

BOARDS AND COMMISSIONS
Board of Licensed Professional Counselors
(Amendment)

201 KAR 36:075. 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~~[December 2023]~~; and
 - (d) "LPCA Reinstatement Application", DPL-LPC-10, July 2026~~[December 2023]~~.
- (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~~[4:00]~~ p.m. This material may also be found on the board's Web site at lpc@ky.gov. 201 KAR 36:075

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 the renewal, reinstatement, and reactivation of a license.

(b) The necessity of this administrative regulation:

The necessity of this regulation is to inform a licensee of the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

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

This regulation is in conformity with the authorizing statute as it gives the board the ability to promulgate regulations regarding the renewal, reinstatement, and reactivation of a license

(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 renewal, reinstatement, and reactivation of a license.

(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 reinstatement obtain a criminal background investigation from the KSP and FBI pursuant to KRS 335.517, and for compliance with the requirements of the Counseling Compact and KRS 335.560. Currently, applicants submit a copy of their FBI background check along with the reinstatement 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 reinstatement obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 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 amendment is in conformity with KRS 335.515(1), (3), 335.500, 335.525(1)(c), (d), (f), 335.527(1)(a) and 335.517.

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

This amendment assists by ensuring Kentucky is in compliance with Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?Yes. See KRS 335.560. Counseling Compact. Created 2022

Ky. Acts ch. 127, sec. 1, effective July 14, 2022, and 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.

(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 for reinstatement must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted 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 costs by the administrative body will be incurred to implement these 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:

No increase in fees or funding will be 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 HB 657.

(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, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

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

Yes, See 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:Unknown

For subsequent years:Unknown

(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:Unknown

For subsequent years:Unknown

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.