

BOARDS AND COMMISSIONS
Board of Licensed Professional Counselors
(Amendment)

201 KAR 36:072. 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 ~~from the submission date of the application for a criminal background check performed~~ 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,~~[December 2023,]~~ 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~~[4:00]~~ p.m. This material is also available on the board's Web site at lpc.@ky.gov.

201 KAR 36:072

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 October 27, 2026, at 11:00 A.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 October 31, 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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Sara Boswell Janes **Phone Number:** (502) 782-2709 (office) **Email:** sara.janes@ky.gov

Subject Headings:Occupations and Professions, Compacts, Interstate, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the procedure and requirements for licensure by reciprocity.

(b) The necessity of this administrative regulation:

The necessity of this regulation is to inform an applicant for licensure by reciprocity where Kentucky has a reciprocity agreement with another state.

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

This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding licensure by reciprocity.

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

This regulation will assist in establishing and clarifying the procedure and requirements for the licensure by reciprocity.

(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:

This amendment requires that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657, and for compliance with the requirements of the Counseling Compact and KRS 335.560. This includes applicants for initial licensure through a reciprocity agreement. Currently, applicants submit a copy of their FBI background check along with the application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement.

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

This amendment is necessary to incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to KRS 335.517 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States.

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

This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding licensure by reciprocity and incorporates the criminal background investigation requirement.

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

This amendment assists in the effective administration of the statutes by ensuring Kentucky is in compliance with the Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

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

There are presently 5282 active and 66 inactive licensees who will be affected by this administrative regulation in some capacity. The board reviews approximately 800 to 1000 applications annually.

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

An applicant by reciprocity will have to apply for and have a criminal background investigation report by means of a fingerprint check by the KSP and FBI sent directly to the Board.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There will be a cost of obtaining a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Kentucky will be in compliance with the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially:

No new costs will be incurred by the changes

(b) On a continuing basis:

No new costs will be incurred by the changes.

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

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

(8) 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 is no increase in fees or funding needed by the agency as a result of this administrative regulation required to implement the changes made by this regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police, which is required by KRS 335.517.

(10) TIERING: Is tiering applied?

This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 335.515(1), (3), 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1. and KRS 335.517.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

Yes, KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years:No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year:No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years:No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year:No cost savings are anticipated in the first year.

For subsequent years:No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local law enforcement

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:Unknown

For subsequent years:Unknown

2. Revenues:

For the first year:This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years:This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year:Unknown

For subsequent years:Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

The Federal Bureau of Investigation.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:Unknown

For subsequent years:Unknown

2. Revenues:

For the first year:This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years:This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year:Unknown

For subsequent years:Unknown

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

The anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

(b) Methodology and resources used to reach this conclusion:

Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion:

Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.