

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

201 KAR 32:060. Continuing education requirements.

RELATES TO: KRS 194.540, 210.366, 335.300(4), 335.340

STATUTORY AUTHORITY: KRS 335.320(4), (9), 335.340(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.340(7) authorizes the board to promulgate administrative regulations to establish the fees and other requirements for a permit as a marriage and family ~~therapy~~~~[therapist and]~~ associate. This administrative regulation establishes the requirements for continuing education and the methods and standards for the accreditation of continuing education courses.

Section 1. Accrual of Continuing Education Hours; Computation of Accrual. (1) Effective January 1, 2017, a minimum of fifteen (15) approved continuing education hours shall be accrued by each licensee and a minimum of ten (10) approved continuing education hours shall be accrued by each associate during each one (1) year renewal period.

(2) All hours shall be in "the practice of marriage and family therapy" as defined by KRS 335.300(4) and shall relate to the professional application of psychotherapeutic and systems theories and techniques in the delivery of services to individuals, couples, and families.

(3) Three (3) hours of the hours required by subsection (1) of this section for licensees and associates shall be accrued in the field of professional marriage and family therapy ethics.

(4) Commencing on January 1, 2017, each licensee and associate shall be required to show proof of completion of six (6) hours of continuing education in suicide assessment, treatment, and management every six (6) years beginning January 1, 2015 as required by KRS 210.366. These hours shall be in addition to the requirements set forth in subsection (1) of this section unless preapproved by the board as meeting the requirements set forth in subsection (2) of this section or meets requirements of Section 2 of this administrative regulation.

(5) Within three (3) years of initial licensure or certification, all mental health professionals shall successfully complete a three (3) hour training that covers dynamics of domestic violence, elder abuse, neglect, and exploitation; effects of domestic violence and elder abuse, neglect, and exploitation on adult and child victims; legal remedies for protection; lethality and risk issues; model protocols for addressing domestic violence and elder abuse, neglect, and exploitation; available community resources and victim services and reporting requirements as required by KRS 194A.540.

Section 2. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license or permit shall be directly related to the professional growth and development of marriage and family therapy practitioners and associates. Education hours shall be earned by completing any of the educational activities established in this subsection. (1) Programs not requiring board review and approval. Programs from the following sources shall be deemed to be relevant to the practice of marriage and family therapy and shall be approved without further review by the board:

(a) Programs provided or approved by the American Association for Marriage and Family Therapy (AAMFT) and its state affiliates;

(b) Academic courses as defined in 201 KAR 32:010; and

(c) Continuing education programs offered by Commission on Accreditation for Marriage and Family Therapy Education accredited institutions.

(2) Programs requiring board review and approval. Programs from the following sources shall be reviewed and may be determined to be relevant and subsequently approved by the board:

(a) Relevant programs including online study courses, manualized training, and face-to-face workshops, by other organizations, educational institutions, or other service providers approved by the board;

(b) Relevant programs or academic courses presented by the licensee. Presenters of relevant programs or academic courses may earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course; and

(c) Relevant publications in a professionally recognized or juried publication. Credit shall not be granted except for those publications that were published within the one (1) year period immediately preceding the renewal date. A licensee shall earn one-half (1/2) of the continuing education hours required for a relevant publication. More than one (1) publication shall not be counted during each renewal period.

Section 3. Continuing Education Providers. (1) Any entity seeking to obtain approval of a continuing education program prior to its offering shall pay the fee as established in 201 KAR 32:030, Section 9, and submit a Continuing Education Program Provider Approval Application, as incorporated by reference in 201 KAR 32:030, Section 10, to the board at least sixty (60) days in advance of the program. The application shall include the:

- (a) Type of learning activity;
- (b) Subject matter;
- (c) Names and qualifications of the instructors; and
- (d) Number of continuing education hours offered.

(2) A continuing education activity shall be qualified for preapproval if the activity being presented:

- (a) Is an organized program of learning;
- (b) Pertains to subject matters that integrally relate to the practice of marriage and family therapy;
- (c) Contributes to the professional competency of the licensee or associate; and
- (d) Is conducted by individuals who have relevant educational training or experience.

(3) An approved continuing education sponsor is a person or organization which is approved by the Board to provide more than one (1) continuing education programs over a two (2) year period of time.

(a) Any person or organization seeking to obtain approval as a continuing education sponsor shall:

1. Pay the fee established in 201 KAR 32:030, Section 9; and
2. Complete the Application for Continuing Education Sponsor and submit it at least sixty (60) days in advance of offering courses. The application shall include the following:
 - a. Continuing education sponsor provider information;
 - b. Sponsor administrator information;
 - c. One (1) sample continuing education course that would qualify for approval under Section 1(2) of this administrative regulation. Although only one (1) course is submitted, it is understood that this course serves as an example of all courses providing Kentucky.
 - d. The sample course provided must include the following:
 - (i) Published course or similar description;
 - (ii) Complete resume of each instructor;
 - (iii) Copy of the program indicating hours of education;

- (iv) Time agenda include coffee and lunch breaks listed;
- (v) Copy of the evaluation tool to be used; and
- (vi) Official certificate from the provider. The official certificate must include the following statement: "KY LMFT Board granted approval for this program on _____ (date)."
- (vii) The documents submitted in this subsection must be kept on file for each of the programs and courses presented as board-approved continuing education hours. The board may request a copy of this information at any time.
 - e. The delivery format for which the applicant is applying;
 - f. A description of how the continuing education of licensed marriage and family therapist and permitted marriage and family therapy associates support the overall goals of the provider;
 - g. A description of the target audience, including education level and profession, to whom the program is directed;
 - h. A statement that the applicant will provide all legally required disability accommodations to participants at live events;
 - i. A statement that all live programs offered for board-approved credit will be presented in facilities compliant with all federal and state laws, including the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.;
 - j. A description of the process by which the applicant selects presenters for the continuing education programs;
 - k. A statement of whether the provider maintains policies concerning program fee, refunds, and cancellations;
 - l. A description of the organization's procedure for verifying attending including sign-in sign-out procedures;
 - m. A description of the organization's procedure for distributing certificates of completion;
 - n. A description of the record-keeping process that will be utilized to maintain all materials for a period of five (5) years following each program;
 - o. A description of the method by which program evaluations are obtained from participants and how the evaluation results are used for future program planning; and
 - p. An attestation that the information provided in the application:
 - (i) Is complete;
 - (ii) If approved as a continuing education sponsor, the provider will comply with the terms set forth by the board;
 - (iii) Board approval will be for a period of two (2) years;
 - (iv) Board approval will include all programs and courses that meet board continuing education requirements; and
 - (v) That the board has the right to audit, at any time, programs and courses to evaluate if they comply with board regulations.
- (b) An approved continuing education sponsor shall submit an annual report of the education programs offered during the year.
- (c) Notwithstanding this subsection, the board shall individually approve the following courses:
 - 1. The six (6) hours of board-approved continuing education courses in supervision under 201 KAR 32:035, Section 2(4);
 - 2. The two (2) hours of continuing education in supervision under 201 KAR 32:035, Section 2(5) needed by a non-AAMFT approved supervisor to maintain board-approved supervisor status;
 - 3. The one (1) hour of continuing education in Kentucky law required under 201 KAR 32:035, Section 2(6);

4. The three (3) hours of marriage and family therapy ethics required by Section 1(1) of this administrative regulation; and

5. The fifteen (15) hour telehealth course required by 201 KAR 32:110, Section 3.

(d) The applicant must designate an authorized representative to serve as the sponsor administrator.

1. The administrator is responsible for assuring:

a. That the content of all programs offering continuing education hours meet the qualifications of Section 1(2) of this administrative regulation; and

b. That the programs are conducted by individuals who have relevant education training or experience.

2. The administrator shall serve as the primary contact person with the board concerning sponsor program matters.

Section 4. Responsibilities and Reporting Requirements of Licensees and Associates. (1) Licensees and associates shall:

(a) Be responsible for obtaining required continuing education hours;

(b) Identify personal continuing education needs;

(c) Take the initiative in seeking continuing professional education activities to meet these needs; and

(d) Seek ways to integrate new knowledge, skills, and attitudes.

(2) Each person holding a license or permit shall:

(a) Select approved activities by which to earn continuing education hours;

(b) If seeking approval for continuing education from a program not already approved pursuant to Section 2(2) of this administrative regulation and not exempted from requiring board approval pursuant to Section 2(1) of this administrative regulation, submit an application to the board for consideration. The application shall include the:

1. Agenda that is detailed, timed, and includes topics and presenters;

2. Presenter's biography, including education;

3. Credentials of all presenters;

4. All presenters' experience related to topic;

5. Description of training; and

6. Objectives and goals;

(c) Maintain records of continuing education hours. Each licensee and associate shall maintain, for a period of one (1) year from the date of renewal, all documentation verifying successful completion of continuing education hours. During each renewal period, up to fifteen (15) percent of all licensees and associates shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education hours for the current renewal period. Verification of continuing education hours shall not otherwise be reported to the board;

(d) Document attendance and participation in a continuing education activity in the form of official documents including transcripts, certificates, or affidavits signed by instructors. The type of documentation required shall vary depending on the specific activity submitted to the board for approval; and

(e) Fully comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 335.340(7) and may result in the refusal to renew, suspension, or revocation of the license or permit.

Section 5. Carry-over of Continuing Education Hours, Prohibited. There shall not be a carry-over of continuing education hours earned in excess of those required under Section 1 of this administrative regulation into the immediately following renewal period.

Section 6. Board to Approve Continuing Education Hours; Appeal Upon Approval Denial. In the event of denial, in whole or part, of any application for approval of continuing education hours, the licensee or associate shall have the right to request reconsideration by the board of its decision. The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of continuing education hours.

Section 7. Waiver or Extensions of Continuing Education. (1) The board may, in individual cases involving medical disability, illness, or undue hardship, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports.

(2) A request for waiver or extension shall be in writing and submitted within the renewal grace period.

(3) A written request for waiver or extension of time involving medical disability or illness shall be submitted by the licensee or associate accompanied by a verifying document signed by a licensed physician, a physician's assistant, or a nurse practitioner, and shall be received by the board within the grace period.

(4) A written request for waiver or extension of time involving undue hardship shall be submitted by the licensee or associate accompanied by a verifying document signed by the licensee or associate, and shall be received by the board within the grace period.

(5) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the continuing education requirements may be granted by the board for a period of time not to exceed one (1) calendar year.

(6) If the medical disability, illness, or undue hardship upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee or associate shall reapply for the waiver or extension in writing prior to the expiration of the previous extension or waiver.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "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, Frankfort, Kentucky 40601, Monday through Friday, 8 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=TnBjRElGMjNwTzVlMmVJRDIkGpWUT09>

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 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 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 requirements for continuing education for licensed marriage and family therapists and marriage and family therapy associates.

(b) The necessity of this administrative regulation: The administrative regulation is necessary under KRS 335.340(7), which requires the Board to prescribe regulations for a person applying for renewal or reinstatement of licensure to show evidence of completion of continuing education; and KRS 335.320(9), which requires the Board to promulgate administrative regulations, in accordance with KRS Chapter 13A, 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: This administrative regulation conforms to the content of the authorizing statutes by setting forth the continuing education requirements for licensed marriage and family therapists and marriage and family therapy associates.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation conforms to the content of the authorizing statutes by setting forth the continuing education requirements for licensed marriage and family therapists and marriage and family therapy associates.

(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 allowing entities to become an approved sponsor able to provide more than one continuing education programs over a two-year period of time.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow entities to have sponsor status to receive board approval to become sponsors that can provide more than one continuing education programs over a two-year period of time.

(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 allow sponsors the ability to be approved to provide unlimited continuing education programs without having to submit individual programs to the Board for approval.

(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 set forth in 201 KAR 32:030.

(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: A fee of \$300 is established in 201 KAR 32:030 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: This administrative regulation established directly or indirectly a fee of \$300 for a provider designated as an approved sponsor for continuing education for two (2) consecutive calendar years, January 1 to December 31.

(9) TIERING: Is tiering applied? Tiering was not applied as the criteria apply to all licensed marriage and family therapists and permitted marriage and family therapy associates.

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 335.340(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