

1 GENERAL GOVERNMENT CABINET

2 Board of Licensed Professional Counselors

3 (Amendment)

4 201 KAR 36:030. Continuing education requirements.

5 RELATES TO: KRS 13B, 194A.540, 210.366, 335.500-335.599

6 STATUTORY AUTHORITY: KRS 210.366, 335.515(3), (6), 335.535(8)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 210.366 requires a board licensee to
8 complete a minimum of six (6) hours of continuing education in suicide assessment, treatment,
9 and management every six (6) years. KRS 335.515(3), (6), and 335.535(8) require the board to
10 promulgate an administrative regulation requiring a licensee to complete continuing education
11 requirements as a condition of renewal of his licensee. This administrative regulation delineates
12 the requirements for continuing education and prescribes methods and standards for the
13 accreditation of continuing education courses.

14 Section 1. Accrual of Continuing Education Hours.

15 (1) A minimum of ten (10) continuing education hours shall be accrued by each person holding
16 a license during the annual period for renewal.

17 (2) All continuing education hours shall be in or related to the field of professional counseling.

18 (3) A person holding a license shall complete a minimum of three (3) hours of continuing
19 education in domestic violence within three (3) years of initial licensure, as required by KRS
20 194A.540. A person holding a license who teaches the board-approved training shall be deemed

to have completed this requirement.

(4) A person holding a license shall complete a minimum of six (6) hours of continuing education in a course in suicide assessment, treatment, and management within the first three years[year] of initial licensure and every six (6) years of licensure thereafter as required by KRS 210.366. A person holding a license who teaches the board-approved training shall be deemed to have completed this requirement.

~~[(a) A person holding a license shall be exempt from the requirement to complete a continuing education course in suicide assessment, treatment, and management within the first year of licensure if the counselor:~~

~~1. Graduated from a Council for Accreditation of Counseling and Related Education Program since 2009; or~~

~~2. Completed a three (3) semester hours graduate course in suicide and crisis assessment, prevention, and intervention.~~

~~(b) A person holding a license shall be exempt from the requirement to complete a continuing education course in suicide assessment, treatment, and management if the counselor satisfies one (1) of the following at least once per year during the six (6) year periodic requirement:~~

~~1. Is employed in a position that requires at least forty (40) hours of counseling in suicide and crisis assessment, prevention, and intervention;~~

~~2. Teaches a graduate level counseling course in suicide and crisis assessment, prevention, and intervention; or~~

~~3. Teaches a continuing education course in suicide and crisis assessment, prevention, and intervention.~~

~~(c) The continuing education course in suicide assessment, treatment, and management shall be board approved in accordance with Section 2 of this administrative regulation.~~

~~(d) An individual asserting an exemption of the suicide assessment, treatment, and management course shall maintain sufficient documentation to establish the exemption. Documentation listed in Section 5(3) of this administrative regulation shall be sufficient to establish the exemption.]~~

(5) A person holding a license shall complete a minimum of three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36, every three (3) years of licensure. A person holding a license who teaches the board-approved training shall be deemed to have completed this requirement. ~~[A person holding a license shall be exempt from this requirement if the person:~~

~~(a) Teaches a graduate level course that includes KRS 335.500 to 335.599 and 201 KAR Chapter 36 during the three (3) year period; or~~

~~(b) Teaches a continuing education course on KRS 335.500 to 335.599 and 201 KAR Chapter 36 during the three (3) year period.]~~

(6) All mandatory trainings on domestic violence; suicide assessment, treatment and management; and Kentucky law shall be approved by the Board and any program offered by a general continuing education provider listed in Section 2. (1)(a) shall be submitted for approval to the board.

Section 2. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of the licensee's practice of professional counseling. They may be earned by completing any of the educational activities as established in this section.

(1) Programs not requiring board review and approval.

~~[(a)]~~ A general continuing education program from any of the following providers shall be approved without further review by the board if it is:

~~(a)[1.]~~ Sponsored or approved by:

~~1[a].~~ The American Counseling Association, or any of its affiliated branches or divisions;

~~2[b].~~ The Kentucky Counseling Association, or any of its affiliated chapters or divisions;

~~[c].~~ ~~[The American School Counselor Association or any of its affiliated state chapters;~~

~~4.]~~ ~~3~~ The National Board for Certified Counselors; or

~~4[d].~~ A state counseling licensure board; or

~~(b)[2.]~~ An academic course offered by a CACREP-accredited ~~[an accredited post-secondary institution directly related to professional]~~ counseling program~~[or counseling psychology]~~. Academic credit equivalency for continuing education hours shall be fifteen (15) continuing education hours for each one (1) academic credit hour.

~~[(b) A continuing education program not requiring board review and approval shall comply with the requirements of subsection (3) of this section and Section 4 of this administrative regulation.]~~

(2) ~~[Programs requiring board review and approval. For approval purposes, the board shall review the following types of programs to determine relevancy:~~

~~(a) A program, approved by the board, of a service provider, including a home study course or in-service training provided by another organization or educational institution;~~

~~(b) A program or academic course presented by the licensee. A presenter of relevant programs or academic courses may earn full continuing education credit for each contact hour of~~

~~instruction, except the earned credit shall not exceed one half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course; or~~

~~(e) An article authored by the licensee that was published in a relevant, professionally recognized or juried publication. Credit shall not be granted for an article unless it was published within the one (1) year period immediately preceding the renewal date and a licensee shall not earn more than one half (1/2) of the continuing education hours required for renewal. More than one (1) publication shall not be counted during a renewal period.~~

~~(3)(a)] Supervision training under 201 KAR 36:065, Section 1(3)[5] shall be pre-approved by the board, and presented by the board or an instructor who is licensed by the board as a Licensed Professional Clinical Counselor – Supervisor (LPCC-S).~~

~~(3)(b)] The continuing education program on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36, shall be presented by the board, an instructor who is licensed by the board, or an attorney who demonstrates knowledge of KRS 335.500 to 335.599 and 201 KAR Chapter 36 in the Continuing Education Program Application.~~

~~[(4) Academic credit equivalency for continuing education hours shall be fifteen (15) continuing education hours for every one (1) academic credit hour.~~

~~(5) A general education course, whether elective or used to meet degree requirements, shall not be acceptable as continuing education credit.]~~

Section 3. Procedures for Approval of Continuing Education Programs by a Licensee. In order to submit the course to the board for approval, the following shall be submitted:

- (1) A published course or similar description;
- (2) The names~~[Names]~~ and qualifications of the instructors;

(3) A copy of the program agenda indicating hours of education, coffee breaks, and lunch breaks, which also states~~[-The agenda shall state]~~ the specific time when each topic of the program is being presented;

(4) The number~~[Number]~~ of continuing education hours requested;

(5) An official~~[Official]~~ certificate of completion or college transcript from the sponsoring agency or college;

(6) The Continuing Education Program Application; ~~[and]~~

(7) The ~~[If a provider is seeking approval for a continuing education course, an-]~~ application review fee set forth in 201 KAR 36:020 Section 3; and ~~[of twenty (20) dollars.]~~

(8) A copy of the evaluation.

Section 4. Procedures for Preapproval of Continuing Education Programs by Providers.
~~[Sponsors and Programs.]~~

(1) ~~[Sponsor approval.]~~ Any provider~~[entity]~~ seeking to obtain approval~~[-~~

~~(a) Of]~~ of a continuing education program ~~[prior to its offering-]~~ shall apply to the board at least sixty (60) days in advance of the commencement of the program, and shall provide the following information:

(a) A published course or similar description;

(b) The names and qualifications of the instructors;

(c) A copy of the program agenda indicating hours of education, coffee breaks, and lunch breaks, which states the specific time when each topic of the program is being presented;

(d) The number of continuing education hours requested;

(e) An official certificate of completion or college transcript from the sponsoring agency or college;

(f) The Continuing Education Program Application;

(g) A copy of the evaluation; and

(g) The application review fee set forth in 201 KAR 36:020 Section 3.~~[required in Section 3 of this administrative regulation on an annual basis for each program; or~~

~~(b) As a prior authorized continuing education provider under Section 2(1) of this administrative regulation, shall satisfy the board that the entity seeking this status:~~

~~1. Consistently offers programs that meet or exceed all the requirements set forth in Section 1(2) of this administrative regulation; and~~

~~2. Does not exclude a licensee from its programs.]~~

(2) A continuing education activity shall be qualified for approval if the board determines the activity being presented:

(a) Is an organized program of learning;

(b) Pertains to subject matters, which integrally relate to the practice of professional counseling;

(c) Contributes to the professional competency of the licensee; and

(d) Is conducted by individuals who have educational training or experience acceptable to the board.

Section 5. Responsibilities and Reporting Requirements of a Licensee.

(1) During the licensure renewal period, up to fifteen (15) percent of all licensees shall be selected at random by the board and required to furnish documentation of the completion of the appropriate number of continuing education hours. Verification of continuing education hours shall not otherwise be reported to the board.

(2) A licensee shall:

- (a) Be responsible for obtaining required continuing education hours;
 - (b) Identify his or her own continuing education needs and seek activities that meet those needs;
 - (c) Seek ways to integrate new knowledge, skills, and attitudes;
 - (d)[~~1.~~] Select approved activities by which to earn continuing education hours;[~~or~~
 - 2. ~~Submit to the board a request for approval for continuing education activities not approved as required in Section 2(2) of this administrative regulation;~~]
 - (e) At the time of renewal, list the continuing education hours obtained during that licensure renewal period;
 - (f) Document attendance, participation in, and successful completion of continuing education activity for a period of one (1) year from the date of the renewal; and
 - (g) Maintain records of continuing education hours.
- (3) The following items may be used to document continuing education activity:
- (a) Transcript;
 - (b) Certificate; or
 - (c) Affidavit signed by the instructor[; ~~or~~
 - ~~(d) Receipt for the fee paid to the sponsor].~~
- (4) Compliance with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 335.540(1)(b) and shall result in sanctions in accordance with KRS 335.540(1).
- ~~[(5) Documentation sent to the board prior to renewal shall be returned to the licensee by regular mail.]~~

Section 6. Responsibilities and Reporting Requirements of Providers and Sponsors.

(1) A provider of continuing education not requiring board approval shall be responsible for providing documentation, as established in Section 5(3) of this administrative regulation, directly to the licensee.

(2) A sponsor of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board.

Section 7. Board to Approve Continuing Education Hours; Appeal of Denial.

(1) If an application for approval of continuing education hours is denied, in whole or part, the continuing education course provider or licensee shall have the right to appeal the board's decision.

(2) An appeal shall be:

(a) In writing;

(b) Received by the board within thirty (30) days after the date of the decision denying approval of continuing education hours; and

(c) Conducted in accordance with KRS Chapter 13B.

Section 8. Waiver or Extensions of Continuing Education.

(1) On application, the board may grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

(a) Medical disability of the licensee;

(b) Illness of the licensee or an immediate family member; and

(c) Death or serious injury of an immediate family member.

(2) A written request for waiver or extension of time involving medical disability or illness shall be:

(a) Submitted by the person holding a license; and

(b) Accompanied by a verifying document signed by a licensed physician.

(3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding a license shall reapply for the waiver or extension.

Section 9. Continuing Education Requirements for Reinstatement or Reactivation of License.

(1)(a) Except as provided by paragraph (b) of this subsection, a person requesting reinstatement or reactivation of a license shall submit evidence of ten (10) hours of continuing education completed within one (1) year prior to [øf] the filing of the application for reinstatement or reactivation.

(b) Upon request by the applicant, the board may permit the applicant to resume practice if ten (10) hours of continuing education is obtained within ninety (90) days of the date on which the applicant is approved to resume practice.

(2) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 1 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 10. Hours required to satisfy the continuing education requirement shall be completed on or before the renewal date established in 201 KAR 36:075, Section 1. Failure to complete the continuing education requirement in Section 1 of this administrative regulation by the renewal date of a license shall require the applicant to submit a reinstatement application in accordance with 201 KAR 36:075.

Section 11. Incorporation by Reference.

(1) "Continuing Education Course~~[Program]~~ Application, DPL-LPC-01,~~[KBLPC 007]~~", July 2023~~[June 2015 edition]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero St.,~~[911 Leawood Drive]~~, Frankfort, Kentucky 40601, from 8:00 AM to 4:00 PM, Monday through Friday. This material is also available on the board's website at lpc.ky.gov.

201 KAR 36:030

APPROVED BY AGENCY:

Dr. Hannah Coyt
Chair, Board of Licensed Professional Counselors

Date: _____

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall, if requested, be held on November 28, 2023 at 1:00 PM EST in Room 127CW, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Members of the public may also utilize the following link to attend the meeting by video conference:

Topic: LPC Regulation Public Hearing
Time: Nov 28, 2023 01:00 PM Eastern Time

Join from PC, Mac, Linux, iOS or Android:
<https://us06web.zoom.us/j/87588899726?pwd=ME5WeXp6dk9xRXJmMnl1K0ZDd3M5dz09>
Password: 186265

Or Telephone:
Dial:
USA 713 353 0212
USA 8888227517 (US Toll Free)
Conference code: 387980

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 November 30, 2023.

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. 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
Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 36:030

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 establishes the continuing education requirements for a credential holder.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the continuing education requirements for a credential holder to keep them current and protect the public.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The necessity of this regulation is to establish a continuing education requirement for a credential holder to maintain competency in the practice as required by the statutes and regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the continuing education requirement for a credential holder.

(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: The amendments mandatory training on domestic violence, suicide and Kentucky law which will now require such training be Board-approved; eliminates exemptions with an exception for teachers of the board-approved training; revised methods of acquiring continuing education hours, including the elimination of the automatic approval of continuing education sponsored or approved by the American School Counselor Association or its affiliates due to its move from the American Counseling Association (ACA), and the inclusion of academic courses offered by a CACREP-accredited counseling program; simplification of complex academic credit calculations which were difficult to calculate and monitor; now requires that training for supervisors be presented by the Board or an instructor licensed by the board as an LPCC-S; eliminates use of course credits for continuing education to ensure there is no double-dipping by attempted usage of any of the 60 hours required for licensure for mandated additional CE requirements and thus eliminating the exemptions and options that cluttered the regulation and confused licensees; sets forth specific information needed for CE review for pre-approval, including the evaluation; and makes some general housekeeping and clerical changes.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to ensure appropriate and accurate training for licensees, including mandatory trainings and annual general requirements; and to eliminate confusion, double-dipping, and other complex issues resulting from the prior complicated requirements.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the continuing education requirement for a credential holder, as well as KRS 210.366 on suicide assessment, treatment, and management training, KRS 194A.540 on domestic violence training, KRS 335.500 to .59 and 201 KAR Chapter 36 on laws regulating professional counseling.

(d) How the amendment will assist in the effective administration of the statutes: The revisions add clarity, reduces confusion, and will provide better direction to licensees so they are able to meet the

educational requirements; and ensure quality and consistency in educational programming so licensees are accurately and adequately trained.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 4017 active and 56 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: The licensee will still be required to obtain continuing education annually for compliance. Program sponsors will have additional steps to take for pre-approval of programming by the board.

(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 new cost associated to the amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment ensures compliance with continuing education requirements relating to suicide assessment, treatment, and management, in a more consistent manner, and ensure domestic violence and Kentucky law programming is thorough and up-to-date. Other benefits include elimination of most exemptions and assurance that training is adequate training, and a reduction in complex educational calculation formulas.

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

(a) Initially: No new costs will be incurred by the changes

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

(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 applicants.

(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 to implement the changes made by this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There is no direct or indirect increase in any fees.

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

FISCAL NOTE

Regulation No. 201 KAR 36:030

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 210.366, 335.515(3), (6), 335.535(8).

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? None.

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: N/A

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 (+/-): None

Expenditures (+/-):

Other Explanation: N/A

(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 36:030

"Continuing Education Program Application", June 2015, is the form designated for continuing education program approval, and which is incorporated by reference.

SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

201 KAR 36:030

"Continuing Education Course Application", DPL-KBLPC-01, July 2023, has been revised to incorporate the amendments, updated for format, and is incorporated by reference.