

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 32:070

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Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the board procedure for the processing, investigation and disposition of complaints submitted against licensees.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because it sets forth the procedure by which complaints against licensees are handled by the board, which may affect their licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 statute by providing a consistent and repeatable procedure for licensees who have had complaints raised against their conduct, and sets forth the process so licensees may understand the board's procedure and respond accordingly.

(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: This amendment modifies some defined terms and further provides that the initial review of all complaints shall be performed by a board committee, who then presents their recommendation to the board. It further establishes a required timeline for any investigation to provide status reports on the investigation to the board, if the board determines that there is enough evidence to warrant further investigation. It also clarifies the different procedures for resolution of complaints between serious and non-serious violations of applicable law or regulations, and eliminates an option for a licensee to provide a written response to an admonishment by the board for non-serious violations, while still maintaining the licensee's right to appeal the admonishment through the administrative hearing process. It also provides further clarity that agreed orders of resolution of disciplinary matters are considered public documents, even if there is no final order by the board as the result of a disciplinary inquiry.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish a consistent, repeatable procedure for the board's disposition of licensee complaints, while affording the board various options depending on the perceived severity of any

violations. It is also necessary to provide licensees with a clearer understanding of the board's procedure and the licensee's rights at various steps.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by providing clear and consistent procedures and rules that may be relied upon by the licensees and the board.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the approximately 912 licensees of the board.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: No action will need to be taken by the licensees to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost for compliance with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The licensees will have a clearer understanding of the steps and procedures involved in the disciplinary process employed by the board.

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

(a) Initially: There will be no initial cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There may be a continuing cost to the board if it uses the services of an outside investigative entity to conduct any formal investigation; however, such costs are not expected to exceed \$5,000.00 in any given year.

(7) 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 license holders and applicants.

(8) 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 necessary to implement this change to this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees or increase any fees paid to the Board.

(10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied because this regulation applies to all licensees equally.