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Ange Darnell

REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET

2 APPLIED BEHAVIOR ANALYSIS LICENSING BOARD

3 (Amendment)

4 201 KAR 43:040. Code of ethical standards and standards of practice.

5 RELATES TO: KRS 202A.400, 319C.060(1), (2)(c), 620.030, 645.270

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(c) requires the board to adopt a
8 code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior
9 analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards
10 and standards of practice for licensees.

11 Section 1. Definitions.

12 (1) "BACB Code" means the Behavior Analyst Certification Board (BACB) January 1, 2022 Ethics
13 Code for Behavior Analysts.

14 (2) "Behavior analyst" means a person licensed under KRS Chapter 319C as a licensed behavior
15 analyst, a licensed assistant behavior analyst, or a temporary licensee.

16 (3) "Client" means:

17 (a) A client as defined in the BACB Code;

18 (b) A person who receives behavior analytic assessment, intervention, consultation, treatment, or other
19 professional services for the purpose of practicing applied behavior analysis;

1 (c) A corporate entity or other organization if the professional contract is to provide a professional
2 service of benefit to the corporate entity or organization; and

3 (d) The legal guardian of a minor or a legally incompetent adult for a decision-making purpose.

4 (4) "Confidential information" means information revealed by a client or clients or otherwise obtained
5 by a behavior analyst in a professional relationship and includes all protected health information (PHI)
6 and educational records.

7 (5) "Kentucky Code" means the Code of Ethics set forth in this administrative regulation.

8 (6) "Professional relationship" means a mutually agreed upon relationship between a behavior analyst
9 and a client for the purpose of the client obtaining the behavior analyst's professional expertise.

10 (7) "Professional service" means all actions of the behavior analyst in the context of a professional
11 relationship with a client.

12 Section 2. Administration and Enforcement of the Code of Ethics.

13 (1) Notwithstanding the requirements of the BACB Code, the changes established in the Kentucky
14 Code shall be mandatory and shall supersede any conflicting provisions of the BACB Code.

15 (2) Except as superseded by the provisions of this administrative regulation and the Kentucky Code,
16 the BACB Code shall be the mandatory ethics code for Kentucky Applied Behavior Analysts.

17 Section 3. Additional Requirements for Kentucky Licensees.

18 (1) Reporting of abuse of children and vulnerable adults. The behavior analyst shall be familiar with
19 the relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply
20 with those laws, including KRS 620.030.

21 (2) Disclosure without informed written consent. The behavior analyst shall disclose confidential
22 information without the informed consent of the client if the behavior analyst has a duty to warn an
23 intended victim of the client's threat of violence pursuant to KRS 202A.400 or 645.270.

1 Section 4. Incorporation by Reference.

2 (1) "Ethics Code for Behavior Analysts", Behavior Analyst Certification Board, January 1, 2022, is
3 incorporated by reference.

4 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the
5 Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, [2SC32,] Frankfort, Kentucky
6 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

7 (3) This material is also available on the Behavior Analyst Certification Board's Web site at
8 <https://www.bacb.com/wp-content/ethics-code-for-behavior-analysts/>.

9

201 KAR 43:040

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 43:040

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)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

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

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

(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 regulation changes the address of the board.

(b) The necessity of the amendment to this administrative regulation: The address change is necessary to clarify the location at which people may request incorporated documents.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This proposed amendment clarifies the location of incorporated documents related to the code of ethical standards and standards of practice for licensees.

(d) How the amendment will assist in the effective administration of the statutes: This proposed amendment clarifies the location of incorporated documents related to the code of ethical standards and standards of practice for licensees.

(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. Obtaining a copy of an incorporated document 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 43:040

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)(c).

(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): No local entities will be impacted by this proposed regulatory amendment.

(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: his proposed amendment will not create a fiscal impact, because changing the board's address does not impact the expenditures, revenues, and/or cost savings of the board or any other entity.

(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).