

1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

3 (Amendment)

4 201 KAR 26:175. Continuing education.

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

6 STATUTORY AUTHORITY: KRS 319.032(1)(f)

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

11 Section 1. Definitions. (1) "Continuing education" means participation in an approved pro-
12 gram of professional education beyond the basic educational requirements that meets the re-
13 quirements established in Section 2(1) of this administrative regulation.

14 (2) "Continuing education hour" means a fifty-five (55) minute clock hour of instruction.

15 Section 2. (1) Each credential holder shall document the completion of at least thirty-nine (39)
16 continuing education hours approved by the board pursuant to this administrative regulation
17 within each three (3) year renewal period.

18 (2) A[a] credential holder shall complete a minimum of six (6) hours of continuing education in
19 suicide assessment, treatment, and management within the first year of licensure and every six
20 (6) years thereafter as required by KRS 210.366.

21 (a) A credential holder shall be exempted from the requirement to complete a continuing educa-

tion 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-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~~[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~~[2016]; 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~~[911 Leawood Drive]~~, 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>.

201 KAR 26:175

Jean A. Deters, Psy. D.

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BOARD CHAIR

APPROVED BY AGENCY: November 8, 2021

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on January 31, 2022 at 3:00 p.m. EST in Room 133, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference:

Join from PC, Mac, Linux, iOS or Android:
<https://us06web.zoom.us/j/89307082752?pwd=YnRKN3BtaStYNHZZOSSt2ZU5RY3VmZz09>
Password: 889205

Or Telephone:
Dial:
USA 713 353 0212
USA 8888227517 (US Toll Free)
Conference code: 931924

Find local AT&T Numbers:
<https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=8888227517&accessCode=931924>

Or an H.323/SIP room system:
H.323:
162.255.37.11 (US West)
162.255.36.11 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
213.19.144.110 (Amsterdam Netherlands)
213.244.140.110 (Germany)
103.122.166.55 (Australia Sydney)
103.122.167.55 (Australia Melbourne)
149.137.40.110 (Singapore)
64.211.144.160 (Brazil)
149.137.68.253 (Mexico)
69.174.57.160 (Canada Toronto)
65.39.152.160 (Canada Vancouver)
207.226.132.110 (Japan Tokyo)
149.137.24.110 (Japan Osaka)
Meeting ID: 893 0708 2752

Password: 889205

SIP: 89307082752@zoomcrc.com

Password: 889205

Individuals interested in attending this hearing shall notify this agency in writing by January 24, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 p.m. EST on January 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

Contact Person: Kevin Winstead
Title: Commissioner, DPL
Address: 500 Mero Street
Phone: (502) 782 - 8805 (office)
Fax: (502) 564-3969
Email: KevinR.Winstead@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 26:175

Contact Person: Kevin Winstead
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Fax: (502) 564-3969
Email: KevinR.Winstead@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the continuing education requirements for renewal of a license.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 319.032(1)(f).

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation establishes the continuing education requirements for renewal of a license.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation assists in the effective administration of the statute by establishing the continuing education requirements for renewal of a license.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment requires that an application for continuing education be received at least 30 days before the program of instruction and that a certificate cannot be sent to an attendee until the program is approved by the board.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary to update procedures for applying for approval of continuing education programs.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 319.032(1)(f) authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations establishing the requirements for continuing education.

(d) How the amendment will assist in the effective administration of the statutes:

This regulation assists in the effective administration of KRS Chapter 319 by carrying out the legislative mandate for the board to establish requirements for continuing education.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This regulation will affect 1,772 licensed psychologists practicing in the Commonwealth of Kentucky.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment:

Regulated entities will have to submit requests for approval of continuing education programs at least 30 days prior to the presentation of the program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation should add no additional cost to licensed entities.

(c) As a result of compliance, what benefits will accrue to the entities:

The Board will have adequate time to approve continuing education programs before they are presented.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Examiners of Psychology is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No increases in fees or funding are necessary to implement this administrative regulation.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 26:175

Contact Person: Kevin Winstead
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(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation impacts the Kentucky Board of Examiners of Psychology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319.032(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation does not generate revenue for the Board.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

Regulation No. 201 KAR 26:175

Contact Person: Kevin Winstead
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The “Continuing Education Program Application,” October 2021, is a two (2) page form used by entities seeking to obtain approval of their continuing education programs. The proposed amendments to this form make the following changes: (1) clarifies that a certificate cannot be distributed until the board has approved the program; (2) updates the contact information for the Board; and (3) changes the revision date.

The “Continuing Education Sponsorship Application” October 2016, is a nineteen (19) page form used by entities seeking to obtain approval to provide several continuing education programs annually. There are no changes to this application.