

CHAPTER 80**(SB 94)**

AN ACT relating to the practice of psychology.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 319.005 is amended to read as follows:

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~~[-or-certified]~~ 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~~[-or-certified]~~, unless he *or she* holds a valid license~~[-or-certificate]~~ issued by the board.

Section 2. KRS 319.010 is amended to read as follows:

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) ***"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;***
- (6) "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; 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***~~[-restricted]~~ to: diagnosis, prevention, and amelioration of adjustment problems and emotional,~~[-and]~~ mental,~~[-and]~~ 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;
- ~~(7)~~~~(4)~~ "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
- ~~(8)~~~~(5)~~ "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.

Section 3. KRS 319.015 is amended to read as follows:

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 in the employ of accredited institutions of higher education 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, but not including 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. *They shall*, ~~if they do~~ 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 and Professional Standards Board* ~~[Kentucky Board of Education]~~, 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 and Professional Standards Board* ~~[Kentucky Department of Education]~~ 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 and Professional Standards Board* ~~[Kentucky Department of Education]~~. 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~~ ~~his~~ 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 *their* ~~his~~ home state or country and registers with the board prior to commencing practice in the Commonwealth.
- (9) *Persons in subsection (5) of this section pursuing alternative certification as professional counselors pursuant to the provisions of KRS 335.500 to 335.599 who meet the requirements set out in KRS 335.525 shall be exempt from meeting either subsection (1)(e) or (1)(f) of that section.*

Section 4. KRS 319.020 is amended to read as follows:

- (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*~~[certified]~~ 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*~~[licensed]~~ under this chapter from a list of eligible candidates prepared by the Kentucky Psychological Association. Candidates shall be solicited from all *licensed* psychologists *credentialed*~~[licensed]~~ according to the provisions of this chapter and each nominee shall be a *licensed* psychologist *credentialed*~~[licensed]~~ 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*~~[certified]~~ 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*~~[certified]~~ according to the provisions of this chapter. Each nominee shall be a resident of this state, *licensed*~~[certified]~~ 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~~[, except that in 1992, one (1) licensed member shall be appointed for a term of two (2) years and one (1) licensed member shall be appointed for a term of four (4) years. After July 14, 1992, the seven (7) appointed board members currently serving shall serve as board members until their respective terms expire]~~. 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*~~[chairman]~~. No person shall serve more than two (2) consecutive full terms as *chairperson*~~[chairman]~~. The board shall meet at least twice annually and at other times as it determines necessary. Special meetings may be called by the *chairperson*~~[chairman]~~ and shall be called upon the written request of two (2) members.

Section 5. KRS 319.030 is amended to read as follows:

- (1) On June 30 of each year the board shall submit to the Governor a written report including the names of all **persons**~~[psychologists]~~ to whom licenses~~[or certificates]~~ have been granted as provided in this chapter and any cases heard and decisions rendered.
- (2) The **board**~~[principal office of the board shall be in Frankfort, but it]~~ 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.

Section 6. KRS 319.032 is amended to read as follows:

- (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**~~[licenses or certificates; defining areas of specialty within the field of psychology]~~; and preparing or selecting and administering examinations on general psychological knowledge~~[and on the appropriate psychological specialty or specialties of the applicant]~~. Neither certified psychologists, **licensed psychological practitioners**, nor **licensed** psychological associates may participate in the examination of applicants for **licensure as licensed psychologists**~~[licensures]~~;
 - (b) Establishing and defining the scope of practice within~~[each area of specialty within]~~ the field of psychology;
 - (c) Setting the requirements for issuing, denying, suspending, restricting, and revoking licenses~~[and certificates]~~, and placing **credential**~~[licensees and certificate]~~ holders on probation;
 - (d) Developing specific guidelines to follow upon receipt of an allegation of sexual misconduct by a **person credentialed**~~[psychologist licensed or certified]~~ 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**~~[psychologist]~~ 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 (30) contact hours per three (3) year renewal period as a condition for renewal of licenses~~[and certificates]~~;
 - (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~~[or certification]~~;
 - (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;~~[and]~~
 - (m) ***Developing specific guidelines to allow school psychologists who are dually credentialed by the Education and 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.

Section 7. KRS 319.050 is amended to read as follows:

- (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 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 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; and
 - (c) Have had at least two (2) years of supervised professional experience satisfactory to the board, one (1) year of which shall be postdoctoral~~;~~ ~~however, this requirement shall not apply to those applicants who are currently enrolled in a program of study which will result in the applicant obtaining a doctoral degree in psychology from a regionally~~

~~accredited educational institution. No exemption shall be made for any applicant who enrolls in such doctoral program after July 14, 1992].~~

- (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 one (1) full year of supervision satisfactory to the board, the applicant shall be examined in the practice of psychology.
- (4) The board shall grade and keep the examinations ***and results on file*** for ~~at least~~ one (1) year. ~~Any unsuccessful applicant may,~~ 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 applicant may use the title "Licensed Psychologist."
- (6) Licensed psychologists may function independently without supervision and may employ and supervise certified psychologists and ***licensed*** psychological associates. Licensed psychologists may supervise no more than a total of six (6) certified psychologists, ***licensed*** psychological associates, or applicants for licensure ~~or certification~~ at one (1) time.
- (7) The board shall after examination ~~in a specialty area~~ issue a license to practice psychology. The designation "Health Service Provider" shall be made on the license of those ***licensed*** psychologists who perform activities which include the delivery or supervision of direct health-care services to individual or groups who are intended beneficiaries of such services ***and who have completed appropriate training and supervised experience, including an internship, in health service delivery at the doctoral level.*** ~~The designation "Health Service Provider" shall be given to those psychologists fully licensed in the specialty areas of clinical, counseling, or school psychology.]~~

SECTION 8. A NEW SECTION OF KRS CHAPTER 319 IS CREATED TO READ AS FOLLOWS:

- (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 oral examination on psychological practice, ethical principles, and the law. The oral examination shall be conducted by an examination team that is designated by the board and that consists of at least one (1) licensed psychologist and either one (1) certified psychologist with autonomous functioning or one (1) licensed psychological practitioner. The oral examination shall be evaluated using the same criteria as the oral 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.*

Section 9. KRS 319.056 is amended to read as follows:

- (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~~[in the area specified on the certificate,]~~ unless the board revokes his *or her license*~~[certificate]~~ pursuant to KRS 319.082.~~†~~
- ~~(2) A certified psychologist who has been granted autonomous functioning may function without supervision in areas in which he is certified.] 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~~[in the area specified on the certificate,]~~ unless the board revokes his certificate pursuant to KRS 319.082.
- (5)~~(4)~~ 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.

Section 10. KRS 319.064 is amended to read as follows:

- (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*~~[certificate]~~ to perform certain functions within the practice of psychology and to use the title "*licensed* psychological associate" to any applicant who:
- Pays a fee not to exceed three hundred dollars (\$300);
 - 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
 - Has passed an examination procedure in psychology.
- ~~(3)(2)~~ 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*~~[certification]~~ 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)(3) The board shall grade and keep the examinations *and results* for ~~at least~~ one (1) year. ~~Any unsuccessful applicant may,~~ Upon written request to the board, *an applicant may* arrange to discuss his *or her* performance on the examination.
- (5)(4) Any psychological associate *licensed*~~certified~~ 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.

Section 11. KRS 319.071 is amended to read as follows:

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

Section 12. KRS 319.082 is amended to read as follows:

- (1) The board may suspend, revoke, or refuse to issue or renew a license;~~or certificate, or~~ may accept an assurance of voluntary compliance;~~;~~ restrict, or place a *credential*~~licensee or certificate~~ holder on probation; *or issue an administrative reprimand or private admonishment*~~;~~ upon proof that the *credential*~~licensee or certificate~~ 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 certificate]~~, 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~~[of practice]~~ **demonstrated by an appropriate combination of knowledge, skill, experience, training, and education**~~[defined in the speciality area of examination]~~;
 - (l) Failed to provide adequate supervision for certified psychologists, **licensed** psychological associates, applicants for licensure~~[or certification]~~, 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, 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)(l) 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***~~[certificate]~~ 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)~~~~(3)~~ Three (3) years from the date of a revocation, any person whose license~~[or certificate]~~ has been revoked may petition the board for reinstatement. The board shall investigate his ***or her*** petition and may reinstate his ***or her*** license~~[or certificate]~~ upon finding that the former ***licensee***~~[holder]~~ 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)~~~~(4)~~ The board may, at its own discretion, reconsider, modify, or reverse its probations, suspensions, revocations, restrictions, or refusals to issue or renew licenses~~[or certificates]~~ at any time.

Section 13. KRS 319.092 is amended to read as follows:

- (1) In every proceeding for probation, suspension, or revocation of a license~~[or certificate]~~, 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 certificate]~~ or placing a ***credential***~~[licensee or certificate]~~ holder on probation shall be made by the board.
- (3) If, after a hearing, a majority of the board finds that a ***credential holder***~~[psychologist]~~ has violated any provision of this chapter, the board may:
 - (a) Revoke or suspend the license~~[or certificate]~~;
 - (b) Impose a monetary penalty not to exceed two thousand dollars (\$2,000) per violation;
 - (c) Revoke or suspend the license~~[or certificate]~~ or impose a monetary penalty, but suspend enforcement thereof by placing the ***credential holder***~~[psychologist]~~ on probation, which shall be revocable if the board finds the conditions of the probation order are not being followed by the ***credential holder***~~[psychologist]~~;
 - (d) Require the ***credential holder***~~[psychologist]~~, as a condition of probation, to submit to care, counseling, or treatment by a professional designated by the board, or require the ***credential holder***~~[psychologist]~~ to be supervised by a licensed psychologist designated by the board. The expense of this action shall be borne by the ***credential holder***~~[psychologist]~~ 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**~~[licensee or certificate]~~ holder and a patient while the patient was under the care or in a professional relationship with the **credential**~~[licensee or certificate]~~ holder, the **credential**~~[licensee's or certificate]~~ holder's license~~[or certificate]~~ may be revoked or suspended with mandatory treatment of that individual as prescribed by the board. The board may require the **credential**~~[licensee or certificate]~~ 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 certificate]~~ or placing a **credential**~~[licensee or certificate]~~ holder on probation shall become effective immediately after written notice is served on the **credential**~~[licensee or certificate]~~ holder and the **credential**~~[licensee or certificate]~~ 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.

Section 14. KRS 319.118 is amended to read as follows:

- (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~~[or certificate]~~ 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.

Section 15. KRS 319.990 is amended to read as follows:

- (1) Any person who violates **Section 1 of this Act**~~[any of the provisions of this chapter]~~ 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~~[to 319.111]~~.

- (3) *The board may recover the costs of investigative expenses including reasonable attorney fees relating to the prosecution of those found guilty of violating Section 1 of this Act.*

Section 16. KRS 335.530 is amended to read as follows:

~~{(1) Until January 1, 1998, an applicant for certification as a certified professional counselor pursuant to the provisions of KRS 335.500 to 335.599 whose master's or doctoral degree in counseling was granted on or after July 1, 1986, shall meet the requirements of KRS 335.525 except for the examination requirement set out in KRS 335.525(1)(f).}~~

~~{(2) }~~Until January 1, **2002**~~{1998}~~, an applicant for certification as a certified professional counselor pursuant to the provisions of KRS 335.500 to 335.599 whose master's or doctoral degree in counseling was granted~~[prior to July 1, 1986,]~~ shall meet the requirements set out in KRS 335.525, but shall be exempt from meeting one (1) of the following:

- ~~(1){(a)}~~ The examination requirement set out in subsection (1)(f) of that section; or
- ~~(2){(b)}~~ The required hours of supervised experience in the practice of counseling set out in KRS 335.525(1)(e).

Approved March 15, 2001