

1 GENERAL GOVERNMENT CABINET

2 Board of Licensure of Marriage and Family Therapists

3 (Amended After Comments)

4 201 KAR 32:030. Fees.

5 RELATES TO: KRS 335.330, 335.340(1), (3), 335.342

6 STATUTORY AUTHORITY: KRS 335.320(4), 335.330, 335.340(1), (3), 335.348

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.330 requires the board to  
8 promulgate an administrative regulation establishing the initial fee for licensure required to be paid  
9 by an applicant for licensure and requires an applicant to pass a written examination prescribed by  
10 the board. KRS 335.340(1) requires that all licenses issued under KRS 335.330 shall be renewed  
11 annually, and that the board promulgate an administrative regulation establishing the fee for  
12 licensure renewal. KRS 335.340(3) requires the board to promulgate an administrative regulation  
13 establishing the late renewal fee. This administrative regulation establishes fees for licensure as a  
14 marriage and family therapist or marriage and family therapy[~~therapist~~] associate.

15 Section 1. Initial Application Fee. The initial application fee for licensure as a marriage  
16 and family therapist shall be:

17 (1) Fifty (50) dollars;

18 (2) Nonrefundable; and

19 (3) Payable to the Kentucky State Treasurer.

20 Section 2. Initial Licensure Fee. The initial fee for licensure as a marriage and family  
21 therapist shall be:

- (1) \$175;
- (2) Nonrefundable; and
- (3) Payable to the Kentucky State Treasurer.

Section 3. Initial Application. (1) An applicant for licensure as a marriage and family therapist shall submit a completed Licensure as a Marriage and Family Therapist Application to the board in accordance with KRS 335.330 and with the fees required under Sections 1 and 2 of this administrative regulation.

(2) The applicant shall complete six (6) hours of training in the field of suicide assessment, treatment, and management every six (6) years as required by 201 KAR 32:060, Section 1(4).

(3) The applicant shall complete the three (3) hours of training in the field of domestic violence within three (3) years of licensure as required by 201 KAR 32:060, Section 1(5).

(4) The applicant shall document professional experience obtained as a marriage and family therapy~~therapist~~ associate, including 1,000 client hours over a minimum of two (2) years, and verify clinical supervision as required by 201 KAR 32:035.

Section 4. Examination Fee. (1) An applicant shall pass the National Marital and Family Therapy Examination administered and verified by the Association of Marital and Family Therapy Regulatory Boards.

(2) The applicant shall pay the required examination fee.

Section 5. Renewal Fee. (1) A licensed marriage and family therapist shall submit a completed Licensure as a Marriage and Family Therapist Renewal Application to the board in accordance with KRS 335.340.

(2) The fee for renewal of licensure as a marriage and family therapist shall be:

- (a) \$150 annually;

1 (b) Nonrefundable; and (c) Payable to the Kentucky State Treasurer.

2 (3) The licensee shall complete six (6) hours of training in the field of suicide assessment,  
3 treatment, and management every six (6) years as required by 201 KAR 32:060, Section 1(4).

4 (4) The licensee shall complete the three (3) hours of training in the field of domestic  
5 violence within three (3) years of licensure as required by 201 KAR 32:060, Section 1(5).

6 (5) The licensee shall submit proof of completion of the continuing education requirements  
7 under 201 KAR 32:060.

8 Section 6. Late Renewal Fees. (1) A licensee who renews a license during the ninety (90)  
9 day grace period provided by KRS 335.340(3) shall pay a late renewal fee of seventy-five (75)  
10 dollars in addition to the payment of the renewal fee as established in Section 5 of this  
11 administrative regulation.

12 (2) The fee shall be:

13 (a) Nonrefundable; and

14 (b) Payable to the Kentucky State Treasurer.

15 Section 7. Administrative Fine. A licensee who fails to meet the continuing education unit  
16 requirements as set forth in 201 KAR 32:060, by the renewal date, shall pay an additional  
17 administrative fine of seventy-five (75) dollars.

18 Section 8. Reinstatement of Expired License. (1) In accordance with KRS 335.340, an  
19 expired license shall be reinstated by:

20 (a) Submitting a completed Application for License Reactivation;

21 (b) Paying of the renewal fee as established in Section 5 of this administrative regulation  
22 for each year since the date of last active licensure;

23 (c) Paying of a reinstatement fee of \$100, which shall be:

1 1. Nonrefundable; and

2 2. Payable to the Kentucky State Treasurer; and

3 (d) Meeting all other requirements of this section of this administrative regulation.

4 (2) The applicant for reinstatement of an expired license shall submit proof of:

5 (a) Completion of fifteen (15) hours of continuing education for each year since the date  
6 of last active licensure as required by 201 KAR 32:060;

7 (b) Completion of six (6) hours of training in the field of suicide assessment, treatment and  
8 management every six (6) years as required by 201 KAR 32:060, Section 1(4); and

9 (c) Completion of three (3) hours of training in the field of domestic violence within three  
10 (3) years of licensure as required by 201 KAR 32:060, Section 1(5).

11 Section 9. Fees for Providers of Continuing Education. (1) There shall be a nonrefundable  
12 fee of ~~\$100[fifty (50) dollars]~~ for a single continuing education workshop offered an unlimited  
13 number of times in a calendar year, January 1 to December 31. The provider shall submit the  
14 Continuing Education Program Provider Approval Application with the applicable fee required  
15 under this subsection~~[per day for six (6) continuing education workshops or less offered a single~~  
16 ~~time]~~.

17 (2) There shall be a nonrefundable fee of \$300 for a provider designated as an approved  
18 sponsor for continuing education for two consecutive calendar years, January 1 to December 31.  
19 The provider shall submit the Application for Continuing Education Sponsor with the applicable  
20 fee required under this subsection~~[\$125 per day for seven (7) or more continuing education~~  
21 ~~workshops offered a single time]~~.

22 (3) ~~[There shall be a nonrefundable fee of \$250 for a single continuing education workshop~~  
23 ~~offered unlimited times in a calendar year, January 1 to December 31.~~

1       ~~(4) The provider shall submit the Continuing Education Program Provider Approval~~  
2       ~~Application with the applicable fee required under subsections (1) through (3) of this section.~~

3       ~~(5)~~ The marriage and family therapist, and the marriage and family therapy~~[therapist]~~  
4       associate shall submit the Application for Continuing Education Program Approval Individual for  
5       post approval only.

6       Section 10. Incorporation by Reference. (1) The following material is incorporated by  
7       reference:

8       (a) "Licensure as a Marriage and Family Therapist Application", July 2016;

9       (b) "Licensure as a Marriage and Family Therapist Renewal Application", July 2016;

10      (c) "Application for License Reactivation", July 2016;

11      (d) "Continuing Education Program Provider Approval Application", September 2016;

12      ~~[and]~~

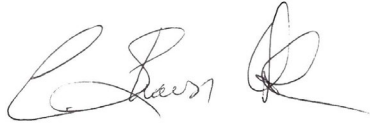
13      (e) "Application for Continuing Education Program Approval Individual", 2016; and

14      (f) "Application for Continuing Education Sponsor", May~~January~~ 2021.

15      (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
16      law, at the Kentucky Board of Licensure for Marriage and Family Therapists, 500 Mero Street,  
17      2SC32~~[911 Leewood Drive]~~, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to  
18      4:30 p.m.

201 KAR 32:030 (Amended After Comments)

READ AND APPROVED:

A handwritten signature in black ink, appearing to read "C. Shawn Oak", written over a horizontal line.

May 12, 2021

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Dr. C. Shawn Oak, Ph.D., LMFT  
Chair, Board of Licensure of Marriage and  
Family Therapists

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Date

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 201 KAR 32:030 (Amended After Comments)

Contact Person: Kevin R. Winstead

Phone: +1 (502) 782-0562

Email: KevinR.Winstead@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the fees for licensure, renewal, reinstatement, and sponsors of continuing education.

(b) The necessity of this administrative regulation: The administrative regulation is necessary under KRS 335.320(4) and 335.330, which requires the Board to set by administrative regulation an initial licensure fee; KRS 335.332(3), which require the Board to set by administrative regulation, an initial permit fee for associates; KRS 335.340(1), which requires the Board to set by administrative regulation a renewal fee; KRS 335.340(3), which requires the Board to set by administrative regulation a late fee; KRS 335.340(7), which requires the Board to prescribe administrative regulations for continuing education; and KRS 335.320(9), which requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.320(4) and 335.330 authorize the Board to charge a fee for an applicant to become licensed. KRS 335.332(3) authorizes the Board to charge a fee for an applicant to receive a permit from the Board. KRS 335.340(1) authorizes the Board to establish a fee for an applicant to renew license. KRS 335.340(3) allows the board to charge a late renewal fee. KRS 335.340(7) authorizes the Board to prescribe regulations for continuing education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the authorizing statutes by setting forth the fees for licensure, to receive a permit, to renew and reinstate a license, and to provide continuing education programming.

(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 will change the existing administrative regulation by: (1) eliminating the existing fee of fifty (50) dollars per day for six (6) continuing education workshops or less offered a single time; (2) eliminating the \$250 fee for a single continuing education workshop offered unlimited times in a calendar year, January 1 to December 31; (3) allowing a continuing education provider to pay \$100 for a single continuing education workshop offered an unlimited number of times in a calendar year; and (4) allowing a continuing education sponsor to pay \$300 to provide unlimited continuing education programs for two consecutive calendar years. Further, the Amended After Comments version will change the Application for Continuing Education Sponsorship, which is incorporated

by reference in this administrative regulation, to clarify that certain references to two years are to two consecutive calendar years, to make a technical correction, and to update the edition date.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to notify continuing education providers of the costs of becoming a board-approved continuing education provider. Further, the Amended After Comments version is necessary to make certain clarification and technical changes to this administrative regulation and the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes. KRS 335.340(7) requires the Board to prescribe administrative regulations for continuing education. KRS 335.320(9) requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide continuing education providers a way to become board-approved providers of continuing education programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Licensed Marriage and Family Therapists and Marriage, Family Therapy Associates, and continuing education providers will be affected by this administrative regulation. As of December 7, 2020, there were 770 total active license and permit holders. It is unknown how many program providers there are. The Board averages 44 requests a month to provide board-approved continuing education programs.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: Licensees and permit holders do not have to take any action to conform to the amendment. Program providers will have to fill out an application and pay a fee to comply with the amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Licensees and permit holders will have no cost associated with the amendment. Program providers who want to apply to provide a single board-approved continuing education program for one calendar year will be required to pay a nonrefundable fee of \$100. Sponsors who want to apply to provide unlimited board-approved continuing education programs for two calendar years will be required to pay a nonrefundable fee of \$300.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, licensees and permit holders will know the board-approved continuing education programs. Board-approved program providers will be able to advertise their continuing education programs as board approved.



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

(a) Initially: Initially, there is no additional cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: On a continuing basis, there is no additional cost to the administrative body to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Under KRS 335.342(1), all fees and other moneys received by the Board pursuant to KRS 335.300 through KRS 335.599 shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board.

(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: The amendment establishes a fee of \$100 for a single continuing education workshop offered an unlimited number of times in a calendar year, January 1 to December 31. It also establishes a fee of \$300 for a provider designated as an approved sponsor for continuing education for two consecutive calendar years, January 1 to December 31.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment establishes a fee of \$100 for a single continuing education workshop offered an unlimited number of times in a calendar year, January 1 to December 31. It also establishes a fee of \$300 for a provider designated as an approved sponsor for continuing education for two consecutive calendar years, January 1 to December 31.

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

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 201 KAR 32:030 (Amended After Comments)

Contact Person: Kevin R. Winstead

Phone: +1 (502) 782-0562

Email: KevinR.Winstead@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? The Kentucky Board of Licensure for Marriage and Family Therapists is housed for administrative purposes within the Public Protection Cabinet Department of Professional Licensing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 335.320(4) and 335.330 require the Board to set by administrative regulation an initial licensure fee. KRS 335.332(3) requires the Board to set by administrative regulation, an initial permit fee for associates. KRS 335.340(1) requires the Board to set by administrative regulation a renewal fee. KRS 335.340(3) requires the Board to set by administrative regulation a late fee. KRS 335.340(7) requires the Board to prescribe administrative regulations for continuing education. KRS 335.320(9) requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This 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 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.

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

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

(4) Revenues (+/-): Neutral

(5) Expenditures (+/-): Neutral

(6) Other Explanation: None

## SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The “Application for Continuing Education Sponsor”, May 2021, is a five (5) page application from the sponsors of continuing education programs to file to be approved as a board-approved sponsor of continuing education programs. KRS 335.340(7) authorizes the board to promulgate administrative regulations to establish requirements for a permit as a marriage and family therapy associate. The board requires a minimum of fifteen (15) approved continuing education hours to be accrued by each licensee and a minimum of ten (10) approved continuing education hours to be accrued by each associate during each one (1) year renewal period. The Amended After Comments version changes the Application for Continuing Education Sponsorship to clarify that certain references to two years are to two consecutive calendar years, to make a technical correction, and to update the edition date.

STATEMENT OF CONSIDERATION RELATING TO

201 KAR 32:030  
201 KAR 32:035  
201 KAR 32:060

Kentucky Board of Licensure of Marriage and Family Therapists

(Amended After Comments)

201 KAR 32:030  
201 KAR 32:060

(Not Amended After Comments)

201 KAR 32:035

I. The public hearing on 201 KAR 32:030, 201 KAR 32:035, and 201 KAR 32:060 scheduled for March 23, 2021, at the Department of Professional Licensing was canceled; but, written comments were received during the public comment period.

II. The following people submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization</u>
Kathy Adams, Director of Public Policy	Children's Alliance

III. The following people from the Kentucky Board of Licensure of Marriage and Family Therapists responded to the written comments:

<u>Name and Title</u>
Shawn Oak, Chair

IV. Summary of Comments and Responses

- (1) Subject Matter: References to consecutive calendar years.
  - (a) Comment: For clarity and consistency with Section 9 of 201 KAR 32:030, the references to "two years" or "two (2) years" in the Application for Continuing Education Sponsor form and in 201 KAR 32:060 Sections 3(3) and 3(3)(a)2.p.(iii) should be changed to "two (2) consecutive calendar years".
  - (b) Response: The Board agrees and will amend the regulations and material incorporated by reference accordingly.
- (2) Subject Matter: Reference to "all mental health professionals".
  - (a) Comment: The reference to "all mental health professionals" in 201 KAR 32:060 Section 1(5), regarding training about domestic violence, elder abuse, neglect, and exploitation, should be changed because the Board does not have purview over all mental health professionals.
  - (b) Response: The Board agrees and will amend the regulation by changing "all mental health professionals" to "each licensee and associate".

- (3) Subject Matter: Continuing Education Providers.
  - (a) Comment: The term “providing Kentucky” in 201 KAR 32:060 Section 3(3)(a)2.c., regarding the sample continuing education course to be submitted by continuing education providers with the application, should be corrected.
  - (b) Response: The Board agrees and will amend the regulation by changing “providing Kentucky.” to “provided”.
- (4) Subject Matter: Continuing Education Providers.
  - (a) Comment: To clarify 201 KAR Section 32:060 3(3)(b) regarding the submission of annual reports of education programs, the paragraph should be changed to specify that the reports shall be submitted to the Board.
  - (b) Response: The Board agrees and will amend the regulation accordingly.
- (5) Subject Matter: Application for Continuing Education Sponsor form
  - (a) Comment: The word “certificated” should be changed to “certificate” in item “c.” of the Sponsor Status Eligibility Requirements section of the Application for Continuing Education Sponsor form
  - (b) Response: The Board agrees and will amend the regulation accordingly.
- (6) Subject Matter: Temporary Supervision
  - (a) Comment: Ms. Adams asks the Board to clarify whether an associate receiving supervision under 201 KAR 32:035 Section 8 can count those hours toward the 200 hours of supervision and whether an associate needs to get raw data during that time.
  - (b) Response: An associate receiving supervision under 201 KAR 32:035 Section 8 is receiving supervision from a board-approved supervisor and thus those hours count toward the 200 hours of supervision. The Board appreciates the comment, but there is no need to further amend the regulation.
- (7) Subject Matter: Continuing Education Providers
  - (a) Comment: 201 KAR 32:060 Section 3(3)(a)2.k., and the Application for Continuing Education Sponsor form, refer to continuing education providers providing information as to whether or not they maintain policies concerning program fees, refunds, and cancelations; if the provision of such policies is not optional then the regulation should be amended accordingly.
  - (b) Response: The proposed amendment to this regulation, as filed, would require the continuing education provider to provide a statement of whether the provider maintains policies concerning program fee, refunds, and cancelations. The proposed amendment does not seek to require continuing education providers to maintain such policies. The Board appreciates the comment, but will not seek to amend this language.

#### V. Summary of Statement of Consideration and Action Taken by Promulgating Administrative Body

The public hearing on these administrative regulations was canceled; however, written comments were received. The Board of Licensure of Marriage and Family Therapists responded to the comments and amends the administrative regulations as follows:

201 KAR 32:030

Page 5

Section 10(1)(f)

Line 14

After "Sponsor", insert "**May**";

Delete "January".

201 KAR 32:060

Page 2

Section 1(5)

Line 7

After "certification," insert "**each licensee and associate**";

Delete "all mental health professionals".

Page 4

Section 3(3)

Line 12

Before "year", insert "**consecutive calendar**".

Page 4

Section 3(3)(a)2.c.

Line 22

After "courses", insert "**provided**";

Delete " **providing Kentucky**".

Page 6

Section 3(3)(a)2.p.(iii)

Line 14

After "two", insert "**(2) consecutive calendar**".

Page 6

Section 3(3)(b)

Line 19

After "submit", insert "**to the board**".

Page 10

Section 8(1)(a)

Line 13

After "Sponsor", insert "**May**";

Delete "January".

Application for Continuing Education Sponsor

Page 1

Opening paragraph

Fourth Line

After "two", insert "**(2) consecutive**".

Page 1

Last paragraph

Third Line

After "two", insert "**(2) consecutive**".

Page 2

Sponsor Status Eligibility Requirements, part "c."

Sixth Line

After "Official", insert "**certificate**";  
Delete "certificated"

Page 5

First paragraph

Second Line

After "two", insert "**(2) consecutive**".

Page 5

Edition date

Last line

After "Sponsor.", insert "**May**";  
Delete "January".