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Angie Darnell

REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET

2 APPLIED BEHAVIOR ANALYSIS LICENSING BOARD

3 (Amendment)

4 201 KAR 43:020. Application procedures for temporary licensure.

5 RELATES TO: KRS 319C.070, 319C.080(3)

6 STATUTORY AUTHORITY: KRS 319C.060(2)(a)

7 CERTIFICATION STATEMENT:

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to
9 promulgate administrative regulations establishing the requirements for an applicant for temporary
10 licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the
11 requirements for applicants for temporary licensure.

12 Section 1. Application procedures.

13 (1) An application for a temporary license as a behavior analyst or assistant behavior analyst may [~~shall~~]
14 be submitted after the requirements established in KRS 319C.080(3) are met.

15 (2) The application required by subsection (1) of this section shall be made by submitting to the board
16 a completed Form ABA-001, Application for Licensure, as incorporated by reference in 201 KAR 43:010.

17 (a) The application shall include a certification by the applicant that the:

18 1. Information in the application is true, correct, and complete to the best of his or her knowledge and
19 belief;

1 2. Applicant is aware that a misrepresentation or falsification in the application is grounds for denial or
2 revocation of the license; and

3 3. Applicant is aware that any temporary license issued expires two (2) years from the issuance date
4 and may be renewed only once, if the temporary licensee produces a record signed by the supervisor with
5 his or her renewal application indicating that fieldwork hours toward a BACB credential were being
6 accumulated every month while credentialed as a temporary licensee or produces documentation showing
7 extenuating circumstances that prevented the accumulation of fieldwork hours, such as illness of the
8 temporary licensee, maternity leave of the temporary licensee, or the temporary licensee's displacement
9 from employment.

10 (b) If the applicant has completed the coursework through a Behavior Analyst Certification Board
11 (BACB) or Association for Behavior Analysis International (ABAI) Verified Course Sequence (VCS), the
12 application shall include an official post-secondary transcript and VCS course sequence number.

13 (c) If the applicant has completed coursework from a non-BACB or non-ABAI VCS program, the
14 application shall include an official post-secondary transcript and course syllabi for all behavior-analytic
15 coursework showing that the applicant has met the most current BACB coursework requirements for
16 eligibility to sit for the Board Certified Behavior Analyst (BCBA) examination for applicants applying for
17 a temporary license as a behavior analyst or the Board Certified Assistant Behavior Analyst examination
18 for applicants applying for a temporary license as an assistant behavior analyst.

19 (3) The applicant shall submit check or money order payable to the Kentucky State Treasurer for the
20 application review and licensure fee as required by 201 KAR 43:030.

21 (4) The applicant shall submit proof of compliance with the requirements established in KRS
22 319C.080(3).

1 (5) The applicant shall submit proof that the applicant has completed at least five (5) hours of training
2 in the following areas within the past seven (7) years [~~of completion of at least five (5) hours of training~~
3 ~~in~~]:

4 (a) Adult abuse, [~~and~~] neglect, and dependency;

5 (b) Child abuse, neglect, and dependency; or

6 (c) A combination of paragraphs (a) and (b) of this subsection. The completed proof shall indicate that
7 the training: [abuse, neglect, or dependency was explicitly covered in the training]

8 (i) explicitly covers abuse, neglect, adult dependency, or child dependency;

9 (ii) adheres to the ethics requirements of 201 KAR 43:040;

10 (iii) references evidence-based practices, research, and policy updated within the last seven (7) years;

11 and

12 (iv) include a completion certificate issued by the training provider(s), which includes the number of
13 hours earned.

14 (6) Applicants for temporary licensure as a behavior analyst or assistant behavior analyst shall also
15 submit a completed Supervisory Plan for board approval, Form ABA-002, as incorporated by reference in
16 201 KAR 43:050.

17 (7) An application for full licensure may be submitted at any time within the two (2) year temporary
18 licensure period after meeting the requirements established in KRS 319C.080(1) and (2). A final Report
19 of Supervision, Form ABA-003, as incorporated by reference in 201 KAR 43:050, shall also be submitted
20 for board approval.

201 KAR 43:020

Kirsti Singer
KIRSTI SINGER, CHAIR
APPLIED BEHAVIOR ANALYSIS BOARD

5/1/2026
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 July 31, 2026 at 11:59 p.m., Eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

Contact Person: Jennifer Wolsing, Attorney
Applied Behavior Analysis Board
500 Mero Street, 2nd Floor
Frankfort, Kentucky 40601
Phone: (502) 401-7617
Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 43:020

Contact Person: Jennifer Wolsing

Phone: (502) 401-7617

Email: jennifer.wolsing@ky.gov

Subject Headings: Behavioral Health, Mental Health, Education

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for temporary licensure.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(a).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for temporary licensure applicants.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.

(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 proposed regulatory amendment clarifies that temporary licensure is optional and not mandatory. This amendment also clarifies the training requirements necessary to obtain a temporary license.

(b) The necessity of the amendment to this administrative regulation: This proposed regulatory amendment is necessary because the original regulation made it appear that obtaining a temporary license could be mandatory in some cases. Also, the board observed licensees attempting to obtain credit for outdated trainings or trainings that were not relevant to applied behavior analysis in Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This proposed amendment clarifies the requirements for temporary licensure applicants.

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

regulation clarifies the requirements for temporary licensure applicants.

(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 regulation will affect an unknown number of applicants for temporary licensure as behavior analysts and assistant behavior analysts.

(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: Temporary licensure applicants must take the appropriate trainings to qualify for temporary licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Temporary licensure applicants already had certain training requirements. This proposed regulatory amendment merely clarifies the pre-existing requirements. Therefore, applicants will not have to pay any more for training than they already did.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Trainings will be more appropriate and tailored to properly provide useful education necessary to practice applied behavior analysis in Kentucky.

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

(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.

(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing agency funds.

(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: This amendment will not necessitate an increase in fees or require funding from the agency for implementation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.

(10) TIERING: Is tiering applied? Tiering is not applied.

FISCAL IMPACT STATEMENT

201 KAR 43:020

Contact Person: Jennifer Wolsing

Phone: (502) 401-7617

Email: jennifer.wolsing@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319C.060(2)(a).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):
None.

(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): Prospective licensees will be impacted by this proposed regulatory amendment.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(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: This regulation changes and clarifies temporary license application requirements, none of which require a financial expenditure.

(b) Methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

(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): No.

(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).