

BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(Amendment)

201 KAR 26:250. Employment of a psychological associate, a temporarily licensed psychological associate, or a temporarily licensed psychologist.

RELATES TO: KRS 319.032(1)(b), 319.032(1)(l), 319.064(5)

STATUTORY AUTHORITY: KRS 319.032(1)(b), 319.032(1)(l)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(l) requires the Board of Examiners of Psychology to promulgate an administrative regulation governing the clinical supervision and employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist. KRS 319.064(5) prohibits a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist from practicing independently, except under the employment and clinical supervision of a board approved licensed psychologist. This administrative regulation establishes the requirements for the employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

Section 1. Employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist (which are licensees requiring clinical supervision) by a regional mental health or mental retardation board, college or university, or government agency shall not be considered independent practice.

Section 2.

(1) A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist may be employed in a supervisor's independent practice, if the supervisor is responsible for the direction and control of the practice of the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

(2) Employees shall be paid compensation. Employees shall not be independent contractors and receive a Form 1099 for their compensation. Any independent contractor shall have an independent license.

Section 3.

(1) A special application shall:

(a) Be submitted to the board by the supervisor of record and a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist if:

1.

a. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist is employed in an independent practice; and

b. The supervisor of record is not the employer; or

2. The employer is not an organization listed in Section 1 of this administrative regulation.

(b) Be approved by the board before the practice begins.

(c) Identify the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist supervisor, and employer.

(d) Certify that:

1. The supervising licensed psychologist is not hired, employed, or engaged under contract by the licensed psychological associate, temporarily licensed psychological

associate, or temporarily licensed psychologist;

2. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist is not an owner of the independent practice or organization, but rather serves as an employee; and

3. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist has both administrative and clinical supervision that are provided by the independent practice or organization.

(2) The arrangement described in the application shall be approved by the board before the practice begins.

Section 4. A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist shall not pay, hire, or employ a supervisor to provide clinical supervision in accordance with 201 KAR 26:171.

Section 5. A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist who works as an employee for more than one (1) independent practice or organization shall obtain approval from the board for a supervisor of record for each independent practice or organization and shall comply with 201 KAR 26:171 for approval to have more than two (2) supervisors of record.

Section 6. In all communications and advertising with the public, the licensed psychological associate's, temporarily licensed psychological associate's, or temporarily licensed psychologist's relationship with the employer and the supervisor shall be clearly indicated.

Section 7. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist and the supervisor shall comply with the requirements for clinical supervision established in 201 KAR 26:171.

Section 8. Incorporation by Reference.

(1) "Special Application", (March 2021 edition), is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be found on the Board's Web site, <https://psy.ky.gov>.

(24 Ky.R. 1182; 1669; eff. 2-17-1998; 28 Ky.R. 1484; 1819; eff. 2-7-2002; 43 Ky.R. 1836; 44 Ky.R. 38; eff. 7-17-2017; 47 Ky.R. 2063; 48 Ky.R. 326; eff. 8-26-2021; 48 Ky.R. 1884; eff. 6-2-2022.)

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

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 12, 2021 at 3:50 p.m.

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

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.