BOARDS AND COMMISSIONS
Board of Licensed Professional Counselors
(Amendment)

201 KAR 36:100. Counseling compact.

RELATES TO: KRS 335.560
STATUTORY AUTHORITY: KRS 335.515, 335.560
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.560, Section 16.B.1. requires the Board of Licensed Professional Counselors to review any rule adopted by the Counseling Compact pursuant to Section 11 of KRS 335.560 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Counseling Compact.

Section 1. The Board of Licensed Professional Counselors shall comply with all rules of the Counseling Compact, which includes the Counseling Compact Rules as of October 2, 2026[~~October 14, 2025~~].

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Counseling Compact Rules", October 2, 2026[~~October 14, 2025~~], and as revised.

(a) Chapter 2 – Definitions, adopted October 25, 2023;

(b) Chapter 3 – Examination Requirements, adopted October 25, 2023;

(c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024, and amended October 14, 2025;

(d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;

(e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; [~~and~~]

(f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025; and[~~.~~]

(g) Chapter 8 - Rule on Conversion of a Privilege to a Home State License, adopted September 2, 2026;

(h) Chapter 9 - Rule on Consistent Credentialing, adopted September 2, 2026; and

(i) Chapter 10 – Rule on Supervised Postgraduate Experience, adopted September 2, 2026.

(2)

(a) 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 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Licensed Professional Counselors' Web site at https://lpc.ky.gov/.

(3) This material may also be obtained at:

(a) The Counseling Compact Commission, 108 Wind Haven Drive, Suite A, Nicholasville, Kentucky 40356; or

(b) https://counselingcompact.org/compact-commission/rulemaking/.

201 KAR 36.100
DR. HANNAH COYT, Board Chair

APPROVED BY AGENCY: October 16, 2026

FILED WITH LRC: October 29, 2026 at 1:20 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 26, 2027, at 1:00 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 January 31m 2027. 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

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 emergency administrative regulation implements KRS 335.560, the Counseling Compact.

(b) The necessity of this administrative regulation:
This emergency administrative regulation is necessary because KRS 335.560 SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
This emergency administrative regulation conforms to the specific requirements of the authorizing statute, KRS 335.560 SECTION 16.B.1., which requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This emergency administrative regulation conforms to the content of KRS 335.560 which requires this promulgation.

(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:
The amendment will add three (3) new compact rules adopted by the Counseling Compact Commission on September 2, 2026.

(b) The necessity of the amendment to this administrative regulation:
This amendment to the administrative regulation is necessary because KRS 335.560 SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A. Three (3) new rules were adopted on September 2, 2026 relating to conversion of a privilege to practice to a home state license, consistent credentialing, and supervised postgraduate experience.

(c) How the amendment conforms to the content of the authorizing statutes:
The amendment conforms with the authorizing statutes by being filed within sixty (60) days of the adoption of the new rules by the Counseling Compact Commission.

(d) How the amendment will assist in the effective administration of the statutes:
The amendment will ensure the Board and all affected licensees have access and full disclosure of the rules relating to the compact and the privilege to practice in Kentucky and other compact states.

(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.

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

This regulation will affect the 5355 active and 71 inactive licensees in some capacity, and will also affect new applicants for licensure.

(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 is necessary.

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

There is no additional cost imposed by this administrative regulation.

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

They will be in compliance with the regulation.

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

(a) Initially:

There is no additional cost.

(b) On a continuing basis:

There is no additional cost.

(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 applicant.

(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 is anticipated at this time.

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

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering was not applied as the changes apply to all 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:

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.

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

Yes. KRS 335.560 Section 16. B. 1. created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022

(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 only affected state unit, part or division.

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

1. Expenditures:

For the first year:The compact became operational on September 30, 2025; however, the expenditures needed in the first year are currently indeterminable. Kentucky passed legislation in 2026 authorizing the board to obtain applicants' FBI Criminal Background Checks through the Kentucky State Police. The ORI number was recently assigned and the board's ability to process these background checks is close. Emergency and ordinary regulations on several regulations are currently going through the promulgation process following the effective date of the legislation. However, additional regulatory amendments will be required for Compact readiness, including a Compact fee for out-of-state applicants seeking the privilege to practice in Kentucky. The board anticipates active participation in the Compact in calendar year 2027. There will likely be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

For subsequent years:The expenditures in subsequent years, if any, are currently indeterminable.

2. Revenues:

For the first year:When the Compact becomes operational in Kentucky, during the first year, the Board will impose a fee for out of state applicants seeking the privilege to practice in Kentucky to cover the cost of administration. However, at this time, potential revenues are indeterminable.

For subsequent years:Revenues in subsequent years are expected but are currently indeterminable.

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.

(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:

The fiscal impact to this administrative regulation in the first year is currently indeterminable. Legal fees for drafting emergency and ordinary regulations when Compact rules are adopted or amended has increased. It is possible there will be a fiscal impact of administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky, as well as the cost of proceedings for tracking disciplinary actions of in-state licensees who have the privilege to practice in another state, and for out-of-state licensees who have the privilege to practice in Kentucky. The Compact Commission remains in its infancy and the work to be conducted by the state board on behalf of the compact is yet to be determined.

(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 Services.

(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; however, it is currently indeterminable since there are no known duties outlined for the state in relation to the compact. Given the number of licensees, current budget and anticipated number of applications for out-of-state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

(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 Services.