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## Kentucky Psychological Association e-NEWS

April / May 2015

### CE Connections: Upcoming KPA CE Events

#### Friday, May 8th

Live CE: Louisville, KY  
[Expanding Opportunities for Psychologists in Healthcare Delivery](#)  
*Elizabeth McKune, Ed.D., 3 CEs*

#### Friday, May 8th

Live CE: Louisville, KY  
[Best Practices in Outcome Measures](#) *Jeff Reese, Ph.D., 3 CEs*  
*Norah Slone, Ph.D.*

#### Thursday, May 14th

Live CE: Louisville, KY  
[Hot Topics in Ethics and Risk Management in Psychological Practice](#)  
*Daniel Taube, J.D., Ph.D., 6 CEs*

#### Friday, May 22nd

Live CE: Louisville, KY  
[Enhancing Clinical Skills with Ethnically and Racially Diverse Clients](#)  
*Monnica Williams, Ph.D., 3 or 6 CEs*

#### Wednesday, May 27th

Interactive Webinar: 12-1pm EST  
[Integrated Care: Palliative Care and Hospice](#)  
*Julia Kasl-Godley, Ph.D., 1 CE*

#### Friday, June 5th

Live CE: Louisville, KY  
[Advanced Supervision](#)  
*Bernadette Walter, Ph.D., David Winsch, Ph.D., 3 CEs*

#### Friday, June 5th

Live CE: Louisville, KY  
[Basic Supervision](#)  
*Joseph Edwards, Psy.D., 3 CEs*

Complete details and registration information can be found on the [KPA Event Calendar](#).

### Next KPA Board of Directors Meeting

## Exciting News from KPA in April

Here's the April edition of the KPA e-NEWS, a regular e-newsletter, to enhance communication about psychology across the state. Numerous opportunities exist in 2015 for meeting your goals of financial security, increasing knowledge, enhancing organization, planning, and practice opportunities, and cultivating new personal and professional relationships. What follows is a sampling of psychology-related news and opportunities across the Commonwealth. Check out the column on the left for upcoming KPA Social and CE events, meetings, Kentucky Currents (member news items), and more. For more updates, visit the KPA website and join KPA on Facebook: simply click "Like" on the Kentucky Psychological Association Facebook page.

## Update from KPA Executive Director

by *Lisa Willner, Ph.D., KPA Executive Director*

KPA is in full swing this time of year, juggling multiple current priorities and events, and planning ahead for Convention and 2016. Our new operations manager, Joy Kaplan, had to hit the ground running with her March 16th start date followed immediately by the KPF Spring Academic Conference at the end of March; April and May interactive webinars in our Integrative Care series; and five live CE events including KPA's biannual [Ethics and Risk Management course](#) through The Trust, a Kentucky Psychological Foundation-sponsored [diversity mini-conference](#), [best practices training](#) events, and [updates on new opportunities for psychologists in health care delivery](#).

KPA led the way to the successful passage of a revised Duty to Warn bill which now explicitly includes outpatients as well as hospitalized patients in the language, and gives psychologists and other mental health professionals the protections we need to carry out our legal responsibilities to report. Governor Beshear will sign Senate Bill 51 into law on Monday, May 4. Members of KPA's leadership team will be on hand at the Kentucky Capitol for the occasion. And at the federal level, Congress approved and President Obama has signed into law H.R. 2, the Medicare Access and CHIP Reauthorization Act, permanently repealing the Sustainable Growth Rate formula and replacing it with a bipartisan agreement to strengthen the Medicare program and patient access to services. KPA leaders have been advocating at the federal level for the SGR repeal for several years, and we are encouraged by our victory!

Dr. Steve Katsikas is the new chair of KPA's Prescriptive Authority Task Force. The group is charged with monitoring prescriptive authority for psychologists at the national level, and reporting back to the KPA membership. Watch for upcoming information, as well as a survey to find out our members' views on the topic of prescriptive authority for psychologists.

Under the capable and conscientious leadership of Dr. Marianne McClure, the 2015 Convention Committee has been hard at work, and is putting the finishing touches on an outstanding three days of programming. This year's featured speakers will include Dr. John Norcross on A New Therapy for Each Patient: Treatment Adaptations that Work; Dr. Mark Epstein on Everyday Trauma: Perspectives from Buddhism and Psychoanalysis; and – back by popular demand! – Dr. David Rudd on assessment and prevention of suicide. (Dr. Rudd's talk is designed to meet the new 6-hour CE prevention requirement for all

**May 29<sup>th</sup> – 30<sup>th</sup>**

Board Meeting & Leadership  
Retreat Frankfort

[View the KPA Board of Directors](#)

**KPA Book Corner**

The KPA Book Corner highlights books written by KPA Members and those recommended by KPA speakers, including those from the 2013 Convention. [Click here to take a look at our current listings.](#)

If you have presented for KPA or are a KPA Member author, please send your suggested items to [kpa@kpa.org](mailto:kpa@kpa.org). (If you order Book Corner recommendations or other items through Amazon, remember to access the Amazon site by clicking on the Amazon link on the KPA home page - Amazon donates a small percentage of these purchases back to KPA!)

**Community Bulletin Board**

A forum is available to any KPA member who would like to post information that the psychology community may find interesting or helpful or for which psychology input is requested. Visit the [Community Bulletin Board](#) to view current messages or to post a new message.

**KPA Currents**

A Snapshot of Events in the Lives of KPA Members

Congratulations to KPA member [Monnica Williams, PhD](#), on her selection as the winner of this year's Samuel M. Turner Early Career Award for Distinguished Contributions to Diversity in Clinical Psychology by the Society of Clinical Psychology (APA Division 12). Her award will be presented during the 2015 APA Convention in Toronto this August

**Advertisement:**

Kentucky mental health professionals.

Lots going on at KPA – hope to see you soon at one of our events!  
Standing with you and standing up for psychology,

Lisa

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**A hearty welcome to Joy Kaplan, MBA, KPA's New Operations Manager!**

Joy Kaplan joined KPA in mid-March as our new operations manager. She is a graduate of SUNY Buffalo and more recently earned an MBA from Sullivan University. Joy has worked as an office manager for the National Council of Jewish Women and Al-Anon, among other positions, and served on the Board of Directors of the Louisville Hebrew School and The Temple. Joy brings to KPA a great deal of experience in payroll, finance, management, and working with nonprofit boards. In addition, she believes in the importance of access to mental health services and conveys a deep respect for psychology as a profession. Joy can be reached via email at [joy@kpa.org](mailto:joy@kpa.org)

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**Kentucky Psychological Foundation News**

**KPF Diversity Mini-Conference: Friday, May 22nd  
Enhancing Clinical Skills with Ethnically and Racially Diverse Clients**

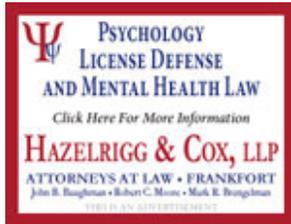
Presenter: Monnica Williams, Ph.D.

Location: Foundation for a Healthy Kentucky, Louisville, KY

The Diversity Mini-Conference is sponsored by the *Kentucky Psychological Foundation and the UofL Center for Mental Disparities*. Given the increasing diversity of clients seeking mental health care, there is a growing need to enhance the cultural sensitivity of therapeutic interventions with ethnoracial minority populations. Together, two workshops will provide clinicians with the tools needed to successfully incorporate cultural factors into therapy. The morning workshop held from 9 am-12 pm EST (3 CE's) will provide essential information about the ethnic minority experience and the mental health risks they face. The afternoon workshop held from 1:30-4:30 pm EST (3 CE's) will focus on the proficient application of therapeutic strategies into the ethnic minority experience. As part of the afternoon session, the KPF Diversity Committee will pilot a new, cultural consultation resource. Please consider attending this unique opportunity!

**A Very Successful 2015 Spring Academic Conference!**

The 2015 Kentucky Psychological Foundation Spring Academic Conference was held on Saturday, March 28th at Midway College. This year's theme was "A Call for Compassion: Using Psychology for a Better World." Annually, the SAC provides a unique opportunity for graduate and undergraduate students to present their research in juried competitions, learn about career options and paths, develop practical skills, attend workshops, and network with fellow Kentucky psychology students. This year's SAC was attended by more than 170



participants overall. Congratulations to Richard Osbaldiston, Ph.D., winner of the Undergraduate Mentor of the Year Award, and to DeDe Wohlfarth, Ph.D., winner of the Graduate Mentor of the Year Award. Congratulations to Bellarmine University's team for winning the Psych Bowl competition. A complete list of the winners of undergraduate and graduate research competitions, recipients of multicultural scholarships, and pictures of the events are available at the following link: <https://kpa.site-ym.com/?2015SACWrapUp>.

## Research Colloquium Travel Award

The Kentucky Psychological Foundation has created an initiative to support the presentation of research colloquia by psychologists in academic or research settings within the Commonwealth of Kentucky. The purpose of this initiative is to foster inter-institutional networking between Kentucky academic or research institutions, promote the exchange of ideas, and provide career-development opportunities for academic and research psychologists within the Commonwealth. [Click here for details.](#)

[Help support the Kentucky Psychological Foundation by making a donation today!](#)

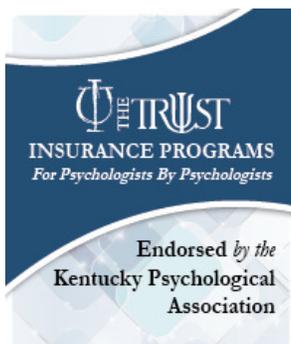
### Members in the Media

*Please send your announcements to [kpa@kpa.org](mailto:kpa@kpa.org) so that your news may be shared with the KPA membership.*

### KPA Interest Sections

Joining KPA Interest Sections is free and participation on the listservs is an exclusive member benefit. Many ideas, resources, and requests for treatment recommendations and other opportunities flow through the KPA listservs daily. Here is an excerpt from a post on the KPA Clinical listserv: "Thank you to everyone who shared their experiences with me. I was quite surprised at the variability of your responses.....Nice to have a community to call on for advice when such situations arise!" If you want to expand your resources and deepen your own sense of community within KPA, visit the KPA Interest Section webpage for instructions on how to join a KPA Interest Section.

[Interest Section Details](#)  
[Listserv Details](#)



## KPA 2015 Annual Conference Preview – November 5-7

The KPA Annual Convention returns to Lexington from November 5-7, 2015 at the Griffin Gate Marriott Resort. The working title is "Creating our Future in a Transforming Landscape." KPA is now accepting proposals for the 2015 Annual Convention as well as the 2016 KPA CE Calendar. To submit a CE proposal for consideration, go to CE proposal form. Questions about the 2015 Convention? Contact 2015 Convention Chair, Marianne McClure, Ph.D.

## 2015 APAPO State Leadership Conference: Report from the Kentucky Delegation

Eleven KPA members comprised this year's Kentucky delegation to the annual State Leadership Conference (SLC), sponsored annually by the APA Practice Organization in Washington, DC. This year's conference was held March 14-17, and focused on the theme Practice Innovation. Our Kentucky delegation included elected and staff leaders, Diversity and Early Career Psychologists delegates, two graduate students who are APAPO advocacy leaders, and a member of the APAPO Committee of State Leaders, a team that plays an active role in conference planning. Members of Kentucky's delegation had high visibility throughout the conference: Dr. Felicia Smith was elected to the chair position of the APA Committee of State Leaders and was a workshop presenter, Dr. Laurie Grimes served as co-moderator of the Directors of Professional Affairs pre-conference meeting, Dr. Sheila Schuster was recognized for her contributions to APAPO, and Dr. Lisa Willner was a workshop presenter. To read more about the observations and experiences of the KPA delegation, click on the following link: <http://www.kpa.org/?page=2015SLCreport>.

## Breaking Down the Lingo: A Health Insurance Primer

by Laurie Grimes, PhD  
KPA Director of Professional Affairs

It's a lot to keep up with: new legislation, new rules, new carriers, new models – it can be

Join KPA and KPAGS on Facebook!

KPA has always been an organization that works to be inclusive of all psychologists in the state. Kentucky Psychological Association is officially on the popular social networking site, Facebook.com, and currently has 378 "friends". All you need to do to join the Kentucky Psychological Association on Facebook is to select the "Like" button after finding our group on Facebook. Please be sure to search for "Kentucky Psychological Association" and review the KPA Social Media/Forum Policy. The KPA Graduate Students (KPAGS) are also on Facebook! Stay up to date with the latest KPAGS news and communicate with other psychology graduate students from around the state! Click here to join KPAGS on Facebook:  
<https://www.facebook.com/MyKPAGS>

**Advertise in the KPA e-Newsletter!**

The bi-monthly editions of the KPA e-Newsletter, are distributed to over 1100 KPA members. The eNewsletter is sent via blast email at the end of Jan, March, May, July, Sept and Nov with submissions accepted at any time. Complete information and pricing details are available on the KPA Advertising webpage.

**Support KPA During in 2015 via Shopping on Amazon.com**

You can support KPA when shopping on Amazon by clicking the Amazon link on the main KPA website as a first step in making purchases on Amazon.com. Up to 3% of every purchase made on Amazon when you click their link on the main KPA website benefits KPA.

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overwhelming. This is a basic overview of some of the most widely used health insurance terms and concepts that psychologists come across in managing their practices.

Let's start with the Affordable Care Act. This landmark federal legislation formally titled the Patient Protection and Affordable Care Act but commonly referred to as the ACA or Obamacare, was enacted to lower the number of uninsured Americans and improve the quality and affordability of health insurance across the nation. The law requires each state to have an online health insurance marketplace – called an Exchange - by either opening a state-run exchange or by defaulting to the federal exchange. Kentucky, in a groundbreaking move spearheaded by Governor Beshear, created it's own exchange called Kynect.

Kynect is Kentucky's marketplace for individuals and small businesses to shop for and compare insurance plans for healthcare coverage. Also referred to as the Kentucky Health Benefit Exchange or The Exchange, Kynect provides opportunities to apply for private insurance or Medicaid, including the Kentucky Children's Health Insurance Program (KCHIP). An important aspect of Kentucky's pioneering health care legislation was the expansion of Medicaid (referred to as Medicaid Expansion) in January 2014 when the income eligibility criteria were broadened to 133% of the federal poverty line in order to make more people eligible for health insurance coverage.

Medicaid recipients shopping on the Exchange can choose to use the state's Medicaid program as their insurer, or they can select coverage from one of the Medicaid Managed Care Organizations, referred to as MCOs. MCO plans are offered through familiar insurance carriers, but the MCO plans are entirely separate entities from the commercial plans. For instance, Humana offers a commercial plan through the Exchange called Humana One and an MCO plan called Humana CareSource. For providers there is a separate credentialing process for the MCO plans; that is, a provider who takes Humana insurance is not a Humana CareSource provider until that provider applies for and receives a Medicaid number and then applies for credentialing through the Humana MCO. There are currently 5 Medicaid MCOs operating in Kentucky (Passport, Humana CareSource, Coventry Cares, Anthem, and WellCare); however, last week there was an announcement that new bids are being solicited so the MCO carriers and plans could change in the next few months.

For those who struggle to keep Medicaid and Medicare straight, keep in mind that Medicaid is a state-run, jointly (state-and-federal) funded health care program for people with low income and/or certain disabilities, while Medicare is a federally-funded health insurance program for people age 65 or older, certain younger people with disabilities, and people with End-Stage Renal Disease (ESRD). Medicare is broken into 4 parts to cover specific services:

- Medicare Part A: Hospital Insurance – covers inpatient hospital stays, care in skilled nursing facilities, hospice care, and some home health care.
- Medicare Part B: Medical Insurance – covers certain doctors' services, outpatient care, medical supplies, and preventive services.
- Medicare Part C: Medicare Advantage Plans – a type of Medicare health plan offered by a private company on contract to provide Parts A and B benefits.
- Medicare Part D: Prescription Drug Coverage – adds prescription drug coverage to some Medicare plans.

Some of Kentucky's Medicaid/KCHIP eligible children with complex behavioral health care needs receiving community-based services experienced a change in service delivery paradigm when the Impact Plus program was dismantled. The Behavioral Health Service Organization (BHSO) is the new licensed organizational entity created by the Cabinet to provide behavioral health services in community-based programs to Medicaid recipients and individuals with substance use disorder, mental health disorder, or a co-occurring disorder. The BHSO is designed to improve access to needed services and prevent unnecessary hospital admissions.

The focus on integrated care has given rise to a host of new acronyms and terminology to describe the conceptual framework, practice models and service provision-payor

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configurations. In an effort to provide patient-centered care, a conceptual model of care based in a relationship-based approach to the whole person and a partnership between practitioner and patient, the Patient Centered Medical Home (PCMH) is the ideal organizational model in its rejection of siloed services (i.e., practicing in independent vacuums rather than integrated across disciplines) and disjointed care delivery systems and its grounding in new payment methodologies, levels of patient access to records, data sharing, provider collaboration, integration of service provision across disciplines, and patient participation in their own care.

Other alternative practice models are based in organizational structure. An Accountable Care Organization (ACO) is a group of health care providers who share financial and medical responsibility to their patients in hopes of limiting unnecessary spending and ultimately sharing in the savings. Psychologists can participate in ACOs but cannot develop their own. Other practice models include an Independent Practice Association (IPA) where independent psychological practices can contract together with a manage care company to provide services, co-location where psychologists rent space in buildings where other health providers are located, and Managed Service Organizations (MSO), a larger model that provides management and administrative services for an interdisciplinary group of providers but does not provide services directly.

Let me know how you are faring in this changing health care climate. You can find me at [Laurie@kpa.org](mailto:Laurie@kpa.org)

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## Physician Quality Reporting System (PQRS) Basics

by Laurie Grimes, PhD, KPA Director of Professional Affairs

For those of you wrestling with the new regulations with PQRS (this pertains to Medicare populations only), I have a great resource to share with you. Some of my DPA colleagues have put together a PQRS overview article with an explanation of what PQRS is, what the unique challenges are for psychologists, and how to figure out if you should invest in the PQRS registry or even pay any attention to all the fuss at all. This document may be just the resource you have needed and can be accessed at the link below!

[http://www.papsy.org/?PQRS\\_Info](http://www.papsy.org/?PQRS_Info)

You can find me at [Laurie@kpa.org](mailto:Laurie@kpa.org).

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### KPA Home Study Opportunities

Under revised KRS CE regulations, you can now earn up to 12 credits per licensure cycle for home study courses. See what KPA has to offer...

[A First Step in Understanding the Affordable Care Act and Its Potential Impact on the Health and Mental Health of Kentuckians](#)

[Assessment of Religiousness and Spirituality in Clinical Practice, 1 CE](#)

[KPAF Diversity Conference Home Study Courses](#)

[Religion, Spirituality, and Clinical Practice Webinar Home Study Series](#)

View the [KPA Home Study Page](#) for additional options.

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## APA Council Representative Report

by David Susman, Ph.D., APA Council Representative

At its February 2015 meeting, the APA Council of Representatives focused much of its action on the training and skills required for psychologists to work in health-delivery settings. In addition, council members discussed translating psychological science into public policy and received a report on the association's finances.

In one of its most far-reaching actions, the council adopted an inter-organizational document that outlines Competencies for Psychology Practice in Primary Care. The document is the product of a nine-organization work group. It articulates the knowledge and skills health-service psychologists need to practice in primary-care settings. It will serve as a resource for graduate-level psychology education and training programs, students and current practitioners. (See [www.apa.org/ed/resources/competencies-practice.pdf](http://www.apa.org/ed/resources/competencies-practice.pdf))

In a related action, by a nearly unanimous vote, the council voted to approve the Commission on Accreditation's new Standards of Accreditation for Health Service Psychology. The new standards will replace the current Guidelines and Principles for Accreditation and will go into effect for all accredited programs on Jan. 1, 2017. The original Guidelines were adopted in 1995.

A third action concerning professional practice was the adoption of a new policy document, Professional Practice Guidelines: Guidance for Developers and Users. It replaces two earlier documents on practice guidelines from 2002 and 2005. The new policy document provides updated guidance for creating professional practice guidelines and gives current examples of

such guidelines.

Translating science into public policy

Council devoted a full day of its two-and-a-half-day meeting to a strategic issue discussion focused on the goal of translating psychological science into public policy. The topic was opened by panel presentations by four council members who shared their experience in working with legislators and other policymakers. APA General Counsel Nathalie Gilfoyle also described the association's highly successfully amicus briefs program. The collective advice shared with the council included:

- Speak from the science; don't roam from the data.
- Personalize and humanize the issue. Tell the "story" of how a certain policy initiative can help people or solve a problem.
- Engage all stakeholders.
- Find allies including reaching beyond psychology.
- Disseminate your findings in accessible language and formats.

After the presentations, council members participated in one of three break-out discussions, each focused on a central goal: advocacy, educating the public and translational research.

Council also received a report from APA Treasurer Bonnie Markham, PhD, PsyD, and Chief Financial Officer Archie Turner. They reported that the association's finances are strong despite a small deficit budget this year. Overall, APA is in compliance with all of its debt covenants and continues to benefit from sizable long-term investments. Furthermore, the association's real estate holdings, its headquarters building and a second nearby office building, are fully leased and continue to grow in value.

Other action

**In other action, the council:**

- Approved a change in the association rules to require boards and committees to have at least one member who is an early career psychologist. Early career psychologists are defined as psychologists within 10 years of earning their doctoral degree. A few boards and committees will be exempted from this rule due to special requirements for service, such as the Fellows Committee, whose members must have attained fellows status, which requires candidates to have 10 years of post-doctorate experience.
- Approved plans to implement changes in the association bylaws and rules as per votes taken at the council's August 2014 meeting. The changes are related to the composition and election of the board of directors and are an outgrowth of the Good Governance Project, which was designed to open the board up to direct representation by the general membership. All bylaws changes require a vote of the membership, which is expected to take place this fall by mail ballot.
- Approved APA's endorsement of the 2012 San Francisco Declaration on Research Assessment, which calls for improvements in the ways that the impact of scientific research is measured. In particular, it recommends against reliance on journal-impact factors as measures of the quality of individual research articles or of an individual scientists' contributions.
- Approved a change in the bylaws and association rules to allow one seat on APA's Board of Educational Affairs (BEA) to be held by an APA High School or Community College Teacher Affiliate member. An amendment to the APA bylaws to implement the change to the BEA composition will be sent to the membership for a vote this fall.

Thanks to Rhea K. Farberman, APA Monitor executive editor for providing the initial draft of this article.

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## **KPA 2015 Legislative Day a Success!**

KPA's 2<sup>nd</sup> annual Legislative Day took place on February 24, 2015 in Frankfort at the Capitol Annex. Our primary goal for the Legislative Day was to help KPA members start developing relationships with their legislators and share information about legislation important to KPA, including our Duty to Warn bill (SB 51) and Treatment of Minors bill (HB 270). We also wanted to make KPA more visible to legislators and familiarize them with our

organization. The Legislative Day was planned by members of the Advocacy Committee, Dr. Sheila Schuster, and McCarthy and Associates.

Fifteen KPA members attended our Legislative Day, including members of the Advocacy Committee, members of the KPA board, Early Career Psychologists, and general members. Prior to the Legislative Day, attendees participated in a conference call and reviewed materials to help prepare them to discuss talking points with legislators. Members had an opportunity to meet with their legislators in 16 individual or group meetings, where they discussed talking points important to KPA. Lobbyists helped assist members during many of the meetings. KPA also hosted a breakfast for all legislators and had a chance to meet with over 13 legislators and their staff from across the state. Because of the short session, there are multiple conflicting events for legislators to attend, in addition to their committee meetings, so we are very happy with the turnout. Through individual meetings and our KPA breakfast, we were able to talk with over 29 legislators! The overall feedback was positive from attendees, who felt like it was good to get experience in talking with legislators and advocacy issues. More connections with legislators were made, which will be helpful in advocating for KPA and psychologists. We hope to further develop the KPA Legislative Day to be on a larger scale next year, with more members involved and reaching more legislators. We also want to encourage KPA members to further develop relationships with their legislators throughout the year. For more information, contact KPA Advocacy Committee Chair, *Georgeann Stamper Brown, Ph.D.*

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## **KPA Member Benefits: New Resources!**

**Technology Resource** - Dr. Dan Florell, presenter of the June 21st, 2013 KPA CE Workshop, Advanced Supervision: Influence of Technology, has been gracious enough to share an audio recording of his workshop with KPA members interested in the advancements of technology and their use in the field of psychology. [Click here to learn more and to access the recording.](#)

### **Clinical Psychology – Overview and Effectiveness**

PowerPoint courtesy of KPA Member Eric Russ, Ph.D., University of Louisville. Click [here to access the Powerpoint presentation.](#)

### **Post-Ferguson Resources for Coping, Learning, and Teaching**

Resources courtesy of the Georgia Psychological Association. Click [here](#) to access the webpage with listed resources.

**Ethics Resource** - The KPA Ethics Committee has developed a list of resources for KPA members aimed to help psychologists find resources about self-assessment, self-care and the development of skills, relationships, and personal qualities that will allow them to be less vulnerable to ethical breaches and "slippery slopes" in their professional careers and foster ethical awareness that leads to optimal practice. The posted resources define and discuss the stress—distress—impairment continuum, and the vulnerability at any point along the way to an ethical violation. They touch on topics such as risk factors, prevention of impairment, intervening with an impaired colleague, treatment options and the national movement toward establishing colleague assistance programs. <http://kpa.site-ym.com/?19#Ethics> Click here to learn more and to access the resources.

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## **Navigating Ethics and Law in Psychology**

*by guest contributor, Mark R. Brengelman, JD, MA*

Navigating ethics and law in psychology is an increasingly complex task in the complicated world of mental health. But how are ethics and law different? The same? What sources of government authority regulate your chosen profession of psychology? This article provides an overview of ethics and law in psychology.

State laws govern the practice of mental health professions in each of the fifty states and in the territories of the United States. The Kentucky General Assembly created the Kentucky Board of Examiners of Psychology in 1948 making it one of the oldest practice acts in the country. The General Assembly passes such laws by state statute. In choosing to regulate psychology for the protection of the public, Kentucky recognized psychology as a distinct profession with its own unique requirements for education, training, and experience.

The Kentucky Board then promulgates administrative regulations via notice and comment rulemaking with legislative oversight, which carry out the specific, step-by-step rules and standards in psychology. Unlike statutes passed by the General Assembly, which meets only for sixty days and for thirty days in alternating years, administrative regulations may be promulgated or amended at any time during the year according to a monthly schedule.

State statutes and administrative regulations become the binding, legal framework governing the practice of psychology, the titles and phrases of “psychology” and “psychologist,” and the unlicensed practice of psychology.

Pursuant to constitutional powers, the Governor appoints members of the Kentucky Board who are all psychologists except for one non-psychologist member. Although the Governor has separate legal authority to appoint any psychologist who meets the requirements for a board member, the Kentucky Psychological Association is designated by statute to nominate psychologists for the Governor to choose. The KPA allows voting by all Kentucky-licensed psychologists, not simply those who are KPA members.

In contrast to state law, national and state associations, which are private, non-governmental entities, have their own codes of ethics which do not have the binding force of law regarding psychology in Kentucky. Those ethical codes are binding only upon members of such an association, and violations of their ethical codes can result in expulsion from the association. While these ethical codes purport to provide standards to all psychologists, they are aspirational only. Lawyers still use them to try to establish a standard of care.

The American Psychological Association has its own Ethical Principles of Psychologists and Code of Conduct effective June 1, 2003, with amendments effective June 1, 2010. The APA has its own internal structure and process to create and to approve these standards, which only apply to its members.

While some state agencies in the professions in the United States specifically adopt these kinds of codes of ethics and incorporate them into state law, Kentucky has not for the psychology profession. Some states do include and refer to the APA Ethical Principles of Psychologists and Code of Conduct as binding under state law (in addition to their own state laws), so the Kentucky psychologist who moves elsewhere to practice should be aware of what law governs in that particular jurisdiction.

In contrast, the Association of State and Provincial Psychology Boards (ASPPB), which owns and operates the Examination for the Professional Practice of Psychology (EPPP), has its own model laws available for reference and for use by the fifty states. Its Code of Conduct was specifically used, nearly word for word, by the Kentucky Board in amending a prior 1993 administrative regulation, 201 KAR 26:145 Code of Conduct, in February 1998 governing modern ethical and legal standards for psychologists. It has been amended further with minor changes in 2002 and again in 2005. For seventeen years since its original amendment in 1998 using the ASPPB model Code of Conduct, and ten years since its last update in 2005, the Kentucky Board's Code of Conduct has stood the test of time.

The Kentucky General Assembly has long had on the books KRS 319.082, which are the disciplinary statutes applicable to psychologists. The Kentucky Board's Code of Conduct, above, completes the modern standards applicable to the practice of psychology. This statute and this administrative regulation work together to govern psychologists in Kentucky.

In sum, ethical standards flow from national organizations, which are aspirational and binding only on its members; here, that organization is the APA acting through its state chapter, the

KPA. On the other hand, the Kentucky Board enforces the rule of law found in state statutes passed by the General Assembly and found in administrative regulations promulgated by the Board. Those laws governing ethical and professional conduct are enforced under the rule of law and used to discipline the license of any Kentucky psychologist, regardless of their membership in any private association. While ethical standards may be helpful to the Kentucky psychologist, the rules of the profession are solely governed by the Kentucky Board as found in state statute and in administrative regulations.

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Mark R. Brengelman, JD, MA, is a Partner at Hazelrigg & Cox LLP, Frankfort, where he has successfully represented psychologists in Kentucky and out-of-state as well as other licensed health care

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### **Have an Idea or Contribution for the KPA e-newsletter?**

Contact the KPA Central Office or Sean Reilley, Ph.D., KPA e-newsletter Editor at [dr.sean.reilley@gmail.com](mailto:dr.sean.reilley@gmail.com). Deadlines for submission are the 15th of the month the newsletter is scheduled for distribution (Feb, April, June, Aug, Oct and Dec).

**Kentucky Psychological  
Association**

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