

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 43:010

Contact Person: Kevin Winstead
Phone Number: (502) 782-8805 (office)
Email: KevinR.Winstead@ky.gov

(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 licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for 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 licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for licensure.

(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: The amendment makes clear that behavior analysts and assistant behavior analysts have different statutory licensing requirements. The amendment clarifies requirements for licensure, and what an applicant is required to submit to the board with their application. The amendment establishes an Applications Committee.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) 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. The regulation will affect the Board via the creation of the Applications Committee.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: This regulation will provide updated requirements for licensure. Applications Committee members will be required to review applications for licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This administrative regulation, by reference to 201 KAR 43:030, stands to generate an additional \$300 per licensed behavior analyst applicant, and an additional \$200 per licensed behavior analyst assistant applicant.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow applicants for licensure to have an updated understanding of the requirements to obtain licensure, and makes clear that different applicants will have different requirements to obtain licensure.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Applied Behavior Analysis Licensing Board is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) 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

increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: By reference to the updated fees provided by the amended 201 KAR 43:030, this regulation will indirectly increase fees.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 43:010

Contact Person: Kevin Winstead
Phone Number: (502) 782-8805 (office)
Email: KevinR.Winstead@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.

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

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation, by reference to 201 KAR 43:030, stands to generate an additional \$300 per licensed behavior analyst applicant, and an additional \$200 per licensed behavior analyst assistant applicant.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

Regulation No. 201 KAR 43:010

Contact Person: Kevin Winstead
Phone: (502) 782-8805 (office)
Email: KevinR.Winstead@ky.gov

The “Application for Licensure,” October 2021, is a four (4) page form used by applicants seeking licensure as Licensed Behavior Analysts, Licensed Assistant Behavior Analysts, Temporary Licensed Behavior Analysts, or Temporary Licensed Assistant Behavior Analysts. It amends the “Application for Licensure,” October 2015. The proposed amendments to this form make the following changes: (1) eliminates the checklist at the end of the application and integrates the questions into the form itself; (2) revises the form for clarity; (3) reorganizes the questions overall; and (4) changes the revision date.