

BOARDS AND COMMISSIONS
Kentucky Applied Behavior Analysis Licensing Board
(Amendment)

201 KAR 43:020. Application procedures for temporary licensure.

RELATES TO: KRS 319C.080(3)

STATUTORY AUTHORITY: KRS 319C.060(2)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for temporary licensure.

Section 1. Application procedures.

(1) An application for a temporary license as a behavior analyst or assistant behavior analyst ~~shall~~~~may~~ be submitted after the requirements established in KRS 319C.080(3) are met.

(2) The application required by subsection (1) of this section shall be made by submitting to the board a completed Form ABA-001, Application for Licensure, as incorporated by reference in 201 KAR 43:010.

(a) The application shall include a certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief;
2. Applicant is aware that ~~the board may take disciplinary action in accordance with KRS 319C.070 if the application contains~~ a misrepresentation or falsification in the application is grounds for denial or revocation of the license; and
3. Applicant is aware that ~~any~~~~the~~ temporary license issued expires four (4)~~shall expire two (2)~~ years from the issuance date and shall not be renewed.

(b) If the applicant has completed the coursework through a Behavior Analyst Certification Board (BACB) or Association for Behavior Analysis International (ABAI) Verified Course Sequence (VCS)~~BACB-approved program~~, the application shall include an official~~original, certified~~ post-secondary transcript and VCS course sequence number.

(c) If the applicant has completed coursework from a non-BACB or non-ABAI VCS~~approved~~ program, the application shall include an official post-secondary transcript and course syllabi for all behavior-analytic coursework showing that the applicant has met the most current BACB coursework requirements for eligibility to sit for the Board Certified Behavior Analyst (BCBA) examination for applicants applying for a temporary license as a behavior analyst or the Board Certified Assistant Behavior Analyst examination for applicants applying for a temporary license as an assistant behavior analyst~~for a Board Certified Behavior Analyst® or Board Certified Assistant Behavior Analyst.~~

(3) The applicant shall submit check or money order payable to the Kentucky State Treasurer for the application review fee and the licensure fee as required by 201 KAR 43:030;

(4) The applicant shall submit proof of compliance with the educational, examination, and credentialing requirements established in KRS 319C.080(1); and

(5) The applicant shall submit proof of completion of at least five (5) hours of training in:

- (a) Adult abuse and neglect;
- (b) Child abuse, neglect, and dependency; or

(c) A combination of paragraphs (a) and (b) of this subsection. The completed proofs(s) shall indicate that abuse, neglect, or dependency was explicitly covered in the training.

(6) Applicants for temporary licensure as a behavior analyst or assistant behavior analyst shall also submit a completed Supervisory Plan for board approval.

(7) An application for full licensure may be submitted at any time within the four (4) year period temporary licensure period after meeting the requirements established in KRS 319C.080(1) and (2). A final Report of Supervision, as incorporated by reference in 201 KAR 43:050, shall also be submitted for board approval.

~~{Section 2.} {Temporary Licensure of Behavior Analysts. The applicant for temporary licensure as a behavior analyst shall:}~~

~~{(1)} {Submit a check or money order payable to the Kentucky State Treasurer for the application review fee and the temporary licensure fee as required by 201 KAR 43:030;}~~

~~{(2)} {Submit proof of compliance with the requirements established in KRS 319C.080(3); and}~~

~~{(3)} {Submit proof of completion of at least five (5) hours of training in:}~~

~~{(a)} {Adult abuse and neglect prevention; and}~~

~~{(b)} {Child abuse, neglect, and dependency prevention.}~~

~~{Section 3.} {Temporary Licensure of Assistant Behavior Analysts. The applicant for temporary licensure as an assistant behavior analyst shall:}~~

~~{(1)} {Submit a check or money order payable to the Kentucky State Treasurer for the application review fee and the temporary licensure fee as required by 201 KAR 43:030;}~~

~~{(2)} {Submit proof of compliance with the requirements established in KRS 319C.080(3); and}~~

~~{(3)} {Submit proof of completion of at least five (5) hours of training in:}~~

~~{(a)} {Adult abuse and neglect prevention; and}~~

~~{(b)} {Child abuse, neglect, and dependency prevention.}~~

DR. ERICK DUBUQUE, Board Chair

APPROVED BY AGENCY: November 11, 2021

FILED WITH LRC: November 15, 2021 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 31, 2022 at 2:00 p.m. in Room 133, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference:

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782-8805, fax (502) 564-3969, email 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:

KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for temporary licensure.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 319C.060(2)(a).

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for temporary licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.

(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 makes clear that behavior analysts and assistant behavior analysts have different statutory licensing requirements. The amendment clarifies requirements for temporary licensure, and what an applicant is required to submit to the board with their application.

(b) The necessity of the amendment to this administrative regulation:

See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes:

See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes:

See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This regulation will affect an unknown number of applicants for temporary licensure as behavior analysts and assistant behavior analysts. (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: This regulation will provide updated requirements for temporary licensure. (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation should add no additional cost to applicants for temporary licensure. (c) As a result of

compliance, what benefits will accrue to the entities: This regulation will allow applicants for temporary licensure to have an updated understanding of the requirements to obtain temporary licensure, and makes clear that different applicants will have different requirements to obtain licensure.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment:

No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No answer provided.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

No answer provided.

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

(a) Initially:

This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis:

This administrative regulation does not create a cost for the administrative body

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Kentucky Applied Behavior Analysis Licensing Board is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(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:

No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

Though this amendment references the updated fees provided by the amended 201 KAR 43:030, this regulation will not indirectly increase fees for applicants for temporary licensure.

(9) TIERING: Is tiering applied?

Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

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?

This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 319C.060(2)(a).

(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.

(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 administrative regulation generates no additional revenue for the Board.

(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?

None.

(c) How much will it cost to administer this program for the first year?

There are no additional costs.

(d) How much will it cost to administer this program for subsequent years?

See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: