

1 GENERAL GOVERNMENT CABINET

2 Board of Licensed Professional Counselors

3 (Amendment)

4 201 KAR 36: 070. Application, education, and examination requirements.

5 RELATES TO: KRS 335.500, 335.525(1)(c), (d), (f), 335.527(1)(a), KRS 335B.020

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the board to
8 promulgate administrative regulations to carry out and enforce the provisions of KRS 335.500 to
9 335.599. KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's,
10 specialist, or doctoral degree in counseling or a related field from a regionally-accredited
11 institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate
12 semester hours in specified areas. KRS 335.527(1)(a) requires that applicants for licensure shall
13 have received a master's, specialist, or doctoral degree in counseling or a related field from a
14 regionally-accredited institution and sixty (60) graduate hours in specified areas. KRS
15 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the
16 board. This administrative regulation establishes the application, education, and examination
17 requirements for licensure.

18 Section 1.

19 (1) Degree in Counseling. To qualify as a degree in counseling under KRS 335.525(1)(c) or
20 335.527(1)(a), a degree shall:

21 (a) Clearly indicate that it is a degree in counseling from a counseling program as evidenced

1 by the description in the program's catalogues and brochures outlining the intent to educate
2 and train the individual for the practice of professional counseling as defined in KRS 335.500(5);

3 (b) Include the word "counseling" in the name of the degree, the academic program of study,
4 or the major field of study;

5 (c) Be from a counseling program that stands as a recognizable organizational entity within the
6 institution and has a counseling faculty who identify with the professional counseling profession;
7 and

8 (d) Include practicum or internship experience of at least 600 hours in a counseling program
9 that stands as a recognizable organizational entity within the institution and that has a counseling
10 faculty who identify with the professional counseling profession.

11 (2) Degree in a related field.

12 (a) To qualify as a degree in a related field under KRS 335.525(1)(c) or 335.527(1)(a), a degree
13 shall:

14 1. Be awarded from an academic program of study for the degree that follows an organized
15 sequence of graduate coursework with at least one (1) course in each of the nine (9) content areas
16 established in KRS 335.525(1)(d) or 335.527(1)(a);

17 2. Include an academic course taken as part of the curriculum of the degree [~~three (3)~~
18 ~~semester hours or four and one-half (4.5) quarter hours, at the minimum,~~] on professional
19 orientation and ethics with the concentration on the American Counseling Association Code of
20 Ethics; and

21 3. Include practicum or internship experience of at least 600 hours in a counseling program
22 that stands as a recognizable organizational entity within the institution and that has a counseling
23 faculty who identify with the professional counseling profession.

1 (b) The degree shall be designed to educate and train the individual for the practice of
2 professional counseling as defined by KRS 335.500(5).

3 (3) Examples of degrees that shall not be accepted as a degree in counseling or a degree in a
4 related field for purposes of licensure include a degree in clinical psychology, forensic psychology,
5 psychology, Christian psychology, biblical counseling, pastoral counseling, marriage and family
6 therapy, art or dance therapy, social work, criminal justice, or special education.

7 (4) If an applicant proffers a degree in a related field, the applicant shall also provide evidence
8 of additional graduate coursework in each area listed in KRS 335.525(1)(d)1-9 or, if that applicant
9 is applying for endorsement, in each area listed in KRS 335.527(1)(a)1-9 that is not included in
10 the applicant's degree. The coursework in the degree program, in addition to the other coursework,
11 shall demonstrate that the applicant has documented coursework in all nine (9) of the content areas
12 listed in KRS 335.525(1)(d) or, if that applicant is applying for endorsement, in all nine (9) of the
13 content areas listed in KRS 335.527(1)(a).

14 (5) The graduate hour requirement of KRS 335.525(1)(d) and 335.527(1)(a) shall be semester
15 hours. A minimum of ninety (90) quarter hours shall be equivalent to sixty (60) graduate semester
16 hours.

17 Section 2. Accreditation.

18 (1)

19 ~~[(a)] All coursework submitted for licensure shall be from a regionally accredited educational~~
20 ~~institution, [which is accredited by any one (1) of the following: Southern Association of Colleges~~
21 ~~and Schools, Middle States Association of Colleges and Schools, New England Association of~~
22 ~~Colleges and Schools, North Central Association of Colleges and Schools, North Western~~
23 ~~Association of Schools and Colleges, or Western Association of Schools and Colleges.~~

1 ~~(b) All coursework submitted for licensure from an international educational institution shall~~
2 ~~be accredited by the International Registry of Counseling Education Programs or reviewed by the~~
3 ~~World Education Services.]~~

4 (2) An applicant shall have a degree from a program that is accredited by the Council on
5 Accreditation of Counseling and Related Programs (CACREP)~~[-or its affiliates].~~ This requirement
6 shall not apply to an applicant who:

7 (a) Is enrolled in a counseling or a related field program on or before January 15, 2015;

8 (b) Maintains continuous enrollment; and

9 (c) Receives a degree in the counseling or a related field program no later than May 31, 2020.

10 (3) If an applicant needs to acquire additional hours, they shall be from a CACREP- accredited
11 program.

12 Section 3. Examination. An applicant for licensure as a licensed professional clinical counselor
13 shall obtain a passing score on the National Counselor Examination for Licensure and Certification
14 (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE).

15 Section 4. Application for Licensure.

16 (1)

17 (a) Each applicant for licensure as a licensed professional clinical counselor shall:

18 1. Submit an Application for Licensed Professional Clinical Counselor to the board;

19 2. Pay the fee as established in 201 KAR 36:020;

20 3. Submit proof of passage of one (1) of the examinations required under Section 3 of this
21 administrative regulation;

22 4. Complete coursework in ~~[at least three (3) semester hours or four and one half (4.5)~~
23 ~~quarter hours for]~~ each of the following curriculum content areas as:

- 1 a. The helping relationship, including theory and practice, which provides an understanding
2 of counseling and consultation processes, and includes the following:
- 3 (i) Counseling and consultation theories including both individual and systems
4 perspectives as well as coverage of relevant research and factors considered in applications;
- 5 (ii) Basic interviewing, assessment, and counseling skills;
- 6 (iii) Counselor or consultant characteristics and behaviors that influence professional
7 counseling relationships, including age, gender, and ethnic differences; verbal and nonverbal
8 behaviors; and personal characteristics, orientations, and skills;
- 9 (iv) Client or consultee characteristics and behaviors that influence professional
10 counseling relationships, including age, gender, ethnic differences, verbal and nonverbal
11 behaviors, and personal characteristics, orientations, and skills; and
- 12 (v) Ethical considerations;
- 13 b. Human growth and development that provides an understanding of the nature and needs
14 of individuals at all developmental levels, and includes:
- 15 (i) Theories of individual and family development and transitions across the life span;
- 16 (ii) Theories of learning and personality development;
- 17 (iii) Human behavior, including an understanding of developmental crises, disability,
18 addictive behavior, psychopathology and environmental factors, normal and abnormal behavior;
- 19 (iv) Counseling strategies for facilitating development over the life span; and
- 20 (v) Ethical considerations;
- 21 c. Lifestyle and career development that provides an understanding of career counseling,
22 development and related factors. Coursework includes the following:
- 23 (i) Career-counseling theories and decision-making models;

- 1 (ii) Career, vocational educational and labor market information resources; visual and
2 print media and computer-based career information systems;
- 3 (iii) Career-counseling program planning, organization, implementation,
4 administration, and evaluation;
- 5 (iv) Interrelationships among work, family, and other life roles and factors, including
6 multicultural and gender issues as related to career counseling;
- 7 (v) Career and educational placement counseling, follow-up and evaluation; assessment
8 instruments and techniques relevant to career counseling;
- 9 (vi) Computer-based career-development applications and strategies, including
10 computer-assisted career-counseling systems;
- 11 (vii) Career-counseling processes, techniques, and resources, including those applicable
12 to specific populations; and
- 13 (viii) Ethical considerations;
- 14 d. Group dynamics, process, counseling, and consulting that provides an understanding of
15 group development, dynamics, and counseling theories; group counseling methods and skills; and
16 other group work approaches, and includes the following:
- 17 (i) Principals of group dynamics, including group counseling components,
18 developmental stage theories, and group members' roles and behaviors;
- 19 (ii) Group leadership styles and approaches, including characteristics of various types
20 of group leaders and leadership styles;
- 21 (iii) Theories of group counseling, including commonalities, distinguishing
22 characteristics, and pertinent research and literature;

- 1 (iv) Group counseling methods, including group counselor orientations and behaviors,
2 ethical standards, appropriate selection criteria and methods of evaluation of effectiveness;
- 3 (v) Approaches used for other types of group work in counseling, including task groups,
4 prevention groups, support groups, and therapy groups; and
- 5 (vi) Ethical considerations;
- 6 e. Assessment, appraisal, and testing of individuals that provides an understanding of
7 individual and group approaches to assessment and evaluation in counseling practice. Coursework
8 includes the following:
- 9 (i) Theoretical and historical bases for assessment techniques in counseling;
- 10 (ii) Validity, including evidence for establishing content, construct, and empirical
11 validity;
- 12 (iii) Reliability, including methods of establishing stability, internal, and equivalence
13 reliability;
- 14 (iv) Appraisal methods, including environmental assessment, performance assessment,
15 individual and group test and inventory methods, behavioral observations, and computer-managed
16 and computer-assisted methods;
- 17 (v) Psychometric statistics, including types of assessment scores, measures of central
18 tendency, indices of variability, standard errors, and correlations;
- 19 (vi) Age, gender, ethnicity, language, disability, and cultural factors assessment and
20 evaluation in counseling services;
- 21 (vii) Strategies for selecting, administering, interpreting, and using assessment and
22 evaluation instruments and techniques in counseling; and
- 23 (viii) Ethical considerations;

1 f. Social and cultural foundations, including multicultural issues that provide an
2 understanding of issues and trends in a multicultural and diverse society that impact professional
3 counselors and the counseling profession, and includes the following:

4 (i) Multicultural and pluralistic trends, including characteristics and concerns of
5 counseling individuals from diverse groups;

6 (ii) Attitudes and behavior based on factors such as age, race, religious preferences,
7 physical disability, sexual orientation, ethnicity, culture, family patterns, gender, socioeconomic
8 status, and intellectual ability;

9 (iii) Individual, family, and group counseling strategies with diverse populations; and

10 (iv) Ethical considerations;

11 g. Principles of etiology, diagnosis, treatment planning, and prevention of mental and
12 emotional disorders and dysfunctional behavior that provides an understanding of etiology,
13 diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional
14 behavior. Coursework shall include[s] the following:

15 (i) Principles of the diagnostic process, including differential diagnosis, the use of
16 current diagnostic tools, [~~such as the~~] and the most current edition of the Diagnostic and Statistical
17 Manual of Mental Disorders (DSM)[~~, fifth (5th) edition, or the DSM currently in use~~];

18 (ii) Established diagnostic criteria for mental and emotional disorders, and treatment
19 modalities and placement criteria within the continuum of care;

20 (iii) Etiology of addiction and co-occurring disorders and the impact of co-occurring
21 substance use disorders on medical and psychological disorders;

22 (iv) Etiology, the diagnostic process and nomenclature, treatment, referral, and
23 prevention of mental and emotional disorders; and

1 (v) Principles, models, and documentation formats of biopsychosocial case
2 conceptualization and treatment planning;

3 h. Research and evaluation is a course that provides an understanding of types of
4 research methods, basic statistics, and ethical and legal consideration in research. Coursework
5 includes the following:

6 (i) Basic types of research methods to include qualitative and quantitative research
7 designs;

8 (ii) Basic parametric and nonparametric statistics;

9 (iii) Principles, practices, and applications of needs assessment and program
10 evaluation;

11 (iv) Uses of computers for data management and analysis; and

12 (v) Ethical and legal considerations;

13 i. Professional orientation to counseling is a course that provides an understanding of
14 the professional counselor profession and provides an understanding of all aspects of professional
15 functioning, including history, roles, organizational structures, ethics, standards, and credentialing.
16 Coursework includes the following:

17 (i) History of the counseling profession, including significant factors and events;

18 (ii) Professional roles and functions of mental health counselors, including similarities
19 and differences with other types of professionals;

20 (iii) Professional organizations (primarily the American Counseling Association
21 (ACA), its divisions, branches, and affiliates), including membership benefits, activities, services
22 to members, and current emphases;

- 1 (iv) Ethical standards of the National Board of Certified Counselors (NBCC) or the
2 ACA and related ethical and legal issues, and the applications to various professional activities
3 (e.g., appraisal, group work);
- 4 (v) Professional counselor preparation standards, the evolution and current
5 applications;
- 6 (vi) Professional counselor credentialing, including counselor certification, licensure,
7 and accreditation practices and standards, and the effects of public policy on these issues; and
- 8 (vii) Public policy processes, including the role of the professional counselor in
9 advocating on behalf of the profession and its clientele; and
- 10 j. Practicum or internship experiences shall be for a minimum of two (2) semester
11 courses and provide supervised counseling experience in an appropriate clinical setting, which
12 includes the following:
- 13 (i) 600 clock hours of total experience;
- 14 (ii) At least 240 clock hours of direct service which include diagnosis, treatment
15 planning, assessment, techniques, and intervention, and~~including~~ experience leading groups;
- 16 (iii) Weekly interaction that averages one (1) hour per week of individual or triadic
17 supervision throughout the internship, usually performed by the onsite supervisor;
- 18 (iv) An average of one and one-half (1 1/2) hours per week of group supervision
19 provided on a regular schedule throughout the internship and performed by a licensed program
20 faculty member;
- 21 (v) The opportunity for the student to become familiar with a variety of professional
22 activities and resources in addition to direct service (e.g., record keeping, assessment instruments,
23 supervision, information and referral, in-service and staff meetings);

1 (vi) The opportunity for the student to develop program-appropriate audio or video
2 recordings for use in supervision or to receive live supervision of his or her interactions with
3 clients; and

4 (vii) Evaluation of the student's counseling performance throughout the internship,
5 including documentation of a formal evaluation after the student completes the internship by a
6 program faculty member in consultation with the site supervisor;

7 5. Submit the results of a background check performed within the last ninety (90) days by
8 ~~[the Kentucky State Police and a criminal background check performed by]~~the Federal Bureau of
9 Investigation (FBI). ~~[If an applicant submits an application for a nationwide criminal background~~
10 ~~check performed by the FBI and the FBI cannot complete the background check within thirty (30)~~
11 ~~days of the request, an applicant may submit an Optional Affidavit for Licensure and shall submit~~
12 ~~the performed nationwide criminal background check within fourteen (14) days of its receipt. If~~
13 ~~an applicant has a felony conviction during the applicant's lifetime, a misdemeanor conviction~~
14 ~~within the past five (5) years, or a pending charge, the applicant shall not use the Optional Affidavit~~
15 ~~for Licensure.]~~Any cases officially expunged do not have to be disclosed by the applicant and
16 shall not be considered by the board as a conviction for the purposes of this subparagraph. If an
17 applicant does not receive the criminal background check within 180 days of the issuance of a
18 license, the applicant shall notify the board immediately in writing; and

19 6. Submit a copy of the course description or syllabi for the courses taken to satisfy KRS
20 335.525(1)(d) or 335.527(1)(a) if the degree in counseling or the degree in a related field is not
21 from a CACREP accredited institution.

22 (b) If applying for licensure via endorsement~~[for reciprocity]~~, an applicant shall:

23 1. Meet the requirements in paragraph (a)1. and 2. of this subsection; and

1 2. Submit an official transcript.

2 (2) Each applicant for licensure as a licensed professional counselor associate shall:

3 (a) Submit an Application for Licensed Professional Counselor Associate to the board;

4 (b) Pay the fee as established in 201 KAR 36:020;

5 (c) Submit an official transcript;

6 (d) Satisfy the requirements of subsection (1)(a)4. of this section;

7 (e) Submit the results of a background check performed within the last ninety (90) days

8 ~~[by the Kentucky State Police and a criminal background check performed]~~ by the FBI. ~~[If an~~

9 ~~applicant submits an application for a nationwide criminal background check performed by the~~

10 ~~FBI and the FBI cannot complete the background check within thirty (30) days of the request, an~~

11 ~~applicant may submit an Optional Affidavit for Licensure and shall submit the performed~~

12 ~~nationwide criminal background check within fourteen (14) days of its receipt. If an applicant has~~

13 ~~a felony conviction during the applicant's lifetime, a misdemeanor conviction within the past five~~

14 ~~(5) years, or a pending charge, the applicant shall not use the Optional Affidavit for Licensure.]~~

15 Any cases officially expunged do not have to be disclosed by the applicant and shall not be

16 considered by the board as a conviction for the purposes of this paragraph; ~~[- If an applicant does~~

17 ~~not receive the criminal background check within 180 days of the issuance of a license, the~~

18 ~~applicant shall notify the board immediately in writing;]~~ and

19 (f) Submit a copy of each syllabi for the courses taken to satisfy KRS 335.525(1)(d) or

20 335.527(1)(a) if the degree in counseling or degree in a related field is not from a CACREP

21 accredited institution.

22 Section 5.

1 (1) An applicant for licensure shall be of good moral character. If an applicant lacks good
2 moral character, the applicant has the duty to provide available evidence relative of rehabilitation.

3 (2) For evidence relative of rehabilitation, the board may~~shall~~ consider relevant evidence
4 such as the successful completion of probation, the years since the incident without additional
5 incidents, and the successful completion of inpatient or outpatient treatment.

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

8 Section 6. Denial of licensure. The board may refuse to issue, renew, or reinstate a license
9 if the applicant:

10 (1) Committed fraud or misrepresentation in applying for a license in this state or another state.

11 (2) Has been convicted of the following:

12 (a) A misdemeanor within the last five (5) years, except for minor traffic offenses and in
13 compliance with KRS 335B.020; or

14 (b) Any felony offense; or

15 (c) A crime involving moral turpitude, including a substantiated charge of child abuse or
16 neglect pursuant to KRS Chapter 620; adult abuse, neglect or exploitation pursuant to
17 KRS Chapter 209; or a crime classified as domestic violence, a sex offense or stalking;

18 (3) Is a respondent in a case with an active order of protection following notice and an
19 opportunity to be heard pursuant to KRS Chapter 403 or KRS Chapter 456;

20 (4) Does not meet the qualifications as prescribed in KRS Chapter 335 and 201 KAR Title 36;

21 (5) Has been declared incompetent by a qualified mental health professional appointed by the
22 board or by a court of competent jurisdiction, including those subject to KRS Chapter 202A
23 and Chapter 387 proceedings;

1 (6) Has engaged in fraud, dishonesty, or corruption on a certification of examination in this state
2 or another state.

3 Section 7.

4 (1) The board may approve remedial work to correct any deficiency to satisfy Sections 1 and
5 4 of this administrative regulation.

6 (2) The board shall not approve remedial work for degrees listed in Section 1(3) of this
7 administrative regulation.

8 Section 8[7]. Incorporation by Reference.

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

10 (a) "Application for Licensed Professional Clinical Counselor", DPL-LPC-04, July
11 2023[October 2017]; and

12 (b) "Application for Licensed Professional Counselor Associate", DPL-LPC-05, July
13 2023[January 2017]; and

14 (c) ~~"Optional Affidavit for Licensure", June 2017].~~

15 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
16 the Board of Licensed Professional Counselors[Division of Occupations and Professions], 500
17 Mero Street[911 Leawood Drive], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to
18 4:00[4:30] p.m. This material is also available on the board's website at [lpc.@ky.gov](mailto:lpc@ky.gov).

201 KAR 36:070

APPROVED BY AGENCY:

Dr. Hanna 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 36:070

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 application, education, and examination requirements to qualify for licensure.

(b) The necessity of this administrative regulation: This administrative regulation enables the board to evaluate an applicant's qualifications by establishing the application, education and examination requirements for licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.525(1)(b) requires that an applicant is of good moral character. KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's or doctoral degree in counseling or a related field from a regionally-accredited institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate semester hours in specified areas. KRS 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the Board. KRS 335.515(3) authorizes the board to promulgate administrative regulations necessary to carry out the provisions of KRS 335.500 to 335.599.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation specifies the types of education and examination that are acceptable for licensure, as well as certain grounds for denial of licensure, renewal or reinstatement.

(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 amendment clarifies the educational course work required for licensure; removes reference to specific regional institutions associations for accreditation to clarify the administrative body's intention that the accrediting institution must be CACREP-accredited and to eliminate the need to revise the regulations every time the name of an institution changes; requires utilization of the online application portal, with exceptions, to streamline administration and reduce the delay in processing the application; cleans up language relating to the proper DSM; clarifies that "direct service" includes diagnosis, treatment planning, assessment, techniques and interventions in compliance with KRS 535.525(1)(d) and (e); requires all background checks to be performed by the FBI; establishes grounds for denial of licensure, renewal or reinstatement; removes the Optional Affidavit for Licensure option since the original intent for a reduction in delayed licensure is no longer needed and cleans up additional language relating to the Affidavit.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify the qualifying academic institutions for licensure; to clarify the educational and experiential direct service standards considered by the administrative body for licensure; to standardize background checks through the FBI to ensure complete information with a prompt response to avoid unnecessary delay in processing and for public safety; to clarify grounds for denial of licensure, renewal or reinstatement; and to remove the Optional Affidavit for Licensure as it is no longer needed.

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

(d) How the amendment will assist in the effective administration of the statutes: The amendment assists by clarifying the educational, direct service and background check requirements process for licensure; clarifies the board's grounds for denial of a license, renewal, or reinstatement; and will eliminate the additional KSP background check step and cost for applicants.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect an average of 70-80 applications for licensure monthly, as well as 4017 active licensees who must annually renew and 56 inactive licensees who may apply for reinstatement.

(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: An applicant will have to submit a criminal background check and syllabi, as well as report any conviction (which they are already required to do), as well report any substantiated act of child abuse and neglect, adult abuse and entry of any domestic violence order where the applicant is a respondent and the subject of the order.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no new cost and the cost should even be reduced since only one background check is required. There will be a cost of obtaining a criminal background check, which the board understands to be between \$10 and \$50.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Reduced costs for background check and prompt processing for application due to delays in the Kentucky background check; and public safety in approval of the application with an affidavit versus a complete background check.

(5) 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.

(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: This administrative regulation does not establish any new 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 36:070

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(1), (3).

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.

(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? This administrative regulation will not generate revenue for state or local government.

(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? This administrative regulation will not generate revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this program for the first year.

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

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:

(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? The regulated entities will save \$20 for a background check which is actually a duplicate since the KSP information is contained in the FBI background check.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? Cost savings of \$20 realized for elimination of KSP records check for a new applicant, as well as licensee's applying for reinstatement due to becoming inactive or failing to renew in a timely manner.

(c) How much will it cost the regulated entities for the first year? The cost for the FBI background check is approximately \$32 for the FBI fee and IdentiGo fingerprinting fee, which is the no change to the current required expenditure for applicants and reinstatements.

(d) How much will it cost the regulated entities for subsequent years? There is no cost in subsequent years if the licensee keeps the license active. If the licensee goes inactive or fails to timely renew, another FBI background check with the estimated \$32 fee is required, which is the no change to the current required expenditure for applicants and reinstatements.

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

Cost Savings (+/-): - \$20

Expenditures (+/-):

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 36:070

1) The following material is incorporated by reference:

(a) "Application for Licensed Professional Clinical Counselor", October 2017 is the form designated by the Board for use by an individual applying for licensure as a professional clinical counselor.

(b) "Application for Licensed Professional Counselor Associate", January 2017 is the form designated by the Board to be used by an individual applying for licensure as professional counselor associate.

(c) "Optional Affidavit for Licensure", June 2017 is the form designed by the Board to be used as an optional affidavit for licensure when there was a background check being delayed due to a backlog by the Federal Bureau of Investigation and the Kentucky State Police.

SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

201 KAR 36:070

The "Application for Licensed Professional Clinical Counselor", October 2017, and the "Application for Licensed Professional Counselor Associate", January 2017, have been revised to conform with these amendments, and have updated for format. The new forms, "Application for Licensed Professional Clinical Counselor, DPL-LPC-04, July 2023, is an online form, and the "Application for Licensed Professional Counselor Associate", DPL-LPC-05, July 2023, is also an online form. These forms are incorporated by reference.

The Optional Affidavit for Licensure is being withdrawn as obsolete due to the requested regulatory change to remove the optional affidavit for licensure. This is no longer needed since the backlog for background checks is no longer an issue.