

STATEMENT OF EMERGENCY
201 KAR 36:075E.

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 36:075E. Renewal, late renewal, and reinstatement of license.

RELATES TO: KRS 335.517, 335.535

STATUTORY AUTHORITY: KRS 335.515(1), (3), (6), 335.517, 335.535

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the Board of Licensed Professional Counselors to promulgate administrative regulations necessary for the proper performance of its duties. KRS 335.515(6) and KRS 335.535 require the holder of a license to renew that license annually. KRS 335.517 requires applicants seeking reinstatement of a license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. This administrative regulation establishes the requirements for renewal, late renewal, and reinstatement of a license.

Section 1.

- (1) A license shall be renewed by October 31 of each year.
- (2) A person receiving an initial license within 120 days prior to the renewal date shall not be required to renew until October 31 of the following year.

Section 2.

- (1) To apply for renewal, a licensed professional clinical counselor shall:
 - (a) Submit a completed LPCC Renewal Application to the board; and
 - (b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(a), for the renewal of a license.
- (2) After the sixty (60) day grace period, to apply for reinstatement, an individual who has a terminated license as a licensed professional clinical counselor shall:
 - (a) Submit a completed "LPCC Reinstatement Application", DPL-LPC-09, July 2026;
 - (b) Submit proof of completing ten (10) hours of board-approved continuing education within one (1) year prior to the filing of an application for reinstatement;
 - (c) Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36 within one (1) year prior to the filing of an application for reinstatement;
 - (d) 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 Federal Bureau of Investigation and make payment of any required fee to the KSP and FBI;
 - (e) Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(a); and
 - (f) Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(a).

Section 3.

- (1) To apply for renewal, a licensed professional counselor associate shall:
 - (a) Submit a completed LPCA Renewal Application to the board; and
 - (b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(b), for the renewal of a license.
- (2)
 - (a) After the sixty (60) day grace period or revocation of a license, to apply for reinstatement, an individual who has a terminated license as a professional clinical counselor associate shall:
 1. Submit a completed "LPCA Reinstatement Application", DPL-LPC-10, July 2026;

2. 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, and make payment of any required fee to the KSP and FBI;
 3. Submit proof of completing ten (10) hours of board-approved continuing education completed within one (1) year of the filing for reinstatement;
 4. Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36, within one (1) year of the filing for reinstatement;
 5. Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(b); and
 6. Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(b).
- (b) A person who applies for reinstatement within three (3) years of termination or revocation of the license shall be required to meet current continuing education requirements established in 201 KAR 36:030.
- (c) A person who fails to apply for reinstatement within three (3) years of termination or revocation of the license shall meet the current licensure requirements.

Section 4.

- (1) A person shall not engage in the practice of professional counseling after a license has been terminated.
- (2) The ten (10) hours of continuing education completed within one (1) year of the filing of reinstatement shall not count towards the applicant's continuing education requirement under 201 KAR 36:030, Section 1(1).
- (3) If a supervisor fails to verify the hours required for a licensed professional counselor associate by the termination date of the license, then the LPCA Supervision Agreement, as incorporated by reference in 201 KAR 36:060, shall be terminated.

Section 5.

- (1) A licensee for renewal or applicant for reinstatement shall maintain good moral character.
- (2) If an applicant lacks good moral character and the incident that resulted in the lack of good moral character occurred since issuance of the initial license or last renewal date, the applicant has the duty to provide available evidence relative of rehabilitation.
- (3) For evidence relative of rehabilitation, the board shall consider evidence including the successful completion of probation, the years since the incident without additional incidents, and the successful completion of inpatient or outpatient treatment.
- (4) If the board finds that an applicant has not provided sufficient evidence of rehabilitation then the board may deny the application.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "LPCC Renewal Application", DPL-LPC-07, December 2023;
 - (b) "LPCA Renewal Application", DPL-LPC-08, December 2023;
 - (c) "LPCC Reinstatement Application", DPL-LPC-09, July 2026; and
 - (d) "LPCA Reinstatement Application", DPL-LPC-10, July 2026.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be found on the board's Web site at lpc@ky.gov.

201 KAR 36:075E

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