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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**.

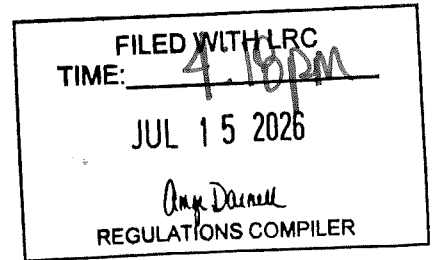
Ordinary regulations

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 36:075E

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 36:075E. Renewal, late renewal, and reinstatement of license.

5 RELATES TO: KRS 335.517, 335.535

6 STATUTORY AUTHORITY: KRS 335.515(1), (3), (6), 335.517, 335.535

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the Board of Li-
8 censed Professional Counselors to promulgate administrative regulations necessary for the prop-
9 er performance of its duties. KRS 335.515(6) and KRS 335.535 require the holder of a license to
10 renew that license annually. KRS 335.517 requires applicants seeking reinstatement of a license
11 issued by the board to obtain a national and state criminal background investigation by means of
12 a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investiga-
13 tion. This administrative regulation establishes the requirements for renewal, late renewal, and
14 reinstatement of a license.

15 Section 1.

16 (1) A license shall be renewed by October 31 of each year.

17 (2) A person receiving an initial license within 120 days prior to the renewal date shall not be re-
18 quired to renew until October 31 of the following year.

19 Section 2.

20 (1) To apply for renewal, a licensed professional clinical counselor shall:

21 (a) Submit a completed LPCC Renewal Application to the board; and

(b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(a), for the renewal of a license.

(2) After the sixty (60) day grace period, to apply for reinstatement, an individual who has a terminated license as a licensed professional clinical counselor shall:

(a) Submit a completed "LPCC Reinstatement Application", DPL-LPC-09, July 2026;

(b) Submit proof of completing ten (10) hours of board-approved continuing education within one (1) year prior to the filing of an application for reinstatement;

(c) Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36 within one (1) year prior to the filing of an application for reinstatement;

(d) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and Federal Bureau of Investigation and make payment of any required fee to the KSP and FBI;

(e) Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(a); and

(f) Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(a).

Section 3.

(1) To apply for renewal, a licensed professional counselor associate shall:

(a) Submit a completed LPCA Renewal Application to the board; and

(b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(b), for the renewal of a license.

(2)

(a) After the sixty (60) day grace period or revocation of a license, to apply for reinstatement, an individual who has a terminated license as a professional clinical counselor associate shall:

1. Submit a completed "LPCA Reinstatement Application", DPL-LPC-10, July 2026;

2. Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days 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, and make payment of any required fee to the KSP and FBI;

3. Submit proof of completing ten (10) hours of board-approved continuing education completed within one (1) year of the filing for reinstatement;

4. Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36, within one (1) year of the filing for reinstatement;

5. Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(b); and

6. Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(b).

(b) A person who applies for reinstatement within three (3) years of termination or revocation of the license shall be required to meet current continuing education requirements established in 201 KAR 36:030.

(c) A person who fails to apply for reinstatement within three (3) years of termination or revocation of the license shall meet the current licensure requirements.

Section 4.

(1) A person shall not engage in the practice of professional counseling after a license has been terminated.

(2) The ten (10) hours of continuing education completed within one (1) year of the filing of reinstatement shall not count towards the applicant's continuing education requirement under 201 KAR 36:030, Section 1(1).

(3) If a supervisor fails to verify the hours required for a licensed professional counselor associate by the termination date of the license, then the LPCA Supervision Agreement, as incorporated by reference in 201 KAR 36:060, shall be terminated.

Section 5.

(1) A licensee for renewal or applicant for reinstatement shall maintain good moral character.

(2) If an applicant lacks good moral character and the incident that resulted in the lack of good moral character occurred since issuance of the initial license or last renewal date, the applicant has the duty to provide available evidence relative of rehabilitation.

(3) For evidence relative of rehabilitation, the board shall consider evidence including the successful completion of probation, the years since the incident without additional incidents, and the successful completion of inpatient or outpatient treatment.

(4) If the board finds that an applicant has not provided sufficient evidence of rehabilitation then the board may deny the application.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "LPCC Renewal Application", DPL-LPC-07, December 2023;

(b) "LPCA Renewal Application", DPL-LPC-08, December 2023;

(c) "LPCC Reinstatement Application", DPL-LPC-09, July 2026~~[December 2023]~~; and

(d) "LPCA Reinstatement Application", DPL-LPC-10, July 2026~~[December 2023]~~.

1 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
2 the Kentucky Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky
3 40601, Monday through Friday, 8 a.m. to 4:30~~[4:00]~~ p.m. This material may also be found on the
4 board's Web site at lpc@ky.gov.

201 KAR 36:075E

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