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Angie Dainell

REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET
2 APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
3 (Amendment)
4 201 KAR 43:030. Fees.

5 RELATES TO: KRS 319C.060(2)(f), 319C.080(1), (2), (3)

6 STATUTORY AUTHORITY: KRS 319C.060(2)(f), 319C.120

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(f) requires the board to
8 promulgate administrative regulations establishing reasonable fees for the licensure and license renewal
9 of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation
10 establishes those fees.

11 Section 1. Application and Licensure Fees for Licensed Behavior Analysts.

12 (1) An applicant for licensure as a licensed behavior analyst shall pay the following:

13 (a) A \$400 application review and licensure fee for the first two (2) year licensure period;

14 (b) A licensed assistant behavior analyst applying for licensure as a licensed behavior analyst for the
15 remainder of their two (2) year licensure period shall pay a \$100 non-refundable application review fee;

16 (c) A temporary licensed behavior analyst applying for licensure as a licensed behavior analyst for the
17 remainder of their two (2) year licensure period shall pay a non-refundable \$100 application review fee;

18 and

19

1 (d) A temporary licensed assistant behavior analyst applying for licensure as a licensed behavior analyst
2 for the remainder of their two (2) year licensure period shall pay a non-refundable \$100 application review
3 fee.

4 (2) The licensure renewal fee for a licensed behavior analyst for each subsequent, two (2) year licensure
5 period shall be \$300.

6 Section 2. Application and Licensure Fees for Licensed Assistant Behavior Analysts.

7 (1) An applicant for licensure as a licensed assistant behavior analyst shall pay the following:

8 (a) A \$300 application review and licensure fee for the first two (2) year licensure period.

9 (b) A temporary licensed assistant behavior analyst applying for licensure as a licensed assistant
10 behavior analyst for the remainder of the two (2) year licensure period shall pay a \$100 non-refundable
11 application review fee.

12 (2) The licensure renewal fee for a licensed assistant behavior analyst for each subsequent, two (2) year
13 licensure period shall be \$200.

14 Section 3. Application and Temporary Licensure Fees.

15 (1) An applicant for a temporary license as a behavior analyst shall pay a \$300 application review and
16 licensure fee for the two (2) year temporary licensure period.

17 (2) The licensure renewal fee for a temporary licensed behavior analyst for a one (1) time subsequent
18 two (2) year licensure period shall be \$200.

19 (3) An applicant for a temporary license as an assistant behavior analyst shall pay a \$200 application
20 review and licensure fee for the two (2) year temporary licensure period.

21 (4) The licensure renewal fee for a temporary licensed assistant behavior analyst for a one (1) time
22 subsequent two (2) year licensure period shall be \$100.

23 Section 4. Fees for Inactive Status.

1 (1) A licensed behavior analyst or a licensed assistant behavior analyst who applies for inactive status
2 shall pay a fee of \$100.

3 (2) A licensed behavior analyst or a licensed assistant behavior analyst who applies to renew their
4 inactive status shall pay a fee of \$100.

5 (3) The board may waive fees in this Section upon written application by a licensee demonstrating
6 financial hardship. The board shall determine hardship based on a review of any of the licensee's personal
7 or financial circumstances that may impact the licensee's ability to pay fees.

8 Section 5. Fee for Retired Status. A licensed behavior analyst or a licensed assistant behavior analyst
9 who applies for retired status shall pay a fee of \$100 [~~dollars~~]. The board may waive fees in this Section
10 upon written application by a licensee demonstrating hardship. The board shall determine hardship based
11 on a review of any of the licensee's personal or financial circumstances that may impact the licensee's
12 ability to pay fees.

13 Section 6. Fees for Late Renewal or Reinstatement.

14 (1) A licensee who files to renew his or her license after its renewal date but within thirty (30) days of
15 that renewal date shall pay a late fee of fifty (50) dollars in addition to the fee set forth in Section 1 or 2
16 of this administrative regulation.

17 (2) A licensed behavior analyst or a licensed assistant behavior analyst who files to reinstate his or her
18 expired license more than thirty (30) days after its renewal date shall pay a reinstatement fee of \$250 in
19 addition to the renewal fee set forth in Section 1, 2, or 3 of this administrative regulation.

20 (3) A licensed behavior analyst or a licensed assistant behavior analyst who applies to reinstate
21 following a period of board-approved inactive status or retirement shall pay a reinstatement fee of \$100
22 in addition to the renewal fee set forth in Section 1 or 2 of this administrative regulation.

23 Section 7. For applications that are denied, the applicant may request a fifty (50) percent refund of the
24 application and licensure review fee in writing to the board administrator within ninety (90) days.

201 KAR 43:030

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 43:030

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)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

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

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

(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 establishing fees for licensure and renewal.

(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 will allow the board to waive fees for inactive and retired status licensees upon a showing of financial hardship.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow the board the ability to waive fees for certain licensees in unusual, case-by-case scenarios. This amendment may allow licensees to keep working in applied behavioral analysis when they may otherwise have been forced to terminate their licensure.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes situations in which license fees may be waived.

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

administrative regulation establishes situations in which license fees may be waived.

(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 licensure as behavior analysts and assistant behavior analysts, and an unknown number of applicants for temporary licensure. The regulation will affect approximately 21 licensed assistant behavior analysts, approximately 837 licensed behavior analysts, and approximately 31 temporary 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: There are no mandatory actions that any regulated entity must take to comply. Seeking a fee waiver is optional.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensees will not incur costs in order to comply with this proposed amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Certain licensees may have their licensure fees waived if they demonstrate financial hardship to the board.

(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 43:030

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)(f).

(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 proposed amendment will allow the board to waive licensure fees for certain licensees demonstrating financial hardship. It is anticipated that only a small number of licensees may apply for this waiver, which is not automatic. This amendment may allow licensees to keep working in applied behavior analysis when they may otherwise have been forced to terminate their licensure. This will allow them to pay licensure fees in the future when their finances improve. The impact to the board's finances will be de minimus.

(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).