

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 38:060

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Subject Headings: Licensing, Mental Health, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a code of ethics applicable to all Kentucky Licensed Pastoral Counselors.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because it provides a clear understanding of certain actions which can subject the licensee to discipline pursuant to KRS 335.635.

(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(5) specifically to establish a code of ethics by promulgation of administrative regulation; and KRS 335.615(6), which empowers the Board to promulgate administrative regulations to carry out the provisions of KRS 335.600 through .699.

(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 a code of ethics applicable to licensees, which is a duty imposed on the Board via statute.

(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 adds a record retention period; lengthens the amount of time after which any sexual relationship between a licensee and former client is forbidden; imposes a consultation requirement in certain circumstances involving dual relationships, in order to ensure that the licensee's professional judgment is not impaired by the relationship; enlarges the scope of prohibited sexual or intimate contact between a licensee and someone under their supervision; makes it unethical for a licensee to fail to respond to any request from the Board; and establishes a new code of ethics for telehealth in the conduct of the profession.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to strengthen the ethical conduct required of licensees, including specifically those licensees who are engaged in telehealth.

(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(5) specifically to establish a code of ethics by promulgation of administrative regulation; and KRS 335.615(6), which empowers the Board to promulgate administrative regulations to carry out the provisions of KRS 335.600 through .699. Nothing about the subject matter of this amendment falls outside the scope of the foregoing.

- (d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by providing licensees with specific ethical requirements and expectations regarding their professional services.
- (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 the approximately 40-45 licensees of the Board.
- (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: Licensees will need to ensure that their conduct conforms with the provisions of this regulation.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is not expected to be any cost for compliance with this amendment, although licensees may elect to incur storage costs for former client records which are now subject to a specific retention period.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The licensees will have a clearer understanding of their ethical requirements.
- (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 change to 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 not establish any new fees or increase any 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.