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LEGISLATIVE RESEARCH COMMISSION

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MEMORANDUM

TO: Sara Boswell Janes, Staff Attorney III, Office of Legal Services, Public Protection Cabinet, serving as Counsel for Board of Licensed Professional Counselors

FROM: Emily Caudill, Regulations Compiler

RE: Acknowledgement of Proposed Ordinary & Emergency Regulation – 201 KAR 036:100 & E

DATE: December 8, 2025

A copy of the ordinary and emergency administrative regulations listed above are enclosed for your files. The information below provides an overview of the standard KRS Chapter 13A timeline. Please note that effective dates or expiration dates may be impacted by legislation or other statutes.

Emergency regulation

Pursuant to KRS 13A.190, an emergency administrative regulation becomes effective upon filing with our office and, unless an extension on the accompanying ordinary is requested, is set to expire either in 270 days (for this regulation on **September 4, 2026**) or when replaced by its corresponding ordinary regulation, whichever occurs first. This emergency regulation is tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **FEBRUARY 2026** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for this emergency regulation would be due **by noon on February 13, 2026**.

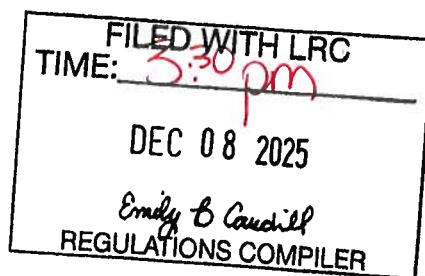
Ordinary regulation

This ordinary regulation is tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **MARCH 2026** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for this ordinary regulation or a one-month extension request would be due **by noon on March 13, 2026**.

Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment periods and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures



STATEMENT OF EMERGENCY

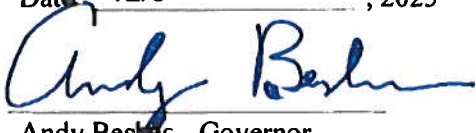
201 KAR 36:100E

Pursuant to KRS 13A.190(1)(a)3. and KRS 335.560. SECTION 16.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the statutory requirements of the Board of Licensed Professional Counselors to review any rule adopted by the Counseling Compact pursuant to SECTION 11 of KRS 335.560 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This emergency amendment incorporates by reference the rules adopted by the Counseling Compact.

KRS 335.560 Section 16.B.1. requires that this emergency amendment be promulgated, and therefore the filing of an ordinary amendment alone is not sufficient. This emergency amended administrative regulation will be replaced by an ordinary amended administrative regulation. The ordinary amendment filed with this emergency amendment is identical.

Denise Hutchins, UCC-S

Denise Hutchins,
Board Chair, Kentucky Board of Licensed Professional Counselors
Dated: 12/5, 2025


Andy Beshear, Governor
Commonwealth of Kentucky

Dated: 11/25, 2025

AFFIDAVIT OF EMERGENCY STATEMENT BY BOARD CHAIR

Comes the Affiant, Denise Hutchins, LPCC-S, and after first being duly sworn, states the following:

1. I am Chair of the Kentucky Board of Licensed Professional Counselors.
2. The Counseling Compact adopted new compact rules on October 14, 2025.
3. The Board of Licensed Professional Counselors considered these rules at its October 17, 2025, regular meeting and authorized Board Counsel to submit the accompanying emergency amendment to the administrative regulation to adopt the rules, along with an identical ordinary amendment to the administrative regulation, no later than December 12, 2025.
4. Based on a finding that an emergency exists in accordance with KRS 13A.190(1)(a)3., and an imminent deadline for the promulgation of an emergency amendment to the administrative regulation established by KRS 335.560. Section 16.B.1, the attached emergency amendment is being filed within sixty (60) days of the October 14, 2025, adoption of the new Counseling Compact Rules.

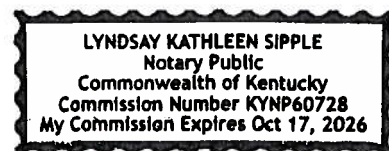
Further the Affiant saith naught.

Denise Hutchins, LPCC-S
Affiant

Subscribed, sworn and acknowledged before me by Denise Hutchins, LPCC-S, Board Chair, this the 5 day of December, 2025.

Kelle
NOTARY PUBLIC
STATE AT LARGE

My Commission expires Oct. 17, 2026



1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Licensed Professional Counselors

3 (Amendment)

4 201 KAR 36:100E. Counseling compact.

5 RELATES TO: KRS 335.560

6 STATUTORY AUTHORITY: KRS 335.515, 335.560

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.560, Section 16.B.1. requires the

8 Board of Licensed Professional Counselors to review any rule adopted by the Counseling Compact

9 pursuant to Section 11 of KRS 335.560 within sixty (60) days of adoption for the purpose of filing

10 the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the

11 rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This

12 administrative regulation incorporates by reference the rules adopted by the Counseling Compact.

13 Section 1. The Board of Licensed Professional Counselors shall comply with all rules of the

14 Counseling Compact, which includes the Counseling Compact Rules as of October 14,

15 2025~~[February 12, 2025]~~.

16 Section 2. Incorporation by Reference.

17 (1) The following material is incorporated by reference: "The Counseling Compact Rules",

18 October 14, 2025~~[February 12, 2025]~~, and as revised.

19 (a) Chapter 2 – Definitions, adopted October 25, 2023;

- (b) Chapter 3 – Examination Requirements, adopted October 25, 2023;
- (c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024, and amended October 14, 2025;
- (d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;
- (e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; and
- (f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025.
- (2)
- (a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, [~~2-SC-32,~~]Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or
- (b) This material may also be obtained on the Board of Licensed Professional Counselors' Web site at <https://lpc.ky.gov/>.
- (3) This material may also be obtained at:
- (a) The Counseling Compact Commission, 108 Wind Haven Drive, Suite A, Nicholasville, Kentucky 40356; or
- (b) <https://counselingcompact.org/compact-commission/rulemaking/>.
- (201 KAR 036:100. 50 Ky.R. 1798; eff. 6-18-2024; 52 Ky.R. 1305, 1776; eff. 6-18-2024.)

201 KAR 36.100E

APPROVED BY AGENCY:

Denise Hutchins, UPCC-S

Denise Hutchins
Chair, Board of Licensed Professional Counselors

Date: December 8th, 2025

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 27, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON:

Name: Sara Boswell Janes

Title: Staff Attorney III

Agency: Department of Professional Licensing, Office of Legal Services

Address: 500 Mero Street, 2 NC WK#2

Phone Number: (502) 782-2709 (office)

Fax: (502) 564-4818

Email: Sara.Janes@ky.gov

Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 36:100E
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-2709 (office)
Email: sara.janes@ky.gov

Subject Headings: Occupations and Professions, Compacts, Interstate, Boards and Commissions

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation implements KRS 335.560, the Counseling Compact.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 335.560, SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 335.560, SECTION 16.B.1. which requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation conforms to the content of KRS 335.560 which requires this promulgation.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: The amendment will add two (2) new compact rules adopted on October 14, 2025.
- (b) The necessity of the amendment to this administrative regulation: This amendment to the administrative regulation is necessary because KRS 335.560, SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A. Two (2) new rules were adopted on October 14, 2025.
- (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with the authorizing statutes by being filed within sixty (60) days of the adoption of the new rules by the Counseling Compact Commission.
- (d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure the Board and all affected licensees have access and full disclosure of the rules relating to the compact and the privilege to practice in Kentucky and other compact states.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.560. Counseling Compact. Created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4962 active and 43 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action is necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost imposed by this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): They will be in compliance with the regulation.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by credential holders and applicant.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is anticipated at this time.

(9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? (Explain why or why not): Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

Regulation No. KAR 36:100E

Contact Person: Sara Boswell Janes

Phone Number: (502) 782-2709 (office)

Email: sara.janes@ky.gov

(1) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 335.515, 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3- the Compacts Clause) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the only affected state unit, part or division.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The compact became operational on September 30, 2025, however, the expenditures needed in the first year are currently indeterminable. Kentucky will not be able to participate until the board is authorized to obtain FBI Criminal Background Checks through the Kentucky State Police, which requires statutory authority. There will likely be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

For subsequent years: The expenditures in subsequent years, if any, are currently indeterminable.

2. Revenues:

For the first year: When the compact becomes operational in Kentucky, during the first year, the Board may require imposition of a fee to cover the cost of administration. However, at this time potential revenues are indeterminable.

For subsequent years: The revenues in subsequent years, if any, are currently indeterminable.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The fiscal impact to this administrative regulation in the first year is currently indeterminable. It is possible there will be a fiscal impact of administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky, as well as the cost of proceedings for tracking disciplinary actions of in-state licensees who have the privilege to practice in another state, and for out of state licensees who have the privilege to practice in Kentucky. The Compact Commission remains in its infancy and the work to be conducted by the state board on behalf of the compact is yet to be determined.

(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Services.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): It is not anticipate that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified, however, it is currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Services.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 36:100E

The following material is incorporated by reference: "The Counseling Compact Rules", February 12, 2025, and as revised:

- (a) Chapter 2 – Definitions, adopted October 25, 2023;
- (b) Chapter 3 – Examination Requirements, adopted October 25, 2023;
- (c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024;
- (d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;
- (e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; and
- (f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025.

SUMMARY OF CHANGES MATERIALS INCORPORATED BY REFERENCE

201 KAR 36:100E

The following changes are being made to "The Counseling Compact Commission Rules", October 14, 2025:

- (a) Chapter 2 – Definitions, adopted October 25, 2023;
- (b) Chapter 3 – Examination Requirements, adopted October 25, 2023;
- (c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024, and amended October 14, 2025;
- (d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;
- (e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; and
- (f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025.