

## CHAPTER 50

## (HB 488)

AN ACT relating to the Kentucky Board of Examiners of Psychology.

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

➔Section 1. 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) ***"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)(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; ***and psychological testing in***~~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)(7)~~ "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)(8)~~ "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 2. 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, ***provided that such activities do not involve***~~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. ***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 registered nurse practitioner, 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.*

➔Section 3. 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; 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)*~~thirty (30)~~ 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.

➔Section 4. 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 *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; ~~and~~
  - (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*~~[postdoctoral]~~.
- (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*~~[one (1) full year]~~ of supervision satisfactory to the board, the applicant shall *be examined on psychological practice, ethical principles, and the law*~~[be examined in the practice of psychology]~~.

- (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 the effective date of this Act 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 board shall after examination issue a license to practice psychology.]~~ 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***~~[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].~~

➔Section 5. KRS 319.053 is amended 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 *in accordance with procedures established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A* ~~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.

**Signed by Governor March 30, 2010.**