

1 GENERAL GOVERNMENT CABINET

2 Kentucky Applied Behavior Analysis Licensing Board

3 (Amendment)

4 201 KAR 43:080. Renewals.

5 RELATES TO: KRS 319C.050, 319C.060

6 STATUTORY AUTHORITY: KRS 319C.050, 319C.060(2), 319C.120

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060 authorizes the board to
8 promulgate administrative regulations required to establish conditions for the renewal and
9 reinstatement of licenses. This administrative regulation establishes procedures for the renewal of
10 licenses.

11 Section 1. Renewal. (1) A behavior analyst~~[or assistant behavior analyst]~~ shall biennially,
12 on or before the last day of the calendar month during which the license was issued:

13 (a[1]) File a completed Renewal and Reinstatement Application, ~~[for Licensure~~
14 Renewal]Form ABA-004; and

15 (b[2]) Pay to the board the renewal fee established by 201 KAR 43:030.

16 (2) An assistant behavior analyst shall biennially, on or before the last day of the calendar
17 month during which the license was issued:

18 (a) File a completed Renewal and Reinstatement Application Form ABA-004;

19 (b) Have a current, approved Report of Supervision and Supervisory Plan; and

20 (c) Pay the renewal fee established by 201 KAR 43:030.

1 (3) A temporary licensed behavior analyst shall, within the two (2) year period, renew
2 their license one time by:

3 (a) Filing a completed Renewal and Reinstatement Application, Form ABA-004;

4 (b) Having a current, approved Report of Supervision and Supervisory Plan; and

5 (c) Paying the renewal fee established by 201 KAR 43:030.

6 Section 2. Late Renewal. A behavior analyst or assistant behavior analyst who fails to
7 renew his or her license on or before the last day of the calendar month during which the license
8 was issued may submit his or her application on or before the last day of the calendar month
9 following the month in which the license was issued if accompanied by the appropriate late fee as
10 required by 201 KAR 43:030.

11 Section 3. Expiration of License. (1) A license that is not renewed before the last day of
12 the calendar month following the calendar month during which the license was issued shall be
13 expired and lapsed for failure to renew.

14 (2) Upon expiration of the license for failure to renew, a behavior analyst or assistant
15 behavior analyst shall not practice in the Commonwealth of Kentucky.

16 Section 4. Reinstatement. After the last day of the calendar month following the month in
17 which the license was issued, a person whose license has expired for failure to renew shall submit,
18 in order to have his or her license reinstatement request considered by the Board:

19 (1) Payment of the reinstatement fee established by 201 KAR 43:030;

20 (2) Completion of the Renewal and Reinstatement Application, Form ABA-
21 004[Application for License Renewal]; and

22 (3) Documentation of employment from the time of expiration of employment until the
23 present.

1 Section 5. Incorporation by Reference. (1) Form ABA-004, "~~Application for Licensure~~
2 Renewal and Reinstatement Application", October 2021~~July 2015~~, is incorporated by reference.

3 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
4 law, at the Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, 2SC 32~~911~~
5 ~~Leewood Drive~~, Frankfort, Kentucky 40601, (502) 892-4249~~564-3296~~, Monday through Friday,
6 8 a.m. to 4:30 p.m. This material is also available on the board's website at aba.ky.gov.

201 KAR 43:080

A handwritten signature in black ink, appearing to be 'E. Owen'.

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 43:080

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 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 319C.050, 319C.060(2), and 319C.120.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

(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 updates and clarifies the requirements for licensure renewal, and provides an updated application

(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 11 licensed assistant behavior analysts, 482 licensed behavior analysts, 6 temporary behavior analysts, and 6 temporary registered telehealth providers

(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: Licensees will be required to complete an updated renewal form.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No additional cost to affected individuals.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow supervisors and prospective supervisors to have an updated understanding of the requirements for license renewal.

(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: None.

(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 43:080

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.050, 319C.060(2), and 319C.120

(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?
None

(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 43:080

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

The “Application for Renewal or Reinstatement,” October 2021, is a three (3) page form used by licensees seeking to renew their applied behavior analysis licenses. It amends the “Application for Licensure Renewal,” July 2016. The proposed amendments to this form make the following changes: (1) updates the fees for renewal; (2) reorganizes the form; (3) removes the questionnaire following the first signature line and incorporates the questions into the body of the form; (4) adds a field for applicant to supply information regarding supervision; and (5) changes the revision date.