

STATEMENT OF EMERGENCY
201 KAR 36:072E.

Pursuant to KRS 13A.190(1)(a)2., KRS 335.517, and KRS 335.560. SECTION 16.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Kentucky Board of Licensed Professional Counselors (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of professional counseling, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 335.517 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)(2.). This emergency amended administrative regulation is temporary in nature and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

DENISE HUTCHINS, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS
Board of Licensed Professional Counselors
(Emergency Amendment)

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

RELATES TO: KRS 335.515(12), 335.517, 335B.020, 335.560, 12.245, 12.255, 12.357

STATUTORY AUTHORITY: KRS 335.515(1), (3), (12), 335.517

CERTIFICATION STATEMENT:

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. KRS 335.517 requires applicants seeking an initial license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check from the Kentucky State Police and Federal Bureau of Investigation. 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 not under investigation by any jurisdiction; and
- (h) The applicant is of good moral character.

(2) A person shall not 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", DPL-LPC-06, July 2026 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 national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, including payment of any required fee to the KSP and FBI. Any cases officially expunged shall 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.

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(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", DPL-LPC-06, July 2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at lpc.@ky.gov.

201 KAR 36:072E

DENISE HUTCHINS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 2:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. 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 was received by that date, the hearing may be cancelled. 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 September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx