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MEMORANDUM

TO: Sara Janes, Staff Attorney, Board of Licensed Professional Counselors

FROM: Ange Darnell, Regulations Compiler, Legislative Research Commission

RE: Acknowledgement of Proposed Ordinary & Emergency Regulations – 201 KAR 036:070 & E, 201 KAR 036:072 & E and 201 KAR 036:075 & E.

DATE: July 15, 2026

Copies 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 regulations

Pursuant to KRS 13A.190, an emergency administrative regulation becomes effective upon filing with our office on and, unless an extension on an accompanying ordinary is requested, is set to expire either in 270 days (for these regulations on **April 11, 2027**) or when replaced by its corresponding ordinary regulation, whichever occurs first. These emergency regulations are tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **OCTOBER 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 these emergency regulations would be due **by noon on October 15, 2026**.

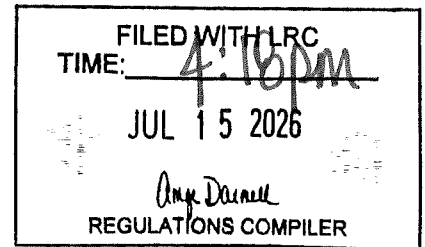
Ordinary regulations

These ordinary regulations are tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **NOVEMBER 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 these ordinary regulations or a one-month extension request would be due **by noon on November 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 36:072E +0

Pursuant to KRS 13A.190(1)(a)2., KRS 335.517, and KRS 335.560. SECTION 16.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Kentucky Board of Licensed Professional Counselors (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of professional counseling, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 335.517 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act.

As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)(2.). This emergency amended administrative regulation is temporary in nature and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

Denise Hutchins

Denise Hutchins, Board Chair, Kentucky Board of Licensed Professional Counselors
Dated: July 15, 2026

Andy Beshear

Andy Beshear, Governor, Commonwealth of Kentucky
Dated: July 15, 2026

1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF LICENSED PROFESSIONAL COUNSELORS

3 (Emergency Amendment)

4 201 KAR 36:072E. Reciprocity requirements for applicants licensed or certified in another state.

5 RELATES TO: KRS 335.515(12), 335.517, 335B.020, 335.560, 12.245, 12.255, 12.357

6 STATUTORY AUTHORITY: KRS 335.515(1), (3), (12), 335.517

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(1) requires the board to evalu-
8 ate the qualifications of applicants for licensure. KRS 335.515(3) requires the board to promul-
9 gate administrative regulations to carry out and enforce the provisions of KRS 335.500 to
10 335.599. KRS 335.515(12) authorizes the board to enter into reciprocal agreements with certified
11 or licensed professional counseling boards. KRS 335.517 requires applicants seeking an initial
12 license issued by the board to obtain a national and state criminal background investigation by
13 means of a fingerprint check from the Kentucky State Police and Federal Bureau of Investiga-
14 tion. This administrative regulation establishes the reciprocity requirements for certification or
15 licensure of persons licensed or certified in another state.

16 Section 1.

17 (1) The licensing requirements for a licensed professional clinical counselor under KRS 335.525
18 or 335.527 may be waived if:

19 (a) The board enters into a written reciprocity agreement with the other jurisdiction;

20 (b) The other jurisdiction grants the same privileges to licensees of Kentucky as Kentucky
21 grants to licensees of that other jurisdiction;

(c) The board determines that the licensing requirements of the other jurisdiction are substantially similar to the requirements of KRS 335.500 to 335.599;

(d) The applicant holds an active valid license or certificate in the other jurisdiction;

(e) The applicant is in good standing in the other jurisdiction;

(f) The applicant has not been disciplined or reprimanded;

(g) The applicant:

1. Does not have a pending disciplinary action; or

2. Is not under investigation by any jurisdiction; and

(h) The applicant is of good moral character.

(2) A person shall not be licensed as a licensed professional associate through reciprocity.

Section 2. An applicant seeking licensure as a licensed professional clinical counselor shall:

(1) Submit an "Application for Licensed Professional Clinical Counselor by Reciprocity", DPL-LPC-06, July 2026 to the board;

(2) Pay the application fee as established in 201 KAR 36:020, Section 1(1);

(3) Submit a letter of good standing from each jurisdiction where the person holds a license or certificate; and

(4) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days [from the submission date of the application for a criminal background check performed] by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, including payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subsection.

1 Section 3. An applicant granted a license under this administrative regulation shall comply with
2 the continuing education requirements under 201 KAR 36:030 and the renewal requirements of
3 201 KAR 36:075.

4 Section 4.

5 (1) The board, by majority vote and during a board meeting, shall determine if the licensing re-
6 quirements of another jurisdiction are substantially similar to the requirements of KRS 335.500
7 to 335.599.

8 (2) The board may only approve a reciprocity agreement with another jurisdiction if Section
9 1(1)(a), (b), and (c) of this administrative regulation are satisfied.

10 (3) The board shall publish the determination and approval of a reciprocity agreement in its
11 board minutes.

12 Section 5. Incorporation by Reference.

13 (1) "Application for Licensed Professional Clinical Counselor by Reciprocity", DPL-LPC-06, Ju-
14 ly 2026, [~~December 2023~~], is incorporated by reference.

15 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
16 the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601,
17 Monday through Friday, 8 a.m. to 4:30[~~4:00~~] p.m. This material is also available on the board's
18 Web site at lpc.@ky.gov.

201 KAR 36:072E

APPROVED BY AGENCY:

Denise Hutchins _____
Denise Hutchins
Chair, Board of Licensed Professional Counselors

Date: July 15, 2026

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 2026 General Assembly enacted HB 657 requiring a criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation for all initial applicants for licensure, and applicants for reinstatement, who apply for authorization to engage in the practice of professional counseling, effective on July 15, 2026.
3. The Board of Licensed Professional Counselors considered these amendments at its April 17, 2026, regular meeting and authorized the filing of the accompanying emergency amendment to the administrative regulation prior to the effective date of HB 657 to ensure there is no undue delay in processing applications for initial licensure and reinstatement.
4. Based on a finding that an emergency exists in accordance with KRS 13A.190(1)(a)2., and an imminent deadline for the promulgation of amendments to the administrative regulation required by the passage of HB 657, the attached emergency amendment is being filed to ensure there is no undue delay in processing applications for initial licensure and reinstatement for licensed professional clinical counselors and licensed professional counselor associates.

Further the Affiant saith naught.

Denise Hutchins

Affiant