

1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

3 (Amendment)

4 201 KAR 26:230. Examinations and applications.

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

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

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

12 Section 1. (1) The national examination shall be the Examination for Professional Practice in
13 Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards
14 (ASPPB) examination contractor and owned by the ASPPB.

15 (a) The EPPP shall be taken by computer administration.

16 (b) The board shall submit to the ASPPB examination contractor a list of applicants eligible to sit
17 for the examination.

18 (2) The Kentucky examinations shall consist of a jurisprudence examination of Kentucky mental
19 health law, and a competency examination of ethical principles, and professional practice.

20 (a) A candidate shall score at least an eighty (80) percent to pass the jurisprudence examinations.

21 (b) A candidate shall score a 100 percent to pass the competency examination.

1 Section 2. General Requirements. (1) An applicant for licensure shall:

2 (a) 1. Submit a completed application as required by 201 KAR 26:155, Section 1; 201 KAR

3 26:280, Section 1; 201 KAR 26:180, Section 2; 201 KAR 26:185, Section 2; ~~or~~ 201 KAR

4 26:290, Section 1; and

5 2. Pay the applicable fee established in 201 KAR 26:160; or

6 (b) Submit the application required by subsection (1) of this section to the online application

7 management system designated by the board that shall:

8 1. Include a certification by the applicant that the:

9 a. Information in the application is true, correct, and complete to the best of their knowledge and

10 belief; and

11 b. Applicant is aware that the board may take disciplinary action if the application contains a

12 misrepresentation or falsification; and

13 2. Be accompanied by payment of the application fee that shall:

14 a. Be made payable directly to the Kentucky State Treasurer if the application is processed

15 through the board; or

16 b. Be made to the online application management system as directed by the board.

17 (2) Once the Licensed Psychologist Applicant has completed all items, including sending

18 supplemental materials, the online application management system completes a primary source

19 verification process then forwards the application to the board for final review.

20 (3) The Credentialing Committee of the Board reviews the application and determines the

21 applicant's eligibility for licensure.

22 (4) The applicant shall sit for the national (EPPP) examination within one (1) year of the notice

23 of the application being approved by the board. An applicant may sit for the national (EPPP)

1 examination at any approved ASPPB examination contractor testing center in the United States,
2 U.S. Territories, or Canada.

3 (5) If an applicant loses eligibility to sit for the national (EPPP) examination because of failure to
4 reschedule, cancel, or appear to take the examination as stated in subsection (4) of this section:

5 (a) The applicant shall forfeit all fees paid; and

6 (b) Any temporary license issued to the applicant shall be terminated.

7 Section 3. Examination for Licensure as a Licensed Psychologist. (1) The applicant shall pass:

8 (a) The national (EPPP) examination in accordance with subsection (2) of this section; and

9 (b) The Kentucky examinations as outlined in Section 1(2) of this administrative regulation. The
10 competency examination shall be administered by two (2) licensed psychologists approved by
11 the board.

12 (2) The applicant shall obtain an EPPP scaled score of 500 or greater or shall have obtained a
13 previous national EPPP passing score which satisfied the doctoral licensure requirement as to
14 criterion level at the time of that examination. The applicant shall be notified by the board of the
15 score, as well as of passing or failing the examination.

16 (3) If an applicant for licensure as a licensed psychologist fails the national (EPPP) examination,
17 the candidate ~~may~~shall reapply with a detailed remediation plan, including the process by which the
18 applicant proposes to improve his or her performance on the examination, the time proposed to be spent
19 on remediation, and with whom the applicant proposes to study or obtain further instruction and any other
20 information requested by the board. Upon completion of the remediation plan approved by the board, and
21 the appropriate fee to the ASPPB examination contractor is paid, the applicant shall~~reapply to the~~
22 ~~board, pay the appropriate fee to the ASPPB examination contractor and~~ be deemed eligible by
23 the board to be permitted to sit again for the national (EPPP) examination.

1 (a) The candidate shall continue to function under the supervision of the board-approved
2 supervisor until:

- 3 1. The national (EPPP) examination and Kentucky examinations are successfully completed; or
- 4 2. The temporary license is terminated.

5 (b) The applicant for licensure as a licensed psychologist shall not be scheduled for the Kentucky
6 examinations until the national (EPPP) examination has been successfully passed and the board
7 has determined that the requirements for supervised experience for licensure as a licensed
8 psychologist have been met.

9 (4) The competency examination shall not be required for an applicant who is board-certified by
10 the American Board of Professional Psychology (ABPP) or a successor organization or holds a
11 current license in good standing from a jurisdiction with a reciprocity agreement with this board.

12 (5) If the applicant does not pass either one of the Kentucky examinations on the first attempt,
13 the applicant may reapply with a detailed remediation plan, including the process by which the
14 applicant proposes to improve his or her performance on the examination, the time proposed to
15 be spent on remediation, and with whom the applicant proposes to study or obtain further
16 instruction and any other information requested by the board. Upon completion of the
17 remediation plan approved by the board, the applicant shall be administered a second
18 examination.

19 (6) If the applicant does not pass either one of the Kentucky examinations on the second attempt,
20 the applicant may reapply with an additional remediation plan. Upon completion of the
21 remediation plan approved by the board, the applicant shall be administered a third examination.

22 (7) An applicant may only take each one of the structured examinations on three (3) occasions. If
23 an applicant for licensure as a licensed psychologist does not pass on the third attempt, they may

1 apply to be credentialed as a licensed psychological associate by completing an application and
2 paying the appropriate fee, as required by 201 KAR 26:160. The board shall accept the
3 applicant's previous examination results to satisfy the requirements for the licensed
4 psychological associate application.

5 Section 4. Examination for Licensure as a Licensed Psychological Practitioner. (1) The
6 applicant shall pass:

7 (a) A national (EPPP) examination unless the applicant's previous examination results for the
8 national (EPPP) examination satisfied the doctoral licensure requirement as to criterion level at
9 the time of that examination; or

10 (b) The applicant shall obtain a computerized national (EPPP) scaled score of 500 or greater. The
11 applicant shall be notified by the board of the score, as well as of passing or failing the
12 examination.

13 (2) Pursuant to KRS 319.050(3), an applicant for licensure as a licensed psychological
14 practitioner who has been approved to sit for the national (EPPP) examination shall continue to
15 be supervised until all requirements for licensure as a licensed psychological practitioner have
16 been completed.

17 (3) If an applicant for licensure as a licensed psychological practitioner fails to obtain a scaled
18 score of 500 or greater on the EPPP examination, the candidate may reapply to the board, pay the
19 appropriate fee to the ASPPB examination contractor and be permitted to sit for the national
20 (EPPP) examination again.

21 (4) The applicant for licensure as a licensed psychological practitioner shall not be scheduled for
22 the Kentucky examinations until the national (EPPP) examination has been successfully passed
23 and the required five (5) years of supervised experience or its equivalent have been approved by

1 the board.

2 (5) An applicant for licensure as a licensed psychological practitioner shall submit to a
3 competency examination as outlined in Section 1(2) of this administrative regulation
4 administered by an at least one (1) licensed psychologist and either a certified psychologist with
5 autonomous functioning or a licensed psychological practitioner. The applicant for licensure as a
6 licensed psychological practitioner shall also complete a jurisprudence examination as outlined
7 in Section 1(2) of this administrative regulation.

8 (6) If the applicant does not pass either one of the Kentucky examinations on the first attempt
9 the, the applicant may reapply with a remediation plan, including the process by which the
10 applicant proposes to improve his or her performance on the examination, the time proposed to
11 be spent on remediation, and how the applicant proposes to study or obtain further instruction
12 and any other information requested by the board. Upon completion of a remediation plan
13 approved by the board, the applicant shall be administered a second examination.

14 (7) If the applicant does not pass either one of the Kentucky examinations on the second attempt,
15 the applicant may reapply with an additional remediation plan. Upon completion of a
16 remediation plan approved by the board, the applicant shall be administered a third examination.

17 (8) An applicant may only take each examination three (3) times, and would have to remain as a
18 Psychological Associate under board approved supervision if either examination is failed three
19 (3) times.

20 Section 5. Examination for Licensure as a Psychological Associate. (1) The applicant shall:

21 (a) Obtain a national (EPPP) scaled score of 400 or greater; or

22 (b) Have obtained an EPPP passing score for licensure at the master's level in effect at the time
23 of the applicant's previous national (EPPP) examination.

1 (c) The applicant shall be notified by the board of the score, as well as of passing or failing the
2 examination.

3 (2) Pursuant to KRS 319.064(3), an applicant for licensure as a licensed psychological associate
4 who has been approved to sit for the national (EPPP) examination and whose supervisory
5 arrangement has been approved by the board shall be considered to be functioning under a
6 temporary license.

7 (3) If an applicant for licensure as a psychological associate fails the national (EPPP)
8 examination, the applicant shall:

9 (a) File a detailed remediation plan, cosigned by the supervisor within thirty (30) days of notice
10 of failure; and

11 (b) Be eligible to retake the national (EPPP) examination upon approval of the plan by the board.

12 ~~[Section 6. Incorporation by Reference. (1) Application for Licensure as a Psychologist,~~
13 ~~March 2021, is incorporated by reference.~~

14 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~
15 ~~the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601,~~
16 ~~Monday through Friday, 8 a.m. to 4:30 p.m.]~~

201 KAR 26:230

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 pm 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 pm 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, Department of Professional Licensing
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 26:230

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

(1) Provide a brief summary of:

(a) What this administrative regulation does:

KRS 319.032 authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations consistent with KRS Chapter 319, regulating the practice of psychology. This administrative regulation establishes the examination and application requirements.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 319.032.

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

KRS 319.032 authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations consistent with KRS Chapter 319, regulating the practice of psychology. This administrative regulation establishes the examination and application requirements.

(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 KRS Chapter 319 by carrying out the legislative mandate for the board to establish regulations for the practice of psychology.

(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: Requires that an applicant create a remediation plan if they fail the national exam.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(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, as well as an unknown number of individuals seeking licensure.

(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: This amendments provides updated procedures if an applicant fails the national examination.

(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 the licensed psychologist.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow psychologists to have an updated understanding of procedures for clinical supervision of certified psychologist, licensed psychological associate, candidate for licensure, a credential holder sanctioned by the board, or a credential holder under disciplinary action, and clarifies that this type of supervision is clinical, not administrative or business supervision..

(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 is 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 26:230

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

(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: