

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 26:175E

Contact Person: Sara Boswell Janes

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This emergency administrative regulation establishes that continuing education requirements for renewal of a license can be obtained through any platform (in-person or videoconferencing) until October 31, 2022.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319.032(1)(f), and an emergency administrative regulation is necessary in this instance to avoid an imminent threat to the public health, safety, or welfare.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the continuing education requirements for renewal of a license and will allow the licensee to satisfy continuing education requirements for renewal with 39 hours attained through in-person or online courses without restriction. The statute does not limit or restrict the teaching delivery method.

(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 the statute by authorizing the continuing education requirements for renewal of a license to include any non-duplicate course taken regardless of the venue offered (in-person or online) without restriction.

(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 will allow the 39 hours of continuing education to be earned through any format (either face-to-face, in-person or virtual, or online).

(b) The necessity of the amendment to this administrative regulation: Approximately 180 licensed psychologists' licenses expired on September 19, 2022, due to the lack of availability of courses that would allow them to satisfy the requirement of 3-hours of in-person, face-to-face continuing education. This amendment will allow those licensees to renew their licenses utilizing 39 hours of continuing education obtained through on-line programs. This is essential to ensure a minimal lapse in those licenses, so that the delivery of mental health services to vulnerable patient populations is not unnecessarily delayed.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319.032(1)(f) authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations establishing the requirements for continuing education. The amendment conforms with KRS 319.021(1)(f), which does not limit the format of continuing education methods of delivery.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes. This regulation assists in the effective administration of KRS Chapter 319 by carrying out the legislative mandate for the board to establish requirements for continuing education.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 1,740 active, inactive, or expired licensees in the Commonwealth of Kentucky.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment: Regulated licensees will have to submit 39 hours of continuing education obtained during their renewal period along with a renewal application.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation should add no additional cost to licensed entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensees applying for renewal will receive credit for required continuing education obtained, without any limit or restriction for approval based upon the method of delivery of the program.

(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 Board of Examiners of Psychology 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 establishes any fees or directly or indirectly increases any fees: No increases in fees or funding are necessary to implement this administrative regulation

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

FISCAL NOTE

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(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 administrative regulation impacts the Kentucky Board of Examiners of Psychology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319.032(1).

(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 does not generate revenue for the Board.

(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: This administrative regulation will not have any fiscal impact, as it will simply allow licensees to renew a license without restriction on the method or mode through which they obtain their required thirty-nine (39) hours of continuing education.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect. This administrative regulation does not have any effect on the expenditures and cost savings of regulated entities.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None.

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

(d) How much will it cost the regulated entities for subsequent years? See 4.c. above.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation: This administrative regulation will not have any fiscal impact, as it will simply allow licensees to renew a license without restriction on the method or mode through which they obtain their required thirty-nine (39) hours of continuing education.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies.* [KRS 13A.010(13)] This administrative regulation will not have any major economic impact, as it will simply allow licensees to renew a license without restriction on the method or mode through which they obtain their required thirty-nine (39) hours of continuing education.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

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1. "Continuing Education Program Application", September 2022, is the form the KBEP and its Continuing Education Committee require to be used for program consideration which sets forth the criteria for approving any program for continuing education credit and which must be submitted 30 days prior to the date of a program.
2. "Continuing Education Sponsorship Application", September 2022, is the form used by organizations to apply to the KBEP to become a sponsor of continuing education programs for a year.

SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

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There are no changes to these forms.

AFFIDAVIT of CRYSTAL BARKER, BOARD ADMINISTRATOR
BOARD OF EXAMINERS OF PSYCHOLOGY

Comes the Affiant, Crystal Barker and after being duly sworn, states the following:

1. I am employed by the Department of Professional Licensing and serve as the Board Administrator of the Kentucky Board of Examiners of Psychology (KBEP).
2. As Board Administrator, I maintain a roster of all licensees of the KBEP.
3. As of Monday, September 19, 2022, at 1:30 p.m. Eastern, there are 174 people licensed by the KY Board of Examiners of Psychology whose license expired at 11:59 p.m.
4. A breakdown of the status of the expired license holders is as follows:
 - Certified Psychologist: 2 (both on inactive status)
 - Licensed Psychological Associate: 49 (none on inactive status)
 - Certified with Autonomous Functioning: 11 (none on inactive status)
 - Licensed Psychological Practitioner: 8 (none on inactive status)
 - Licensed Psychologist: 104 (1 on inactive status)

Further the Affiant saith naught.

Affiant Subscribed, sworn and acknowledged before me by


(name of public servant)

this the 22 day of September


NOTARY PUBLIC
STATE AT LARGE

My Commission expires: 06/22/2025



KENTUCKY PSYCHOLOGICAL ASSOCIATION

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9/19/2022

To Whom it May Concern

Since the end of the public health emergency on March 21st, 2022. The Kentucky Psychological Association has hosted one in person 6 hour event on April 22nd. At this time, psychologists were still working to understanding the impact of the end of the public health emergency. We also had multiple in person events on the calendar that we had intended to host in person but ultimately converted to virtual events to safeguard attendees' health. Our next in person event is scheduled for 9/26.

Thanks,

A handwritten signature in cursive script that reads "Eric Russ".

Eric Russ, Ph.D.

Executive Director