

### **319.082 Disciplinary actions against license and credential holders.**

- (1) The board may suspend, revoke, or refuse to issue or renew a license; may accept an assurance of voluntary compliance; restrict, or place a credential holder on probation; or issue an administrative reprimand or private admonishment upon proof that the credential holder has:
  - (a) Committed any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not, if in accordance with KRS Chapter 335B. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of such a crime, the judgment and sentence is presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended;
  - (b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement thereof;
  - (c) Committed any unfair, false, misleading, or deceptive act or practice;
  - (d) Been incompetent or negligent in the practice of psychology;
  - (e) Practiced psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction;
  - (f) Violated any state statute or administrative regulation governing the practice of psychology, which shall include violation of KRS 304.39-215 and conduct that is subject to the penalties under KRS 304.99-060(4) or (5);
  - (g) Unlawfully failed to cooperate with the board by:
    1. Not furnishing any papers or documents requested by the board;
    2. Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board;
    3. Not appearing before the board at the time and place designated; or
    4. Not properly responding to subpoenas issued by the board;
  - (h) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
  - (i) Aided or abetted an unlicensed person to practice when a license or certificate is required;
  - (j) Grossly overcharged for professional services;
  - (k) Practiced beyond the scope demonstrated by an appropriate combination of knowledge, skill, experience, training, and education;
  - (l) Failed to provide adequate supervision for certified psychologists, licensed psychological associates, applicants for licensure, or other staff;

- (m) Been convicted of any misdemeanor or felony relating to the practice of psychology, if in accordance with KRS Chapter 335B. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended;
  - (n) Physically abused or had sexual contact with a patient, client, student, or supervisee;
  - (o) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a client, patient, or student, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or been found by the board to have had sexual contact as defined in KRS 510.010 with a client, patient, student, or supervisee;
  - (p) Improperly divulged confidential information;
  - (q) Exercised undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
  - (r) Showed an inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition; or
  - (s) Failed to comply with the requirements of the board for continuing education.
- (2) Private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(l) and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in subsequent disciplinary action against the credential holder or applicant.
- (3) No unlawful act or violation of any provision of this chapter by any credential holder employed or supervised by a licensed psychologist shall be cause for the revocation of the supervisor's license, unless the board finds that the licensed psychologist had knowledge of it.
- (4) Three (3) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate his or her petition and may reinstate his or her license upon finding that the former licensee has complied with the provisions of this chapter and administrative regulations promulgated by the board and is again able to engage in the practice of psychology with reasonable skill, competency, and safety to the public.
- (5) The board may, at its own discretion, reconsider, modify, or reverse its probations, suspensions, revocations, restrictions, or refusals to issue or renew licenses at any time.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 143, sec. 15, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 158, sec. 64, effective June 29, 2017. -- Amended 2006 Ky. Acts ch. 182, sec. 61, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 45, sec. 8, effective June 20, 2005; and ch. 93, sec. 5, effective March 16, 2005. -- Amended 2001 Ky. Acts ch. 80, sec. 12, effective June 21, 2001. -- Amended 1994 Ky. Acts

ch. 265, sec. 9, effective July 15, 1994; and ch. 470, sec. 9, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 104, sec. 8, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 8, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 128, sec. 13, effective July 15, 1986.

**Legislative Research Commission Note** (6/20/2005). Although KRS 319.082 was included in 2005 Ky. Acts ch. 45, sec. 8, and ch. 93, sec. 5, as having been amended, the amendment relettering paragraphs of this section in those acts became unnecessary when the Office of the Kentucky Attorney General requested that other changes be made to the rearrangement of the paragraphs of KRS 61.878, which was also amended in 2005 Ky. Acts chs. 45 and 93. The Statute Reviser made these changes under the authority of KRS 7.136.

**Legislative Research Commission Note** (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.