

BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(Amendment)

201 KAR 26:230. Examinations and applications.

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

STATUTORY AUTHORITY: KRS 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the board to promulgate an administrative regulation establishing the examination requirements for an applicant for licensure. KRS 319.050(1) and 319.064(2)(3)~~[(4)]~~(c) require an applicant to successfully complete the required examination prior to licensure. This administrative regulation establishes the examination and application requirements.

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

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

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

(2) The ~~[structured]~~ jurisprudence examinations shall cover Kentucky mental health law, ethical principles, and professional practice, and shall consist of an oral competency exam and a written jurisprudence exam.

Section 2. General Requirements. (1) An applicant for licensure ~~[examination]~~ shall:

(a) 1. Submit a completed application as required by 201 KAR 26:155, Section 1 or 26:280, Section 1; and

2. ~~[(b)]~~ Pay the applicable fee established in 201 KAR 26:160; or

(b) 1. The application required by subsection (1) of this section to the online application management system designated by the board shall:

(a) Include a certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and

2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and

(b) Be accompanied by:

1. Payment of the application fee made payable directly to the Kentucky State Treasurer if the application is processed through the Board, or payment shall be made to the online application management system as directed by the Board.

(f) Once the Licensed Psychologist Applicant has completed all items, including sending supplemental materials, the online application management system completes a primary source verification process then forwards the application to the Board for final review.

(g) The Credentialing Committee of the Board reviews the application and determines the applicant's eligibility for licensure.

(2) The applicant shall sit for the national (EPPP) examination within one (1) year of the notice of the application being approved by the board. An applicant may sit for the national (EPPP) examination at any approved ASPPB examination contractor testing center in the United States, U.S. Territories and Canada~~[- but shall register and apply for licensure in only one (1) jurisdiction].~~

(3) If an applicant loses eligibility to sit for the national (EPPP) examination because of failure to reschedule, cancel or appear to take the examination as stated in subsection (2) of this section:

- (a) The applicant shall forfeit all fees paid; and
- (b) Any temporary license issued to the applicant shall be terminated.

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

(a) The national (EPPP) examination in accordance with subsection (2) of this section; and
(b) The ~~[structured]~~ examinations on competency and jurisprudence Kentucky mental health law, ~~ethical principles, and professional practice~~.

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

(3) If an applicant for licensure as a licensed psychologist fails the national (EPPP) examination, the candidate shall reapply to the board, pay the appropriate fee to the ASPPB examination contractor and be deemed eligible by the board to be permitted to sit again for the national (EPPP) examination.

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

1. The national (EPPP) examination and ~~[structured]~~ jurisprudence examinations on Kentucky mental health law, ethical principles, and professional practice are successfully completed; or

2. The temporary license is terminated.

(b) The applicant for licensure as a licensed psychologist shall not be scheduled for the jurisprudence examination ~~[on Kentucky mental health law]~~ nor the oral competency examination until the national (EPPP) examination has been successfully passed and the board has determined that the requirements for supervised experience for licensure as a licensed psychologist have been met.

(4) ~~[In addition to]~~ The jurisprudence examination shall require that the applicant [demonstrating] demonstrate an acceptable level of knowledge of Kentucky mental health law, ~~[an applicant for licensure as a licensed psychologist shall submit to a structured oral examination administered by two (2) licensed psychologists approved by the board. The structured oral examination shall not be required for an applicant who holds a Certificate of Professional Qualification in Psychology (CPQ) issued by the ASPPB or a successor organization or is board-certified by the American Board of Professional Psychology (ABPP) or a successor organization or holds a current license in good standing from a jurisdiction with a reciprocity agreement with this board.]~~

(a) ~~[This structured oral]~~ The competency examination shall be administered by two (2) licensed psychologists approved by the board and shall cover ethical principles and professional practice. [The applicant shall demonstrate an acceptable level of knowledge in each of the areas in order to pass the examination.]

(b) Each examiner shall independently rate the applicant's performance.

(c) An applicant who receives a pass rating from each of the examiners shall have successfully passed the ~~[structured oral]~~ competency examination.

(5) If the applicant fails the first ~~[structured oral]~~ jurisprudence examination, the applicant may reapply with a detailed remediation plan, including but not limited to the process by which the applicant proposes to improve his or her performance on the examination, the time pro-

posed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction.

(a) Upon completion of the remediation plan approved by the board, the applicant shall be administered a ~~[structured oral]~~ second examination. ~~[by a second team composed in the same manner as the first team.]~~

(b) If the second structured ~~[oral]~~ examination is not passed, ~~[failed],~~ the applicant may re-apply with a further remediation plan approved by the board.

(c) Upon completion of the approved second remediation plan, the applicant shall be administered a ~~[structured oral]~~ third examination. ~~[by a team of the licensed psychologist members of the board and appointed examiners as needed.]~~

~~(d) A majority of the examining team shall rate the applicant as having passed or failed the structured oral examination on ethical principles and professional practice.]~~

(6) An applicant may only take the structured examination on three occasions. If ~~[the]~~ an applicant for licensure as a licensed psychologist ~~[fails to]~~ does not pass on the third attempt ~~[the structured oral examination, and wishes to]~~ they may apply to be credentialed as a licensed psychological associate, by completing an ~~[a completed]~~ application and paying the appropriate fee, as required by 201 KAR 26:160. ~~[, shall be submitted.]~~ The board shall accept the applicant's previous examination results to satisfy the requirements for the licensed psychological associate application. ~~[as to criteria level.]~~

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

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

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

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

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

(4) The applicant for licensure as a licensed psychological practitioner shall not be scheduled for ~~[the examination on]~~ Kentucky examinations ~~[mental health law, The applicant shall demonstrate an acceptable level of knowledge in each of the areas in order to pass the examination]~~ until the national (EPPP) examination has been successfully passed and the required five (5) years of supervised experience or its equivalent have been approved by the board.

(5) An applicant for licensure as a licensed psychological practitioner shall submit to a competency examination administered by an at least one (1) licensed psychologist and either a certified psychologist with autonomous functioning or a licensed psychological practitioner. The applicant for licensure as a licensed psychological practitioner shall also complete a jurisprudence examination. ~~[In addition to demonstrating an acceptable level of knowledge of Kentucky mental health law, an applicant for licensure as a licensed psychological practitioner shall submit to a structured oral examination administered by an examination team consisting~~

~~of at least one (1) licensed psychologist and either a certified psychologist with autonomous functioning or a licensed psychological practitioner.]~~

~~(a) [This structured oral] The competency examination shall cover ethical principles and professional practice. [The applicant shall demonstrate an acceptable level of knowledge in each of the areas in order to pass the examination.]~~

~~(b) Each examiner shall independently rate the applicant's performance, using the same criteria as the [structured oral] competency examination for licensed psychologist candidates.~~

~~(c) An applicant who receives a pass rating from each of the examiners shall have successfully passed the [structured oral] competency examination.~~

~~(6) If the applicant [fails] does not pass the [first structured oral] competency examination, the applicant may reapply with a detailed remediation plan, including but not limited to the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and how the applicant proposes to study or obtain further instruction. Once the remediation plan is completed, the second competency examination [and] shall be administered. [a structured oral examination by a second team composed in the same manner as the first team.]~~

~~(7) If the applicant [fails] does not pass the second [oral]-examination, the applicant may reapply with another detailed remediation plan, and shall be administered a [structured oral] third examination. [by a team of the licensed members of the board and appointed examiners as needed. A majority of the examining team shall rate the applicant as having passed the examination.]~~

~~(8) An applicant may only take the examination three (3) times, and would have to remain as a Psychological Associate under Board approved supervision if the examination is failed three (3) times.~~

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

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

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

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

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

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

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

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

Section 6. The following is incorporated by reference in this regulation:

(a) Application for Licensure as a Psychologist as required by 201 KAR 26:155, Section 1 or 26:280, Section 1, March 2021.

JEAN A. DETERS, PSY.D., Board Chair

APPROVED BY AGENCY: March 1, 2021

FILED WITH LRC: March 4, 2021 at 2:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 28, 2021, at 10:00 a.m. in Room 127, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Alternately, the public hearing may be conducted by way of Zoom if the Mayo-Underwood Building is still closed due to the pandemic. A Zoom link will be posted on the Board website if necessary. Individuals interested in attending this hearing shall notify this agency in writing by May 21, 2021, 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 May 31, 2021. 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: David C. Trimble, Board Attorney, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 782-8823, fax (502) 564-3969, email DavidC.Trimble@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David C. Trimble

(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 examination and application procedures.

(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 examination and application procedures.

(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: The Amendment clarifies examination and application procedures. This amendment provides a new application option of using the Psychology Licensure Universal System (PLUS) program and paying the fee established in 201 KAR 26:160. The amendment clarifies that examinations administered by the Board are administered by two licensed psychologists. The amendment also clarifies that the applicant's detailed remediation plan in the event of reexamination shall include the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction. Further, the amendment clarifies that an applicant may only take the structured examination for licensure as a licensed psychologist a maximum of three

occasions, and may only take the structured examination for licensure as a licensed psychological practitioner a maximum of three occasions.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update examination and application procedures.

(c) How the amendment 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 examination and application procedures.

(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 the practice of psychology.

(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 their patients who depend on their psychologist remaining current with their training.

(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 regulation will provide updated examination and application procedures.

(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 examination and application procedures.

(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

(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? This administrative regulation does not generate revenue for the Board.

(c) How much will it cost to administer this program for the first year? This administrative regulation does not create a cost for the Board.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation does not create a cost for the Board.

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: