

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 38:040

Contact Person: Matthew D. Ellison, Staff Attorney III

Phone: 502-782-0706

Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Mental Health, Occupations and Professions

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes the applicable fees for both the initial application for licensure and taking the required licensing examination administered by the Board.
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary because it sets forth the amount of fees required to be paid by applicants for licensure.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.615(6) to promulgate administrative regulations to implement the purposes of KRS 335.600 through .699; KRS 335.620(1)(a), which requires applicants to pay an initial fee for licensure as established by the Board through promulgation of administrative regulation; and KRS 335.615(2), which requires the Board to administer and grade the exam, and provide for other matters relating to licensure through promulgation of administrative regulations.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statute by setting forth the amounts payable for initial licensure and examination.
- (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 amendment raises the fee for exam administration by \$50, but lowers the fee for application and initial licensure by \$50, and lowers the amount of the initial licensure fee that is non-refundable should the application not be approved.
 - (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to identify the fees payable to the Board for initial licensure applicants.
 - (c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.615(6) to promulgate administrative regulations to implement the purposes of KRS 335.600 through .699; KRS 335.620(1)(a), which requires applicants to pay an initial fee for licensure as established by the Board through promulgation of administrative regulation; and KRS 335.615(2), which requires the Board to administer and grade the exam, and provide for other matters relating to licensure through promulgation of administrative regulations. There is no new fee that the Board does not have statutory authority to charge applicants, and there is no provision in KRS 335.600 through .699 that sets forth the amount of said fees.

- (d) How the amendment will assist in the effective administration of the statutes: This amendment will set forth the amount of fees, and it will increase the amount of the initial licensing fee that is refunded to the applicant, if their application is not approved.
- (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 administrative regulation will affect any potential applicants for licensure; there would in all likelihood not be any more than 10 to 15 applicants in a given year affected by this amendment.
- (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: Applicants will have to pay different amounts than previously allotted for the i) application and initial licensure fee, and ii) the examination, but the overall amount of total fees required for becoming licensed will neither increase nor decrease.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no increased cost for compliance with this amendment by applicants.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will have a greater amount of the initial licensing fees refunded to them, should their application not be approved.
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There will be no initial cost to the administrative body to implement this administrative regulation.
- (b) On a continuing basis: There will be no continuing cost to the administrative body to implement this administrative regulation.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board's operations are funded by fees paid by license holders and applicants.
- (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: No increase in fees or funding will be necessary to implement this administrative regulation.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does establish fees paid to the Board.
- (10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied because this regulation applies to all applicants equally.