

**Brief History of KRS 319 – Kentucky Psychology Licensing Law:  
1948 – 2011**

**Compiled for the KY Psychological Association by Sheila A. Schuster, Ph.D.**

**1948** Law regarding “Certification of Clinical Psychologists” was passed, making Kentucky the third or fourth state in the nation to recognize psychology in statute. The Board of Examiners in Psychology consisted of 5 Doctoral-level psychologists. A practice definition of clinical psychology was included.

“Certified Clinical Psychologists” required a Doctoral degree or equivalent in psychology.

“Grandparenting” period – Doctoral degree was waived for anyone with a Master’s degree and three years of practice experience in psychology.

**1964** Law was passed; first major revision of the certification law; first reference to licensure.

A new practice definition of “Clinical Psychology” was included.

The make-up of the Board of Examiners remained the same.

The statute allowed for the granting of a license and the use of the title “Psychologist” to anyone with a Doctoral degree or equivalent in psychology.

Allowed the Board to issue certificates of qualification with appropriate title to applicants who met “all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology...to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the Board...” “...Upon petition by a holder, the Board of Examiners may grant authority to function without immediate supervision.”

“Grandparenting period...for those...who had received a Master’s degree and had been engaged in such practice for at least three years.”

No specific title was given either to those who received a license or to those who received a certificate of qualification. (In ensuing years, tradition dictated a shift from using the title of “Certificand” to using the title “Certified Psychologist” and a designation of “with” or “without” “Autonomous Functioning” which was defined as practice without supervision.)

**Mid- to Late 1970s** Task Force called by the Board of Examiners recommended that the Board no longer issue certificates for Autonomous Functioning (the wording in the law was permissive, not mandatory). There was strong and negative reaction from Master’s-level psychologists when the Board of Examiners agreed with the Task Force recommendations.

**1980** A small group of Master’s-level psychologists lobbied for passage of legislation which would have removed all distinction in title and functioning between Doctoral-level and Master’s-level psychologists. Both the Board of Examiners and KPA were unaware of the bill until it had passed the House. Once informed, both objected and the bill died in the Senate.

**1980-1986** During this six year period, there was intensive activity on the part of KPA as well as on the part of a small group of Master’s-level psychologists with regard to issues of autonomous functioning and supervision. After several compromises had fallen apart, legislation emerged which had some consensus among all the groups and was proposed for passage in 1986.

**1986** Law was passed which was an omnibus revision of KRS 319. It retained the practice definition of psychology, not restricting it to “Clinical Psychology.” The make-up of the Board of Examiners was altered to include for the first time Master’s-level psychologists (two positions) to join four Doctoral psychologists and one consumer.

A grandparenting period (4 ½ years) was established during which time certified Master’s-level psychologists who had practiced for two years under supervision were eligible to be examined for Autonomous Functioning.

All newly-certified psychologists were designated as “Psychological Assistants.” This title was chosen after polling of Master’s-level psychologists. Additional requirements were placed on licensed psychologists to have one year’s supervised experience post-doctoral before they could supervise, and to limit the number of supervisees which a licensed psychologist could supervise at one time.

**1988** Law was passed which made technical corrections to KRS 319.

Major revision was in response to feedback from newly-certified persons and Master’s training programs to change the title from “Psychological Assistant” to “Psychological Associate.”

**1992** Law was passed which was another omnibus revision of KRS 319.

The practice definition remained the same, but the law was changed to clearly be a practice act, rather than a title protection act only.

Major focus was on an extensive revision of the due process and violations sections.

Two additional licensed psychologists were added to the Board of Examiners, making a total of nine members: 6 licensed, 2 certified and 1 consumer.

**1996** Discussion initiated by Master’s-trained psychologists concerned a proposal to amend KRS 319 to change the title of “Certified Psychologist” and “Certified Psychological Associate” to “Licensed Master’s-Level Psychologist” and “Licensed Psychological Associate.” No legislation was actually proposed, but the discussion prompted the rejuvenation of the KPA Master’s Issue Committee to explore these issues. A representative of KAMP (Kentucky Association of Master’s in Psychology) was invited to participate as a member of the committee.

In October, the Chair of the Board of Examiners invited KPA to participate in a Joint Committee to review the current law and regs, including those addressing Master’s-level practice.

In November, the Master’s Issue Committee hosted an open forum at the Annual Convention which was attended by over 50 persons and generated input for the Committee.

**1997** The Master’s Issues Committee proposed revision of the regulation on supervision, and focused on the employment and title issues affecting Psychological Associates.

The Joint Committee of the Board of Examiners and KPA representatives met for the first time in March and work was begun on the regulations on supervision and employment.

**1998** The Joint Committee of the Board of Examiners and KPA completed its work and the drafted regulations were moved through the legislative process. Once adopted, the Board distributed them at the Annual Convention and through a mailing to all persons regulated under KRS 319.

**1999** At the request of the KPA Ad Hoc Committee on Master’s Issues, several questions regarding Master’s practice were included in a KPA member survey. Results showed a 50-50 split on whether Master’s-level psychologists should have Autonomous Functioning.

In the Fall, the Board of Examiners announced that it was considering opening up KRS 319 in order to address technical issues. In response, the KPA Committee on Master’s Issues requested that time be set aside at the October KPA Board Meeting for a full discussion of the Master’s issue. The Board devoted nearly two hours for that purpose, hearing all sides of the issues.

At the December, 1999 KPA Board meeting, two actions were taken: one was to oppose any revision to KRS 319 which was not introduced by the Board of Examiners. The second action was to establish a Task Force of KPA members and of representative of training institutions, the Board of Examiners, the Comp Care Centers and all organizations representing psychologists in the state. The Task Force would begin its work after the 2000 legislative session and would complete its work in time to make recommendations for the 2002 General Assembly.

**2000** Two pieces of legislation to revise KRS 319 were introduced. One (HB 985) was proposed by the KY Association of Psychological Service Providers (KAPS-P) and would have granted Autonomous Functioning to Psychological Associates after five years of supervised practice, with no other criteria to be met. The other (SB 400) was proposed by School Psychologists in a rural region; it would have altered the status of school psychologists and removed the requirement for Psychological Associates in private practice to be employed by their supervisor. Both KPA and the Board of Examiners testified against both bills, neither of which passed.

The Task Force on Master's Issues, convened by KPA and facilitated by a mediator hired by KPA, met three times between April and August, 2000. The group considered a number of alternative solutions and combinations of solutions. At its final meeting, the Task Force reached consensus on its recommendations, with 17 of the 18 members present voting for the consensus statement.

The Task Force recommendations for re-opening Autonomous Functioning and specifying the conditions for gaining that status were presented to the KPA Board of Directors at their October meeting. After a lively discussion, the KPA Board voted unanimously to adopt the Task Force's recommendations in full and authorized its legislative agent to begin work to identify a sponsor, draft legislation and prepare it for the 2002 General Assembly session.

The Task Force recommendations were presented and discussed at the KPA Annual Convention in early November, where they were met with a wide range of responses, from enthusiastic endorsement to loud opposition. Continuing discussions were held with those who were opposed to provide background information, rationale, etc.

In the November General Election, Kentucky voters passed a constitutional amendment to institute annual legislative sessions, beginning in February of 2001. The bill sponsor suggested that the psychology legislation be filed for passage in that session.

KPA continued its work to educate the psychological community, to elicit input from all affected groups about the revision of KRS 319, and to work with the bill sponsors to draft a piece of legislation which was consistent with the Task Force recommendations.

**2001** SB 94 was introduced in the Senate by its primary sponsors, Sen. Dan Kelly (R-Springfield) and Sen. David Karem (D-Louisville). After passing the Senate, it was handled in the House by Rep. Mary Lou Marzian (D-Louisville). The bill passed the House unanimously and was signed into law by Governor Patton on April 21, 2001.

SB 94 created the opportunity for qualified Master's-level Psychological Associates and Certified Psychologists to become Licensed Psychological Practitioners and to function without supervision. Other technical revisions were also made to the licensing law through this legislation, including titles which reflected licensure status for all individuals credentialed by the Board of Examiners.

KPA worked with the Board of Examiners to draft and implement the regulations so that they were consistent with the statute. Once those were in place and the credentialing process was underway, the next step was to educate the psychological community, payors, employers and the public about these changes in the licensing law.

**2002 – 2006** There were no legislative changes to the Psychology Licensing Law during this period, but considerable energy was spent by KPA in working closely with the KY Board of Examiners in revising regulations which implement the law. These included changes to the process of applying for licensure, establishing reciprocity and mobility equivalencies, and updating and clarifying the means by which the Continuing Education requirement could be satisfied.

**2007 – 2008** The APA Council of Representatives passed a resolution in 2006 which recommended that state and provincial licensure laws be revised to change the Sequence of Training and timing to

allow earlier licensure for doctorally-trained psychologists. With the help of grant funding from APA's Committee for the Advancement of Psychological Practice (CAPP), KPA convened a Task Force to examine this issue. After study and discussion by representatives of the state's universities, graduate students, early career psychologists, public and private sector psychologists, the licensing board, ASPPB, and KPA leadership, the recommendation was made to forward legislation to amend KRS 319.

HB 505 was sponsored by Rep. Joni Jenkins (D-Louisville); after successfully passing her committee, the bill awaited action by the full House of Representatives. Unfortunately, the bill was not moved for passage because of opposition led by a group of Licensed Professional Counselors to language which would have clearly defined psychological testing within the scope of practice of all professionals regulated under KRS 319. The bill also would have increased the CE requirement from 30 hours to 45 hours/renewal cycle, bringing Kentucky psychologists to the levels required in the vast majority of other jurisdictions and for many other mental health professions.

Considerable work was done during the Interim to address issues which had been raised, to revise the bill language, and to prepare the regulations which would allow for transition to the new timeframes and requirements. A second CAPP grant helped to underwrite these efforts.

**2009** SB 175 was introduced by Sen. Denise Harper Angel (D-Louisville) after much discussion and negotiation with other mental health groups that had opposed or questioned HB 505 in the previous legislative session. SB 175 modified the previous legislation by reducing the increase in CE hours from 15 to 9 per 3-year license renewal cycle and deleting the proposed language to define psychological testing, instead moving the term into the defined scope of practice section. The bill unanimously passed the Senate committee and Senate floor vote and was passed in the House committee unanimously. Unfortunately, the House adjourned its session two days before the scheduled deadline, leaving SB 175 and six other bills on the Consent Calendar with no final vote!

**2010** SB 12 – with identical language to last session's SB 175 – was filed for action in the 2010 Kentucky General Assembly session. When the bill was not called for a vote in the Senate committee, the identical language was filed in the House as HB 488 by Rep. Scott Brinkman (R-Louisville). The bill passed the House committee and House floor in unanimous votes and moved to the Senate where it was also passed unanimously. The new law makes KRS 319 consistent with the APA-recommended change in the sequence of training by dropping the requirement for the post-doctoral year of supervision and revising the requirement to include supervised experience gained during the doctoral training program as well as postdoctoral experience. The legislation also increases the CE requirement (from 30 CEs/3-year renewal cycle to 39 CEs/renewal cycle), includes the term "psychological testing" in the psychology scope of practice, and makes other technical changes in the licensing law. The increased CE requirement is in effect for licenses renewed on or after July 1, 2013. The full implementation of the licensure revisions will go into effect with the adoption of the revised regulations; these were drafted by KBEP with input from the KPA lobbyist.

**Resources:** The text of the revised KRS 319 is available at [www.lrc.ky.gov](http://www.lrc.ky.gov) by clicking on "Kentucky Law" in the list on the left and then clicking on the top box "KY Revised Statutes (KRS)". Scroll down to "Title XXVI – Occupations and Professions" and then click on "Chapter 319".

The text of the current regulations governing the practice of psychology are also available at [www.lrc.ky.gov](http://www.lrc.ky.gov) by clicking on "Kentucky Law" and then clicking on the second box "KY Administrative Regulations (KAR)". Click on "Search by Title" and then scroll down to "Title 201 – General Government Cabinet" and then click on "Chapter 26 – Board of Examiners of Psychologists." NOTE: New regulations to implement HB 488 were filed for public notice and legislative consideration on November 15, 2010, became final in 2011 and are posted at this website.