

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 15, 1977

ATTORNEY GENERAL OPINION NO. 77-260

S. Joseph Weaver, Ph.D.
President
Kansas Board of Examiners of Psychologists
CRU/UAF, University of Kansas Medical Center
39th and Rainbow
Kansas City, Kansas 66103

Re: State Boards, Commissions and Authorities--Board of Examiners of Psychologists--Violation of Certification of Psychologists Act

Synopsis: A person holding himself out to the public as a "supervised clinical psychologist" and who is not certified pursuant to K.S.A. 74-5301 *et seq.*, is in violation of said act and may be prosecuted thereunder.

* * *

Dear Dr. Weaver:

The Board of Examiners of Psychologists has requested the opinion of this office whether individuals who have held themselves out to the public as "supervised clinical psychologists" are violating the provisions of K.S.A. 74-5301, *et seq.* (Certification of Psychologists Act) when they are not certified as psychologists per the requirements of the Act. You advise that some individuals in this state have been employed by a psychologist licensed by the Board to perform psychological services under his supervision, and that said persons are rendering such services and then billing the primary insurance carrier for Medicare under the title of "supervised clinical psychologist."

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K.S.A. 74-5340 provides thus:

"After July 1, 1968, it shall be unlawful, without a valid, existing certificate as a psychologist issued by the board for any reason to *represent himself to be a psychologist* as defined in Section 2 [74-5382]." [Emphasis added.]

K.S.A. 74-5302(b) provides:

"The term 'represents himself to be a psychologist' shall mean that a person holds himself out to the public by any title or description of services incorporating the word 'psychologic,' 'psychological,' 'psychologist,' or 'psychology,' and under such title or description offers to render or renders services to individuals, corporations, or the public for a fee, monetary or otherwise."

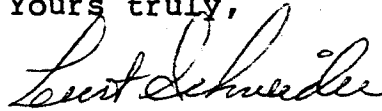
In our judgment any individual who submits a request for payment for psychological services rendered to an insurance carrier for any state or federal government health program is in fact "holding himself out to the public" as lawfully having the title which he affixes to his name as provided on the claim form. In the instant case the questioned claimants appear to be entitling themselves as "supervised clinical psychologists" which is clearly prohibited by the express provisions of K.S.A. 74-5302(b), *supra*, since they are using the word "psychologist" and are rendering services to the public thereunder for a monetary fee. Such violations are prosecutable under K.S.A. 74-5340 *et seq.*

It is of course permissible for a certified psychologist to employ non-registered personnel to furnish psychological services if such employees work under the supervision of a psychologist certified per the Act. But such employees can not be held out to the public as psychologists certified under the provisions of the Act. K.S.A. 74-5344(e). To permit such a supervised employee to entitle himself as a "supervised clinical psychologist" runs afoul the definition as discussed *supra*. It is also important to point out that any Kansas certified psychologist who in any

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way assists in the perpetration of such a violation of the Act
may himself be brought before the Board for possible disciplinary
action.

Yours truly,



CURT T. SCHNEIDER
Attorney General

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