

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

RELATES TO: KRS 335.535

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

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. 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, in order 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;
 - (b) Submit proof of completing ten (10) hours of board-approved continuing education within one (1) year of the filing 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 of the filing for reinstatement;
 - (d) Submit a background check performed within the last ninety (90) days by the Kentucky State Police and a criminal background check performed by the Federal Bureau of Investigation;
 - (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, in order 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;
 2. Submit a background check performed within the last ninety (90) days by the Kentucky State Police and a criminal background check performed by the Federal Bureau of Investigation;
 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 such as 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", February 2017;

(b) "LPCA Renewal Application", February 2017;

(c) "LPCC Reinstatement Application", February 2017; and

(d) "LPCA Reinstatement Application", February 2017.

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(43 Ky.R. 841, 1410, 1545; eff. 3-31-2017.)