

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Licensed Professional Counselors

3 (New Administrative Regulation)

4 201 KAR 36:100. 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  
10 filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing  
11 the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A.  
12 This administrative regulation incorporates by reference the rules adopted by the Counseling  
13 Compact.

14 Section 1. The Board of Licensed Professional Counselors shall comply with all rules of the  
15 Counseling Compact, which includes the Counseling Compact Rules as of October 25, 2023.

16 Section 2. Incorporation by Reference.

17 (1) The following material is incorporated by reference:

1 (a) "The Counseling Compact Rules", October 25, 2023, and as revised.

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4 (a) This material may be inspected, copied, or obtained, subject to applicable copyright  
5 law, at the Board of Licensed Professional Counselors, 500 Mero Street, 2 SC 32, Frankfort,  
6 Kentucky 40602, Monday through Friday, 8 am to 4:30 p.m.; or

7 (b) This material may also be obtained on the Board of Licensed Professional Counselors'  
8 Web site at <https://lpc.ky.gov/>.

9 (3) This material may also be obtained at:

10 (a) The Counseling Compact Commission, 108 Wind Haven Drive, Suite A, Nicholasville,  
11 KY 40356.

12 (b) <https://counselingcompact.org/contact-us/>

201 KAR 36.100

APPROVED BY AGENCY:



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Dr. Hannah Coyt  
Chair, Board of Licensed Professional Counselors

Date: December 13, 2023

## **PUBLIC HEARING AND PUBLIC COMMENT PERIOD**

A public hearing on this administrative regulation shall, if requested, be held on March 26, 2024, at 2:00 PM EST in Room 127CW, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601.

Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 this proposed administrative regulation until 11:59 pm on March 29, 2024.

Written notification of intent to attend the public hearing or written comments on the proposed administrative regulation should be made by using the Public Protection Cabinet website at the follow address: [https://ppc.ky.gov/reg\\_comment.aspx](https://ppc.ky.gov/reg_comment.aspx). Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

Contact Person: 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](mailto:Sara.Janes@ky.gov)

Link to public comment portal: [https://ppc.ky.gov/reg\\_comment.aspx](https://ppc.ky.gov/reg_comment.aspx)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 36:100

Contact Person: Sara Boswell Janes  
Phone Number: (502) 782-2709 (office)  
Email: sara.janes@ky.gov

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4429 active and 66 inactive licensees in some capacity, and will also affect new applicants for licensure.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) 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 (3): They will be in compliance with the regulation.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

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

## FISCAL NOTE

Regulation No. KAR 36:100

Contact Person: Sara Boswell Janes  
Phone Number: (502) 782-2709 (office)  
Email: sara.janes@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Licensed Professional Counselors.

(2) 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.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fires, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: There is no cost associated with the amendment.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None.

(c) How much will it cost the regulated entities for the first year? Nothing.

(d) How much will it cost the regulated entities for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): N/A

Expenditures (+/-): N/A

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)].

This administrative regulation will not have a major economic impact.



**SUMMARY OF MATERIALS INCORPORATED BY REFERENCE**

201 KAR 36:100

"The Counseling Compact Rules", adopted by the Counseling Compact Commission at its Annual Business Meeting on October 25, 2023, relate to the Rule on Definitions and the Rule on Examination Requirements.

**SUMMARY OF CHANGES MATERIALS INCORPORATED BY REFERENCE**

201 KAR 36:100

There are no changes being made to the Counseling Compact Commission Rules.

**AFFIDAVIT OF EMERGENCY STATEMENT BY BOARD CHAIR**


Comes the Affiant, Dr. Hannah Coyt, LPCC-S, NCC, CCMHC, Certified EMDR Therapist, 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 its first compact rules on October 25, 2023.
3. The Board of Licensed Professional Counselors considered these rules at its November 17, 2023, regular meeting and voted to submit the accompanying emergency administrative regulation to adopt the rules, along with an identical ordinary administrative regulation, no later than December 25, 2023.
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 administrative regulation established by KRS 335.560, Section 16.B.1, the attached emergency administrative regulation is being filed within sixty (60) days of the October 25, 2023, adoption of the Counseling Compact Rules.

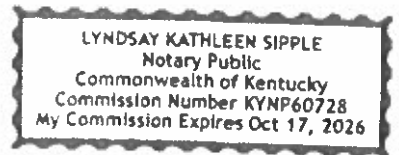
Further the Affiant saith naught.

\_\_\_\_\_  
Affiant

Subscribed, sworn and acknowledged before me by Dr. Hannah Coyt, LPCC-S, NCC, CCMHC, Certified EMDR Therapist, this the 13 day of December, 2023.

  
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NOTARY PUBLIC  
STATE AT LARGE

My Commission expires: 10/17/2026



1 **Counseling Compact Commission**

2 **Rules Document**

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4 **Title of Rule:** Rule on Definitions

5 **Vote on Rule:** This rule will be discussed and voted on at the Annual Business Meeting of 2023  
6 (October 25, 2023).

7 **Public comment:** Interested persons may electronically submit written comments on the proposed rule to  
8 [counselingcompactrule@csg.org](mailto:counselingcompactrule@csg.org) with the subject line "CCC rule comment" or by  
9 attending the meeting at which the rule will be discussed and voted on. Written  
10 comments on the proposed rule must be submitted by 2 pm ET on October 23.

11 **Effective:** November 24, 2023 (30 days from full commission approval)

12 **History for Rule:** May 24, 2023: Rule Introduced at Rules Committee Meeting.

13 June 28, 2023: Rule Approved as Amended at Rules Committee Meeting.  
14 Sent to Executive Committee for consideration.

15 July 26, 2023: Rule Approved at Executive Committee Meeting.

16 October 25, 2023: Rule Approved by Full Commission.  
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19 **Chapter 2:** Rulemaking on Definitions

20 **Authority:** Section 2: Definitions, Subsections F and H

21 Section 9: Establishment of the Counseling Compact Commission

22 Section 11: Rulemaking

23 **1.0 Purpose:** Pursuant to Section 9.C.5 and Section 11, the Counseling Compact  
24 Commission shall promulgate reasonable and lawful uniform rules to  
25 facilitate and coordinate implementation and administration of the  
26 Counseling Compact. This rule will become effective upon passage by the  
27 Counseling Compact Commission as provided in Section 11 of the  
28 Counseling Compact.

29 **1.1 Definition(s):** (a) "Home State License" as distinguished from a single-state license  
30 means an active, unencumbered license issued by the primary state of  
31 residence which allows the licensee to be eligible to become authorized to  
32 practice in all compact member states via a privilege to practice.

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**(b) “Initial Privilege to Practice”** occurs when a compact applicant is deemed by their home state to be eligible to receive compact privileges to practice in a remote state.

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**(c) “Minor Infraction”** means an infraction not related to the practice of counseling as determined by each state’s regulatory authority in which the licensee remains unencumbered and does not prevent the licensee from retaining or renewing a home state license or privilege to practice and is not reportable to the National Practitioners Data Bank.

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**(d) “Unencumbered License”** means a license issued to a Licensed Professional Counselor that is currently in good standing and not restricted by any terms, conditions, limitations or sanctions attached to it or imposed by a state licensing board or authority.

## Counseling Compact Commission

### Rules Document

<b>Title of Rule:</b>	Rule on Examination Requirements
<b>Vote on Rule:</b>	This rule will be discussed and voted on at the Annual Business Meeting of 2023 (October 25, 2023).
<b>Public comment:</b>	Interested persons may electronically submit written comments on the proposed rule to <a href="mailto:counselingcompactrule@csq.org">counselingcompactrule@csq.org</a> with the subject line "Counseling Compact Rule Comment" or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 2pm ET the day before the meeting.
<b>Effective:</b>	November 24, 2023 (30 days from full commission approval)
<b>Reason for Rule:</b>	To further define accepted examinations pursuant to Section 3A2 and Section 10 of the Counseling Compact.
<b>History for Rule:</b>	March 22, 2023: Rule Proposed at Rules Committee Meeting May 24, 2023: Rule Approved as Amended at Rules Committee Meeting. Sent to Executive Committee for consideration. August 9, 2023: Rule Approved at Executive Committee Meeting. October 25, 2023: Rule Approved by Full Commission.

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<b>Chapter 3:</b>	Rule on Examination Requirements
<b>Authority:</b>	Section 3: State Participation in the Compact Section 11: Rulemaking
<b>1.0 Purpose:</b>	<b>Pursuant to Section 3A2 and Section 11</b> , the Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Counseling Compact and to clarify issues of compliance. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 10 of the Counseling Compact.

### **1.1 Uniform Data Set and Levels of Access:**

- A. The nationally recognized exam that states must require for a Licensed Professional Counselor to be eligible to participate in the Counseling Compact is a counseling exam that is any one or more of the following:
  - 1. The National Counselor Examination (NCE), which is currently administered by the National Board for Certified Counselors, or its successor;
  - 2. The National Clinical Mental Health Counseling Examination (NCMHCE), which is currently administered by the National Board for Certified Counselors, or its successor; or
  - 3. The Certified Rehabilitation Counselor Exam (CRCE), which is currently administered by the Commission on Rehabilitation Counselor Certification, or its successor.