

## **NOTICE OF AMENDMENTS TO LPC REGULATIONS, EFFECTIVE FEBRUARY 16, 2024**

The Kentucky Board of Licensed Professionals Counselors recently amended several administrative regulations, which became effective February 16, 2024. Below, you will find a list highlighting certain changes and a chart summarizing the amendments. Please note that these highlights and summary charts are not comprehensive. Each licensee should take the time to review these regulations in full.

Please note the following summarizes the changes that most affect licensees. A more comprehensive chart follows this list.

### 201 KAR 36:030 – Continuing education requirements:

- All mandatory courses (Kentucky law, Suicide Assessment, and Domestic Violence) must be board-approved, and most exemptions have been eliminated. However, there is still an exemption for teachers of the board-approved training.
- Updates for who may teach a mandatory course and the use of course credits.

### 201 KAR 36:040 – Code of Ethics

- Updated reporting requirements for criminal acts, entry of a domestic violence order, substantiated acts of child abuse and neglect or elder abuse, neglect and exploitation, and any pretrial diversion where charges are pending for a time certain with conditions that will allow dismissal if the conditions are met.

### 201 KAR 36:060 – Qualifying Experience

- Clarifies roles and responsibilities of the supervisor and other avenues of supervision for an LPCA.
- The supervisee’s agency must provide a signed agreement to ensure access to clinical documents, among other things.
- Clarifies supervision agreement when a supervisee changes a job placement.
- Establishes additional requirements related to the supervision agreement.

### 201 KAR 36:065 – Supervisor:

- Clarifies the applicant for supervisory status, has no unresolved complaint, and adds a two-year restriction on supervision following any formal discipline.
- Reduces the maximum number of supervisees from 12 to 9.
- Provides clarification on reciprocity of supervisor status from other states.

### 201 KAR 36:070 – Applications

- Strikes requirement for KSP background check and requires all criminal background checks to be performed by the FBI. Eliminates using the Optional Affidavit for licensure in place of the FBI criminal background check.
- Removes reference to specific regional institutions associations for accreditation to clarify that the accrediting institution must be CACREP.
- Clarifies that “direct service” includes diagnosis, treatment planning, assessment, techniques, and interventions in compliance with KRS 535.525(1)(d) and (e).

Administrative Regulation No.	Title	Summary of Amendments to Regulation
201 KAR 36:005	Definitions for 201 KAR Chapter 36.	<ul style="list-style-type: none"> <li>• Make terms gender-neutral.</li> <li>• Clarify terminology and add items to the definition of “document.”</li> <li>• Strike the definition of “good moral character.”</li> <li>• Add the definition of “student.”</li> <li>• Clarify the definition of “supervisor.”</li> </ul>
201 KAR 36:030	Continuing education requirements.	<ul style="list-style-type: none"> <li>• Amends mandatory training on domestic violence and elder abuse, suicide, and Kentucky law, which will now require such training to be Board-approved.</li> <li>• Eliminates exemptions with an exception for teachers of the board-approved training.</li> <li>• Revised methods of acquiring continuing education hours, including the elimination of the automatic approval of continuing education sponsored or approved by the American School Counselor Association or its affiliates due to its move from the American Counseling Association (ACA) and the inclusion of academic courses offered by a CACREP-accredited counseling program.</li> <li>• Simplifies complex academic credit calculations.</li> <li>• Requires training for supervisors to be presented by the Board or an instructor licensed by the board as an LPCC-S.</li> <li>• Sets forth specific information needed for CE review for pre-approval, including the evaluation.</li> <li>• Makes some general housekeeping and clerical changes, including form(s) updates.</li> </ul>
201 KAR 36:040	Code of Ethics.	<ul style="list-style-type: none"> <li>• New reporting requirements within 15 days for: <ul style="list-style-type: none"> <li>○ Conviction of any crime, including an adjudication based on a plea of no contest or Alford Plea, except for minor traffic offenses;</li> <li>○ The entry of an order of protection following notice and an opportunity to be heard pursuant to KRS Chapter 403 or KRS Chapter 456;</li> <li>○ Any substantiated act of child abuse and neglect pursuant to KRS Chapter 620, or adult abuse, neglect, and exploitation pursuant to KRS Chapter 209; or</li> <li>○ The entry of a pretrial diversion agreement in any court in this state or another state, where either a criminal charge or sentencing is deferred pending completion of the diversion agreement.</li> </ul> </li> </ul>
201 KAR 36:045	Distance Counseling.	Brings existing regulation up to date with the telehealth requirements outlined in KRS Chapter 211.
201 KAR 36:050	Complaint Management Process.	<ul style="list-style-type: none"> <li>• Recognizes the reply time given in the regulations.</li> <li>• Adopts a new form, the "Complaint Form, DPL-LPC-12 July 2023.</li> </ul>
201 KAR 36:060	Qualifying experience under supervision.	<ul style="list-style-type: none"> <li>• Clarifies the role and responsibilities of the supervisor.</li> </ul>

		<ul style="list-style-type: none"> <li>• Ensures the supervisor’s access to the supervisee’s clinical documentation to ensure proper oversight and set forth communication requirements.</li> <li>• Provides for signed agreement with supervisee’s agency to ensure access to clinical documents and records, as well as access to sessions and administrative supervisor.</li> <li>• Requires annual verification of the supervisor’s review of the regulations relating to their responsibilities as set forth in 201 KAR 36:060 and 201 KAR 36:065.</li> <li>• Establishes additional requirements related to the supervision agreement.</li> <li>• Requires the supervisee to assist with the execution of a signed agreement with the job placement agency to allow the supervisor to have access to the supervisee’s clinical records and communicate with the administrative supervisor.</li> <li>• Clarifies there is a requirement that a new supervision agreement must be filed if the supervisee changes a job placement.</li> <li>• Updates the form(s).</li> </ul>
201 KAR 36:065	Licensed professional clinical counselor supervisor.	<ul style="list-style-type: none"> <li>• Strikes grandfather clause for pre-existing supervision agreements with other professional credential holders and strikes redundant language.</li> <li>• Clarifies the applicant for supervisory status has no unresolved complaint.</li> <li>• Adds a two-year restriction on supervision following any formal discipline.</li> <li>• Clarifies the requirements for out-of-state supervisory applicants, including removing the requirement for graduate and supervisory training courses and striking the grandfather provision.</li> <li>• Reduces the maximum number of supervisees from twelve (12) to nine (9), with attrition required by any supervisor currently exceeding nine (9) supervisees.</li> <li>• Includes new provisions regarding supervisors under discipline.</li> <li>• Updates the form(s).</li> </ul>
201 KAR 36: 070	Application, education, and examination requirements.	<ul style="list-style-type: none"> <li>• Clarifies the educational coursework required for licensure.</li> <li>• Removes reference to specific regional institutions associations for accreditation to clarify that the accrediting institution must be CACREP.</li> <li>• Clarifies that “direct service” includes diagnosis, treatment planning, assessment, techniques, and interventions in compliance with KRS 535.525(1)(d) and (e).</li> <li>• Strikes the requirement for KSP background checks, and requires all background checks to be performed by the FBI.</li> <li>• Establishes grounds for denial of licensure, renewal, or reinstatement.</li> <li>• Removes the ability to use Optional Affidavit for Licensure in place of the FBI criminal background check.</li> </ul>

		<ul style="list-style-type: none"> <li>• Cleans up additional language relating to the Affidavit.</li> <li>• Updates the form(s).</li> </ul>
201 KAR 36:072.	Reciprocity requirements for applicants licensed or certified in another state.	<ul style="list-style-type: none"> <li>• Strikes the requirement for a KSP background check and requires only the FBI background check.</li> <li>• Updates the form(s).</li> </ul>
201 KAR 36:075	Renewal, late renewal, and reinstatement of license.	<ul style="list-style-type: none"> <li>• Housekeeping clarifications.</li> <li>• Amends the background check language to strike the KSP background check and requires solely the FBI report since it is a comprehensive check that includes a statewide criminal history.</li> <li>• Updates the form(s).</li> </ul>
201 KAR 36:090	Administrative hearings for denials and revocation of probation.	<ul style="list-style-type: none"> <li>• Made application of a fine discretionary.</li> <li>• Technical amendment to correct the physical address of the Board.</li> </ul>