

1 GENERAL GOVERNMENT CABINET

2 Kentucky Applied Behavior Analysis Licensing Board

3 (Amendment)

4 201 KAR 43:010. Application procedures for licensure.

5 RELATES TO: KRS 319C.070, 319C.080(1), (2)

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

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

11 Section 1. Application Procedures. (1) An Application for Licensure as a behavior analyst
12 ~~{or assistant behavior analyst may}~~ shall be submitted after the requirements established in KRS
13 319C.080(1) ~~{and (2)}~~ are met.

14 (2) An Application for Licensure as an assistant behavior analyst shall be submitted after
15 the requirements established in KRS 319C.080(2) are met.

16 (3) The application required by subsections (1) and (2) of this section shall be made by
17 submitting a completed Form ABA-001, Application for Licensure, to the board. The application
18 shall include:

19 (a) A certification by the applicant that the:

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

1 2. Applicant is aware that ~~[the board shall take disciplinary action in accordance with KRS~~
2 ~~319C.070 if the application contains]~~ a misrepresentation or falsification in the application is
3 grounds for denial or revocation of the license at any time; [and]

4 (b) A copy of the degree obtained;~~[An official transcript for all levels of education required~~
5 ~~for licensure.]~~

6 (4) A check or money order payable to the Kentucky State Treasurer for the application
7 review fee and the licensure fee as required by 201 KAR 43:030;

8 (5) Proof of compliance with the educational, examination, and credentialing requirements
9 established in KRS 319C.080(1) for applicants seeking licensure as a behavior analyst and KRS
10 319C.080(2) for applicants seeking licensure as an assistant behavior analyst; and

11 (6) Proof of completion of at least five (5) hours of training in:

12 (a) Adult abuse and neglect;

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

14 (c) A combination of subparagraphs (a) and (b) of this subsection. The completed proof(s)
15 shall indicate that abuse, neglect, or dependency was explicitly covered in the training.

16 (7) Applicants for licensure as an assistant behavior analyst shall also submit a completed
17 Supervisory Plan, Form ABA-002, as incorporated by reference in 201 KAR 43:050, for board
18 approval.

19 (8) A licensed assistant behavior analyst may apply for licensure as a licensed behavior
20 analyst at any time within the two (2) year licensure period after meeting the requirements
21 established in this administrative regulation. A final Report of Supervision, Form ABA-003, as
22 incorporated by reference in 201 KAR 43:050, shall also be submitted for board approval.

1 Section 2. Applications Committee. The applications committee shall consist of at least
2 two (2) board members appointed by the chair of the board. The applications committee may be
3 assisted by the board staff and counsel to the board. The applications committee shall:~~[Licensure~~
4 ~~of Behavior Analysts. The applicant for licensure as a behavior analyst shall submit]:~~

5 (1) Review applications for licensure including renewals and reinstatements;~~[A check or~~
6 ~~money order payable to the Kentucky State Treasurer for the application review fee and the~~
7 ~~licensure fee as required by 201 KAR 43:030;]~~

8 (2) Review Supervisory Plans and Reports of Supervision;~~[Proof of compliance with the~~
9 ~~educational, examination, and credentialing requirements established in KRS 319C.080(1); and]~~

10 (3) Make recommendations to the board to approve, defer, or deny applications; and~~[Proof~~
11 ~~of completion of at least five (5) hours of training in:~~

12 (a) ~~Adult abuse and neglect prevention;~~

13 (b) ~~Child abuse, neglect, and dependency prevention; or~~

14 (c) ~~A combination of paragraphs (a) and (b) of this subsection.]~~

15 (4) Make recommendations to the board to approve or require revisions to Supervisory
16 Plans and Reports of Supervision.

17 Section 3. ~~[Licensure of Assistant Behavior Analysts. The applicant for licensure as an~~
18 ~~assistant behavior analyst shall submit:~~

19 (1) ~~A check or money order payable to the Kentucky State Treasurer for the application~~
20 ~~review fee and the licensure fee as required by 201 KAR 43:030;~~

21 (2) ~~Proof of compliance with the educational, examination, and credentialing requirements~~
22 ~~established in KRS 319C.080(2); and~~

23 (3) ~~Proof of completion of at least five (5) hours of training in:~~

- 1 ~~(a) Adult abuse and neglect prevention;~~
- 2 ~~(b) Child abuse, neglect, and dependency prevention; or~~
- 3 ~~(c) A combination of paragraphs (a) and (b) of this subsection.~~

4 ~~Section 4.~~ Incorporation by Reference. (1) Form ABA-001, "Application for Licensure",
5 October 2021~~[October 2015]~~is incorporated by reference.

6 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
7 law, at the Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, 2SC32,~~[911~~
8 ~~Leewood Drive]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This
9 material is also available on the board's website at aba.ky.gov.

201 KAR 43:010

A handwritten signature in black ink, appearing to read "E. Dubuque". The signature is fluid and cursive, with a large initial "E" and a long, sweeping underline.

Dr. Erick Dubuque

BOARD CHAIR

APPROVED BY AGENCY: November 11, 2021

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on January 31, 2022 at 2:00 p.m. in Room 133, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at:

<https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference:

Join from PC, Mac, Linux, iOS or Android:
<https://us06web.zoom.us/j/88507454480?pwd=NnAwczNBZTU5TnA3YkRvYWd1Z01MZz09>
Password: 729285
Or Telephone:
Dial:
USA 713 353 0212
USA 8888227517 (US Toll Free)
Conference code: 913047

Find local AT&T Numbers:
<https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=913047>

Or an H.323/SIP room system:
H.323:
162.255.37.11 (US West)
162.255.36.11 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
213.19.144.110 (Amsterdam Netherlands)
213.244.140.110 (Germany)
103.122.166.55 (Australia Sydney)
103.122.167.55 (Australia Melbourne)
149.137.40.110 (Singapore)
64.211.144.160 (Brazil)
149.137.68.253 (Mexico)
69.174.57.160 (Canada Toronto)
65.39.152.160 (Canada Vancouver)
207.226.132.110 (Japan Tokyo)
149.137.24.110 (Japan Osaka)
Meeting ID: 885 0745 4480
Password: 729285

SIP: 88507454480@zoomcrc.com
Password: 729285

Individuals interested in attending this hearing shall notify this agency in writing by January 24, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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 this proposed administrative regulation until January 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

Contact Person: Kevin Winstead
Title: Commissioner, Department of Professional Licensing
Address: 500 Mero Street
Phone Number: (502) 782-8805 (office)
Fax: (502) 564-3969
Email: KevinR.Winstead@ky.gov

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.