

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 36:070E

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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 establishes the application, education, and examination requirements to qualify for licensure.

(b) The necessity of this administrative regulation: This administrative regulation enables the board to evaluate an applicant's qualifications by establishing the application, education, and examination requirements for licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.525(1)(b) requires that an applicant is of good moral character. KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's or doctoral degree in counseling or a related field from a regionally-accredited institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate semester hours in specified areas. KRS 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the Board. KRS 335.515(3) authorizes the board to promulgate administrative regulations necessary to carry out the provisions of KRS 335.500 to 335.599.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation specifies the types of education and examination that are acceptable for licensure, as well as certain grounds for denial of licensure, renewal or reinstatement.

(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: This amendment requires that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657, and for compliance with the requirements of the Counseling Compact and KRS 335.560. Currently, applicants submit a copy of their FBI background check along with the application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement. Further, reference to an affidavit has been stricken to clean up the administrative regulation since that practice ceased more than two (2) years ago due to an amendment in February 2024.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States, and to clean up language that no longer has meaning due to prior amendments of the administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is in conformity with KRS 335.500, 335.515(1), (3), 335.517, 335.527(1)(a), 335.525(1)(c), (d), and (f).

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists by ensuring Kentucky is in compliance with Counseling Compact requirements for Member State participation.

(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, and KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect an average of 70-80 applications for licensure monthly, as well as 5282 active licensees who must annually renew and 66 inactive licensees who may apply for reinstatement.

(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: An applicant must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be a cost to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No costs by the administrative body will be incurred to implement these changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(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 applicants.

(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 will be required to implement the changes made by this regulation.

(9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police and the FBI, which is required by HB 657.

(10) TIERING: Is tiering applied? (Explain why or why not): This regulation does not distinguish between similarly situated individuals on the basis of any factor.