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

201 KAR 43:030. Fees.

RELATES TO: KRS 319C.060(2)(f), 319C.080(1), (2), (3)
STATUTORY AUTHORITY: KRS 319C.060(2)(f)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

Section 1. Application and Licensure Fees for Licensed Behavior Analysts.
(1) An applicant for licensure as a licensed behavior analyst shall pay the following:
(a) A $400~~[100][nonrefundable]~~ application review and licensure fee~~[;]~~for the first two (2) year licensure period;~~[and]~~
(b) A licensed assistant behavior analyst applying for licensure as a licensed behavior analyst for the remainder of their ~~[A $300 licensure fee for the first]~~ two (2) year licensure period shall pay a $100 non-refundable application review fee;
(c) A temporary licensed behavior analyst applying for licensure as a licensed behavior analyst for the remainder of their four (4) licensure period shall pay a non-refundable $100 application review fee; and
(d) A temporary licensed assistant behavior analyst applying for licensure as a licensed behavior analyst for the remainder of their four (4) licensure period shall pay a non-refundable $100 application review fee.
(2) The licensure renewal fee for a licensed behavior analyst for each subsequent, two (2) year licensure period shall be $300.

Section 2. Application and Licensure Fees for Licensed Assistant Behavior Analysts.
(1) An applicant for licensure as a licensed assistant behavior analyst shall pay the following:
(a) A $300~~[100 nonrefundable]~~ application review and licensure fee~~[;]~~for the first two (2) year licensure period.~~[and]~~
(b) A temporary licensed assistant behavior analyst applying for licensure as a licensed assistant behavior analyst for the remainder of the four (4) ~~[A $200 licensure fee for the first two (2)]~~ year licensure period shall pay a $100 non-refundable application review fee.
(2) The licensure renewal fee for a licensed assistant behavior analyst for each subsequent, two (2) year licensure period shall be $200.

Section 3. Application and Temporary Licensure Fees.
(1) An applicant for a temporary license as a behavior analyst shall pay a $300~~[the following:]~~
~~[(a)]~~ ~~[A $100 nonrefundable]~~ application review ~~[fee;]~~ and[
~~[(b)]~~ ~~[A $200 temporary]~~ licensure fee for the four (4)~~[two (2)]~~ year temporary licensure period.
(2) An applicant for a temporary license as an assistant behavior analyst shall pay a $200~~[the following:]~~
~~[(a)]~~ ~~[A $100 nonrefundable]~~ application review ~~[fee;]~~ and[
~~[(b)]~~ ~~[A $100 temporary]~~ licensure fee for the four (4)~~[two (2)]~~ year temporary licensure period.

Section 4. Fees for Inactive Status.

(1) A licensed behavior analyst or a licensed assistant behavior analyst who applies for inactive status shall pay a fee of $100.

(2) A licensed behavior analyst or a licensed assistant behavior analyst who applies to renew their inactive status shall pay a fee of $100.

Section 5. A licensed behavior analyst or a licensed assistant behavior analyst who applies for retired status shall pay a fee of $100 dollars.

Section 6. Fees for Late Renewal or Reinstatement of a Licensed Behavior Analyst and Licensed Assistant Behavior Analyst.

(1) A licensed behavior analyst or a licensed assistant behavior analyst who files to renew his or her license after its renewal date but within thirty (30) days of that renewal date shall pay a late fee of fifty (50) dollars in addition to the fee set forth in Section 1 or 2 of this administrative regulation.

(2) A licensed behavior analyst or a licensed assistant behavior analyst who files to reinstate his or her expired license more than thirty (30) days after its renewal date ~~[but within three (3) years of that renewal date]~~ shall pay a reinstatement fee of $250 in addition to the fee set forth in Section 1 or 2 of this administrative regulation.

(3) A licensed behavior analyst or a licensed assistant behavior analyst who applies to reinstate following a period of board-approved inactive status or retirement shall pay a reinstatement fee of $100 in addition to the renewal fee set forth in Section 1 or 2 of this administrative regulation.

Section 7. For applications that are denied, the applicant may request a fifty (50) percent refund of the application and licensure review fee in writing to the board administrator within ninety (90) days.

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)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

(b) The necessity of this administrative regulation:
This administrative regulation is required by KRS 319C.060(2)(f).

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

(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 establishing fees for licensure and renewal.

(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 updates the required fees for licensure and renewal. The amendment establishes a fee for placing a license on inactive or retired status.

(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 licensure as behavior analysts and assistant behavior analysts, and an unknown number of applicants for temporary licensure. The regulation will affect 11 licensed assistant behavior analysts, 482 licensed behavior analysts, and 6 temporary 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 update licensure and renewal fee requirements. This regulation will require fees should a license be placed on inactive or retired status, and fees should an inactive or retired status license be reinstated. (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This administrative regulation

stands to generate an additional $300 per licensed behavior analyst applicant, and an additional $200 per licensed behavior analyst assistant applicant. This regulation will generate $100 for a license to be placed on inactive or retired status, and $100 any time an inactive or retired status license is reinstated. (c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow applicants for licensure to have an updated understanding of the various fee requirements for 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:
This regulation directly increases fees.

(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)(f).

(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, by reference to 201 KAR 43:030, stands to generate for the board an additional $300 per licensed behavior analyst applicant, and an additional $200 per licensed behavior analyst assistant applicant. $100 per applicant for inactive or retired status, and $100 should an inactive or retired licensee seek reinstatement.

(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?

See 3(a).

(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: