

BOARDS AND COMMISSIONS
Board of Alcohol and Drug Counselors
(Amendment)

201 KAR 35:080. Voluntary inactive and retired status.

RELATES TO: KRS 309.0813(5) and (12)

STATUTORY AUTHORITY: KRS 309.0813(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(5) requires the board to promulgate administrative regulations to define the process to register with the board as a registered alcohol and drug peer support specialist, certified alcohol and drug counselor associate I, certified alcohol and drug counselor associate II, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor. KRS 309.0813(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.080 to 309.089. This administrative regulation allows credential holders to place their credentials in voluntary inactive status or retired for a period of time if they do not intend to actively practice alcohol and drug counseling or alcohol and drug peer support services in the Commonwealth of Kentucky

Section 1. Conditions for Application for Voluntary Inactive Status. (1) Voluntary inactive status shall be for the credential holder who is currently not working as a peer support specialist or an alcohol and drug counselor, yet plans to return to providing peer support services or alcohol and drug counseling.

(2) The Kentucky Board of Alcohol and Drug Counselors shall grant inactive status if one (1) or more of the following conditions apply:

- (a) Medical problems;
- (b) Maternity or paternity;
- (c) Education;
- (d) Military service; or
- (e) Family or personal issues.

Section 2. Instructions for Application for Voluntary Inactive Status. (1) A credential holder, including a temporary credential holder, desiring inactive status shall send a letter of request to the office of the Kentucky Board of Alcohol and Drug Counselors and include the following information:

- (a) Current home address and telephone number;
- (b) Reason for request;
- (c) Final date of employment providing peer support services or~~in the~~ alcohol and drug counseling [field];
- (d) Final date of supervision;
- (e) Anticipated date of return to employment providing peer support services or~~in the~~ alcohol and drug counseling[~~field~~]; and
- (e) Nonrefundable enrollment fee of fifty (50) dollars as established in 201 KAR 35:020, Section 7.

(2) The request for voluntary inactive status shall be placed on the agenda of the next regularly-scheduled meeting of the Kentucky Board of Alcohol and Drug Counselors for consideration.

(3) The applicant shall be notified of the board's decision no later than two (2) weeks after the board's meeting.

Section 3. Terms and Responsibilities. (1) While on voluntary inactive status, an individual shall continue to receive bulletins, newsletters, and other communications from the Kentucky Board of Alcohol and Drug Counselors.

(2) A counselor on voluntary inactive status shall not practice or use the title or initials of a counselor such as, TCADC, Associate I, Associate II, CADC, LCADCA, or LCADC.

(3) A peer support specialist on voluntary inactive status shall not practice or use the initials or title of a registered peer support specialist such as, TRADPSS or RADPSS[RPSS].

(4) Individuals on voluntary inactive status shall not be eligible for reciprocity.

(5) Individuals on voluntary inactive status shall comply with the Kentucky Code of Ethics as established in 201 KAR 35:030.

(6) The voluntarily inactive individual shall notify the Kentucky Board of Alcohol and Drug Counselors prior to returning to work providing peer support services or~~[in the]~~ alcohol and drug counseling ~~[field]~~ and pay the reactivation fee established in 201 KAR 35:020, Section 7.

(7) Failure to notify the board prior to returning to employment shall constitute a violation of the Kentucky Board of Alcohol and Drug Counselors Code of Ethics in 201 KAR 35:030, and shall result in referral to the board for investigation, in accordance with the procedures outlined in 201 KAR Chapter 35.

(8) A credential holder may remain on inactive status for two (2) years, unless an extension of time is granted.

(9) The two (2) year period of inactive status shall begin when the board grants the request for inactive status.

(10) A credential holder may request one (1) extension of time of two (2) years by submitting to the board a written request to continue on inactive status and an explanation of the reason for the request.

(11) If the credential holder does not submit a request for extension of the inactive status or fails to reactivate the credential before the end of the inactive status, the credential shall expire.

Section 4. Reactivation. (1) Individuals requesting reactivation of their registration, certification, or licensure status shall send a letter of request to the office of the Kentucky Board of Alcohol and Drug Counselors and shall include the following:

(a) Current home address;

(b) Current e-mail address;

(c) Description of change of circumstances allowing active participation in the field;

(d) Address of employing agency, if applicable;

(e) Submission of proof of attendance of continuing education as required by 201 KAR 35:040; and

(f) Nonrefundable reactivation fee as established in 201 KAR 35:020, Section 7(3).

(2)(a) A request for reactivation shall be considered at the next regularly scheduled meeting of the Kentucky Board of Alcohol and Drug Counselors.

(b) The applicant shall be notified within two (2) weeks of the board's decision.

Section 5. Conditions for Retired Status. (1) Except for an individual issued a temporary registration or certification, a certified alcohol and drug counselor associate I, a certified alcohol and drug counselor associate II, or a license as a clinical alcohol and drug counselor associate, retired status may be granted to a credential holder upon written request to the board.

(2) The board may grant retired status to a credential holder submitting a written request if that individual:

- (a) ~~Suffers~~~~[Is at least sixty-five (65) years old, or suffers]~~ a physical or mental~~[medical]~~ disability or illness that renders the credential holder unable to provide peer support services or practice alcohol and drug counseling; ~~or~~~~[and]~~
- (b) Has retired from providing peer support services or the practice of alcohol and drug counseling in all jurisdictions and is not conducting an active practice in any jurisdiction.
- (3) A credential holder granted retired status by the board shall:
 - (a) Not be required to meet the continuing education requirements under 201 KAR 35:030;
 - (b) Be relieved of the obligation to pay the renewal and penalty fees under 201 KAR 35:020, Section 4 and the inactive status fees under 201 KAR 35:020, Section 7; and
 - (c) Use the designation "-R" at the end of the acronym for the appropriate credential such as, RADPSS-R~~[RPSS-R]~~, CADC-R, or LCADC-R.
- (4) A credential holder who retires and later seeks reinstatement shall meet applicable current initial registration, certification, or licensure requirements as provided in KRS 309.083 through 309.0833, 201 KAR 35:025, 35:050, and 35:070.

TIM CESARIO, Chair

APPROVED BY AGENCY: February 25, 2021

FILED WITH LRC: March 5, 2021 at 4:27 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 AM on May 24, 2021 at 500 Mero Street, 127CW, Frankfort, Kentucky 40601. In the event the building is not open to the public on May 24, 2021, including if the declared 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 May 24, 2021, this hearing will be held by video teleconference, in which event members of the public wishing to attend may utilize the following link: <https://us02web.zoom.us/j/88015845024?pwd=WnhsNmR3SGJwRXM0YktrM1psbkVxZz09>, Password: 203666, Or Telephone: Dial: USA 713 353 0212, USA 8888227517 (US Toll Free), Conference code: 995892. 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 May 31, 2021. 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, 500 Mero Street, 237CW, Frankfort, Kentucky 40601, phone (502) 782-0562, fax (502) 564-4818, email KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin R. Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for a credential holder who voluntarily places oneself on inactive or retired status.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish procedure for the board to be aware of the credential holders who voluntarily places oneself on inactive or retired status.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations to register with the board as a credential holder.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in board having knowledge of credential holders who are not currently practicing.

(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) allowing temporary credential holders to place their credential on inactive status; (2) requiring peer support specialist who place their credential on voluntary inactive status to state their final date of supervision; (3) add the enrollment fee of fifty (50) dollars to the text of the regulation; (4) notify credential holders that they cannot use their title or an acronym if they are in inactive status; (5) clarifying that registered alcohol and drug support specialist only provide peer support services; (6) setting a time limit of two (2) years to remain on inactive status; (7) establishing that the two (2) year period begins when the board grants the request; (8) allowing a credential holder to request an extension of inactive status; (9) explaining that a credential will expire if a request for extension is not timely filed; (10) allowing credential created last legislative session to apply for retired status; (11) removing the age requirement for retired status; and (12) correcting the RADPSS acronym.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow credentials created last legislative session to go on inactive or retired status.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statute as the authorizing statute gives the board the ability to promulgate regulations to register with the board as a credential holder.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist by providing credential holders the ability to go on inactive or retired status and allow the board to track who is not practicing.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board is unable to determine the exact number of persons who would be impacted by this regulation since the applications vary from month to month. Future applicants and persons credentialed by the board will be affected by this administrative regulation. As of February 1, 2021 there were 513 licensed clinical alcohol and drug counselors, 21 licensed clinical alcohol and drug counselor associates, 458 certified alcohol and drug counselors, 930 temporary certified alcohol and drug counselors, 95 temporary registered alcohol and drug peer support specialists, and 15 registered alcohol and drug peer support specialists.

(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: Credential holders desiring to go on inactive or retired status must notify the board. A credential holder must notify the board prior to returning to the practice of alcohol and drug counseling or peer support.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Credential holders pay a fifty (50) dollar fee to go on inactive status.

(c) As a result of compliance, what benefits will accrue to the entities: The credential holders have the liberty to place oneself on inactive status and return to work when desired with approval of the board.

(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: The board's operations are funded by fees paid by credential holders and applicants

(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: There are no increases in fees and no increase in funding will be necessary to implement this amendment to the administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes a fee of fifty (50) dollars to go on inactive status.

(9) TIERING: Is tiering applied? Tiering was not applied as the regulation is applicable to all credential holders. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

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 Alcohol and Drug Counselors.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.0813(1) and (5)

(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? The board is unable to determine how much, if any, revenue this administrative regulation will generate for state or local government for the first year. The amendments to this administrative regulation establish a fee of fifty (50) dollars to go on inactive status.

(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? The board is unable to determine how much, if any, revenue this administrative regulation will generate for state or local government for subsequent years. The amendments to this administrative regulation establish a fee of fifty (50) dollars to go on inactive status.

(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