



KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

Steven L. Beshear
Governor

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April 27, 2011

Richard Sears, Psy.D., M.B.A., ABPP
Union Institute and University
440 East McMillan Street
Cincinnati, Ohio 45206-1925

Richard.Sears@myunion.edu

Re: Your request to the Kentucky Board of Examiners of Psychology regarding telepsychology

Dear Dr. Sears:

Your e-mail to the Kentucky Board of Examiners of Psychology regarding telepsychology was reviewed by the Board, which authorized this response. You have stated and asked:

I am a psychologist licensed in Ohio, practicing in Cincinnati. I have a potential client who lives in Northern Kentucky, and wants to come to my office in Cincinnati for therapy. He asked if he could sometimes have sessions by telephone [presumably, from his residence in Northern Kentucky]. Since he lives in Kentucky, do I have to be licensed in Kentucky to do phone sessions with him?

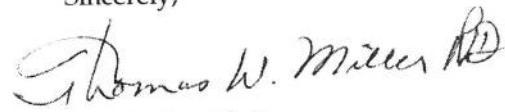
The Kentucky Board's new telepsychology administrative regulation, 201 KAR 26:310, governs the conduct of Kentucky-licensed psychologists who engage in telepsychology, that is, who practice psychology using electronic means. Since you are not a Kentucky-licensed psychologist, your providing mental health services to a Kentucky citizen raises the issue of whether you are practicing psychology in Kentucky (as defined by KRS 319.010(7)) when you reach across state lines to the Kentucky resident via the telephone.

It is the conclusion of the Board based upon the facts you have presented that since a Kentucky resident chooses to enter the State of Ohio to be treated by an Ohio-licensed psychologist and within the borders of Ohio, Ohio laws apply. That would mean the Ohio law governing psychology licensing as well as Ohio professional negligence and Ohio criminal law would apply. Any further contact between the Kentucky resident/patient who calls to you across state lines from any telephone in the country would be subject to Ohio laws. If the Kentucky resident were to file a professional complaint, that would be under the jurisdiction of the Ohio Board which issues your license to practice psychology. Likewise, a lawsuit by the Kentucky resident for damages for professional negligence (malpractice) would be filed against you in the State of Ohio.

The Board reaches this conclusion because under the facts you have provided, there is an original nexus, a physical, geographical connection to the State of Ohio where you practice psychology in Cincinnati as an Ohio-licensed psychologist. The Kentucky Board views any other connection that is electronic to be incidental to the relationship existing or originating within the State of Ohio by you as an Ohio-licensed psychologist.

I trust this response answers the question you have presented.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Miller" followed by a stylized flourish.

Tom Miller, Ph.D.
Chair, State Board of Psychology