

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 201 KAR 32:030
Contact Person: Bryan D. Morrow
Phone: +1 (502) 229-6917
Email: Bryan.Morrow@ky.gov

**NOTE: as of March 1, 2021, the contact person is:
Kevin R. Winstead
Phone: 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.

(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.

(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.