited and the credential holder shall make a new application to the board and be reexamined by the board before a new credential may be issued. If the credential holder returns to active status within the three (3) year period, his or her new renewal date shall be the date of return to active status.
- (5) A credential holder shall submit a Renewal Application, incorporated by reference in 201 KAR 26:225, to be reinstated from an inactive status.

Section 2. Incorporation by Reference.

- (1) "Request for Change of License Status", October 2016, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 675; Am. 937; eff. 10-21-1993; 28 Ky.R. 1469; eff. 2-7-2002; 31 Ky.R. 1003; 1511; eff. 3-8-2005; 43 Ky.R. 1818; 44 Ky.R. 26; eff. 7-17-2017.)

## **201 KAR 26:171. Requirements for clinical supervision.**

RELATES TO: KRS 319.032(1)(l), 319.050(3), (6), 319.056(4), (5), 319.064(3), (5), 319.082(1), 319.092(3)(d), 319.118(1)

STATUTORY AUTHORITY: KRS 319.032(1)(l)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(l) requires the board to promulgate an administrative regulation governing the clinical supervision of a certified psychologist, licensed psychological associate, candidate for licensure, or a credential holder sanctioned by the board. This administrative regulation establishes the requirements for clinical supervision.

### **Section 1. Board Approval Required.**

- (1) Except for graduate students as provided in Section 14 of this administrative regulation, a supervisory arrangement shall have the prior approval of the board, with both clinical supervisor and supervisee petitioning the board in writing.
- (2) If there is a change in clinical supervisor or in the supervisory arrangement, the clinical supervisor and supervisee shall:
  - (a) Proceed with the change as soon as practicable so as to avoid a lapse of clinical supervision for the supervisee; and
  - (b) Notify the board within thirty (30) days of the change for approval of the change of clinical supervisor or supervisory arrangement.
- (3) It shall be the joint responsibility of the clinical supervisor and supervisee to assure that all reports, plans and goals, or other records of a supervisory relationship required by KRS Chapter 319, or these administrative regulations, are complete and filed with the board in a timely manner.

### **Section 2. Clinical Supervision Requirements.**

- (1) All clinical supervision requirements shall:
  - (a) Be met with individual, face-to-face, weekly contact between clinical supervisor and supervisee except as provided in subsection (2) of this section and Sections 11 and 14 of this administrative regulation; and
  - (b) Include additional clinical supervision sessions as needed.
- (2) An alternative format of clinical supervision, including two (2) way interactive video, may be substituted for the supervisory contact, required by subsection (1) of this section, upon specific approval by the board.

### **Section 3. Relief from Clinical Supervision Requirements During Inactive Period.**

- (1) A certified psychologist or licensed psychological associate may petition the board to be relieved of his or her obligation to maintain clinical supervision during which period he or she shall not practice psychology.
- (2) The certified psychologist or licensed psychological associate shall obtain a clinical supervisor approved by the board before the resumption of practice.
- (3) Upon resumption of practice, the certified psychologist or licensed psychological associate shall:
  - (a) Document compliance with continuing education requirements; and
  - (b) Report on his or her activities and employment related to psychology during the period without clinical supervision.

### **Section 4. Training and Continuing Education for Clinical Supervisors.**

- (1) A licensed psychologist with health service provider designation who has been approved by the board as a clinical supervisor shall attend a board approved training session in clinical supervisory practices within twelve (12) months of obtaining approval as a supervisor.
- (2) A board approved clinical supervisor shall obtain a minimum of three (3) continuing education hours in clinical supervision theory or techniques in each three (3) year renewal cycle as required

by 201 KAR 26:175, Section 2(4)(a). The board shall suspend its approval of a clinical supervisor if the clinical supervisor does not complete the required continuing education.

Section 5. Clinical Supervisor Obligations.

- (1) The clinical supervisor shall make all reasonable efforts to be assured that each supervisee's practice is in compliance with this administrative regulation.
- (2) The clinical supervisor shall report to the board an apparent violation of KRS 319.082(1) on the part of the supervisee.
- (3) The clinical supervisor shall inform the board immediately of a change in the ability to clinically supervise, or in the ability of a supervisee to function in the practice of psychology in a competent manner.
- (4) The clinical supervisor shall control, direct, or limit the supervisee's practice as appropriate to ensure that the supervisee's practice of psychology is competent.
- (5) The clinical supervisor of record shall be responsible for the practice of psychology by the supervisee. If the board initiates an investigation concerning a supervisee, the investigation shall include the clinical supervisor of record.
- (6) For each person supervised pursuant to KRS 319.050(3), (6), 319.056(4), (5), 319.064(3), (5), or 319.092(3)(d), the clinical supervisor shall maintain a record of each supervisory session that shall include the type, place, and general content of the session. This record shall be maintained for a period of not less than six (6) years after the last date of clinical supervision.

Section 6. Clinical Supervisory Report.

- (1) In calculating the amount of time spent in full-time practice while under clinical supervision, 1,800 hours of supervised practice shall be equivalent to one (1) year of experience.
- (2) The clinical supervisor shall submit a Supervisory Report to the board of the clinical supervision of each supervisee according to the following schedule:

Credential Status	Reporting Period	Report Due Date(s)
(a) Licensed psychological associate or certified psychologist with 4 or more years of full-time practice, or its equivalent	Every 2 years (with prior board approval)	Anniversary date of supervisee's licensure
(b) Licensed psychological associate or certified psychologist with fewer than 4 years of full-time practice, or its equivalent	Yearly	Anniversary date of supervisee's licensure
(c) Temporarily licensed psychologist	Every 6 months and 1 month prior to jurisprudence exam	
(d) Temporarily licensed psychological associate	Every 6 months	
(e) Sanctioned credential holder	Quarterly	January, April, July, and October 15th

- (3) The report shall include:
  - (a) A description of the frequency, format, and duration of clinical supervision;
  - (b) An assessment of the functioning of the supervisee, including the strengths and weaknesses of the supervisee; and

- (c) Other information which may be relevant to an adequate assessment of the practice of the supervisee.

Section 7. Multiple Clinical Supervisors.

- (1) If a supervisee has more than one (1) boardapproved clinical supervisor, the clinical supervisors shall be in direct contact with each other at least once every six (6) months, and they shall provide Supervisory Plans and Goals to the board and copies to each other.
- (2) A request to have more than two (2) clinical supervisors at one (1) time shall require a special application to the board that shall include detailed information as to how the clinical supervisors shall communicate and coordinate with each other in providing the required clinical supervision.

Section 8. Clinical Supervisor Responsibilities. The clinical supervisor of record shall:

- (1) Review and countersign psychological assessments as appropriate based on the supervisee's level of experience;
- (2) Review treatment plans, progress notes, and correspondence as needed to assess the competency of the supervisee to render psychological services;
- (3) Jointly establish with the supervisee Supervisory Plans and Goals that shall be submitted to the board at the beginning of the supervisory relationship. The Supervisory Plans and Goals shall:
  - (a) Be updated or revised and submitted to the board with the regular report of clinical supervision;
  - (b) Include intended format and goals to be accomplished through the supervisory process; and
  - (c) Include methods that the clinical supervisor and supervisee shall employ to evaluate the supervisory process.
- (4) Have direct observation of the supervisee's work:
  - (a) For a licensed psychological associate or a certified psychologist with less than four (4) years of full-time, post-licensure practice, or its equivalent, or a licensure candidate with temporary permission to practice, direct observation shall take place at least once every two (2) months;
  - (b) For a licensed psychological associate or certified psychologist with more than four (4) years of full-time, post-licensure practice, or its equivalent, direct observation shall take place as needed;
  - (c) Direct observation may be accomplished through audiotaping, video camera, videotaping, one (1) way mirror, or as a co-therapist.
- (5) Have direct knowledge of the size and complexity of the supervisee's caseload;
- (6) Limit and control the caseload as appropriate to the supervisee's level of competence;
- (7) Have knowledge of the therapeutic modalities and techniques being used by the supervisee; and
- (8) Have knowledge of the supervisee's physical and emotional well-being when it has a direct bearing on the supervisee's competence to practice.

Section 9. Supervisee Responsibilities.

- (1) The supervisee shall:
  - (a) Keep the clinical supervisor adequately informed at all times of his or her activities and ability to function; and
  - (b) Seek clinical supervision as needed in addition to a regularly scheduled supervisory session.
- (2) The supervisee shall:
  - (a) Participate with the clinical supervisor in establishing Supervisory Plans and Goals and in completing the regular Supervisory Reports;



- (b) Be jointly responsible with the clinical supervisor for ensuring that a Supervisory Report has been sent to the board in accordance with the reporting schedule established in Section 6(2) of this administrative regulation; and
- (c) Report to the board an apparent violation of KRS 319.082(1) on the part of the clinical supervisor.

Section 10. Identification of Provider. The actual deliverer of a service shall be identified to the client. A billing for a rendered service shall identify which service was performed by the certified psychologist, licensed psychological associate, temporary licensed psychologist, trainee, or other provider and supervised by the licensed psychologist.

Section 11. Frequency of Clinical Supervision.

- (1) A licensed psychological associate or certified psychologist shall have a minimum of one (1) hour of individual face-to-face clinical supervision on a weekly basis for the first two (2) years of full-time practice or its equivalent following licensure.
- (2) After two (2) years of full-time, post-licensure practice, or its equivalent, the clinical supervisor and supervisee may petition the board using a Request for Change of Supervisor and/or Frequency form to alter the format, frequency, or duration of supervision if the proposed change includes a minimum of two (2) one (1) hour individual face-to-face meetings every four (4) weeks, and the total amount of clinical supervision is not less than four (4) hours per four (4) week period. This petition may include a request to change the format from individual to group clinical supervision. Clinical Supervision requirements for part-time practice may be modified at the discretion of the board upon approval of the submitted plan.
- (3)
  - (a) After four (4) years of full-time, post-licensure practice, or its equivalent, the clinical supervisor and supervisee may petition the board for further modification of the format, frequency, or duration of supervision using a Request for Change of Supervisor and/or Frequency form, if the proposed change includes a minimum amount of one (1) hour of face-to-face clinical supervision per month. Additional modifications of the format, frequency, or duration of clinical supervision may be submitted for approval by the board.
  - (b) Upon a change of clinical supervisor, a new Supervisory Plans and Goals shall be submitted by the clinical supervisor and supervisee to the board for approval. This plan may require additional clinical supervision than was previously approved by the board.
  - (c) Upon termination of the supervisor-supervisee relationship, the final Supervisory Report shall be submitted to the board within thirty (30) days of the termination.
- (4) Any change in the frequency or duration of clinical supervision under this section may not occur automatically, but only upon a written request to the board and approval of the request by the board.

Section 12. Clinical Supervision of a Disciplined Credential Holder.

- (1) The board shall appoint an approved clinical supervisor to supervise a disciplined credential holder for the period of time defined by the board.
- (2) The disciplined credential holder shall be responsible for paying the fee for clinical supervision.
- (3) The clinical supervisor shall have completed the board approved training course in supervision.
- (4) The clinical supervisor shall:
  - (a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;
  - (b) Meet with the disciplined credential holder and the board liaison to:
    - 1. Summarize the actions and concerns of the board;
    - 2. Review the goals and expected outcomes of clinical supervision submitted by the board liaison;
    - 3. Develop a specific plan of clinical supervision; and
    - 4. Review the reporting requirements that shall be met during the period of clinical supervision.

- (c) Meet with the disciplined credential holder at least weekly, on an individual face-to-face basis for a minimum of one (1) hour unless modified by the board;
  - (d) Submit a quarterly report to the board which reflects progress, problems, and other information relevant to the need for board-mandated supervision;
  - (e) Make all reasonable efforts to ensure that the disciplined credential holder's practice is in compliance with KRS Chapter 319 and 201 KAR Chapter 26;
  - (f) Report to the board any apparent violation of KRS 319.082(1) on the part of the disciplined credential holder;
  - (g) Immediately report to the board in writing a change in the ability to clinically supervise, or in the ability of the disciplined credential holder to function in the practice of psychology in a competent manner;
  - (h) Review and countersign psychological assessments as needed or appropriate;
  - (i) Review treatment plans, notes, and correspondence as needed or appropriate;
  - (j) Have direct observation of the disciplined credential holder's work on an as-needed basis;
  - (k) Have direct knowledge of the size and complexity of the disciplined credential holder's caseload;
  - (l) Have knowledge of the therapeutic modalities and techniques being used by the disciplined credential holder; and
  - (m) Have knowledge of the disciplined credential holder's physical and emotional well-being when it has direct bearing on the disciplined credential holder's competence to practice.
- (5) The clinical supervisor shall control, direct, or limit the disciplined credential holder's practice as appropriate to ensure that the disciplined credential holder's practice is competent.
- (6) The clinical supervisor shall contact the board liaison with any concern or problem with the disciplined credential holder, his or her practice, or the supervision process.
- (7) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the clinical supervision. The meeting shall include the clinical supervisor, disciplined credential holder, and board liaison. A written summary of the supervision shall be submitted by the clinical supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 13. Board Liaison for Disciplined Credential Holder. The board shall appoint a board member to serve as a liaison between the board and the approved clinical supervisor. The board liaison shall:

- (1) Recruit the clinically supervising psychologist from a list provided by the board;
- (2) Provide the clinically supervising psychologist with the originating complaint, agreed order, or findings of the hearing and supply other material relating to the disciplinary action as deemed appropriate by the liaison;
- (3) Ensure that the clinically supervising psychologist is provided with the necessary documentation for liability purposes to clarify that he or she is acting as an agent of the board pursuant to KRS 319.118(1) and has immunity commensurate with that of a board member;
- (4) Provide the clinically supervising psychologist with a written description of the responsibilities of the clinical supervisor and a copy of the responsibilities of the liaison;
- (5) Ensure that the board has sent a written notification letter to the disciplined credential holder. The notification letter shall:
  - (a) State the name of the supervising clinical psychologist; and
  - (b) Specify that the disciplined credential holder shall meet with the clinical supervising psychologist and the liaison within thirty (30) days of the date of the notification letter.
- (6) Meet with the clinically supervising psychologist and disciplined credential holder within thirty (30) days of the date of the notification letter to summarize the actions of the board, review the applicable statutes and administrative regulations regarding clinical supervision requirements for a disciplined credential holder, and assist with the development of a plan of supervision. The plan of supervision shall be written at the first meeting;

- (7) Submit the report of supervision to the board for approval. The liaison shall place the report of supervision on the agenda for review and approval at the next regularly scheduled board meeting. In the interim, the clinically supervising psychologist and disciplined credential holder shall continue to meet;
- (8) Remain available to the clinically supervising psychologist to provide assistance and information as needed;
- (9) Report any problem or concern to the board regarding the supervision and communicate a directive of the board to the clinically supervising psychologist;
- (10) Review the quarterly report of supervision and forward the report to the supervision committee of the board for approval; and
- (11) Meet with the clinically supervising psychologist and the disciplined credential holder at the end of the term of supervision to summarize the clinical supervision.

Section 14. Psychology Graduate Students. Graduate-level psychology students who are providing services in psychological health care settings including independent practice settings shall:

- (1) Be clinically supervised by a psychologist licensed by the Board of Examiners of Psychology with health service provider status, licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists, or by a licensed mental health professional approved by the training program who is affiliated with either the university training program or the practice setting;
- (2) Be registered for credit in his or her course of study;
- (3) Clearly identify their status as unlicensed psychology trainees to all clients and payers;
- (4) Give to all clients and payers the name of the licensed psychologist responsible for their work; and
- (5) Not accept employment or placement to perform the same or similar activities following the completion of their university-sanctioned placement, regardless of the job title given, unless the student holds a license from the board.

Section 15. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Supervisory Plans and Goals", December 2018;
  - (b) "Supervisory Report", December 2018; and
  - (c) "Request for Change of Supervisor and/or Frequency", October 2016.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (14 Ky.R. 526; eff. 10-2-1987; 15 Ky.R. 1679; eff. 3-10-1989; 20 Ky.R. 584; 937; eff. 10-21-1993; 24 Ky.R. 1124; 1661; eff. 2-17-1998; 28 Ky.R. 1469; 1809; eff. 2-7-2002; 31 Ky.R. 1004; eff. 3-8-2005; 37 Ky.R. 1520; 1979; 3-4- 2011; 43 Ky.R. 1819; 44 Ky.R. 26; eff. 7-17-2017; 45 Ky.R. 1328, 2076; eff. 1-23-2019; Crt eff. 9-5-2019; 47 Ky.R. 2048; 48 Ky.R. 317; eff. 8-26-2021.)

**201 KAR 26:175. Continuing education.**

RELATES TO: KRS 210.366, 319.032(1)(f), 319.050, 319.053, 319.064, 319.071

STATUTORY AUTHORITY: KRS 319.032(1)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(f) requires the board to promulgate an administrative regulation establishing a requirement for continuing education as a condition for renewal of a license. This administrative regulation establishes the continuing education requirements for renewal of a license.

Section 1. Definitions.

- (1) "Continuing education" means participation in an approved program of professional education beyond the basic educational requirements that meets the requirements established in Section 2(1) of this administrative regulation.
- (2) "Continuing education hour" means a fifty-five (55) minute clock hour of instruction.

Section 2.

- (1) Each credential holder shall document the completion of at least thirty-nine (39) continuing education hours approved by the board pursuant to this administrative regulation within each three (3) year renewal period.
- (2) A credential holder shall complete a minimum of six (6) hours of continuing education in suicide assessment, treatment, and management within the first year of licensure and every six (6) years thereafter as required by KRS 210.366.
  - (a) A credential holder shall be exempted from the requirement to complete a continuing education course in suicide assessment, treatment, and management for the credential holder's first six (6) years of licensure if the credential holder completes a three (3) semester hour graduate course in suicide and crisis assessment, prevention, and intervention during the course of the credential holder's graduate education.
  - (b) A credential holder shall be exempted from the requirement to complete a continuing education course in suicide assessment, treatment, and management from the six (6) year continuing education if, during the six (6) year period, the credential holder:
    1. Is primarily employed in a clinical setting accredited by the Joint Commission or another nationally accrediting healthcare entity that requires the completion of a suicide risk assessment with each patient being seen within the setting;
    2. Teaches a graduate-level psychology course in suicide assessment, training, and management; or
    3. Teaches a continuing education course in suicide assessment, training, and management at least once during the six (6) year period.
  - (c) The continuing education course in suicide assessment, treatment, and management shall be approved in accordance with Section 5 of this administrative regulation.
- (3) The continuing education shall:
  - (a) Provide specific content planned and evaluated to improve the credential holder's professional competence;
  - (b) Make possible the acquisition of new skills and knowledge required to maintain competence;
  - (c) Strengthen the habits of critical inquiry and balanced judgment; and
  - (d) Include a minimum of three (3) hours in either ethical practice or risk management with each three (3) year renewal period.
- (4)
  - (a) Except as provided in paragraph (b) of this subsection, a licensed psychologist with the health service provider designation who provides supervision to an applicant for licensure, or a certified psychologist or a licensed psychological associate shall include as part of the thirty-nine (39) hours of continuing education required by subsection (1) of this section a minimum of three (3) continuing education hours in the area of supervision theory or techniques for each three (3) year renewal period.
  - (b) The requirement established in paragraph (a) of this subsection shall begin with the renewal period immediately following the period in which the original supervisory training required by 201 KAR 26:171, Section 4(1) and (2), is received.

Section 3.

- (1) Hours required to satisfy the continuing education requirement shall be completed prior to the renewal date of a license.
- (2) The credential holder shall:
  - (a) Maintain and provide adequate records including certificates of attendance and documentation of completion of the required continuing education hours; or
  - (b) Provide documentation through a board-approved registry, which shall certify the name and license number of the license holder, date and title of each program and the number of hours earned, and confirmation that the programs were given by a board-approved provider.

Section 4. Only continuing education activities approved by the board shall be accepted toward the continuing education requirements for renewal of a license.

Section 5. Approved Sponsoring Organizations and Approved Programs.

- (1) Participation in a continuing education program that is approved, offered, or sponsored by an organization listed in this subsection shall be accepted toward the requirement for continuing education established in Section 2(1) of this administrative regulation:
  - (a) An affiliated state chapter of the American Psychological Association, American Medical Association, American Psychiatric Association, or National Association of Social Workers;
  - (b) A recognized state, regional, national, or international psychological association;
  - (c) A state or provincial psychology licensure board; and
  - (d) A course for graduate-level academic credit in psychology or psychiatry offered by a national, regional, or state accredited academic institution.
- (2)
  - (a) The board may approve an organization that is not listed in subsection (1) of this section as a sponsor of continuing education for a twelve (12) month period if the organization:
    1. Files a completed Continuing Education Sponsorship Application;
    2. Pays an initial application fee of \$250; and
    3. Proposes to sponsor continuing education programs that meet the requirements established in Sections 2(1) and 6 of this administrative regulation.
  - (b) An approved sponsor shall submit an annual report of the continuing education programs offered during that year.
  - (c) A sponsor that is approved pursuant to paragraph (a) of this subsection may request renewal of its approval for subsequent years by filing a \$150 renewal fee annually.
  - (d) A workshop in psychology or psychiatry offered by a national, regional, or state accredited academic institution's medical center or affiliated hospital shall comply with paragraph (a)1 of this subsection. The fees required under paragraphs (a)2 and (c) of this subsection are waived.
- (3)
  - (a) The board may approve a specific continuing education program that is not approved, offered, or sponsored by an organization listed in subsection (1) of this section or an approved organization under subsection (2) of this section if the sponsor or a participant of the program:
    1. Files a completed Continuing Education Program Application at least thirty (30) days before the program. The failure to abide by this deadline may be a reason for denial of the application;
    2. Pays an application fee of fifty (50) dollars; and

3. Provides information about a continuing education program that it proposes to sponsor which meets the requirements established in Sections 2(1) and 6 of this administrative regulation.
- (b) The approval of a program pursuant to paragraph (a) of this subsection shall permit the sponsor to offer the program one (1) time. The sponsor shall submit a request for renewal and a ten (10) dollar renewal fee for each subsequent request to offer the same approved program.

#### Section 6.

- (1) A continuing education program that satisfies the requirements for license renewal shall be:
  - (a) Approved, offered, or sponsored by an organization that has been approved by the board; or
  - (b) A specific program approved by the board;
- (2)
  - (a) Have a clearly stated purpose and defined content area; and
  - (b) Be consistent with the overall goals of continuing education as defined in Section 1 of this administrative regulation;
- (3) Have a presenter who is a professional qualified in the defined content area;
- (4) Clearly state the program's time. Actual contact time shall be a minimum of one (1) continuing education hour;
- (5) Include attendance recorded by the program's sponsor;
- (6) Documentation of completion shall be provided to the participant only after approval is granted; and
- (7) Include each participant's evaluation of the program.

#### Section 7. Equivalencies.

- (1) A graduate-level psychology course taken at an accredited academic institution shall earn continuing education hours pursuant to paragraphs (a) and (b) of this subsection.
  - (a) Each one (1) hour semester course shall be the equivalent of fifteen (15) continuing education hours for the purposes of meeting the requirements of this administrative regulation.
  - (b) Each one (1) hour quarter course shall be the equivalent of nine (9) continuing education hours for the purposes of meeting the requirements of this administrative regulation.
- (2) A person who teaches a three (3) hour semester or quarter graduate-level course in psychology at an accredited academic institution shall:
  - (a) Earn six (6) continuing education hours for teaching the course; and
  - (b) Not receive:
    1. Credit more than once for teaching a particular course during a renewal period; and
    2. More than nine (9) total continuing education hours for these teaching activities.
- (3) A person who teaches an approved continuing education workshop or program shall:
  - (a) Earn continuing education hours on a one (1) to one (1) basis; and
  - (b) Not receive:
    1. Credit more than once for teaching a particular workshop or program during a renewal period; and
    2. More than nine (9) total continuing education hours for these teaching activities.
- (4) A person who completes home study or internet-based courses approved, offered, or sponsored by an organization listed in Section 5(1) shall not receive:
  - (a) Credit for repeating a specific study course during a renewal period; and
  - (b) More than twelve (12) total continuing education hours through home study or internet-based courses in a renewal period.



- (5) A person who participates in videoconferencing in an interactive setting shall:
  - (a) Earn one (1) continuing education hour for each clock hour of participation; and
  - (b) Not receive more than twenty-four (24) continuing education hours through interactive videoconferencing participation.

Section 8. Carry-over of Continuing Education Hours, Prohibited. There shall not be a carry-over of continuing education hours earned in excess of those required under Section 2 of this administrative regulation into the immediately following renewal period.

Section 9. The board shall audit a minimum of ten (10) percent of all credential holders' documentation supporting the completion of the appropriate number of continuing education hours through a random audit process.

Section 10. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Continuing Education Program Application", October 2021; and
  - (b) "Continuing Education Sponsorship Application", October 2016.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the board's Web site and the address is: <https://psy.ky.gov>. (20 Ky.R. 676; 940; eff. 10-21-1993; 24 Ky.R. 1127; 1664; eff. 2-17-1998; 28 Ky.R. 1472; 1812; eff. 2-7-2002; 31 Ky.R. 1007; 1511; eff. 3-8-2005; 37 Ky.R. 1523; eff. 3-4-2011; 42 Ky.R. 505; 1549; 1717; eff. 12-16-2015; 43 Ky.R. 1823, 2109, 2156; 44 Ky.R. 26; eff. 7-17-2017; 45 Ky.R. 1332; eff. 1-23-2019; Crt eff. 9-5-2019; 48 Ky.R.1870; eff. 6-2-2022.)

**201 KAR 26:180. Requirements for granting licensure as a psychologist by reciprocity.**

RELATES TO: KRS 319.032(1)(i)

STATUTORY AUTHORITY: KRS 319.032(1)(i)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(i) requires the board to promulgate an administrative regulation governing the granting of a license through reciprocity. This administrative regulation establishes the requirements for licensure as a psychologist by reciprocity.

Section 1. The board shall issue a license to an applicant who qualifies for a license as a psychologist pursuant to an agreement of reciprocity entered into by the board of this jurisdiction with the board or boards of any other jurisdiction or multiple jurisdictions.

Section 2. The applicant for licensure as a psychologist by reciprocity shall:

- (1) Submit a completed Application for Licensure as a Psychologist by Reciprocity;
- (2) Hold a current valid license in good standing to practice psychology that has been granted by at least one (1) state, the District of Columbia, a U.S. Territory, or a Canadian province that maintains a psychology registration board:
  - (a) That is a constituent member of the Association of State and Provincial Psychology Boards (ASPPB); and
  - (b) With whom this board has an agreement of reciprocity.
- (3) Have a minimum of five (5) years of full-time practice or its equivalent as determined by the board in the other jurisdiction; and
- (4) Not have been disciplined by any licensure board.

Section 3. The board shall conduct a jurisprudence and competency examination on psychological practice of an applicant for licensure by reciprocity as outlined in 201 KAR 26:230, Section 1(2).

Section 4. An applicant for licensure with the health service provider designation shall comply with KRS 319.050(7).

Section 5. If an applicant for licensure with the health service provider designation does not have an additional 1,800 hours of supervised experience as required by KRS 319.050 and 201 KAR 26:125, the board may determine that the applicant's practice experience is equivalent to the required year of experience. The board may substitute an applicant's employment experience for the additional 1,800 hours of supervised experience as required by KRS 319.050 and 201 KAR 26:125, and may award the applicant the Health Service Provider designation.

Section 6. A person holding the Certificate of Professional Qualification in Psychology (CPQ) issued by the ASPPB or a successor organization or a person who holds a certificate from the National Register of Health Service Providers in Psychology, the American Board of Professional Psychology (ABPP), or a successor organization and has a minimum equivalent of five (5) years of full-time practice at the independent level and has had no disciplinary action taken by a licensure board or on record in the ASPPB database shall:

- (1) Be deemed to meet the qualifications for licensure by reciprocity as established in this administrative regulation; and
- (2) Upon meeting the requirements established in Section 3 of this administrative regulation, shall be granted a license with the health service provider designation.

Section 7. An applicant for licensure as a psychologist by reciprocity may request permission to practice psychology at the doctoral level on a temporary basis pursuant to KRS 319.050(3). The request for a temporary credential shall be issued in accordance with 201 KAR 26:155, Section 2. The temporary credential shall expire in accordance with 201 KAR 26:155, Section 2(5).

Section 8. Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing and may be destroyed.

Section 9. Incorporation by Reference.

- (1) "Application for Licensure as a Psychologist by Reciprocity", March 2021, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material may be directly viewed on the agency's Web site, [www.psy.ky.gov](http://www.psy.ky.gov). (13 Ky.R. 2166; eff. 7-2-1987; 20 Ky.R. 587; eff. 10-21- 1993; 24 Ky.R. 1129; 1666; eff. 2-17-1998; 25 Ky.R. 407; 823; eff. 9-16-1998; 28 Ky.R. 1474; 1813; eff. 2-7-2002; 31 Ky.R. 1009; eff. 3-8-2005; 37 Ky.R. 1527; 1982; eff. 3-4-2011; 43 Ky.R. 1826, 2158; 44 Ky.R. 31; eff. 7-17-2017; Crt eff. 9-5-2019; 47 Ky.R. 2052; 48 Ky.R. 320; eff. 8- 26-2021.)

**201 KAR 26:185. Requirements for granting licensure as a psychologist to an applicant licensed in another state.**

RELATES TO: KRS 319.032(1)(a), (i), 319.050(2)

STATUTORY AUTHORITY: KRS 319.032(1)(i)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the Board of Examiners of Psychology to promulgate administrative regulations to establish requirements for licensure. KRS 319.032(1)(i) requires the board to promulgate an administrative regulation governing reciprocal agreements with other states. This administrative regulation establishes the requirements for granting a license to an applicant who is licensed in another state that does not have an agreement of reciprocity with this board.

Section 1.

- (1) The board shall consider an applicant for licensure in psychology in Kentucky who:
  - (a) Is licensed in another state that does not have an agreement of reciprocity with the Kentucky Board of Examiners of Psychology;
  - (b) Holds a current valid license or certificate, in good standing, to practice psychology that has been granted by:
    1. At least one (1) state;
    2. The District of Columbia;
    3. A United States Territory; or
    4. A Canadian province that maintains a psychology registration board that is a constituent member of the Association of State and Provincial Psychology Boards (ASPPB).
  - (c) Has a minimum of five (5) years of full-time practice or its equivalent as determined by the board in another jurisdiction; and
  - (d) Has not been disciplined by any psychology licensure board.
- (2) The board shall consider if the applicant meets the requirements established in KRS 319.050(2). If an applicant for licensure does not have the supervised experience as required by KRS 319.050(2)(d), the board may determine that the applicant's practice experience is equivalent to the required supervised experience based upon the information submitted in the application.
- (3) An applicant for licensure as a psychologist shall submit:
  - (a) A completed Application for Licensure of a Psychologist Licensed in Another State with the supplementary documentation required by this subsection to the board, to an online application management system contracted by the board for the purposes of application screening, or as the board directs;
  - (b) Three (3) letters of reference from persons qualified to evaluate the applicant's professional ability, including two (2) persons who have received a doctorate in psychology (Ph.D. PsyD., Ed.D.);
  - (c) An official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse;
  - (d) A Curriculum Vitae that demonstrates five (5) years of full-time practice of psychology;
  - (e) To the Examination for Professional Practice in Psychology (EPPP):
    1. Developed by the ASPPB examination contractor; and
    2. Owned by the ASPPB.
  - (f) A verified computerized EPPP scaled score of 500 or greater. The board shall accept the applicant's previous examination results for the national EPPP examination if the original test scores satisfied the doctoral licensure requirement as to criterion level at the time of that examination; and
  - (g) Payment of the application fee, which shall be:

1. Made payable directly to the Kentucky State Treasurer if the application is processed through the board; or
  2. Made to the online application management system as directed by the board.
- (4) The board shall review the applicant's:
- (a) Record as to complaints or hearings held in previous jurisdictions; and
  - (b) Professional references.

Section 2. An applicant for licensure as a psychologist shall submit to a jurisprudence examination as outlined in 201 KAR 26:230, Section 1(2).

Section 3. In addition to meeting the requirements in Section 2 of this administrative regulation, an applicant for licensure as a psychologist shall submit to a competency examination as outlined in 201 KAR 26:230, Section 1(2).

Section 4. Incorporation by Reference.

- (1) "Application for Licensure of a Psychologist Licensed in Another State", October 2021, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the board's Web site and the address is: <https://psy.ky.gov>. (20 Ky.R. 677; 941; eff. 10-21-1993; 24 Ky.R. 1130; 1666; eff. 2-17-1998; 28 Ky.R. 1475; 1813; eff. 2-7-2002; 37 Ky.R. 1527; 1982; eff. 3-4-2011; 43 Ky.R. 1827; 44 Ky.R. 32; eff. 7-17-2017; Crt eff. 9-5-2019; 47 Ky.R. 2054; 48 Ky.R. 320; eff. 8-26-2021; 48 Ky.R. 1873; eff. 6-2-2022.)

**201 KAR 26:190. Requirements for supervised professional experience.**

RELATES TO: KRS 319.050, 319.053, 319.056, 319.064

STATUTORY AUTHORITY: KRS 319.032, 319.050(2)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (1)(l) require the Board of Examiners of Psychology to promulgate administrative regulations to establish requirements for licensure and supervision. This administrative regulation establishes requirements for supervised professional experience.

Section 1. Supervisory Requirements for an Applicant for Licensure as a Psychologist.

- (1) The applicant for licensure as a psychologist with the authorization to provide psychological health care services shall have completed a minimum of 3,600 hours of supervised professional experience in accordance with this administrative regulation.
- (2) A minimum of 1,800 hours of the supervised professional experience shall be a predoctoral internship of 1,800 hours with at least 100 hours of supervisory sessions.
- (3) The remaining 1,800 hours of supervised professional experience shall be predoctoral, postdoctoral, or a combination of pre- and post-doctoral supervised professional experience acceptable to the board based upon the requirements of Sections 2 and 3 of this administrative regulation.
- (4) Supervised professional experience at the pre-internship level shall consist of practica, field placement, or other professional experiences, all of which shall take place in an identifiable clinical setting with mental health clients.
- (5) At least fifty (50) percent of the supervised professional experience shall be in service-related activities, such as treatment, assessment, interviews, report-writing, case presentations, and consultations.

Section 2. For a person applying for licensure as a psychologist, the predoctoral internship shall meet the following criteria:

- (1) The experience shall occur within an organized training program, in contrast to supervised professional experience or on-the-job training and have a planned, programmed sequence of training experiences;
- (2) For clinical and counseling psychology doctoral internships, the training program shall have a clearly designated staff psychologist who shall be:
  - (a) Responsible for the integrity and quality of the training program;
  - (b) Actively licensed by the Board of Examiners in Psychology; or
  - (c) Licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists or otherwise meets the standards of applicable state law.
- (3) For school psychology doctoral internships, the responsible psychologist director may be from an affiliate agency or from the university training program and shall retain responsibility for the integrity and quality of the training program;
- (4) Internship supervision shall be provided by a staff member of the internship agency or by an affiliate of that agency who has clinical responsibility for the cases being supervised. At least half of the internship supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree;
- (5) The internship shall provide training in a range of assessment and treatment activities conducted directly with clients seeking psychological services;
- (6) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;
- (7) The internship shall include a minimum of two (2) hours per week of regularly scheduled, formal, face-to-face individual supervision. There shall also be at least two (2) additional hours per week in learning activities such as case conferences, seminars dealing with clinical issues, and group supervision;
- (8) Training shall be post-clerkship, post-practicum, and post-externship level;
- (9) The internship shall have a written statement or brochure that:
  - (a)
    1. Describes the goals and content of the internship; and
    2. States clear expectations for quality and quantity of the trainee's work; and
  - (b) Shall be made available to prospective interns.
- (10) The internship experience shall be completed within twenty-four (24) months unless an extension is approved by the board for extreme extenuating circumstances such as illness, disability, or pregnancy;
- (11) The trainee shall have a title such as intern, resident, fellow, or other designation of trainee status; and
- (12) The internship agency, preparing institution, and intern shall have a written agreement that describes the goals and content of the internship including clearly stated expectations for the nature of experiences offered in the agency and for the quantity and quality of the work.

Section 3. Additional Required Supervisory Experience.

- (1) For a person applying for licensure as a psychologist to provide psychological health care services, the 1,800 hours of supervised professional experience, in addition to the internship required by KRS 319.050(2)(d), shall be a training-oriented professional experience that:
  - (a) May include course-related field experience and practica; and
  - (b) Shall take place in an identifiable clinical setting with mental health clients.
- (2) In addition to training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services, the supervised professional experience shall consist of a planned and organized sequence of activities that includes explicit training and supervision in the following areas:
  - (a) Clinical skill development;

- (b) Legal and regulatory issues;
  - (c) Ethical dilemmas and issues; and
  - (d) Supervisory skill development.
- (3) During the 1,800 hours of supervised professional experience in addition to the predoctoral internship, the candidate shall:
- (a) Be under supervision as required by 201 KAR 26:171; and
  - (b) Be providing psychological health care services under the supervision of a licensed psychologist or other licensed mental health professional approved by the doctoral training program who is affiliated with the training program or with the practice setting in a:
    - 1. Health care facility or agency;
    - 2. Regional mental health or mental retardation board;
    - 3. School, college, or university;
    - 4. Government agency;
    - 5. Independent practice; or
    - 6. Formalized postdoctoral program.
- (4) The applicant and the supervisor of record shall design and describe the proposed experience, including the areas listed in subsection (2) of this section.
- (5) If the supervised professional experience in addition to the predoctoral internship is in an independent practice, a special application letter shall affirm:
- (a) The identity of the applicant, supervisor, and employer;
  - (b) That the supervising licensed psychologist is not hired, employed, or engaged under contract by the applicant and shall not be terminated by the applicant;
  - (c) That the applicant is not an owner of the independent practice or organization, but rather serves as an employee; and
  - (d) That the applicant has both administrative and clinical supervision that shall be provided by the independent practice or employer.
- (6) If the supervised professional experience is in a university setting, the application shall also:
- (a) Be proffered by a full-time faculty member;
  - (b) Include a plan that contains each of the areas established in subsection (2) of this section; and
  - (c) Include a minimum of 400 hours of direct and indirect client involvement that:
    - 1. Is supervised by a licensed psychologist; and
    - 2. Includes:
      - a. Supervising student clinical work;
      - b. Diagnostic and interviewing activity that occurs within clinical research projects; or
      - c. Clinical work in the context of teaching psychotherapy, interviewing, or psychological testing.
- (7) The board shall not grant a request for temporary licensure if the request does not contain an explicit and acceptable plan for the supervised professional experience as required by this section.

Section 4. An applicant for licensure as a psychological associate shall complete supervised professional experience consisting of course-related field experience, practica, and formal predoctoral internships adding up to a minimum of 600 supervised hours that shall meet the following criteria:

- (1) The experience shall occur within an organized training program and consist of a planned, programmed sequence of training experiences;
- (2) The preparing institution's psychology training program shall have a clearly designated placement director who shall be responsible for the integrity and quality of the experiential component of the training program;
- (3) Weekly practicum and predoctoral internship supervision shall be provided by a staff member of the placement agency, by an affiliate of that agency, or by a university faculty member. At least



- half of the supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree and license;
- (4) Field experiences, practica, and predoctoral internships shall provide training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services;
  - (5) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;
  - (6) The preparing institution shall maintain a written statement or brochure describing the goals and content of the required field experiences, practica, and predoctoral internships; and
  - (7) Students participating in university-sanctioned supervised professional experience shall be clearly identified to clients and payers as trainees.

Section 5. An applicant for licensure as a psychological practitioner shall complete the equivalent of five (5) full-time years of psychological practice under the direct supervision of a licensed psychologist approved by the board, consistent with the requirements of 201 KAR 26:171.

- (1) For purposes of this requirement, a candidate shall complete the equivalent of five (5) full-time years of supervised professional experience from the date of initial credentialing as a psychological associate, excluding any period of temporarily licensed psychological associate. A full-time year comprises at least 1,800 hours of supervised professional experience.
- (2) A school psychologist who is employed in a Kentucky school system, credentialed by the Professional Standards Board, and also credentialed as a psychological associate by this board, may contract for on-going clinical supervision in the school setting with a board-approved licensed psychologist who is neither an employee nor a contractor of the school system.
  - (a) The supervised professional experience shall meet the conditions of this administrative regulation and may be used by the licensed psychological associate employed by the school system to meet the requirements for application to become a licensed psychological practitioner.
  - (b) To fulfill the requirements of 201 KAR 26:171, there shall be an explicit written plan approved by the board between the school system, the school psychologist, and the board-approved supervisor that delineates roles and responsibilities, without restricting the ability of the school district to direct or control the activities of its employee.
  - (c) A person trained in school psychology, if employed by an agency other than a public school or engaged in practice outside of the school setting, shall obtain clinical supervision in the manner specified by 201 KAR 26:171.

Section 6. Incomplete Application. An incomplete application shall be denied one (1) year from the date of filing and may be destroyed. (13 Ky.R. 2166; eff. 7-2-1987; 15 Ky.R. 1681; eff. 3-10-1989; 20 Ky.R. 588; 942; eff. 10-21-1993; 28 Ky.R. 1476; 1814; eff. 2-7-2002; 31 Ky.R. 1010; 1512; eff. 3-8-2005; 37 Ky.R. 1529; 1983; eff. 3-4-2011; 43 Ky.R. 1829; 44 Ky.R. 32; eff. 7-17-2017; 47 Ky.R. 2056; 48 Ky.R. 321; eff. 8-26-2021; 48 Ky.R. 1875, 2573; eff. 6-2-2022.)

### **201 KAR 26:200. Education requirements.**

RELATES TO: KRS 319.050, 319.053, 319.064

STATUTORY AUTHORITY: KRS 319.032, 319.053

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1) (a) requires the Board of Examiners of Psychology to promulgate administrative regulations to establish requirements, standards, and tests to determine the moral, intellectual, educational, scientific, technical, and professional qualifications of applicants for licensure. KRS 319.050 establishes requirements for licensed psychologists. KRS 319.064 establishes requirements for licensed psychological associates. KRS 319.053(1)(c) requires an applicant for licensure as a licensed psychological practitioner to document at least sixty (60) hours of graduate study in psychology or a related field acceptable to the board. This administrative regulation establishes education requirements for licensure by the board.

Section 1. Psychology Degree Requirements. For purposes of licensure, a degree in psychology shall:

- (1) Be from a recognized institution of higher learning as established in this administrative regulation;
- (2) Be clearly identified by the granting institution as a psychology program wherever the program may be administratively housed;
- (3) Be specified in pertinent institutional catalogs and brochures as intended to educate and train professional psychologists;
- (4) Require a dissertation for the degree as psychological in method and content and an expected product of doctoral training in psychology;
- (5) Require that any thesis required for the degree shall be psychological in method and content and an expected product of master's training in psychology;
- (6) Stand as a recognizable, coherent, organized entity within the institution;
- (7) Require within the psychology faculty clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
- (8) Be an integrated, organized sequence of study;
- (9) Require an identifiable psychology faculty and a psychologist responsible for the program;
- (10) Require an identifiable body of students who are matriculated in that program for a degree; and
- (11) Include educational experiences with titles, such as practicum, internship, or field training, including:
  - (a) For a doctoral degree, require a six (6) graduate semester-hour practica, three (3) hours of psychotherapy, counseling, or intervention and three (3) hours of assessment, excluding industrial and organizational psychology; or
  - (b) For a master's degree, require a minimum of 600 supervised hours in course-related field experience, practica, and formal internship, as part of the degree program.

Section 2. Psychology Curriculum Requirements.

- (1) In determining the approval of curricular experiences and course work, the board shall consider:
  - (a) The duration of graduate study:
    1. For a doctoral degree, a minimum of three (3) years, including a minimum of one (1) full academic year in residence at the institution, consisting of a minimum of 250 contact hours or its equivalent of curricular experiences and course work delivered through face-to-face in person context with other students and with faculty of the institution, without regard to the specific physical location in which the course work is conducted; or
    2. For a master's degree, a minimum of forty-five (45) semester hours.
  - (b) In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of these four (4) areas:
    1. Biological bases of behavior, including the subject matters of physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology;
    2. Cognitive-affective bases of behavior, including the subject matters of learning, thinking, motivation, and emotion;
    3. Social bases of behavior, including the subject matters of social psychology group process and organizational psychology and systems; and
    4. Individual differences, including the subject matters of personality theory, human development, and abnormal psychology.
  - (c) In addition to the core program, the curriculum shall include appropriate course work in the specialty area of training. For candidates who seek to deliver or supervise psychological health services, the training shall include specific training in diagnosis, psychological

- testing, assessment of individual differences, and the design and implementation of appropriate intervention techniques, such as psychotherapy, counseling, and consultation.
- (2) The applicant shall provide any relevant documentation requested by the board to confirm compliance with or satisfaction of the requirements of this administrative regulation.
  - (3) A deficiency in course work or other requirements shall be corrected by appropriate remedial work.

### Section 3. Psychology Accreditation Requirements.

- (1) A regionally accredited educational institution shall be accredited by one (1) of the following, or an equivalent accreditation entity:
  - (a) Southern Association of Colleges and Schools;
  - (b) Middle States Commission on Higher Education;
  - (c) Middle States Association of Colleges and Schools;
  - (d) New England Association of Schools and Colleges;
  - (e) North Central Association of Colleges and Schools;
  - (f) Northwest Commission on Colleges and Universities;
  - (g) Northwest Accreditation Commission; or
  - (h) Western Association of Schools and Colleges.
- (2) Accreditation shall include accreditation by one (1) of the associations established in subsection (1) of this section at:
  - (a) Level 3, master's degree granting accreditation;
  - (b) Level 4, doctoral degree granting accreditation; or
  - (c) Level 5, graduate or professional degree granting accreditation.
- (3) Licensed psychological practitioner educational requirements.
  - (a) Graduate course work shall be related to psychological practice and may include independent study and distance learning. All graduate course work shall have been offered by a regionally accredited university meeting the standards described in this administrative regulation. Continuing education credits shall not qualify to meet this requirement.
  - (b) The applicant shall provide any documentation required by the board in the manner and form prescribed by the board to confirm compliance with or satisfaction of the requirements of this section.
  - (c) At the discretion of the board, any deficiency in course work or other requirements may be corrected by appropriate remedial work.

### Section 4.

- (1) A regionally-accredited educational institution shall be accredited by any one (1) of the following:
  - (a) Southern Association of Colleges and Schools;
  - (b) Middle States Association of Colleges and Schools;
  - (c) New England Association of Colleges and Schools;
  - (d) North Central Association of Colleges and Schools;
  - (e) North Western Association of Schools and Colleges; or
  - (f) Western Association of Schools and Colleges.
- (2) Accreditation shall be by one (1) of the associations listed in this section at Level 3, master's degree granting accreditation. (8 Ky.R. 33; eff. 8-5-1981; 11 Ky.R. 1447; eff. 5-14- 1985; 13 Ky.R. 239; eff. 9-4-1986; 14 Ky.R. 30; eff. 9-10-1987; 15 Ky.R. 1682; eff. 3-10-1989; 28 Ky.R. 1478; 1815; eff. 2-7-2002; 37 Ky.R. 1532; 1984; eff. 3-4-2011; 42 Ky.R. 507; 1719; eff. 12-16-2015; 43 Ky.R. 1831; 44 Ky.R. 34; eff. 7-17-2017; 45 Ky.R. 1335, 1463; eff. 1-23- 2019; 47 Ky.R. 2058; 48 Ky.R. 323; eff. 8-26-2021.)

**201 KAR 26:215. Nonresident status.**

RELATES TO: KRS 319.015(8), 319.082

STATUTORY AUTHORITY: KRS 319.015(8), 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the Board of Examiners of Psychology to promulgate administrative regulations to establish requirements for licensure. KRS 319.015(8) authorizes a nonresident psychologist temporarily employed in the state to render psychological services for no more than thirty (30) days every two (2) years and requires the board to establish a registration process for nonresident psychologists. This administrative regulation establishes the requirements for registering in Kentucky as a nonresident psychologist.

Section 1. A nonresident psychologist temporarily employed in the state may render psychological services immediately upon:

- (1) Written notification of intent to provide psychological services in Kentucky and verification to the board that the nonresident psychologist:
  - (a) Holds the Interjurisdictional Practice Certificate (IPC) issued by the Association of State and Provincial Psychology Boards (ASPPB) or a successor organization;
  - (b) Holds the Certificate of Professional Qualification (CPQ) issued by ASPPB or a successor organization;
  - (c) Is board-certified by the American Board of Professional Psychology (ABPP) or a successor organization; or
  - (d) Is licensed in a jurisdiction with whom this Board has established reciprocity; and
- (2) Payment to the board a fee for registration as a nonresident psychologist established in 201 KAR 26:160, Section 4.

Section 2.

- (1) A nonresident credential holder who does not satisfy Section 1 of this administrative regulation, is temporarily employed, and seeks to practice in Kentucky shall:
  - (a) Submit completed Nonresident Psychological Registration Form and satisfy the requirements of Subsection (2) of this section; and
  - (b) Pay to the board a fee for registration as a nonresident psychologist established in 201 KAR 26:160, Section 4.
- (2) Board approval shall be contingent upon:
  - (a) Receipt of documentation that the nonresident psychologist holds a valid license in good standing from another jurisdiction; and
  - (b) Confirmation that the applicant does not have a report of disciplinary action filed with the Association of State and Provincial Psychology Boards.
- (3)
  - (a) Nonresident temporary practice, pursuant to KRS 319.015(8), shall be conditionally approved by the chair of the board if:
    1. The applicant for temporary practice meets the conditions for practice established by KRS 319.015(8); and
    2. The applicant has registered with the board.
  - (b) The conditional approval shall terminate at the next regularly scheduled meeting of the board. At that meeting, the board shall determine whether to approve the temporary practice.

Section 3. A nonresident psychologist temporarily employed in the state may render psychological services no more than thirty (30) days every two (2) years with the approval of the board.

Section 4. Upon the completion of the authorized temporary employment period, the nonresident license holder shall submit a written report to the board of each date on which psychological services were rendered in this state, and the location of the site of those services.

Section 5. For purposes of this administrative regulation, the provision of psychological services on a given date, regardless of the period of time of those services, shall constitute one (1) day.

Section 6. Pursuant to KRS 319.015(8), the provisions of this administrative regulation shall:

- (1) Apply to a nonresident psychologist temporarily employed in the state for a period of fewer than thirty (30) days every two (2) years; and
- (2) Not be used to begin practice in Kentucky by an applicant for temporary or regular licensure pending credentials review.

Section 7. A person licensed to practice psychology in another jurisdiction may practice psychology by electronic or telephonic means in Kentucky if he or she registers with the board and receives board approval for this practice. A person seeking this approval shall follow the provisions set forth in Sections 1 through 4 of this administrative regulation.

Section 8. 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.

Section 9. A person practicing pursuant to the provisions of KRS 319.015(8) shall be subject to the provisions of KRS 319.082 and 201 KAR 26:145.

Section 10. Incorporation by Reference.

- (1) "Nonresident Psychological Registration Form", October 2021, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the board's Web site and the address is: <https://psy.ky.gov>. (20 Ky.R. 678; 944; eff. 10-21-1993; 24 Ky.R. 1131; 1667; eff. 2-17-1998; 25 Ky.R. 408; eff. 9-16-1998; 28 Ky.R. 1480; eff. 2-7-2002; 37 Ky.R. 1533; eff. 3-4-2011; 43 Ky.R. 1834; 44 Ky.R. 36; eff. 7-17-2017; Crt eff. 9-5-2019; 48 Ky.R. 1878; eff. 6-2-2022.)

#### **201 KAR 26:225. Renewal and reinstatement.**

RELATES TO: 319.071

STATUTORY AUTHORITY: KRS 319.032(1)(c), 319.032(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(c) requires the Board of Examiners of Psychology to promulgate an administrative regulation setting the requirements for issuing and denying an applicant for licensure. KRS 319.032(2) authorizes the board to promulgate administrative regulations as it deems necessary for the proper administration of KRS Chapter 319. This administrative regulation establishes the renewal and reinstatement processes.

Section 1.

- (1) To apply for renewal, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:
  - (a) Submit a completed Renewal Application to the board;

- (b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(5); and
  - (c) Have completed thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).
- (2) After the renewal date but during the three (3) month grace period, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:
- (a) Submit a completed Renewal Application to the board;
  - (b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(5);
  - (c) Pay to the board a late fee established in 201 KAR 26:160, Section 2; and
  - (d) Have completed thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).
- (3) After the three (3) month grace period but less than three (3) years of cancelation, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:
- (a) Submit a completed Renewal Application to the board;
  - (b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(5);
  - (c) Pay to the board a late fee established in 201 KAR 26:160, Section 2;
  - (d) Pay to the board a reinstatement fee established in 201 KAR 26:160, Section 3; and
  - (e) Complete thirty-nine (39) continuing education hours obtained within the three (3) years prior to the date of application for reinstatement.
- (4) After three (3) years of cancelation, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:
- (a) Submit a new completed application to the board;
  - (b) Pay to the board the appropriate fee established in 201 KAR 26:160, Section 1; and
  - (c) Successfully complete the oral and structured examinations on Kentucky mental health law, ethical principles, and professional practice established in 201 KAR 26:230, Section 3(1)(b) and (4).

## Section 2.

- (1) To apply for renewal, a certified psychologist or licensed psychological associate shall:
- (a) Submit a completed Renewal Application to the board;
  - (b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(6); and
  - (c) Have completed thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).
- (2) After the renewal date but during the three (3) month grace period, a certified psychologist or licensed psychological associate shall:
- (a) Submit a completed Renewal Application to the board;
  - (b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(6);
  - (c) Pay to the board a late fee established in 201 KAR 26:160, Section 2; and
  - (d) Complete thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).
- (3) After the three (3) month grace period but less than three (3) years of cancelation, a certified psychologist or licensed psychological associate shall:
- (a) Submit a completed Renewal Application to the board;
  - (b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(5);
  - (c) Pay to the board a late fee established in 201 KAR 26:160, Section 2;
  - (d) Pay to the board a reinstatement fee established in 201 KAR 26:160, Section 3; and
  - (e) Complete thirty-nine (39) continuing education hours obtained within the three (3) years prior to the date of application for reinstatement.



- (4) After three (3) years of cancellation, a certified psychologist or licensed psychological associate shall:
  - (a) Submit a new completed application to the board; and
  - (b) Pay to the board the appropriate fee established in 201 KAR 26:160, Section 1.

Section 3. A person who previously held a credential issued by the board and applies three (3) years or more beyond the date of cancellation shall be required to meet current initial licensure requirements.

Section 4. A credential holder may continue to practice during the grace period.

Section 5. A person shall not engage in the practice of psychology after a license has been canceled.

Section 6. Incorporation by Reference.

- (1) "Renewal Application", October 2021, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the Board's website and the address is: <https://psy.ky.gov>. (43 Ky.R. 1900; 44 Ky.R. 37; eff. 7-17-2017; Crt eff. 9-5-2019; 48 Ky.R. 1880; eff. 6-2-2022.)

### **201 KAR 26:230. Examinations and applications.**

RELATES TO: KRS 319.032(1)(a), 319.050, 319.053, 319.064

STATUTORY AUTHORITY: KRS 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the board to promulgate an administrative regulation establishing the examination requirements for an applicant for licensure. KRS 319.050(1) and 319.064(2)(c), (3) require an applicant to successfully complete the required examination prior to licensure. This administrative regulation establishes the examination and application requirements.

Section 1.

- (1) The national examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards (ASPPB) examination contractor and owned by the ASPPB.
  - (a) The EPPP shall be taken by computer administration.
  - (b) The board shall submit to the ASPPB examination contractor a list of applicants eligible to sit for the examination.
- (2) The Kentucky examinations shall consist of a jurisprudence examination of Kentucky mental health law, and a competency examination of ethical principles and professional practice.
  - (a) A candidate shall score at least an eighty (80) percent to pass the jurisprudence examinations.
  - (b) A candidate shall score a 100 percent to pass the competency examination.

Section 2. General Requirements.

- (1) An applicant for licensure shall:
  - (a)
    - 1. Submit a completed application as required by 201 KAR 26:155, Section 1; 201 KAR 26:280, Section 1; 201 KAR 26:180, Section 2; 201 KAR 26:185, Section 2; or 201 KAR 26:290, Section 1; and
    - 2. Pay the applicable fee established in 201 KAR 26:160; or
  - (b) Submit the application required by subsection (1) of this section to the online application management system designated by the board that shall:

1. Include a certification by the applicant that the:
    - a. Information in the application is true, correct, and complete to the best of their knowledge and belief; and
    - b. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and
  2. Be accompanied by payment of the application fee that shall:
    - a. Be made payable directly to the Kentucky State Treasurer if the application is processed through the board; or
    - b. Be made to the online application management system as directed by the board.
- (2) Once the Licensed Psychologist Applicant has completed all items, including sending supplemental materials, the online application management system completes a primary source verification process then forwards the application to the board for final review.
  - (3) The Credentialing Committee of the Board reviews the application and determines the applicant's eligibility for licensure.
  - (4) The applicant shall sit for the national (EPPP) examination within one (1) year of the notice of the application being approved by the board. An applicant may sit for the national (EPPP) examination at any approved ASPPB examination contractor testing center in the United States, U.S. Territories, or Canada.
  - (5) If an applicant loses eligibility to sit for the national (EPPP) examination because of failure to reschedule, cancel, or appear to take the examination as stated in subsection (4) of this section:
    - (a) The applicant shall forfeit all fees paid; and
    - (b) Any temporary license issued to the applicant shall be terminated.

### Section 3. Examination for Licensure as a Licensed Psychologist.

- (1) The applicant shall pass:
  - (a) The national (EPPP) examination in accordance with subsection (2) of this section; and
  - (b) The Kentucky examinations as outlined in Section 1(2) of this administrative regulation. The competency examination shall be administered by two (2) licensed psychologists approved by the board.
- (2) The applicant shall obtain an EPPP scaled score of 500 or greater or shall have obtained a previous national EPPP passing score which satisfied the doctoral licensure requirement as to criterion level at the time of that examination. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.
- (3) If an applicant for licensure as a licensed psychologist fails the national (EPPP) examination, the candidate may reapply with a detailed remediation plan, including the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of the remediation plan approved by the board, and the appropriate fee to the ASPPB examination contractor is paid, the applicant shall be deemed eligible by the board to be permitted to sit again for the national (EPPP) examination.
  - (a) The candidate shall continue to function under the supervision of the board-approved supervisor until:
    1. The national (EPPP) examination and Kentucky examinations are successfully completed; or
    2. The temporary license is terminated.
  - (b) The applicant for licensure as a licensed psychologist shall not be scheduled for the Kentucky examinations until the national (EPPP) examination has been successfully passed and the board has determined that the requirements for supervised experience for licensure as a licensed psychologist have been met.

- (4) The competency examination shall not be required for an applicant who is board-certified by the American Board of Professional Psychology (ABPP) or a successor organization or holds a current license in good standing from a jurisdiction with a reciprocity agreement with this board.
- (5) If the applicant does not pass either of the Kentucky examinations on the first attempt, the applicant may reapply with a detailed remediation plan, including the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of the remediation plan approved by the board, the applicant shall be administered a second examination.
- (6) If the applicant does not pass either of the Kentucky examinations on the second attempt, the applicant may reapply with an additional remediation plan. Upon completion of the remediation plan approved by the board, the applicant shall be administered a third examination.
- (7) An applicant may only take each of the structured examinations on three (3) occasions. If an applicant for licensure as a licensed psychologist does not pass on the third attempt, they may apply to be credentialed as a licensed psychological associate by completing an application and paying the appropriate fee, as required by 201 KAR 26:160. The board shall accept the applicant's previous examination results to satisfy the requirements for the licensed psychological associate application.

#### Section 4. Examination for Licensure as a Licensed Psychological Practitioner.

- (1) The applicant shall pass:
  - (a) A national (EPPP) examination unless the applicant's previous examination results for the national (EPPP) examination satisfied the doctoral licensure requirement as to criterion level at the time of that examination; or
  - (b) The applicant shall obtain a computerized national (EPPP) scaled score of 500 or greater. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.
- (2) Pursuant to KRS 319.050(3), an applicant for licensure as a licensed psychological practitioner who has been approved to sit for the national (EPPP) examination shall continue to be supervised until all requirements for licensure as a licensed psychological practitioner have been completed.
- (3) If an applicant for licensure as a licensed psychological practitioner fails to obtain a scaled score of 500 or greater on the EPPP examination, the candidate may reapply to the board, pay the appropriate fee to the ASPPB examination contractor and be permitted to sit for the national (EPPP) examination again.
- (4) The applicant for licensure as a licensed psychological practitioner shall not be scheduled for the Kentucky examinations until the national (EPPP) examination has been successfully passed and the required five (5) years of supervised experience or its equivalent have been approved by the board.
- (5) An applicant for licensure as a licensed psychological practitioner shall submit to a competency examination as outlined in Section 1(2) of this administrative regulation administered by an at least one (1) licensed psychologist and either a certified psychologist with autonomous functioning or a licensed psychological practitioner. The applicant for licensure as a licensed psychological practitioner shall also complete a jurisprudence examination as outlined in Section 1(2) of this administrative regulation.
- (6) If the applicant does not pass either of the Kentucky examinations on the first attempt, the applicant may reapply with a remediation plan that includes the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and how the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of a remediation plan approved by the board, the applicant shall be administered a second examination.

- (7) If the applicant does not pass either of the Kentucky examinations on the second attempt, the applicant may reapply with an additional remediation plan. Upon completion of a remediation plan approved by the board, the applicant shall be administered a third examination.
- (8) An applicant may only take each examination three (3) times, and would have to remain as a Psychological Associate under board approved supervision if either examination is failed three (3) times.

Section 5. Examination for Licensure as a Psychological Associate.

- (1) The applicant shall:
  - (a) Obtain a national (EPPP) scaled score of 400 or greater; or
  - (b) Have obtained an EPPP passing score for licensure at the master's level in effect at the time of the applicant's previous national (EPPP) examination; and
  - (c) Be notified by the board of the score, as well as of passing or failing the examination.
- (2) Pursuant to KRS 319.064(3), an applicant for licensure as a licensed psychological associate who has been approved to sit for the national (EPPP) examination and whose supervisory arrangement has been approved by the board shall be considered to be functioning under a temporary license.
- (3) If an applicant for licensure as a psychological associate fails the national (EPPP) examination, the applicant shall:
  - (a) File a detailed remediation plan, cosigned by the supervisor within thirty (30) days of notice of failure; and
  - (b) Be eligible to retake the national (EPPP) examination upon approval of the plan by the board. (14 Ky.R. 528; eff. 10-2-1987; 15 Ky.R. 1685; eff. 3-10-1989; 24 Ky.R. 1132; 1667; eff. 2-17-1998; 28 Ky.R. 1481; 1817; eff. 2-7-2002; 31 Ky.R. 1012; 1514; eff. 3-8-2005; 37 Ky.R. 1535; 1985; eff. 3-4-2011; 47 Ky.R. 2060; 48 Ky.R. 324; eff. 8-26-2021; 48 Ky.R. 1882, 2574; eff. 6-2-2022.)

**201 KAR 26:250. Employment of a psychological associate, a temporarily licensed psychological associate, or a temporarily licensed psychologist.**

RELATES TO: KRS 319.032(1)(b), 319.032(1)(l), 319.064(5)

STATUTORY AUTHORITY: KRS 319.032(1)(b), 319.032(1)(l)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(l) requires the Board of Examiners of Psychology to promulgate an administrative regulation governing the clinical supervision and employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist. KRS 319.064(5) prohibits a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist from practicing independently, except under the employment and clinical supervision of a board approved licensed psychologist. This administrative regulation establishes the requirements for the employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

Section 1. Employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist (which are licensees requiring clinical supervision) by a regional mental health or mental retardation board, college or university, or government agency shall not be considered independent practice.

Section 2.

- (1) A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist may be employed in a supervisor's independent practice, if the supervisor is responsible for the direction and control of the practice of the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

- (2) Employees shall be paid compensation. Employees shall not be independent contractors and receive a Form 1099 for their compensation. Any independent contractor shall have an independent license.

### Section 3.

- (1) A special application shall:
- (a) Be submitted to the board by the supervisor of record and a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist if:
    1.
      - a. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist is employed in an independent practice; and
      - b. The supervisor of record is not the employer; or
    2. The employer is not an organization listed in Section 1 of this administrative regulation.
  - (b) Be approved by the board before the practice begins.
  - (c) Identify the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist supervisor, and employer.
  - (d) Certify that:
    1. The supervising licensed psychologist is not hired, employed, or engaged under contract by the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist;
    2. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist is not an owner of the independent practice or organization, but rather serves as an employee; and
    3. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist has both administrative and clinical supervision that are provided by the independent practice or organization.
- (2) The arrangement described in the application shall be approved by the board before the practice begins.

Section 4. A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist shall not pay, hire, or employ a supervisor to provide clinical supervision in accordance with 201 KAR 26:171.

Section 5. A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist who works as an employee for more than one (1) independent practice or organization shall obtain approval from the board for a supervisor of record for each independent practice or organization and shall comply with 201 KAR 26:171 for approval to have more than two (2) supervisors of record.

Section 6. In all communications and advertising with the public, the licensed psychological associate's, temporarily licensed psychological associate's, or temporarily licensed psychologist's relationship with the employer and the supervisor shall be clearly indicated.

Section 7. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist and the supervisor shall comply with the requirements for clinical supervision established in 201 KAR 26:171.

### Section 8. Incorporation by Reference.

- (1) "Special Application", (March 2021 edition), is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday

through Friday, 8 a.m. to 4:30 p.m. This material may also be found on the Board's Web site, <https://psy.ky.gov>. (24 Ky.R. 1182; 1669; eff. 2-17-1998; 28 Ky.R. 1484; 1819; eff. 2-7-2002; 43 Ky.R. 1836; 44 Ky.R. 38; eff. 7-17-2017; 47 Ky.R. 2063; 48 Ky.R. 326; eff. 8-26-2021; 48 Ky.R. 1884; eff. 6-2-2022.)

**201 KAR 26:270. Change of license status.**

RELATES TO: KRS 319.053, 319.056

STATUTORY AUTHORITY: KRS 319.032(1)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032 requires the board to promulgate administrative regulations to enable persons licensed by this board to change their license status upon completion of additional training and experience. This administrative regulation establishes procedures to enable license holders to change their license status.

**Section 1. Change of License Status to Licensed Psychologist.**

- (1) If a person holds a license as a certified psychologist with or without autonomous functioning, as a licensed psychological practitioner or as a licensed psychological associate and later completes the educational and supervised experience requirements to apply for licensed psychologist status, a new and complete application for licensure shall be submitted with an approved application fee as required by 201 KAR 26:155 and 26:160.
- (2) The board shall accept the applicant's previous examination results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.
- (3) If the previous EPPP score does not satisfy the requirements of subsection (2) of this section, the applicant shall successfully complete the national (EPPP) examination as described in 201 KAR 26:230.
- (4) The Kentucky examinations as outlined in 201 KAR 26:230, Section 1(2) shall be successfully completed by the applicant as described in 201 KAR 26:230, Section 4(5).

**Section 2. Change of License Status to Licensed Psychological Practitioner by Certified Psychologists with Autonomous Functioning.**

- (1) Persons holding a credential as a certified psychologist with autonomous functioning may continue to function with that title.
- (2) Any certified psychologist with autonomous functioning may notify the board in writing of their choice to permanently change their title to licensed psychological practitioner.
- (3) The board shall then issue a new license with that title.

**Section 3. Change of License Status to Licensed Psychological Practitioner by Certified Psychologists and Psychological Associates.**

- (1) If a person holds a credential as a certified psychologist without autonomous functioning or as a licensed psychological associate and later completes the educational and supervised experience requirements to apply for licensed psychological practitioner status, a new and complete application for licensure shall be submitted with an approved application fee as required by 201 KAR 26:155 and 201 KAR 26:160.
- (2) The board shall accept the applicant's previous examination results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.
- (3) If the previous EPPP score does not satisfy the requirements of Section 1(2) of this administrative regulation, the applicant shall successfully complete the national (EPPP) examination as described in 201 KAR 26:230, Section 4(5).



- (4) The Kentucky examinations as outlined in 201 KAR 26:230, Section 1(2) shall be successfully completed by the applicant as described in 201 KAR 26:230, Section 4(5).

Section 4. Change of License Status to Licensed Psychological Associate by Certified Psychologists.

- (1) Persons holding a license as a certified psychologist may continue to function with that title.
- (2) At the time of renewal of their license, any certified psychologist may notify the board in writing of their choice to permanently change their title to licensed psychological associate.
- (3) The board shall then issue a new license with that title.

Section 5. Change of License Status to Licensed Psychological Associate by Certified Psychological Associates.

- (1) Persons holding a license as a psychological associate shall use the title licensed psychological associate.
- (2) The board shall issue a new license with that title. (28 Ky.R. 1518; 1819; eff. 2-7-2002; 37 Ky.R. 1537; 3-4-2011; Crt eff. 9-5-2019.)

**201 KAR 26:280. Licensed psychological associate: application procedures and temporary license.**

RELATES TO: KRS 319.064

STATUTORY AUTHORITY: KRS 319.032(1)(a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the Board of Examiners of Psychology to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychological associate. This administrative regulation establishes the requirements for applicants for licensure and the conditions for a temporary license.

Section 1. Application.

- (1) After the requirements established in KRS 319.064(2) are met, an application for a credential to perform certain functions as a licensed psychological associate may be submitted to the board, to an online application management system contracted by the board for the purposes of application screening, or as the board directs.
- (2) The application required by subsection (1) of this section shall be made to the board or to the online application management system and shall:
  - (a) Include a certification by the applicant that the:
    1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and
    2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification.
  - (b) Be accompanied by payment of the application fee that shall:
    1. Be made payable directly to the Kentucky State Treasurer if the application is processed through the board; or
    2. Be made to the online application management system as directed by the board.
  - (c) Include three (3) letters of reference or completed Recommendation Form for Licensure as a Psychological Associate from persons qualified to evaluate the applicant's professional ability, including two (2) persons who have received a doctorate in psychology (Ph.D., Psy.D., or Ed.D.); and
  - (d) Include an official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse.
- (3) Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing, and may be destroyed.

## Section 2. Temporary Licensure.

- (1) An applicant may request permission to perform functions as a licensed psychological associate on a temporary basis pursuant to KRS 319.064(3).
- (2) The request for a temporary credential shall be co-signed by the candidate and the proposed supervisor, who shall be a licensed psychologist approved by the board and who holds the health services provider designation.
- (3)
  - (a) A temporary license shall be valid for one (1) year from the date of the notice of approval by the board.
  - (b) During the period of temporary licensure, a candidate shall:
    1. Successfully complete all credentials and examination procedures; and
    2. Pass the Examination for Professional Practice in Psychology (EPPP).
- (4)
  - (a) Under exceptional circumstances and upon written request cosigned by the board approved supervisor, the board may approve an extension of the period of temporary licensure.
  - (b) A licensee shall submit a completed Request for Extension of Temporary Licensure as a Psychological Associate to the board to request an extension.
  - (c) If a temporary license requires an extension after one (1) year, the licensee may request a six (6) month extension.
  - (d) After the six (6) months, a second extension may be requested for an additional six (6) months.
  - (e) After a total of two (2) years of extensions, the licensee may request a second temporary license following the steps in this section.
  - (f) If after two (2) years on the second temporary license another extension is requested, the licensee may request a third temporary license following the steps in this section.
  - (g) Licensees shall not exceed a total of six (6) years of extensions for all temporary licenses nor hold a temporary license longer than six (6) years.
  - (h) All extensions are provided by the board at the board's discretion.

Section 3. Grace Period for Submission of Credentials. To allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed sixty (60) days within which a candidate who has completed his or her degree requirements may begin employment by an agency to practice psychology under supervision with a board-approved supervisor.

- (1) Upon acceptance of employment, the candidate and the licensed psychologist with health service practitioner designation who shall serve as the clinical supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice may be grounds for disciplinary action against the candidate and the clinical supervisor.
- (2) It shall be the responsibility of the candidate to ensure that all materials are forwarded to the board within thirty (30) days from the date of agency employment. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if their application material is insufficient to take any action, they shall be directed to cease practice until the requirements are met.
- (3) The grace period shall not be extended beyond sixty (60) days. A candidate who fails to achieve approval within this timeframe shall not practice psychology until credentialed by the board.
- (4) Upon filing the notice set forth in subsection (1) of this section, the candidate shall be practicing psychology under the jurisdiction of the board, and shall be subject to KRS Chapter 319 and 201 KAR Chapter 26.

## Section 4. Incorporation by Reference.

- (1) The following material is incorporated by reference:

- (a) "Application for Licensure as a Psychological Associate", March 2021;
  - (b) "Recommendation Form for Licensure as a Psychological Associate", February 2017] March 2021; and
  - (c) "Request for Extension of Temporary Licensure as a Psychological Associate", March 2021.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (28 Ky.R. 1520; 1820; eff. 2-7-2002; 31 Ky.R. 1014; 1515; eff. 3-8-2005; 43 Ky.R. 1838; 44 Ky.R. 38; eff. 7-17-2017; 45 Ky.R. 1337, 2079; eff. 1-23-2019; Crt eff. 9-5-2019; 47 Ky.R.2065; 48 Ky.R. 327; eff. 8-26-2021.)

**201 KAR 26:290. Licensed psychological practitioner: application procedures.**

RELATES TO: KRS 319.053

STATUTORY AUTHORITY: 319.032(1)(a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the Board of Examiners of Psychology to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychological practitioner. This administrative regulation establishes the requirements for these applicants.

Section 1. Application.

- (1) After the requirements established in KRS 319.053(1) are met, an applicant for licensure as a licensed psychological practitioner shall submit a completed Application for Licensure as a Psychological Practitioner to the board, to an online application management system contracted by the board for the purposes of application screening, or as the board directs.
- (2) The application shall:
  - (a) Include a certification by the applicant that the:
    - 1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and
    - 2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification.
  - (b) Be accompanied by payment of the application fee that shall:
    - 1. Be made payable to the Kentucky State Treasurer if the application is processed through the board; or
    - 2. Be made to the online application management system as directed by the board.
  - (c) Include two (2) letters of completed Recommendation for Licensure as a Psychological Practitioner forms from licensed mental health professionals acceptable to the board who are familiar with the clinical work of the applicant;
  - (d) Include an official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse; and
  - (e) Include one (1) completed Supervisor Recommendation for Licensure as a Psychological Practitioner that shall be from the current board-approved clinical supervisor of record.
- (3) An incomplete application may be determined to be expired one (1) year from the date of filing, and may be destroyed.

Section 2. Temporary Licensure. Temporary credentials shall not be issued to persons applying for licensed psychological practitioner status. An applicant may continue to practice under board-approved supervision as a licensed psychological associate or as a certified psychologist pending successful completion of all requirements for a change of status to a licensed psychological practitioner.

- (1) The candidate shall obtain an acceptable score on the national (EPPP) examination as established in 201 KAR 26:230, Section 4.
- (2) The board shall accept the applicant's previous examination results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.
- (3) The Kentucky examinations as outlined in 201 KAR 26:230 Section 1(2) shall be successfully completed by the applicant as described in 201 KAR 26:230, Section 4(5).

### Section 3. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Application for Licensure as a Psychological Practitioner", March 2021;
  - (b) "Supervisor Recommendation for Licensure as a Psychological Practitioner", March 2021; and
  - (c) "Recommendation for Licensure as a Psychological Practitioner", March 2021.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. These materials may also be viewed on the board's Web site. (28 Ky.R. 1520; 1820; eff. 2-7-2002; 31 Ky.R. 1014; 1515; eff. 3-8-2005; 43 Ky.R. 1840; 44 Ky.R. 39; eff. 7-17-2017; Crt eff. 9-5-2019; 47 Ky.R. 2067, 48 Ky.R. 328; eff. 8-26-2021.)

### **201 KAR 26:310. Telehealth and telepsychology.**

RELATES TO: KRS 319.140

STATUTORY AUTHORITY: KRS 319.032(2), 319.140(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.140 requires a treating psychologist utilizing telehealth to ensure a patient's informed consent and to maintain confidentiality. This administrative regulation protects the health and safety of the citizens of Kentucky and establishes procedures for preventing abuse and fraud through the use of telehealth, prevents fee-splitting through the use of telehealth, and utilizes telehealth in the provision of psychological services and in the provision of continuing education.

### Section 1. Definitions.

- (1) "Client" is defined by 201 KAR 26:145, Section 3.
- (2) "Telehealth" means delivery of health care-related services, by a provider who is a health care provider licensed in Kentucky, to a client through a face-to-face encounter with access to real-time interactive audio and video technology, or audio-only technology if video is not technologically possible due to limited internet connectivity or limited bandwidth. Telehealth shall not include the delivery of services through electronic mail, text chat, facsimile, or standard audio-only telephone call and shall be delivered over a secure communications connection that complies with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. secs. 1320d to 1320d-9.
- (3) "Telepsychology" means the practice of psychology, as defined by KRS 319.010(7), between the credential holder and the client that is provided using:
  - (a) Electronic communication technology; or
  - (b) Two (2) way, interactive, simultaneous audio and video.
- (4) "Telehealth service" means any service that is provided via telehealth and is one (1) of the following:
  - (a) Event;
  - (b) Encounter;
  - (c) Consultation;

- (d) Visit;
- (e) Remote patient monitoring;
- (f) Referral; or
- (g) Treatment.

Section 2. Client Requirements. A credential holder using telehealth to deliver psychological services or who practices telepsychology shall, upon initial contact with the client:

- (1) Make reasonable attempts to verify the identity of the client;
- (2) Obtain alternative means of contacting the client other than electronically;
- (3) Provide to the client alternative means of contacting the credential holder other than electronically;
- (4) Document if the client has the necessary knowledge and skills to benefit from the type of telepsychology provided by the credential holder;
- (5) Use secure communications with clients, including encrypted text messages via e-mail or secure Web sites, and not use personal identifying information in non-secure communications;
- (6) Inform the client in writing about:
  - (a) The limitations of using technology in the provision of telepsychology;
  - (b) Potential risks to confidentiality of information due to technology in the provision of telepsychology;
  - (c) Potential risks of disruption in the use of telepsychology;
  - (d) When and how the credential holder will respond to routine electronic messages;
  - (e) The circumstances in which the credential holder will use alternative communications for emergency purposes;
  - (f) Who else may have access to client communications with the credential holder;
  - (g) How communications can be directed to a specific credential holder;
  - (h) How the credential holder stores electronic communications from the client; and
  - (i) The reporting of clients required by 201 KAR 26:145, Section 7.
- (7) Within forty-eight (48) hours of the telehealth service, the credential holder shall document within the client's medical record that a service was provided by telehealth, and follow all documentation requirements of the practice.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records.

- (1) A credential holder using telehealth to deliver psychological services or who practices telepsychology shall:
  - (a) Limit the practice of telepsychology to the area of competence in which proficiency has been gained through education, training, and experience;
  - (b) Maintain current competency in the practice of telepsychology through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;
  - (c) Document the client's presenting problem, purpose, or diagnosis;
  - (d) Follow the record-keeping requirements of 201 KAR 26:145, Section 6;
  - (e) Ensure that confidential communications obtained and stored electronically cannot be recovered and accessed by unauthorized persons when the credential holder disposes of electronic equipment and data; and
  - (f) Document the client's written informed consent to the services being provided and the provision of those services via telehealth, including that the patient has the right to refuse telehealth consultation or services, has been informed of alternatives to telehealth services, that the client shall be entitled to receive information from the provider regarding the services rendered, that the client's information shall be protected by applicable federal and state law regarding patient confidentiality, that the client shall have the right to know the identity of all persons present at any site involved in the telehealth

services, and to exclude any such person, and that the client shall have the right to be advised, and to object to, any recording of the telehealth consultation or services.

- (2) The requirement of a written informed consent shall not apply to an emergency situation if the client is unable to provide informed consent and the client's legally authorized representative is not available.

Section 4. Compliance with Federal, State, and Local Law. A credential holder using telehealth to deliver psychological services or who practices telepsychology shall comply with:

- (1) State law where the credential holder is credentialed and state law regarding the practice of psychology where the client is located at the time services are rendered; and
- (2) Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with disabilities;

Section 5. Representation of Services and Code of Conduct. A credential holder using telehealth to deliver psychological services or who practices telepsychology:

- (1) Shall not, by or on behalf of the credential holder, engage in false, misleading, or deceptive advertising of telepsychology; and
- (2) Shall comply with 201 KAR 26:145. (37 Ky.R. 1597; 1987; eff. 3-4-2011; 47 Ky.R. 2069; 48 Ky.R. 328; eff. 8-26-2021; 48 Ky.R. 1888, 2459, 2576; eff 6-2-2022.)



**SELECTED MENTAL HEALTH LAW RELATING TO KRS 319**

- Visit <https://legislature.ky.gov>
- Select Kentucky Law
- Select KY Revised Statutes (KRS)
- Select KRS Title Page
- Then scroll to and choose the Chapter for each KRS listed

13B.050 Notice of administrative hearing

13B.080 Conduct of hearing

13B.090 Findings of fact – Evidence – Recording of hearing – Burdens of proof

194A.540 Training courses for mental health professionals and health-care providers

202A.006 Title

202A.008 Authority for administrative regulations

202A.011 Definitions for chapter

202A.012 Application of KRS Chapter 202A

202A.014 Jurisdiction

202A.016 Duty of county attorney

202A.021 Hospitalization of minors – Admission or discharge of voluntary patients

202A.026 Criteria for involuntary hospitalization

202A.028 Hospitalization by court order – Transportation – Release

202A.031 Seventy-two hour emergency admission

202A.041 Warrantless arrest and subsequent proceedings

202A.051 Proceedings for 60-day and 360-day involuntary hospitalizations – Petition contents

202A.053 Venue

202A.056 Certificate contents – Fee

202A.061 Two certifications required

202A.066 Qualified mental health professional retained by respondent

202A.071 Timing of preliminary and final hearings

202A.076 Conduct of hearings

202A.081 Court-ordered community-based outpatient treatment

202A.091 Confidentiality of court records – Expungement

202A.096 Disclosure of communications

202A.101 Notification of receiving hospital or psychiatric facility – Transportation of patient

202A.121 Right to counsel

202A.131 Right to be present

202A.141 Clarification of court orders – Appeals

202A.151 Writ of habeas corpus

202A.161 Timing of initial examination and report

202A.171 When discharge is required

202A.181 Convalescent leave status

202A.185 Peace officer authorized to arrest and return patient to hospital

202A.191 Rights of hospitalized patients

202A.196 Hospital review committee – Treatment plan

202A.201 Mentally ill inmates

202A.202 Transfer of mentally ill or mentally retarded patients between facilities

202A.211 Return of Kentucky residents from other states

202A.221 Hospital care or treatment by agency of United States

202A.231 Transfer to agency of United States

202A.241 Use of least restrictive level of restraint – Guidelines for restrained person's need for privacy and ability to use telephone

202A.251 Prohibition against detention in jail without criminal charges pending – Criminal charges not to be placed to avoid transportation

202A.261 Certain hospitals not to be required to provide services

202A.271 Rates for payment for provision of hospital services

202A.301 Exemption from personal liability

202A.400 Duty of qualified mental health professional to warn intended victim of patient's threat of violence

202A.410 Duty of administrator to warn law enforcement agency, prosecutor, and Department of Corrections upon discharge, transfer, or escape of involuntarily committed patient charged or convicted of a violent crime – Immunity for acting in good faith – Notification of victim – Administrative regulations

202A.991 Penalties

202B.010 Definitions for chapter

202B.018 Venue for involuntary admission

202B.019 County attorney's duties

202B.021 Voluntary admission to an ICF/MR – Discharge of voluntarily admitted resident – Release of voluntarily admitted resident upon written request

202B.025 Temporary admission by authorized staff physician at ICF/MR

202B.030 Placement of involuntarily admitted mentally retarded individual

202B.040 Criteria for involuntary admission

202B.045 Requirements for admission – Discharge planning

202B.050 Rights guaranteed

202B.060 Rights of mentally retarded – Adoption of regulations

202B.070 Exemption from personal liability

202B.080 Title

202B.100 Proceedings for involuntary admission – Petition – Duties of court – Disposition

202B.110 Venue for proceedings subsequent to preliminary hearing

202B.120 Certificate contents – Fee

202B.130 Number of certifications required for involuntary admission – Time limit

202B.140 Witnesses to examination

202B.150 Time of preliminary and final hearings

202B.160 Hearing procedures – Rights of guardians and immediate family members

202B.170 Interim determination and possible dismissal

202B.180 Confidentiality of court records – Expungement – Disclosure by court order

202B.190 Disclosure of professional communications

202B.200 Court to notify cabinet of admission ordered to ICF/MR – Refusal to receive by ICF/MR – Transport of person

202B.210 Right to counsel

202B.220 Right to be present

202B.230 Appeals – Manner – Parties who may appeal

202B.240 Annual review – Interdisciplinary evaluation report – Discharge

202B.245 ICF/MR review committee – Procedure when involuntary resident refuses to participate in treatment plan

202B.250 Review hearing – Procedures – Disposition – Requested hearing by resident of certain persons

202B.260 Petition for writ of habeas corpus

202B.270 Convalescent leave status

202B.280 Peace officer authorized to take absent resident into custody and return resident to ICF/MR

202B.290 Respite care

202B.300 Return of Kentucky residents from other states – Determination of need for further admission

202B.990 Penalties

209.005 Elder Abuse Committee – Membership – Duties – Annual report

209.010 Purpose and application of chapter  
209.020 Definitions for chapter  
209.030 Rules and regulations – Reports – Cabinet actions  
209.040 Cabinet’s authority to promulgate administrative regulations on general Adult services  
209.050 Immunity from civil or criminal liability  
209.060 Privileged relationships not ground for excluding evidence  
209.070 Confidentiality of the identity of domestic violence program clients or former clients  
209.080 Confidentiality of spousal abuse or neglect investigation information – Exceptions  
311.375 Conditions governing use of title "Doctor" or "Dr."  
422.317 Copy of patient's medical record to be supplied on patient's written request – Exception for  
Department of Corrections  
620.030 Duty to report dependency, neglect or abuse  
645.270 Duty of qualified mental health professional to warn intended victim of patient's threat of  
violence  
Rule 507 Psychotherapist-patient privilege