

BOARDS AND COMMISSIONS
Kentucky Board of Licensure for Marriage and Family Therapists
(Amendment)

201 KAR 32:070. Complaint procedure.

RELATES TO: KRS 335.305(1), 335.348, 335.350, 335.399

STATUTORY AUTHORITY: KRS 335.320(9), 335.325

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.320(9) requires the Kentucky State Board of Licensure for Marriage and Family Therapists to promulgate administrative regulations to implement KRS Chapter 335. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Definitions.

- (1) "Chair"~~["Chairman"]~~ means the chair~~chairman~~ or vice-chair~~vice-chairman~~ of the board.
- ~~(2) [(2)] ["Charge" means a specific allegation contained in a formal complaint, as defined in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 335 or 201 KAR Chapter 32. (3)]~~ "Complaint" means a written allegation of misconduct by a credentialed individual or other person that may constitute a violation of KRS Chapter 335 or 201 KAR Chapter 32.
- ~~(3) [(4)]~~ "Complaint ~~screening~~ committee" means a committee consisting of three (3) persons on the board appointed by the chair~~chairman~~ of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint, and in addition to board members, the executive director of the board or another staff member may be appointed to serve on this committee.
- ~~(4) [(5)]~~ "Formal complaint" means a formal administrative pleading authorized by the board that provides notice to~~charges~~ a licensed individual or other person ~~off~~with an alleged violation and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.
- ~~(5) [(6)]~~ "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.
- ~~(6) [(7)]~~ "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.
- ~~(7)~~ "Violation" means a specific allegation contained a formal complaint, as defined in subsection (4) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 335 or 201 KAR Chapter 32.

Section 2. Receipt of Complaints.

- (1) A complaint:
 - (a) May be submitted by an:
 1. Individual;
 2. Organization; or
 3. Entity;
 - (b) Shall be:
 1. In writing using the Complaint Form and Instructions; and
 2. Signed by the person offering the complaint; and
 - (c) May be filed by the board based upon information in its possession.
- (2) Upon receipt of a complaint:

- (a)
 - 1. A copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.
 - 2. The individual shall have a period of twenty (20) days from the date of receipt to submit a written response.
- (b)
 - 1. Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.
 - 2. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 3. Initial Review.

- (1)
 - (a) After the receipt of a complaint and the expiration of the period for the individual's response, the complaint ~~[screening]~~ committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available and make a recommendation to the board.
 - (b) After review of the complaint committee, the ~~[The]~~ board ~~may~~shall determine whether there is enough evidence to warrant a formal investigation of the complaint and authorize a formal investigation, or;
 - (c) Authorize the initiation of a formal complaint in accordance with the provisions of KRS 13B.
- (2) If the board determines ~~[before formal investigation]~~ that a complaint is without merit, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a complaint warrants a formal investigation, it shall:
 - (a) Authorize an investigation into the matter; and
 - (b) Order a written status report to be made to the complaint ~~[screening]~~ committee every sixty (60) days until the investigation is completed.

Section 4. Results of Formal Investigation; Board Decision on Hearing.

- (1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint ~~[screening]~~ committee of the facts regarding the complaint.
 - (a) The committee shall review the investigative report and make a recommendation to the board.
 - (b) The board shall determine whether there has been a violation of KRS Chapter 335 or 201 KAR Chapter 32 and may authorize the initiation of a formal complaint~~and a complaint shall be filed~~.
- (2) If the board determines that a complaint is without merit after a formal investigation~~does not warrant issuance of a formal complaint~~, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a violation has occurred but declines to file a formal administrative action,~~[is not serious,]~~ the board shall issue a written admonishment to the licensee.
 - ~~[(a)]~~ A copy of the written admonishment shall be placed in the permanent file of the licensee.
 - ~~[(b)]~~
 - ~~[1.] [The licensee shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in his permanent file. 2.]~~

- (a) ~~The [a. Alternatively, the]~~ licensee may file a request for a hearing with the board within thirty (30) days of the admonishment.
- (b) ~~[b.]~~ Upon receipt of the request, the board shall suspend~~[set aside]~~ the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4) If the board determines that a complaint warrants pursuit of a formal administrative action, the board shall authorize such proceedings and file a formal administrative complaint pursuant to KRS Chapter 13B.~~[the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint that states clearly the charge or charges to be considered at the hearing.]~~
- ~~[(a)] [The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.]~~
- ~~[(b)] [The formal complaint shall be processed in accordance with KRS Chapter 13B.]~~
- (5) If the board determines that a person may be in violation of KRS 335.305(1), it shall:
- (a) Order the individual to cease and desist from further violations of KRS 335.305(1);
 - (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 335.305(1) with a request that appropriate action be taken pursuant to KRS 335.399; or
 - (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 335.305(1) if violations persist subsequent to the actions taken in subsection (a) and (b) of this Section.

Section 5. Settlement by Informal Proceedings.

- (1) The board through counsel and the complaint ~~[screening]~~ committee may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.
- (2) An agreed order or formal settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair~~[man]~~ and be deemed a public document unless designated confidential by a court order.
- ~~[(3)] [The board may employ mediation as a method of resolving the matter informally.]~~

Section 6. Notice of Formal Complaint and Service of Process. A notice required by KRS Chapter 335 or this administrative regulation shall be issued pursuant to KRS Chapter 13B. All formal complaint Notices, processes and Hearings shall be conducted under the provisions of KRS 13B.

Section 7. Notification. The board shall make public:

- (1) Its final order in a disciplinary action pursuant to KRS 335.350 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and
- (2) An action to restrain or enjoin a violation of KRS 335.305(1).

Section 8. Incorporation by Reference.

- (1) "Complaint Form and Instructions", Form MFT-12 (2026)~~[2009]~~, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 500 Mero Street, Second Floor~~[944 Leewood Drive]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

APPROVED BY AGENCY: July 16, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: Matthew D. Ellison, Title: Staff Attorney III Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#4 Phone Number: (502) 782-0706 (office) Fax: (502) 564-4818 Email: Matthew.Ellison@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Matthew D. Ellison, Staff Attorney III **Phone:** 502-782-0706 **Email:** matthew.ellison@ky.gov

Subject Headings:Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the board procedure for the processing, investigation and disposition of complaints submitted against licensees.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary because it sets forth the procedure by which complaints against licensees are handled by the board, which may affect their licensure.

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

This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

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

This administrative regulation assists in the effective administration of the statute by providing a consistent and repeatable procedure for licensees who have had complaints raised against their conduct, and sets forth the process so licensees may understand the board's procedure and respond accordingly.

(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 modifies some defined terms and further provides that the initial review of all complaints shall be performed by a board committee, who then presents their recommendation to the board. It further establishes a required timeline for any investigation to provide status reports on the investigation to the board, if the board determines that there is enough evidence to warrant further investigation. It also clarifies the different procedures for resolution of complaints between serious and non-serious violations of applicable law or regulations, and eliminates an option for a licensee to provide a written response to an admonishment by the board for non-serious violations, while still maintaining the licensee's right to appeal the admonishment through the administrative hearing process. It also provides further clarity that agreed orders of resolution of disciplinary matters are considered public documents, even if there is no final order by the board as the result of a disciplinary inquiry.

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

This amendment is necessary to establish a consistent, repeatable procedure for the board's disposition of licensee complaints, while affording the board various options depending on the perceived severity of any violations. It is also necessary to provide licensees with a clearer understanding of the board's procedure and the licensee's rights at various steps.

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

This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

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

This amendment will assist in the effective administration of the statutes by providing clear and consistent procedures and rules that may be relied upon by the licensees and the board.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

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

This administrative regulation will affect the approximately 912 licensees of the board.

(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:

No action will need to be taken by the licensees to comply with this amendment.

(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 no cost for compliance with this amendment.

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

The licensees will have a clearer understanding of the steps and procedures involved in the disciplinary process employed by the board.

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

(a) Initially:

There will be no initial cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis:

There may be a continuing cost to the board if it uses the services of an outside investigative entity to conduct any formal investigation; however, such costs are not expected to exceed \$5,000.00 in any given year.

(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 license 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 necessary to implement this change to this administrative 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 or increase any fees paid to the Board.

(10) TIERING: Is tiering applied?

(Explain why or why not) Tiering is not applied because this regulation applies to all licensees equally.

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 335.320(9) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

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

This administrative regulation is not expressly authorized by any act of the General Assembly, aside from the general enabling statute, see KRS 335.320(9).

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

The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There are no expenditures anticipated in the first year.

For subsequent years: There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year: There are no revenues anticipated for the first year.

For subsequent years: There are no revenues expected for 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):

None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A (5)(a) Identify any affected regulated entities not listed in 3(a) or 4(a): None anticipated.

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

No answer provided.

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

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(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:

There is no fiscal impact of this administrative regulation for any entity identified in (3)(a), (4)(a), and (5)(a).

(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. The historical number of licensee complaints which might warrant the use of an outside investigative entity to determine whether disciplinary proceedings are warranted, are not numerous enough to anticipate exceeding \$500,000 over a two-year period.

(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.