



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

February 5, 1982

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 82-25

The Honorable Mike Meacham
State Representative, Eighty-Third District
Rm. 426-S, Statehouse
Topeka, Kansas 66612

Re: State Boards, Commissions and Authorities --
Board of Examiners of Psychologists -- Payment
to Psychologists for Services Rendered by
Uncertified Assistants

Synopsis: A certified psychologist may legally receive pay-
ment for psychological services rendered by super-
vised, uncertified assistants, but not for unsuper-
vised uncertified assistants. The supervision
of these assistants must comply with the require-
ments set forth in K.A.R. 102-2-10 (Temporary).
Cited herein: K.S.A. 74-5340, K.S.A. 74-5344,
K.A.R. 102-2-10 (Temporary).

*

*

*

Dear Representative Meacham:

You request an opinion regarding the receipt of payments from third party payors or patients by certified psychologists for services rendered by uncertified assistants who possess masters of arts degrees in psychology. You first ask whether the certified psychologist may receive payments if the M.A. psychologist provides clinical psychological services without supervision by the certified psychologist. If not, you ask whether such practice would be permitted if the certified psychologist supervises the uncertified assistant and what constitutes supervision. Finally, you ask how the uncertified assistant may be compensated.

Under Kansas law, a person is prohibited from holding himself out as a psychologist unless he has a valid, existing certificate. K.S.A. 74-5340. However, K.S.A. 74-5344(e) states that nothing in the act shall be construed

"to prevent the employment, by a person, association, partnership or a corporation furnishing psychological services for remuneration, of persons not certified as psychologists under the provisions of this act to practice psychology if such persons work under the supervision of a psychologist or psychologists certified under the provisions of this act and if such persons are not in any manner held out to the public as psychologists certified under the provisions of this act."

An uncertified, unsupervised assistant does not fall within this exemption from the proscriptions of the Act; therefore, such an assistant could not provide clinical psychological services to patients for remuneration and the certified psychologist could not collect payment for the assistant's services. The exemption plainly permits a certified psychologist to employ uncertified assistants for remuneration, as long as such assistants are supervised by the certified psychologist. Therefore, the psychologist may properly receive payments for services offered by these supervised employees.

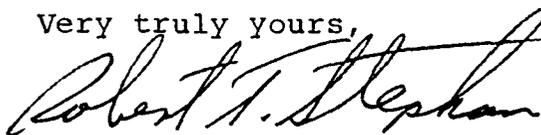
The Behavioral Sciences Regulatory Board, which certifies psychologists in Kansas, has promulgated K.A.R. 102-2-11 (Temporary), which sets forth the requirements for supervising uncertified assistants. These requirements include, in part, the providing of direct and continuing administrative and professional direction, having sufficient contact with all clients or patients to plan effective and appropriate services and define procedures, being available for emergency consultation and intervention; however, there is no requirement that the psychologist personally "look over" the assistant's shoulder, or be present "while the services are being rendered."

K.A.R. 102-2-10 (Temporary) provides that it shall constitute a wrongful act for a certified psychologist to share a fee for professional services, other than with a partner, employee, an associate in a professional firm, or consultant authorized to practice the same profession. By implication, a certified psychologist may properly share a fee with or compensate an employee who may be an uncertified assistant. The pertinent statutes and regulations contain no limitation on manner in which an employee is to be compensated.

The Honorable Mike Meacham
Page Three

In conclusion, a certified psychologist may legally receive payment for psychological services rendered by uncertified assistants, if such assistants are supervised by the certified psychologist. The supervision of these assistants must comply with the requirements set forth in K.A.R. 102-2-11 (Temporary).

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Brenda L. Hoyt
Assistant Attorney General

RTS:BJS:BLH:hle