

201 KAR 36:072. Reciprocity requirements for applicants licensed or certified in another state.

RELATES TO: KRS 335.515(12)

STATUTORY AUTHORITY: KRS 335.515(1), (3), (12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(1) requires the board to evaluate the qualifications of applicants for licensure. KRS 335.515(3) requires the board to promulgate administrative regulations to carry out and enforce the provisions of KRS 335.500 to 335.599. KRS 335.515(12) authorizes the board to enter into reciprocal agreements with certified or licensed professional counseling boards. This administrative regulation establishes the reciprocity requirements for certification or licensure of persons licensed or certified in another state.

Section 1. (1) The licensing requirements for a licensed professional clinical counselor under KRS 335.525 or 335.527 may be waived if:

- (a) The board enters into a written reciprocity agreement with the other jurisdiction;
 - (b) The other jurisdiction grants the same privileges to licensees of Kentucky as Kentucky grants to licensees of that other jurisdiction;
 - (c) The board determines that the licensing requirements of the other jurisdiction are substantially similar to the requirements of KRS 335.500 to 335.599;
 - (d) The applicant holds an active valid license or certificate in the other jurisdiction;
 - (e) The applicant is in good standing in the other jurisdiction;
 - (f) The applicant has not been disciplined or reprimanded;
 - (g) The applicant:
 1. Does not have a pending disciplinary action; or
 2. Is under investigation by any jurisdiction; and
 - (h) The applicant is of good moral character.
- (2) No person shall be licensed as a licensed professional associate through reciprocity.

Section 2. An applicant seeking licensure as a licensed professional clinical counselor shall:

- (1) Submit an Application for Licensed Professional Clinical Counselor by Reciprocity to the board;
- (2) Pay the application fee as established in 201 KAR 36:020, Section 1(1);
- (3) Submit a letter of good standing from each jurisdiction where the person holds a license or certificate; and
- (4) Submit the results of a background check performed within the last ninety (90) days from the submission date of the application for a criminal background check performed by the Kentucky State Police and the Federal Bureau of Investigation (FBI). If an applicant submits an application for a nationwide criminal background check performed by the FBI and the FBI cannot complete the background check within thirty (30) days of the request, an applicant may submit an Optional Affidavit for Licensure, as incorporated by reference in 201 KAR 36:070, and shall submit the performed nationwide criminal background check within fourteen (14) days of its receipt. If an applicant has a felony conviction during the applicant's lifetime, a misdemeanor conviction within the past five (5) years, or a pending charge, the applicant shall not use the Optional Affidavit for Licensure. Any cases officially expunged do not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subsection. If an applicant does not receive the criminal background check within 180 days of the issuance of a license, the applicant shall notify the board immediately in writing.

Section 3. An applicant granted a license under this administrative regulation shall comply with the continuing education requirements under 201 KAR 36:030 and the renewal requirements of 201 KAR 36:075.

Section 4. (1) The board, by majority vote and during a board meeting, shall determine if the licensing requirements of another jurisdiction are substantially similar to the requirements of KRS 335.500 to 335.599.

(2) The board may only approve a reciprocity agreement with another jurisdiction if Section 1(a), (b), and (c) of this administrative regulation are satisfied.

(3) The board shall publish the determination and approval of a reciprocity agreement in its board minutes.

Section 5. Incorporation by Reference. (1) "Application for Licensed Professional Clinical Counselor by Reciprocity", November 2017, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (44 Ky.R. 842, 1228; eff. 1-5-2018.)