

Regarding "Behavioral Analysts"

This correspondence is in response to various inquiries and issues presented to the Board regarding the practice of persons in mental health fields who describe themselves as "behavior analysts" and describe their practice as one of behavior analysis.

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

I. Whether a person may practice "behavior analysis" in Kentucky.

The Board is first presented with the question whether a person may practice as a behavior analysis in the Commonwealth of Kentucky. KRS Chapter 319 does not address the words "behavior analysts" although the term "behavior" is contained within the definition of the "practice of psychology." KRS Chapter 319 is a practice act and title act insofar as it governs not only what persons call themselves, but what activities such persons may perform whether those activities are described as "behavior analyst" or the "practice of psychology."

KRS 319.010(6) defines "practice of psychology" as:

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; of 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.

The Board would first look to whether such a Behavior Analyst was educated, trained, and experienced at the graduate degree level in psychology. The Board would also look to see whether such a Behavior Analyst had been credentialed in psychology in any other jurisdiction.

If either of the above two conditions were met, then the Board would deem such a Behavior Analyst to be performing those duties under KRS 319.010(6).

Specific activities that are described in psychology are also contained in the Kentucky Administrative Regulations ("KAR"), including the definition of psychological testing in 201 KAR 26:115. While there are many techniques and strategies that are shared among various mental health professionals, health care professionals, and social work professions, the Board looks to its practice act to determine what services a person may or may not perform under KRS Chapter 319 and the regulations thereunder.

The Board is clearly empowered to regulate the practice of psychology by those with training, education, and experience at the graduate level of education, whose background is in psychology and who engage in practices covered by KRS Chapter 319 for which no exemption applies.

The Board understands that applied behavior analysis is a set of techniques that has its origin in behavioral psychological research, but is used extensively in fields of education, special education, rehabilitation, counseling, and others. Although these techniques are not within the exclusive purview of psychology, they are used by persons with graduate level training in psychology, and most often in clinical, counseling, or school psychology, for the 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. This Board has authority to determine whether such techniques constitute the "practice of psychology" and thus are regulated by KRS Chapter 319.

Such individuals are mandated by law to apply for and receive an appropriate credential from this Board if they are to engage in such practice in this Commonwealth. KRS 319.005 prohibits a person from "practicing psychology" without such a credential from this Board.

If the circumstances are unclear as to the nature and scope of the person's background, the Board may address each situation on a case by case basis. The ultimate responsibility for complying with KRS Chapter 319 rests with the individual who must, specifically, first determine if a credential from the Board is mandated by law.

The Board concludes that the public is protected, within the mandates of KRS Chapter 319, when individual persons who provide such psychological services to the public are credentialed by the Board and are thus subject to the practice provisions and protections the public is afforded by law.

As the agency authorized by the Kentucky General Assembly to regulate the practice of psychology in this state, the Board is empowered to interpret its statutes and regulations. In summary, the Board concludes that persons who title themselves as "Behavior Analysts" who have a graduate education in psychology, with training and experience thereto, shall be credentialed by the Board regardless of the job title of such person or their own subjective description of their services.

Sincerely yours,

Kentucky Board of Examiners of Psychology
by: Robert J. Illback, Psy.D., Chair
cc: Board members

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