

BOARDS AND COMMISSIONS
Board of Licensure of Marriage and Family Therapists
(Amendment)

201 KAR 32:030. Fees.

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

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

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

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

- (1) Fifty (50) dollars;
- (2) Nonrefundable; and
- (3) Payable to the Kentucky State Treasurer.

Section 2. Initial Licensure Fee. The initial fee for licensure as a marriage and family 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;

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

(3) The licensee 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).

(4) The licensee 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).

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

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

(2) The fee shall be:

(a) Nonrefundable; and

(b) Payable to the Kentucky State Treasurer.

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

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

(a) Submitting a completed Application for License Reactivation;

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

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

1. Nonrefundable; and

2. Payable to the Kentucky State Treasurer; and

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

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

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

(b) Completion of 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); and

(c) Completion of 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).

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

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

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

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

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

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

- (a) "Licensure as a Marriage and Family Therapist Application", July 2016;
- (b) "Licensure as a Marriage and Family Therapist Renewal Application", July 2016;
- (c) "Application for License Reactivation", July 2016;
- (d) "Continuing Education Program Provider Approval Application", September 2016; ~~[and]~~
- (e) "Application for Continuing Education Program Approval Individual", 2016; and
- (f) "Application for Continuing Education Sponsor", January 2021.

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

DR. C. SHAWN OAK, Ph.D., LMFT, Chair

APPROVED BY AGENCY: December 17, 2020

FILED WITH LRC: January 14, 2021 at 3:23 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:30 AM on Tuesday, March 23, 2021 at 500 Mero Street, 127CW, Frankfort, Kentucky 40601. In the event the declaration of a State of Emergency in Executive Order 2020-215 and the State of Emergency Relating to Social Distancing in Executive Order 2020-243 are not rescinded by March 23, 2021, this hearing will be done by video teleconference. Members of the public wishing to attend may utilize the following link:

<https://us02web.zoom.us/j/85760716794?pwd=TnBjRElGMjNwTzVlMmVJRDIgGpWUT09>

Join from PC, Mac, Linux, iOS or Android:

Password: 424436

Or Telephone:

Dial:

USA 713 353 0212

USA 8888227517 (US Toll Free)

Conference code: 497796

Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the pro-

posed 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 the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on March 31, 2020. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Kevin R. Winstead, Commissioner, Department of Professional Licensing, Kentucky Public Protection Cabinet, 500 Mero Street, 237CW, Frankfort, Kentucky 40601, phone 502-782-0562, fax 502-564-4818, KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(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? Tiering was not applied as the criteria apply to all applicants.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(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.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None