

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 36:075

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 establishes the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

(b) The necessity of this administrative regulation: The necessity of this regulation is to inform a licensee of the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity with the authorizing statute as it gives the board the ability to promulgate regulations regarding the renewal, reinstatement, and reactivation of a license.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing and clarifying the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

(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 reinstatement obtain a criminal background investigation from the KSP and FBI pursuant to KRS 335.517, 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 reinstatement application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for reinstatement 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.

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

(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: There are presently 5282 active and 66 inactive licensees who will be affected by this administrative regulation in some capacity.

(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 for reinstatement must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board.

(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 of obtaining 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, 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.