

**LAWS AND REGULATIONS RELATING TO THE  
BOARD OF ALCOHOL AND DRUG COUNSELORS**



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## DISCLAIMER

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this profession, please visit <http://lrc.ky.gov>.

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# KENTUCKY REVISED STATUTES

## **309.080 Definitions for KRS 309.080 to 309.089.**

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;
- (2) "Certified alcohol and drug counselor" means a person certified by the board who meets the requirements in KRS 309.083;
- (3) "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089;
- (4) "Licensed clinical alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0832;
- (5) "Licensed clinical alcohol and drug counselor associate" means a person licensed by the board who meets the requirements of KRS 309.0833;
- (6) "Licensee" means a clinical alcohol and drug counselor who is licensed pursuant to KRS 309.080 to 309.089;
- (7) "Practice of alcohol and drug counseling":
  - a. Means the assessment and counseling of an individual, family, or group dealing with an alcohol or drug problem or addiction; and
  - b. Does not include the diagnosis or treatment of a mental health condition, or the administration or interpretation of psychological tests;
- (8) "Registered alcohol and drug peer support specialist" means a person registered by the board who meets the requirements in KRS 309.0831; and
- (9) "Registrant" means an alcohol and drug peer support specialist who is registered pursuant to KRS 309.080 to 309.089.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 1, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 1, effective July 15, 1996.

## **309.0805 Use of titles "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," and "registered alcohol and drug peer support specialist" -- Construction.**

- (1) No person shall use the title "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," or "registered alcohol and drug peer support specialist," or hold himself or herself out as a "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," or "registered alcohol and drug peer support specialist" unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to 309.089.
- (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers, psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.

- (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.
- (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 2, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 2, effective July 15, 1996.

### **309.081 Board of Alcohol and Drug Counselors.**

- (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors consisting of seven (7) members who shall be appointed by the Governor. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling, and the six (6) remaining members shall be licensed clinical alcohol and drug counselors or certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089. The board shall elect a chairperson each year at the first meeting called after the appointment of new members.
- (2) Each member of the board shall serve for a term of four (4) years with a maximum of two (2) full consecutive terms.
- (3) Each counselor member appointed to the board shall be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor and shall be actively engaged in the practice or teaching of alcohol and drug counseling in Kentucky.
- (4) All reappointments to and vacancies on the board shall be filled by the Governor from a list of three (3) names for each position that shall be submitted by the Kentucky Association of Addiction Professionals. The list shall consist of the three (3) nominees receiving the most votes in an election for each position to be filled. The election shall be administered by the Kentucky Association of Addiction Professionals, and nominations may be submitted by any interested party. The nominees shall be selected by all alcohol and drug counselors licensed or certified under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an unexpired term in the same manner as set out in this subsection.
- (5) The citizen-at-large member shall be disqualified from serving on the board if:
  - (a) The member, a person who is a part of the member's household, or the member's relative becomes associated with or financially interested in the business of alcohol and drug counseling, or participates or has participated in a professional field related to alcohol and drug counseling; or
  - (b) The member, a person who is a part of the member's household, or the member's relative becomes, or is in training to become, a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor.
- (6) A counselor member of the board shall be disqualified from serving on the board if:
  - (a) He or she violates the code of professional ethics or standards of practice established pursuant to KRS 309.0813; or
  - (b) He or she ceases to be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor in Kentucky.

- (7) Board members shall be reimbursed for all reasonable and necessary expenses they incur because of their board duties.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 3, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 3, effective July 15, 1996.

### **309.0813 Duties of board -- Administrative regulations -- Fees.**

The board shall:

- (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;
- (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, and registered alcohol and drug peer support specialists;
- (3) Approve and disapprove, at least twice a year, those persons who shall be licensed, certified, or registered under KRS 309.080 to 309.089;
- (4) Approve the examination required of applicants for licensure or certification as alcohol and drug counselors and applicants for registration as alcohol and drug peer support specialists, and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;
- (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the process to register with the board as a registered alcohol and drug peer support specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor;
- (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a license, certificate, or registration, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;
- (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved licensee, licensee associate, certificate holder, or registrant, or an applicant for a license, certificate, or registration;
- (8) Employ needed personnel and establish their duties and compensation;
- (9) Maintain a register of licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, and registered alcohol and drug peer support specialists;
- (10) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (11) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing an initial licensure fee, certification fee, registration fee, and annual renewal fees not to exceed three hundred dollars (\$300) each;
- (12) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (13) Submit an annual report to the Governor and the Legislative Research Commission by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered; and

- (14) Collect and deposit all fees, fines, and other moneys owed to the board into the State Treasury to the credit of the revolving fund established in KRS 309.082.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 4, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 4, effective July 15, 1996.

**Legislative Research Commission Note (6/24/2015).**

Under the authority of KRS 7.136(1)(h), during codification of 2015 Ky. Acts ch. 29, sec. 4 (this statute), the Reviser of Statutes has corrected a reference in subsection (15) to "Section 15 of this Act" to read instead "Section 16 of this Act" since the text of subsection (15) is referring to a revolving fund established in Section 16 of that Act, not Section 15. As codified, Section 16 became KRS 309.082.

**309.0814 Administrative regulations regarding supervisors of record.**

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to define the process to register with the board as a supervisor of record, including required supervisory training.
- (2) A registered alcohol and drug peer support specialist shall only practice as an employee of a licensed facility or under the board-approved supervision of a certified alcohol and drug counselor or licensed clinical alcohol and drug counselor.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 9, effective June 24, 2015.

**309.082 Revolving fund for implementation of KRS 309.080 to 309.089.**

- (1) All license, certificate, and registration fees, charges, and fines, and other moneys collected by the board under KRS 309.080 to 309.089 and the administrative regulations of the board, shall be deposited into the State Treasury and credited to a revolving fund to be used by the board in carrying out KRS 309.080 to 309.089, and are hereby appropriated for those purposes.
- (2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year. Any interest earnings of the fund shall become part of the fund and shall not lapse.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 16, effective June 24, 2015.

**309.083 Requirements for certification as alcohol and drug counselors.**

- (1) An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee for certification, and shall:
  - (1) Be at least eighteen (18) years of age;
  - (2) Have obtained a baccalaureate degree;
  - (3) Have completed six thousand (6,000) hours of board-approved experience working with persons having a substance use disorder, three hundred (300) hours of which shall have been under the direct supervision of:

- (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience; or
- (b) A licensed clinical alcohol and drug counselor who has at least two (2) years of post-licensure experience;
- (4) Have completed at least two hundred seventy (270) classroom hours of board-approved curriculum;
- (5) Have passed a written examination that has been approved by the International Certification Reciprocity Consortium on Alcoholism and Drug Abuse;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;
- (8) Have submitted two (2) letters of reference from certified or licensed clinical alcohol and drug counselors;
- (9) Live or work at least a majority of the time in Kentucky; and
- (10) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 6, effective June 24, 2015. -- Amended 2003 Ky. Acts ch. 36, sec. 1, effective June 24, 2003. -- Created 1996 Ky. Acts ch. 96, sec. 5, effective July 15, 1996.

**309.0831 Requirements for registration as an alcohol and drug peer support specialist.**

An applicant for registration as an alcohol and drug peer support specialist shall pay the board an initial fee for registration, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a high school diploma or equivalent;
- (3) Have completed five hundred (500) hours of board-approved experience working with persons having a substance use disorder, twenty-five (25) hours of which shall have been under the direct supervision of:
  - (a) A certified alcohol and drug counselor who has at least two (2) years post-certification experience; or
  - (b) A licensed clinical alcohol and drug counselor;
- (4) Have completed at least sixty (60) classroom hours of board-approved curriculum;
- (5) Have passed a written examination that has been approved by the board;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Attest to being in recovery for a minimum of two (2) years from a substance-related disorder;
- (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of domestic violence training; two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus; ten (10) hours of advocacy training; ten (10) hours of training in mentoring and education; and ten (10) hours of training in recovery support;
- (9) Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- (10) Live or work at least a majority of the time in Kentucky; and
- (11) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.



**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 5, effective June 24, 2015.

**309.0832 Requirements for licensure as a licensed clinical alcohol and drug counselor.** An applicant for licensure as a licensed clinical alcohol and drug counselor shall pay the board the initial fee for licensure, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained from a regionally accredited college or university or a college or university accredited by an agency recognized by the United States Department of Education:
  - (a) A sixty (60) hour master's degree in a behavioral science with clinical application;
  - (b) A thirty (30) hour advanced placement master's degree in a behavioral science with clinical application; or
  - (c) A doctoral degree in a behavioral science with clinical application;
- (3) Have completed at least one hundred eighty (180) classroom hours of alcohol and drug counselor specific board-approved curriculum;
- (4) Have passed a written examination as specified by the board in administrative regulation;
- (5) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (6) Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours training in the transmission, control, treatment, and prevention of the human immunodeficiency virus, in addition to the educational requirements in subsection (2) of this section;
- (7) Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- (8) Live or work at least a majority of the time in Kentucky;
- (9) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder; and
- (10) Have completed two thousand (2,000) hours of board-approved experience working with persons having a substance use disorder, three hundred (300) hours of which shall have been under the direct supervision of a licensed clinical alcohol and drug counselor.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 7, effective June 24, 2015.

**309.0833 Requirements for licensure as a licensed clinical alcohol and drug counselor associate.**

- (1) An applicant for licensure as a licensed clinical alcohol and drug counselor associate shall:
  - (a) Pay the board the initial fee for licensure;
  - (b) Complete the requirements under KRS 309.0832(1) to (9); and
  - (c) Obtain a board-approved supervisor of record.
- (2) Upon completion of the hours of board-approved experience specified in KRS 309.0832(10), a licensed clinical alcohol and drug counselor associate may apply to the board for licensure as a licensed clinical alcohol and drug counselor.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 8, effective June 24, 2015.

**309.084 Certification of applicants -- Administrative regulations.**

- (1) The board shall license, certify, or register, as appropriate, any applicant who meets all of the requirements for licensure, certification, or registration set out in KRS 309.083, 309.0831, and 309.0832 and subsection (2) of this section, pays the fees established by the board, and is not disqualified pursuant to KRS 309.086.
- (2) (a) The board shall promulgate administrative regulations establishing a limited period of time, not less than ninety (90) days nor more than one (1) year, during which licensure may be extended to persons not meeting all the provisions of KRS 309.0832 if:
  1. The person is a certified alcohol and drug counselor in Kentucky prior to June 24, 2015; and
  2. The applicant has a master's degree or a doctoral degree in a behavioral science with clinical application from a regionally accredited college or university or a college or university accredited by an agency recognized by the United States Department of Education.
- (1) (b) After the expiration of the time period established by the board in administrative regulation under paragraph (a) of this subsection, the applicant for licensure shall meet the qualifications established in KRS 309.0832 or 309.0833.
- (2) (c) Applicants granted licensure under paragraph (a) of this subsection shall be granted authority to provide clinical supervision, as specified in regulations promulgated in accordance with KRS 309.0814(1), without delay to alcohol and drug counselors currently holding certification or licensure and those seeking certification or licensure.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 10, effective June 24, 2015. -- Amended 2003 Ky. Acts ch. 36, sec. 2, effective June 24, 2003. -- Created 1996 Ky. Acts ch. 96, sec. 6, effective July 15, 1996.

**309.085 Renewal of licenses, certificates, and registrations -- Cancellation and reinstatement.**

- (1) A license, certificate, or registration issued pursuant to KRS 309.084 shall be renewed every three (3) years upon:
  - (a) Payment of the renewal fee as established pursuant to KRS 309.0813; and
  - (b) Completion of continuing education requirements, as established by the board by promulgation of an administrative regulation, not to exceed sixty (60) hours per renewal period.
- (2) The board shall cancel any license, certificate, or registration not renewed within ninety (90) days after the renewal date; however, the board may reinstate the license, certificate, or registration upon its holder paying the renewal fee and satisfying the other reinstatement requirements as established by the board by administrative regulation within one (1) year of the anniversary date of issue of renewal.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 12, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 7, effective July 15, 1996.

**309.086 Revocation, suspension, probation, or restriction of license, certificate, or registration -- Hearings -- Appeals.**

- (1) The board may revoke, suspend, place on probation, or restrict the license, certificate, or registration of a licensee, certificate holder, or registrant; refuse to issue or renew a license, certificate, or registration; and reprimand, admonish, or fine a licensee, certificate holder, or registrant for the following:
  - (a) Fraud or deceit in obtaining licensure, certification, or registration;
  - (b) Transferring the authority granted by the license, certificate, or registration to another person;
  - (c) Using unfair, false, misleading, or deceptive trade practices;
  - (d) Willfully or deliberately disregarding professional standards of practice or violating the code of ethics;
  - (e) Aiding and abetting a person who obtains a license, certificate, or registration fraudulently;
  - (f) Conspiring or combining with others to obtain a license, certificate, or registration to be used by an unlicensed, uncertified, or unregistered person with the intent to evade the provisions of KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections;
  - (g) Negligence or incompetence in complying with the applicable code of ethics and standards of practice or failure to comply with continuing education requirements;
  - (h) Violating KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections; or
  - (i) Being convicted of any felony or any other crime in which an element of the crime is dishonesty or fraud, under the laws of any state or the United States within the past three (3) years.
- (2) The board shall, upon the request of a licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, or registered alcohol and drug peer support specialist, or an applicant for licensure, certification, or registration, hold a hearing pursuant to KRS Chapter 13B before denying an application; refusing to renew a license, certificate, or registration; suspending a license, certificate, or registration; or imposing a fine. The affected party may appeal the board's decision in the Circuit Court where the licensee, certificate holder, or registrant resides. The action of the board shall remain in effect pending any appeals unless the board rescinds or modifies its order.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 13, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 8, effective July 15, 1996.

**309.087 Application for reinstatement of revoked license, certificate, or registration.**

A person whose license, certificate, or registration has been revoked may apply for reinstatement, no earlier than one (1) year from the date of revocation, in accordance with administrative regulations promulgated by the board.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 14, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 9, effective July 15, 1996.

**309.088 Reciprocity for licensure, certification, and registration.**

- (1) The board may permit an out-of-state licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, or alcohol and drug peer support specialist to obtain a license, certificate, or registration by reciprocity if:
  - (a) The out-of-state licensee, certificate holder, or registrant possesses a valid license, certificate, or registration from another jurisdiction that grants the same privileges to persons licensed, certified, or registered by this state as Kentucky grants to persons licensed, certified, or registered by the other jurisdiction;
  - (b) The requirements for licensure, certification, or registration are substantially similar to the requirements in KRS 309.080 to 309.089; and
  - (c) The out-of-state licensee, certificate holder, or registrant seeking licensure, certification, or registration states that he or she has studied, is familiar with, and shall abide by KRS 309.080 to 309.089 and the administrative regulations promulgated thereunder.
- (2) If the requirements for licensure, certification, or registration under KRS 309.080 to 309.089 are more restrictive than the standards of the other jurisdiction, then the out-of-state licensee, certificate holder, or registrant shall comply with the additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license, certificate, or registration.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 11, effective June 24, 2015.

**309.089 Additional penalties for licensees, certificate holders, or registrants.**

In addition to the sanctions set out in KRS 309.086, the board may impose the following sanctions on licensees, certificate holders, or registrants who violate the provisions of KRS 309.080 to 309.089 or administrative regulations promulgated pursuant to those sections:

- (1) Suspend a license, certificate, or registration for a period of up to five (5) years; and
- (2) Impose a fine of up to one thousand dollars (\$1,000).

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 15, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 10, effective July 15, 1996.

# KENTUCKY ADMINISTRATIVE REGULATIONS

## 201 KAR 35:010. Definitions for 201 KAR Chapter 35.

RELATES TO: KRS 309.080, 309.0805, 309.081, 309.0813, 309.084, 309.085, 309.086, 309.087, 309.089

STATUTORY AUTHORITY: KRS 309.0813(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813 requires the Kentucky Board of Alcohol and Drug Counselors to promulgate administrative regulations establishing requirements for alcohol and drug counselors and peer support specialists. This administrative regulation establishes definitions of terms used by the board in administrative regulations pertaining to the credentialing of alcohol and drug counselors and peer support specialists.

### Section 1.

(1) "Academic course" means a course that is offered by a postsecondary institution accredited by a recognized accreditation agency and that is:

- (a) An alcohol and drug counseling course, designated by title or content; or
- (b) An academic course, relevant to alcohol and drug counseling.

(2) "Applicant" means an individual who has applied for registration, certification, or licensure in accordance with KRS 309.084 or a credential holder renewing his application in accordance with KRS 309.085.

(3) "Approved" means recognized by the Kentucky Board of Alcohol and Drug Counselors.

(4) "Board" is defined by KRS 309.080(1).

(5) "Certified alcohol and drug counselor" is defined by KRS 309.080(2).

(6) "Chair" means the chairperson or vice-chairperson of the board.

(7) "Charge" means a specific allegation contained in a formal complaint, as established in subsection 12 of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 309, the administrative regulations promulgated thereunder, or another state or federal statute or regulation.

(8) "Classroom hour" means an academic hour from an accredited institution or continuing education hour.

(9) "Client" means an individual, family, or group who directly receives services from an alcohol and drug counselor or peer support specialist; a corporate entity or other organization if the contract is to provide an alcohol and drug counselor or peer support specialist service of benefit directly to the corporate entity or organization; or a legal guardian who is responsible for making decisions relative to the provision of services for a minor or legally incompetent adult.

(10) "Clinical supervision" means a disciplined, tutorial process wherein principles are transformed into practical skills, with four (4) overlapping foci: administrative, evaluative, clinical, and supportive.

- (11) "Clinical supervisor" means a certified alcohol and drug counselor who has at least two (2) years of post-credential experience and who provides supervision and whose credential is currently in good standing with the board.
- (12) "Complaint" means a written allegation of misconduct by a credentialed individual or another person, alleging a violation of:
- (a) KRS Chapter 309;
  - (b) Administrative regulations promulgated in accordance with KRS Chapter 309;
  - (c) Another state or federal statute or regulation; or
  - (d) A combination of paragraphs (a), (b), or (c) of this subsection.
- (13) "Complaint screening committee" means a committee that reviews complaints, investigates reports, participates in informal proceedings to resolve a formal complaint, and consists of:
- (a) Up to two (2) board members appointed by the chair; and
  - (b) If appointed, the executive director of the Division of Occupations and Professions, or another staff person, to be a non-voting member who is available to the committee for assistance.
- (14) "Continuing education hour" means fifty (50) clock minutes of participating in a continuing education experience.
- (15) "Credential holder" is defined by KRS 309.080(3).
- (16) "Disciplinary action" means to:
- (a) Revoke, suspend, place on probation, or restrict the credential holder; and
  - (b) Publicly reprimand, publicly admonish, or fine.
- (17) "Educational program" means an organized learning experience:
- (a) Planned and evaluated to meet behavioral objectives; and
  - (b) Presented in one (1) session or in a series.
- (18) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of a matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.
- (19) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.
- (20) "Licensed clinical alcohol and drug counselor" is defined by KRS 309.080(4).
- (21) "Licensed clinical alcohol and drug counselor associate" is defined by KRS 309.080(5).
- (22) "Licensee" is defined by KRS 309.080(6).
- (23) "Provider" means an organization approved by the Kentucky Board of Alcohol and Drug Counselors for providing continuing education programs.
- (24) "Registered alcohol and drug peer support specialist" is defined by KRS 309.080(8).
- (25) "Registrant" is defined by KRS 309.080(9).
- (26) "Relevant" means having content applicable to the practice of alcohol and drug counseling in accordance with the requirements of 201 KAR 35:040, Section 3(2).
- (27) "Work experience" means the hours spent performing the services, tasks, and reports necessary for providing counseling, intervention, or support services to a person with a substance use disorder or that person's significant others. (42 Ky.R. 144; 2034; eff. 2-5-2016.)

## **201 KAR 35:020. Fees.**

RELATES TO: KRS 309.083, 309.0831, 309.0832, 309.0833, 309.084, 309.085(1)(a)

STATUTORY AUTHORITY: KRS 309.0813(1), (4), (5), (12), 309.085(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(4) requires the board to promulgate an administrative regulation governing the administration and grading of the written examination, which applicants shall be required to successfully complete. KRS 309.0813(12) requires the board to promulgate administrative regulations establishing initial registration, certification, and licensure fees and renewal fees. This administrative regulation establishes those fees.

### **Section 1. Application Fees.**

(1) The application fee for board review of an application for a licensed clinical alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, certified alcohol and drug counselor, or registered alcohol and drug peer support specialist, KBADC Form 1, shall be fifty (50) dollars.

(2) The application fee shall be nonrefundable.

(3) An application shall lapse one (1) year from the date it is filed with the board office.

(4)(a) If an approved applicant applies one (1) or more times after the original application lapses, the applicant shall comply with the requirements of this subsection.

1. The applicant shall successfully complete the examination required by the board within two (2) years from the date the original application is filed.

2. If the applicant does not successfully complete the examination within the time period required by subparagraph 1. of this paragraph, the applicant shall update and refile the application prior to sitting for the examination again.

(b) The fee for refiling the application form shall be twenty (20) dollars.

### **Section 2. Comprehensive Examination Fees.**

(1) An applicant for registration as an alcohol and drug peer support specialist shall pay an examination fee of \$150. The fee for retaking the comprehensive examination for registration shall be \$150.

(2) An applicant for certification shall pay an examination fee of \$200. The fee for retaking the comprehensive examination for certification shall be \$200.

(3) An applicant for licensure shall pay an examination fee of \$200. The fee for retaking the comprehensive examination for licensure shall be \$200.

### **Section 3. Credentialing Fees.**

(1)(a) The registration fee for an alcohol and drug peer support specialist shall be \$100.

(b) The certification fee for a certified alcohol and drug counselor shall be \$200.

(c) The licensure fee for a licensed clinical alcohol and drug counselor or licensed clinical alcohol and drug counselor associate shall be \$300.

(2) If the applicant successfully completes all requirements for registration, certification, or licensure, the fee established in subsection (1) of this section shall cover credentialing for the initial three (3) year period.

#### Section 4. Renewal Fees and Penalties.

(1)(a) A registration, certificate, or license not renewed within ninety (90) days after the holder's renewal date shall be deemed cancelled in accordance with KRS 309.085(2).

(b) A person holding a cancelled registration shall not use the title "registered alcohol and drug peer support specialist" or hold himself or herself out as a registered alcohol and drug peer support specialist or engage in the practice of alcohol and drug peer support services.

(c) A person holding a canceled certificate shall not use the title "certified alcohol and drug counselor" or hold himself or herself out as a certified alcohol and drug counselor or engage in the practice of alcohol and drug counseling.

(d) A person holding a canceled license shall not use the title "licensed clinical alcohol and drug counselor" or hold himself or herself out as a licensed clinical alcohol and drug counselor or engage in the practice of alcohol and drug counseling.

(e) A person holding a canceled license as a licensed clinical alcohol and drug counselor associate shall not use the title "licensed clinical alcohol and drug counselor associate" or hold himself or herself out as a licensed clinical alcohol and drug counselor associate or engage in the practice of alcohol and drug counseling.

(2) The fees and penalties established in this subsection shall be paid in connection with registration, certification, or licensure renewals.

(a) The renewal fee for registration shall be \$100 for a three (3) year period, and shall accompany the Application for Renewal, KBADC Form 16.

(b) The late renewal fee, including penalty, for the ninety (90) day grace period shall be \$150 for registration for a three (3) year period.

(c) The renewal fee for certification shall be \$200 for a three (3) year period, and shall accompany the Application for Renewal.

(d) The late renewal fee, including penalty, for the ninety (90) day grace period shall be \$250 for certification for a three (3) year period.

(e) The renewal fee for licensure shall be \$300 for a three (3) year period, and shall accompany the Application for Renewal.

(f) The late renewal fee for the ninety (90) day grace period, as well as licensure for a three (3) year period, shall be a:

1. \$300 fee; and
2. Penalty fee of fifty (50) dollars.

#### Section 5. Reinstatement of a Canceled Registration, Certificate, or Licensure.

(1) A canceled registration may be reinstated within one (1) year of the anniversary date of issue of renewal by:

- (a) Submitting a completed Application for Reinstatement;
- (b) Proof of completion of continuing education in accordance with 201 KAR 35:040 and of ten (10) hours of continuing education during the one (1) year period; and
- (c) Payment of a \$200 reinstatement fee for registration for a three (3) year period.



(2) A canceled certificate may be reinstated within one (1) year of the anniversary date of issue of renewal by:

- (a) Submitting a completed Application for Reinstatement;
- (b) Proof of completion of continuing education in accordance with 201 KAR 35:040 and of twenty (20) hours of continuing education during the one (1) year period; and
- (c) Payment of a \$300 reinstatement fee, for certification for a three (3) year period.

(3) A canceled license may be reinstated within one (1) year of the anniversary date of issue of renewal by:

- (a) Submitting a completed Application for Reinstatement;
- (b) Proof of completion of continuing education in accordance with 201 KAR 35:040 and of twenty (20) hours of continuing education during the one (1) year period; and
- (c) Payment for licensure for a three (3) year period, which shall be a:
  - 1. \$300 fee; and
  - 2. Penalty fee of \$100.

#### Section 6. Duplicate Credential and ID Card Fees.

- (1) The fee for a duplicate credential shall be twenty (20) dollars.
- (2) The fee for a duplicate ID card shall be ten (10) dollars.

#### Section 7. Inactive Status Fees.

- (1) The enrollment fee for voluntarily placing a registration, certificate, or license in inactive status in accordance with 201 KAR 35:080 shall be fifty (50) dollars.
- (2) The annual renewal fee for a registration, certificate, or license enrolled in inactive status shall be twenty-five (25) dollars based on the renewal date.
- (3)(a) The fee for reactivation of a registration shall be \$100 for a three (3) year period commencing on the date the board approves the application for reactivation.
  - (b) The fee for reactivation of a certificate shall be \$200 for a three (3) year period commencing on the date the board approves the application for reactivation.
  - (c) The fee for reactivation of a license shall be \$300 for a three (3) year period commencing on the date the board approves the application for reactivation.

#### Section 8. Continuing Education Fees.

- (1) For purposes of this administrative regulation, a continuing education sponsor shall be an individual or entity that provides a program of continuing education to credential holders that has been reviewed and approved by the board to meet the continuing education requirements set forth in 201 KAR 35:040.
- (2) Approvals may consist of a single workshop or a program of courses and shall be effective for one (1) year from the date of approval.
- (3) The fee for approval of an application for a single program provider shall be fifty (50) dollars.
- (4) The fee for approval of an application for a continuing education sponsor providing a program of courses shall be \$250.

(5) Continuing education sponsors who have received approval for their program of courses may apply for renewal of the approval in accordance with 201 KAR 35:040 and shall pay an annual renewal fee of \$150.

(6)(a) The fee for review of an application for a substantial change in curriculum of an approved program shall be fifty (50) dollars.

(b) A substantial change shall be considered as the addition of a workshop or course to a pre-approved program, or changes to the content of a pre-approved workshop or program which is in excess of twenty (20) percent.

#### Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "KBADC Form 1, Application", June 2015;

(b) "KBADC Form 16, Application for Renewal", June 2015; and

(c) "KBADC Form 17, Application for Reinstatement", June 2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. (23 Ky.R. 3456; Am. 3752; eff. 4-16-1997; 27 Ky.R. 2556; eff. 6-8-2001; 35 Ky.R. 318; 783; eff. 10-15-2008; 42 Ky.R. 1303; 2035; eff. 2-5-2016; 43 Ky.R. 1243, 1743; eff. 5-5-2017.)

### **201 KAR 35:025. Examinations.**

RELATES TO: KRS 309.083(5), 309.0831(5), 309.0832(4), 309.0833

STATUTORY AUTHORITY: KRS 309.0813(1), (4), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(4) requires the board to promulgate an administrative regulation governing the administration and grading of the written examination, which applicants are required to successfully complete. This administrative regulation establishes those examination requirements.

#### Section 1. Comprehensive Examination.

(1) An applicant for registration as an alcohol and drug peer support specialist shall take the comprehensive examination offered by the International Certification and Reciprocity Consortium.

(2) An applicant for certification shall take the comprehensive examination offered by the International Certification and Reciprocity Consortium.

(3) An applicant for licensure shall take the comprehensive examination offered by the International Certification and Reciprocity Consortium.

#### Section 2. Remediation Plan. (1) If an applicant fails the examination, the applicant shall:

(a) Not retake the examination within ninety (90) days of the failed examination date;

(b) Submit a KBADC Form 19, Re-Examination Application; and

- (c) Submit the examination fee for the respective examination listed in 201 KAR 35:020, Section 2.
- (2) If the applicant fails the examination twice or more, the applicant shall submit a remediation plan after each failed examination:
  - (a) To address the deficiencies cited in the examination results; and
  - (b) Cosigned by the board-approved supervisor.
- (3) Upon completion of the remediation plan approved by the board, the applicant may request permission to retake the examination by filing a KBADC Form 19, Re-Examination Application, and submitting the examination fee for the respective examination listed in 201 KAR 35:020, Section 2.

Section 3. Incorporation by Reference.

- (1) "KBADC Form 19, Re-Examination Application", December 2015, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. 4:30 p.m. (43 Ky.R. 130, 1722; eff. 5-5-2017.)

**201 KAR 35:030. Code of Ethics.**

RELATES TO: KRS 309.081

STATUTORY AUTHORITY: KRS 309.0813(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(2) requires the board to promulgate a code of ethics for credential holders. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Clients.

- (1) A credential holder shall:
  - (a) Advance and protect the welfare of the client;
  - (b) Respect the rights of a person seeking assistance; and
  - (c) Make reasonable efforts to ensure that services are used appropriately.
- (2) If a registered alcohol and drug peer support specialist is employed by a facility or credential holder from whom the peer support specialist received services as a client, the peer support specialist's supervisor shall clearly define the relationship and boundaries of the peer support specialist's employment position.
- (3) Regarding any client, including clients of the facility where the counselor provides alcohol and drug counseling or any other service, or where the peer support specialist provides services, a credential holder shall not:
  - (a) Discriminate against or refuse professional service to anyone on the basis of:
    - 1. Race;
    - 2. Gender;
    - 3. Age;

4. Sexual preference or orientation;

5. Religion; or

6. National origin;

(b) Exploit the trust and dependency of a client;

(c) Engage in a dual relationship with a client, whether social, business, or personal, that may impair professional judgment, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, unless:

1. A dual relationship:

a. Cannot be avoided; and

b. Does not impair professional judgment, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation; and

2. The credential holder takes appropriate professional precautions to ensure that judgment is not impaired and exploitation of the client does not occur;

(d) Engage in:

1. A romantic or sexual relationship with a:

a. Current or former client;

b. Current or former client of the facility where the counselor provides alcohol and drug counseling;

or

c. Member of a client's immediate family or client's romantic partner; or

2. Sexual or other harassment, or exploitation, of a:

a. Client;

b. Student;

c. Trainee;

d. Supervisee;

e. Employee;

f. Colleague;

g. Research subject; or

h. Actual or potential witness or complainant in an investigation or ethical proceeding;

(e) Use the professional relationship with a client to further an institutional or personal interest;

(f) Continue a therapeutic relationship unless it is reasonably clear that the client is benefiting from the relationship;

(g) Fail to assist a person in obtaining other therapeutic service if the credential holder is unable or unwilling, for an appropriate reason, to provide professional help;

(h) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;

(i) Videotape, record, or permit third-party observation of a therapy session without having first obtained written informed consent from the client; or

(j) Diagnose, treat, or advise on problems outside the recognized boundaries of competence.

## Section 2. Confidentiality.

(1) A credential holder shall respect and guard the confidence of each individual client in any setting and through any means of communication.

- (2) A credential holder shall not disclose a client confidence except:
  - (a) As mandated or permitted by law;
  - (b) To prevent a clear and immediate danger to a person;
  - (c) During the course of a civil, criminal, or disciplinary action arising from the counseling, at which the credential holder is a defendant; or
  - (d) In accordance with the terms of a written informed consent agreement.
- (3) A credential holder may use client or clinical material in teaching, writing, and public presentations if:
  - (a) Written informed consent has been obtained in accordance with subsection (2)(d) of this section; or
  - (b) Appropriate steps have been taken to protect client identity and confidentiality.
- (4) A credential holder shall maintain a client's record for no less than seven (7) years from termination of services with the client.
- (5) A credential holder shall store or dispose of a client record so as to maintain confidentiality.

Section 3. Publication Credit. A credential holder shall assign credit to all who have contributed to the published material and for the work upon which publication is based. A credential holder shall:

- (1) Recognize joint authorship and major contributions of a professional character made by several persons to a common project. The author who has made the principal contribution to a publication shall be identified as the first listed;
- (2) Acknowledge in a footnote or introductory statement minor contributions of a professional character, or extensive clerical or similar assistance; and
- (3) Acknowledge, through specific citations, unpublished, as well as published, material that has directly influenced the research or writing.

Section 4. Professional Competence and Integrity.

- (1) A credential holder shall maintain standards of professional competence and integrity and shall be subject to disciplinary action if:
  - (a) The board determines the credential holder has violated KRS Chapter 309 or 201 KAR Chapter 35 by an act that results in disciplinary action by another state's regulatory agency; or
  - (b) The credential holder:
    - 1. Is impaired due to mental capacity or the abuse or use of alcohol or other substances that negatively impacts the practice of alcohol and drug counseling or peer support services;
    - 2. Refuses to comply with an order issued by the board;
    - 3. Fails to cooperate with the board by not:
      - a. Furnishing in writing a complete explanation to a complaint filed with the board;
      - b. Appearing before the board at the time and place designated;
      - c. Properly responding to a subpoena issued by the board;
      - d. Notifying the board of any arrest or conviction, felony or misdemeanor, in any jurisdiction within thirty (30) days of the arrest or conviction; or
      - e. Notifying the board of disciplinary action taken against any state-issued credential in any jurisdiction within thirty (30) days of the disciplinary action.
- (2) A credential holder who is aware of conduct by another credential holder that violates this code of ethics shall report that conduct to the Kentucky Board of Alcohol and Drug Counselors.

- (3) A credential holder shall comply with all the policies and procedures of the facilities where a credential holder is employed. If there is conflict with the policies or procedures of the facility and this code of ethics, the credential holder shall report this conflict to the Kentucky Board of Alcohol and Drug Counselors.

Section 5. Responsibility to a Student or Supervisee. A credential holder shall:

- (1) Be aware of his influential position with respect to a student or supervisee;
- (2) Avoid exploiting the trust and dependency of a student or supervisee;
- (3) Avoid a social, business, personal, or other dual relationship that could:
  - (a) Impair professional judgment; and
  - (b) Increase the risk of exploitation;
- (4) Take appropriate precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;
- (5) Not provide counseling to a:
  - (a) Student;
  - (b) Employee; or
  - (c) Supervisee;
- (6) Not engage in sexual intimacy or contact with a:
  - (a) Student; or
  - (b) Supervisee;
- (7) Not permit a student or supervisee to perform or represent oneself as competent to perform a professional service beyond his level of:
  - (a) Training;
  - (b) Experience; or
  - (c) Competence;
- (8) Not disclose the confidence of a student or supervisee unless:
  - (a) Permitted or mandated by law;
  - (b) It is necessary to prevent a clear and immediate danger to a person;
  - (c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the credential holder is a defendant;
  - (d) In an educational or training setting, of which there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee; or
  - (e) In accordance with the terms of a written informed consent agreement.

Section 6. Responsibility to a Research Participant.

- (1) A credential holder performing research shall comply with federal and state laws and administrative regulations and professional standards governing the conduct of research.
- (2) A credential holder performing research shall:
  - (a) Be responsible for making a careful examination of ethical acceptability in planning a study;
  - (b) Seek the ethical advice of another qualified professional not directly involved in the investigation, if it is possible that services to a research participant could be compromised; and
  - (c) Observe safeguards to protect the rights of a participant.

- (3) A credential holder requesting a participant's involvement in research shall:
  - (a) Inform the participant of all aspects of the research that might reasonably affect the participant's willingness to participate; and
  - (b) Be sensitive to the possibility of diminished consent if the participant:
    - 1. Is also receiving clinical services;
    - 2. Has an impairment which limits understanding or communication; or
    - 3. Is a child.
- (4) A credential holder performing research shall respect a participant's freedom to decline participation in, or to withdraw from, a research study at any time.
- (5) A credential holder shall avoid a dual relationship with research participants.
- (6) Information obtained about a research participant during the course of an investigation shall be confidential unless there is an authorization previously obtained in writing. The following shall be explained to the participant before obtaining written, informed consent:
  - (a) A risk that another person, including a family member, could obtain access to the information; and
  - (b) The plan to be used to protect confidentiality.

Section 7. Financial Arrangements. A credential holder shall:

- (1) Not charge an excessive fee for service;
- (2) Disclose fees to a client and supervisee at the beginning of service;
- (3) Make financial arrangements with a client, third-party payor, or supervisee that:
  - (a) Are reasonably understandable; and
  - (b) Conform to accepted professional practices;
- (4) Not offer or accept compensation for a referral of a client;
- (5) Represent facts truthfully to a client, third-party payor, or supervisee regarding services rendered;
- (6) Provide a client with necessary forms, reimbursement codes, and tax identification numbers for reimbursement for services from a third-party payor; and
- (7) Not trade services to the client in exchange for goods or services provided by or on behalf of the client.

Section 8. Advertising.

- (1) A credential holder shall:
  - (a) Accurately represent education, training, and experience relevant to the practice of professional alcohol and drug counseling;
  - (b) Not use professional identification that includes a statement or claim that is false, fraudulent, misleading, or deceptive, including the following:
    - 1. A business card;
    - 2. An office sign;
    - 3. Letterhead;
    - 4. Telephone or association directory listing; or
    - 5. Webpage or social media.
- (2) A statement shall be considered false, fraudulent, misleading, or deceptive if it:
  - (a) Contains a material misrepresentation of fact;

- (b) Is intended to or is likely to create an unjustified expectation; or
- (c) Deletes a material fact or information.

Section 9. Environment. A credential holder shall provide a safe, functional environment in which to offer alcohol and drug counseling services. This shall include the following:

- (1) Allowance for privacy and confidentiality; and
- (2) Compliance with any other health and safety requirement according to local, state, and federal agencies.

Section 10. Documentation. A credential holder shall accurately document activity with a client in a timely manner.

Section 11. Interprofessional Relationships. A credential holder shall treat a colleague with respect, courtesy, and fairness and shall afford the same professional courtesy to other professionals.

- (1) A credential holder shall not offer professional service to a client in counseling with another professional unless efforts have been made to inform the other professional, or to establish collaborative treatment, or until after the termination of the client's relationship with the other professional.
- (2) A credential holder shall cooperate with a duly constituted professional ethics committee and promptly supply necessary information unless constrained by the demands of confidentiality. . (25 Ky.R. 947; Am. 2128; eff. 3-17-1999; 42 Ky.R. 1305; 2037; eff. 2-5-2016; 43 Ky.R. 1245, 1585, 1723; eff. 5-5-2017.)

#### **201 KAR 35:040. Continuing education requirements.**

RELATES TO: KRS 309.085(1)(b)

STATUTORY AUTHORITY: KRS 309.0813(2), 309.085(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.813(2) and KRS 309.085(1)(b) authorize the Board of Alcohol and Drug Counselors to promulgate administrative regulations establishing continuing education requirements. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Basic Continuing Education Requirements.

- (1)(a) A minimum of ten (10) continuing education hours each year shall be accrued by each person holding a registration as an alcohol and drug peer support specialist.
  - (b) A minimum of sixty (60) continuing education hours shall be accrued by each person holding a certificate as a certified alcohol and drug counselor during the three (3) year certification period for renewal with at least three (3) continuing education hours in ethics.
  - (c) A minimum of sixty (60) continuing education hours shall be accrued by each person holding a license as a licensed clinical alcohol and drug counselor during the three (3) year licensure period for renewal with at least three (3) continuing education hours in ethics.



- (d) A minimum of twenty (20) continuing education hours each year shall be accrued by each person holding a license as a licensed clinical alcohol and drug counselor associate. A licensed clinical alcohol and drug counselor associate shall obtain at least three (3) continuing education hours in ethics during the renewal cycle.
- (2) All continuing education hours shall be relevant to the field of alcohol and drug counseling.
- (3) A credential holder shall determine prior to attending a specific continuing education program that the program:
- (a) Has been approved by the board; or
  - (b) Is offered or sponsored by an organization approved by the board to provide continuing education programs.
- (4) If the specific continuing education program is not pre-approved as established in subsection (3) of this section, the certificate holder may apply for board approval by providing the information required by Section 4 of this administrative regulation.
- (5) A credential holder shall complete a minimum of six (6) hours of continuing education in suicide assessment, treatment, and management as required by KRS 210.366. The suicide assessment, treatment, and management continuing education course shall be approved by the board, be provided by an entity identified in Section 2(4)(b) of this administrative regulation, or be approved by one (1) of the following boards:
- (a) Kentucky Board of Social Work;
  - (b) Kentucky Board of Licensure of Marriage and Family Therapists;
  - (c) Kentucky Board of Licensed Professional Counselors;
  - (d) Kentucky Board of Licensure for Pastoral Counselors;
  - (e) Kentucky Board of Examiners of Psychology; or
  - (f) Kentucky Board of Licensure for Occupational Therapy.

## Section 2. Methods of Acquiring Continuing Education Hours.

- (1) Continuing education hours applicable to the renewal of the credential shall be directly related to the professional growth and development of a credential holder.
- (2) Continuing education hours may be earned by:
- (a) Attending a continuing education program that has prior approval by the board;
  - (b) The completion of appropriate academic coursework; or
  - (c) Other alternative methods approved by the board in accordance with subsection (6) of this section.
- (3) At least fifty (50) percent of the required continuing education hours for a credential holder shall be earned through live, face to face, continuing education presentations.
- (4) Attendance at continuing education programs automatically approved by the board.
- (a) A program relevant to the practice of alcohol and drug counseling that is provided, approved, or sponsored by any of the providers listed in paragraph (b) of this subsection shall be:
    - 1. Approved without further review; and
    - 2. Exempt from the program fee established in 201 KAR 35:020, Section 9.
  - (b) The provisions of this subsection shall apply to the following providers:

1. The National Association of Addiction Professionals (NAADAC) and its member boards;
2. The International Certification and Reciprocity Consortium (ICRC);
3. The Kentucky Cabinet for Health and Family Services, Division of Mental Health and Substance Abuse and its subcontractors;
4. The Kentucky School of Alcohol and Drug Studies;
5. An Addiction Technology Transfer Center (ATTC);
6. State or United State Regional Addiction Training Institute; or
7. Clinical Applications of the Principles on Treatment of Addictions and Substance Abuse (CAPTASA).

(5)(a) Academic coursework. An academic course, as defined in 201 KAR 35:010, Section 1(1), shall not require board review or approval.

(b) A general education course, or elective designated to meet academic degree requirements, shall be acceptable for continuing education credit if it is relevant to the practice of alcohol and drug counseling.

(c) Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equaling fifteen (15) continuing education hours.

(6) Alternative methods for obtaining continuing education hours; programs requiring board review and approval. The following activities shall be reviewed by the board to determine whether or not the activity complies with the requirements of Section 3(2) of this administrative regulation:

(a)1. A program, including a home study course and in-service training provided by an organization or education institution not listed in subsection (4)(b) of this section; or

2. A program or academic course presented by the credential holder, who shall earn two (2) continuing education hours for each contact hour of instruction, unless it is repeated instruction of the same course; or

(b) A relevant publication in a professionally recognized or juried publication authored by the credential holder, who shall earn continuing hours as follows:

1. Five (5) continuing education hours for each published abstract or book review in a refereed journal;
  2. Ten (10) continuing education hours for each book chapter or monograph;
  3. Fifteen (15) continuing education hours for each published article in a refereed journal;
- and
4. Twenty (20) continuing education hours for each published book.

### Section 3. Procedures for Preapproval of Continuing Education Programs.

(1) An applicant seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least thirty (30) days in advance of the commencement of the program, and shall provide the information required in Section 4 of this administrative regulation.

(2) A continuing education activity shall be qualified for approval if the activity:

- (a) Is an organized program of learning;
- (b) Pertains to subject matter relating to alcohol and drug counseling;
- (c) Enhances the professional competence of the credential holder by:

1. Refreshing knowledge and skills; or
  2. Educating on a new topic or subject; and
- (d) Is conducted by a competent instructor, as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience.
- (3)(a) The board may monitor or review a continuing education program approved by the board, in accordance with this section.
- (b) Upon evidence of significant variation in the program presented from the program approved, the board shall withdraw approval of the hours granted to the program.

#### Section 4. Subsequent Approval of Continuing Education Programs.

- (1) A course that has not been preapproved by the board may be used for continuing education if approval is subsequently secured from the board.
- (2) The following information shall be submitted for board review of a program:
- (a) A published course or seminar description;
  - (b) The name and qualifications of the instructor;
  - (c) A copy of the program agenda indicating hours of education;
  - (d) Number of continuing education hours requested;
  - (e) Official certificate of completion or college transcript from the sponsoring agency or college; and
  - (f) Application for continuing education credits approval.

#### Section 5. Application for Approved Sponsor.

- (1) A company, individual, or association that wishes to be designated as an approved sponsor of continuing education shall complete a Continuing Education Sponsor Application incorporated by reference in 201 KAR 35:020, and pay the provider fee established in 201 KAR 35:020, Section 9.
- (2) An approved sponsor of continuing education shall be allowed to advertise the program as pre-approved to meet the continuing education requirements for credential renewal.
- (3)(a) Approval shall be for one (1) year from date of approval unless substantial course changes occur.
- (b) For purposes of this section, a substantial course change shall be a change in the curriculum in excess of twenty (20) percent.

#### Section 6. Responsibilities and Reporting Requirements of Credential Holder; Audit.

- (1)(a) During the renewal period, the board shall review at least fifteen (15) percent of all credential holders' documentation supporting the completion of the appropriate number of continuing education hours through a random audit process.
- (b) Copies of supporting documentation submitted to the board shall be shredded and shall not be returned to the certificate holder upon completion of the audit process.
- (c) Verification of continuing education hours shall not otherwise be reported to the board.
- (2) A credential holder shall:
- (a) Be responsible for obtaining the required continuing education hours;

- (b) Identify personal continuing education needs and seek activities that meets those needs;
  - (c) Seek ways to integrate new knowledge, skills, and activities;
  - (d) Select approved activities by which to earn continuing education hours;
  - (e) Submit to the board, if applicable, a request for approval for continuing education activities not approved as established in Section 3 of this administrative regulation;
  - (f) Document attendance, participation in, and successful completion of continuing education activity; and
  - (g) Maintain records of continuing education hours for five (5) years from the date of the offering of the continuing education activity.
- (3) The following items may be used to document continuing education activity:
- (a) Transcript;
  - (b) Certificate;
  - (c) Affidavit signed by the instructor;
  - (d) Receipt for the fee paid to the sponsor; or
  - (e) Written summary of experiences that are not formally or officially documented otherwise.
- (4) Failure to comply with this administrative regulation shall constitute a violation of KRS 309.085(1)(b) and shall result in board:
- (a) Refusal to renew credential;
  - (b) Suspension of credential; or
  - (c) Revocation of credential.

Section 7. Carry-over of Continuing Education Hours Prohibited. Continuing education hours earned in excess of those required pursuant to Section 1 of this administrative regulation shall not be carried forward.

Section 8. Waiver or Extensions of Continuing Education.

- (1) On application, the board may grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:
- (a) Medical disability or serious injury of the credential holder;
  - (b) Serious illness of the credential holder or of an immediate family member; or
  - (c) Death or serious injury of an immediate family member.
- (2) A written request for waiver or extension of time involving medical disability or illness shall be:
- (a) Submitted by the certificate holder; and
  - (b) Accompanied by a verifying document signed by a licensed physician or an advanced practice registered nurse.
- (3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.
- (4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the credential holder shall reapply for the waiver or extension.

Section 9. Continuing Education Requirements for Reinstatement or Reactivation of a Credential.

- (1) A person requesting reinstatement of certification or licensure shall:
  - (a) Submit evidence of receiving sixty (60) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested; or
  - (b) Obtain sixty (60) hours of continuing education within six (6) months of reinstatement of certification or licensure.
- (2) Failure to obtain sixty (60) hours within six (6) months shall result in termination of certification or licensure.
- (3) A person requesting reinstatement of a registration shall:
  - (a) Submit evidence of receiving thirty (30) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested; or
  - (b) Obtain ten (10) hours of continuing education within six (6) months of reinstatement of registration.
- (4) Failure to obtain ten (10) hours within six (6) months shall result in termination of registration.
- (5) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 1 of this administrative regulation and shall not be used to comply with the requirements of that section.

#### Section 10. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Continuing Sponsor Application Form", 2008; and
  - (b) "KBADC Form 18, Continuing Education Program Application", June 2015.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky, telephone (502) 564-3296 ext. 222, Monday through Friday, 8:30 a.m. to 5:00 p.m. (25 Ky.R. 949; Am. 2131; eff. 3-17-1999; 35 Ky.R. 320; 784; eff. 10-15-2008; 42 Ky.R. 1308; 2039; eff. 2-5-2016.)

#### **201 KAR 35:050. Curriculum of study.**

RELATES TO: KRS 309.083(4), (8)

STATUTORY AUTHORITY: KRS 309.0813(1), (5), (6), 309.083(4), 309.0831(4), 309.0832(3), 309.0833(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.083(4), 309.0831(4), 309.0832(3), and 309.0833(1) require the Board of Alcohol and Drug Counselors to promulgate administrative regulations establishing curriculum requirements for applicants for a credential. This administrative regulation identifies the areas of study that will satisfy the requirement.

Section 1. (1) Registration. An applicant seeking registration as an alcohol and drug peer support specialist shall:

- (a) Complete sixty (60) classroom hours, which shall include:

1. Sixteen (16) hours of interactive training in ethics of which eight (8) hours shall consist of face-to-face training;
2. Three (3) hours of domestic violence training;
3. Two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;
4. Ten (10) hours of advocacy training;
5. Ten (10) hours of training in mentoring and education; and
6. Ten (10) hours of training in recovery support; and

(b) File with the board KBADC Form 5, Peer Support Specialist Alcohol/Drug Training Verification Form.

(2) Certification.

(a) An applicant seeking certification as an alcohol and drug counselor shall:

1. Complete 270 classroom hours that are specifically related to the knowledge and skills necessary to perform the following alcohol and drug counselor competencies:

- a. Understanding addiction;
- b. Treatment knowledge;
- c. Application to practice;
- d. Professional readiness;
- e. Clinical evaluation;
- f. Treatment planning;
- g. Referral;
- h. Service coordination;
- i. Counseling;
- j. Client, family, and community education;
- k. Documentation; and
- l. Professional and ethical responsibilities; and

2. File with the board KBADC Form 10, Certified Alcohol and Drug Counselor, Verification of Classroom Training.

(b) A minimum of six (6) hours of the total 270 hours shall be interactive, face-to-face ethics training relating to counseling.

(c) Two (2) hours of the total 270 hours shall be specific to transmission, control, and treatment of the human immunodeficiency virus and other sexually transmitted diseases.

(d) Three (3) hours of the total 270 hours shall be specific to domestic violence

(3) Licensure.

(a) An applicant seeking licensure as a licensed clinical alcohol and drug counselor or associate shall:

1. Complete 180 classroom hours of curriculum that are specifically related to the knowledge and skills necessary to perform the following alcohol and drug counselor competencies:

- a. Understanding addiction;
- b. Treatment knowledge;
- c. Application to practice;
- d. Professional readiness;
- e. Clinical evaluation;

- f. Treatment planning;
- g. Referral;
- h. Service coordination;
- i. Counseling;
- j. Client, family, and community education;
- k. Documentation; and
- l. Professional and ethical responsibilities; and

2. File with the board KBADC Form 11, Verification of Classroom Training.

(b) A minimum of six (6) hours of the total 180 hours shall be interactive, face-to-face ethics training relating to counseling.

(c) Two (2) hours of the total 180 hours shall be specific to transmission, control, and treatment of the human immunodeficiency virus and other sexually transmitted diseases.

(d) Three (3) hours of the total 180 hours shall be specific to domestic violence.

Section 2. (1) Attendance at conferences, workshops, seminars, or in-service training related to addictions shall be acceptable to meet the requirements of Section 1 of this administrative regulation if the board determines that the activity:

- (a) Is an organized program of learning;
- (b) Covers an area listed in Section 1 of this administrative regulation; and
- (c) Is conducted by a competent instructor, as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience.

(2) One (1) semester hour of study from an accredited college or university credit shall equal fifteen (15) classroom hours.

(3) Publication on a subject relevant to addictions therapy may be submitted to the board. Credit shall be granted as established in this subsection.

(a) A chapter in a book shall be equivalent to ten (10) classroom hours.

(b) 1. Authoring or editing a book relevant to addictions therapy shall be given credit equivalent to thirty (30) classroom hours.

2. An applicant shall submit a copy of the title page, table of contents, and bibliography.

(c) 1. Publication in a professional refereed journal shall be equivalent to fifteen (15) classroom hours.

2. An applicant shall submit the journal table of contents and a copy of the article as it appeared in the journal including bibliography.

Section 3.

(1) A list of courses the applicant wishes to have considered shall be organized by core area as established in Section 1 of this administrative regulation and shall include documentation to verify that the course satisfies the requirements of that section.

(2) Appropriate documentation of the course shall include:

- (a) Date;
- (b) Title;
- (c) Description;
- (d) Sponsoring organization;

- (e) Presenter and presenter's credentials;
- (f) Number of contact hours attended; and
- (g) Certificates of attendance or transcript.

Section 4. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "KBADC Form 5, Peer Support Specialist Alcohol/Drug Training Verification Form", March 2017;
  - (b) "KBADC Form 10, Certified Alcohol and Drug Counselor Verification of Classroom Training", June 2015; and
  - (c) "KBADC Form 11, Verification of Classroom Training", June 2015.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. (26 Ky.R. 1463; eff. 2-16-2000; 35 Ky.R. 324; 787; eff. 10-15-2008; 42 Ky.R. 1312; 2042; eff. 2-5-2016; 43 Ky.R. 1248, 1588, 1725; eff. 5-5-2017.)

**201 KAR 35:055. Temporary Registration or Certification.**

RELATES TO: KRS 309.083, 309.0831

STATUTORY AUTHORITY: KRS 309.0813(1), (5), 309.083, 309.0831

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(1) and (5) authorize the board to promulgate administrative regulations establishing the requirements for registering with the Board of Alcohol and Drug Counselors as a registered alcohol and drug peer support specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor. This administrative regulation establishes the requirements for temporary credentials.

Section 1. Application for Temporary Registration.

- (1) An applicant for temporary registration as a certified drug and alcohol peer support specialist may submit an application after the requirements established in KRS 309.0831(1), (2), (6), (7), and (10) are met.
- (2) The application required by subsection (1) of this section shall be made by submitting a completed KBADC Form 1, incorporated by reference in 201 KAR 35:020. The application shall:
  - (a) Include a certification by the applicant that the:
    - 1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief; and
    - 2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and
  - (b) Be accompanied by:
    - 1. A check or money order payable to the Kentucky State Treasurer for the application fee as required by 201 KAR 35:020, Section 1(1);
    - 2. Proof of a high school diploma or equivalent;



3. A signed agreement to abide by the standards of practice and code of ethics approved by the board;
4. KBADC Form 2, Attestation of Recovery, in which the applicant declares that he or she has been in recovery for a minimum of two (2) years from a substance-related disorder; and
5. A supervision agreement signed by the applicant and the applicant's supervisor.

#### Section 2. Application for Temporary Certification.

(1) An applicant for temporary certification as a certified alcohol and drug counselor may submit KBADC Form 1, incorporated by reference in 201 KAR 35:020, after the requirements established in KRS 309.083(1), (2), (6), (7), and (10) are met.

(2) The application shall:

(a) Include a certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief; and
2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and

(b) Be accompanied by:

1. A check or money order payable to the Kentucky State Treasurer for the application fee as required by 201 KAR 35:020, Section 1(1);
2. An official transcript for all levels of education required for certification;
3. A signed agreement to abide by the standards of practice and code of ethics approved by the board; and
4. A supervision agreement signed by the applicant and the applicant's supervisor.

#### Section 3. Period of Temporary Credential.

(1) The period of a temporary credential shall be terminated upon the passage of two (2) years from issuance.

(2) The board may approve an extension of the period of a temporary credential for a maximum of two 2 years if a:

- (a) Written request is submitted that is cosigned by the board approved supervisor; and
- (b) One (1) of the circumstances delineated in 201 KAR 35:040, Section 8(1), exists.

(3) The board shall not grant more than two (2) extensions of the period of a temporary credential.

#### Section 4. Incorporation by Reference.

(1) "KBADC Form 2, Attestation of Recovery", June 2015, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m. (42 Ky.R. 1414; 2043; eff. 2-5-2016.)

**201 KAR 35:060. Complaint procedure.**

RELATES TO: KRS 13B, 61.878(1)(1), 309.0805(1), 309.0813(6), (7), (11), (13), 309.086

STATUTORY AUTHORITY: KRS 309.0813(6), (7), (11)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(6), (7), (11), and 309.086 require the Board of Alcohol and Drug Counselors to promulgate administrative regulations for the administration and enforcement of KRS 309.080 to 309.089, including disciplinary actions, complaints, and hearings. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

**Section 1. Receipt of Complaints.**

(1) A complaint:

(a) May be submitted by:

1. An individual;
2. An organization;
3. An entity; or
4. The board, based upon information in its possession; and

(b) Shall be:

1. Submitted using a Complaint Form; and
2. Signed by the person offering the complaint.

(2)(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.

(b) The individual shall be allowed a period of twenty (20) days from the date of the board's notice to submit a written response.

(3)(a) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.

(b) The complainant shall have seven (7) days from receipt to submit a written reply to the response.

**Section 2. Initial Review.**

(1) After the receipt of a complaint and the expiration of the period for the individual's response, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any relevant material available and make a recommendation to the board.

(a) The names of the individuals and other identifying information shall be redacted to provide anonymity.

(b) If the complaint screening committee determines there is insufficient evidence to warrant a formal investigation of the complaint, the committee shall recommend that the board conduct an investigation.

(2) If the complaint screening committee determines there is insufficient evidence to warrant an investigation, it shall recommend that the board:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board accepts the recommendation of the complaint screening committee that a complaint warrants a formal investigation, it shall:

(a) Authorize an investigation into the matter; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity.

(4) If the board accepts the recommendation of the complaint screening committee that there is a prima facie violation of KRS Chapter 309 or 201 KAR Chapter 35, the board shall issue a formal complaint against the credential holder.

### Section 3.

(1) The board may investigate complaints related to violations of this administrative regulation and may impose the following penalties on a credential holder:

(a) Restrict;

(b) Probate;

(c) Suspend;

(d) Revoke;

(e) Issue a public reprimand;

(f) Issue of a private admonishment; or

(g) Fine.

(2) The board may impose any combination of the penalties in subsection (1) of this section.

### Section 4.

(1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint.

(a) The complaint screening committee shall review the investigative report and make a recommendation to the board.

(b) If the board accepts the recommendation of the complaint screening committee that there has been a prima facie violation of KRS Chapter 309 or 201 KAR Chapter 35, a complaint shall be filed.

(2) If the board accepts the recommendation of the complaint screening committee that a complaint does not warrant the issuance of a formal complaint, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board accepts the recommendation of the complaint screening committee that a violation has occurred but is not serious, the board shall issue a private written admonishment to the credential holder.

(a) A copy of the private written admonishment shall be placed in the permanent file of the credential holder.

(b) Private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(1) and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in any subsequent disciplinary action against the credential holder or applicant.

(4) If the board accepts the recommendation of the complaint screening committee that a complaint warrants a disciplinary action, the board shall issue a notice of disciplinary action and inform the credential holder:

- (a) Of the specific reason for the board's action, including:
  - 1. The statutory or regulatory violation; and
  - 2. The factual basis on which the disciplinary action is based;
- (b) Of the penalty to be imposed; and
- (c) That the credential holder may appeal the penalty to the board within twenty (20) calendar days of the date of the board's notice.
  - (2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days of the board's notice.
  - (3) If the request for an administrative hearing is not timely filed, the notice of denial shall be effective upon the expiration of the time for the credential holder to request an appeal.

Section 5. If the board determines that a person is in violation of KRS 309.0805(1), it shall:

- (1) Order the individual to cease and desist from further violations of KRS 309.0805(1); or
- (2) Initiate action in Franklin Circuit Court pursuant to KRS 309.0813(13) for injunctive relief to stop the violation of KRS 309.0805(1).

Section 6. Settlement by Informal Proceedings.

- (1) The board, through counsel and the complaint screening committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of dispensing with the matter.
- (2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair.
- (3) The board may employ mediation as a method of resolving the matter informally.

Section 7. Revocation of Probation.

- (1)(a) If the board moves to revoke the probation of a credential holder, the board shall issue a notice of revocation and inform the credential holder:
  - 1. Of the factual basis on which the revocation is based;
  - 2. Of each probation term violated;
  - 3. That the credential holder may appeal the revocation to the board within fifteen (15) days of the date of notification of revocation.
- (b) The notification shall be sent to the last known address on file with the board for the credential holder.
- (2) A written request for an administrative hearing shall be filed with the board within fifteen (15) calendar days of the date of the board's notice.
- (3) If the request for an administrative hearing is not timely filed, the notice of denial shall be effective upon the expiration of the time for the credential holder to request an appeal.

Section 8. Any request for an administrative hearing shall be sent to the Board of Alcohol and Drug Counselors by mail to P.O. Box 1360, Frankfort, Kentucky 40602 or by hand-delivery to 911 Leawood Drive, Frankfort, Kentucky 40601.

Section 9. The administrative hearing shall be conducted in accordance with KRS Chapter 13B.

Section 10. Incorporation by Reference.

(1) "Complaint Form", 2008, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Alcohol and Drug Counselors, 911 Leewood Drive, Frankfort, Kentucky, telephone (502) 564-3296, ext. 222, Monday through Friday, 8:30 a.m. to 5 p.m. (35 Ky.R. 461; 787; eff. 10-15-2008; 42 Ky.R. 1314; 2044; eff. 2-5-2016.)

**201 KAR 35:070. Supervision experience.**

RELATES TO: KRS 309.0814, 309.083(4), 309.0831, 309.0832, 309.0833

STATUTORY AUTHORITY: KRS 309.0813(1), (3), (5), 309.0814(1), 309.083(3), 309.0831(3), 309.0832(10), 309.0833(2), 309.086

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.080 to 309.089. KRS 309.0813(3) requires the board to approve or disapprove those persons who shall be credentialed. This administrative regulation establishes the standards for the accumulation of required supervised work experience.

Section 1.

(1)(a) Peer Support Specialist Supervision. Peer support specialist supervision shall continue throughout the period of registration.

(b) A supervisor of a peer support specialist shall complete and submit KBADC Form 8, Peer Support Specialist Verification of Supervision, that documents the twenty-five (25) hours of direct supervision.

(2) Clinical Supervision for Certification and Licensure Applicants. Clinical supervision shall consist of at least 300 hours and shall include a minimum of ten (10) hours in each of the following twelve (12) core functions:

- (a) Screening;
- (b) Intake;
- (c) Client orientation;
- (d) Assessment;
- (e) Treatment planning;
- (f) Counseling;
- (g) Case management;
- (h) Crisis intervention;
- (i) Client education;
- (j) Referral;
- (k) Reports and recordkeeping; and
- (l) Consultation.

(3)(a) Clinical supervision may occur in individual or in group settings.

(b) The methods of clinical supervision include:

1. Face-to-face;
2. Video conferencing; or
3. Teleconferencing.

(4) A minimum of 200 hours of clinical supervision shall be conducted face-to-face in an individual or group setting.

(5) Clinical supervisors shall complete and submit KBADC Form 13, Verification of Clinical Supervision, which documents the 300 hours of supervision that has occurred during the work experience, in the Application for Certification as an Alcohol and Drug Counselor, Application for Licensure as a Clinical Alcohol and Drug Counselor Associate, or Application for Licensure as a Clinical Alcohol and Drug Counselor, which are incorporated by reference in 201 KAR 35:020.

(6) If the applicant qualifies for licensure, supervision obtained under KRS 309.083 prior to February 5, 2016 shall be calculated toward the 300 hour supervision requirement under KRS 309.0832(10).

Section 2. Except as provided by Section 1(6) of this administrative regulation, a supervisory arrangement shall have the prior approval of the board, with both supervisor and supervisee submitting a Supervisory Agreement to the board. The supervisor and supervisee shall also submit to the board the description of the supervisory arrangement or a change in the supervisory arrangement at least thirty (30) days prior to the effective date of the arrangement or change unless extenuating circumstances prevent the submission the thirty (30) day requirement.

Section 3.

(1) All supervision requirements shall:

(a) Be met with face-to-face individual or group weekly contact between supervisor and supervisee except as provided in subsection (2) of this section and Sections 13 and 14 of this administrative regulation;

(b) Consist of not less than two (2) hours, two (2) times a month in the practice of alcohol and drug counseling; and

(c) Include additional supervision sessions, as needed.

(2) An alternative format of supervision, including two (2) way interactive video, may be substituted for the supervisory contact, required by subsection (1) of this section, upon specific approval by the board for certain types of circumstances, such as distance, weather, or serious injury or illness of the supervisor or supervisee.

(3) Upon a change of supervisor, a new plan for supervision shall be submitted by the supervisor and supervisee to the board for approval. This plan may require additional hours of supervision than was previously approved by the board.

(4) Upon termination of the supervisor-supervisee relationship, the final report of supervision shall be submitted to the board within thirty (30) days of the termination.

Section 4.

(1) (a) A certified alcohol and drug counselor or licensed clinical alcohol drug counselor shall submit a Form 4, Request to Provide Supervision, to become approved by the board to provide supervision.

(b) A certified alcohol and drug counselor or licensed clinical alcohol and drug counselor who has been approved by the board as a supervisor shall attend a board approved training session in supervisory practices within twelve (12) months of obtaining approval as a supervisor.

(2) A board approved supervisor shall obtain a minimum of three (3) continuing education hours in supervision theory or techniques in each three (3) year renewal cycle. The board shall suspend its approval of a supervisor if the supervisor does not complete the required continuing education.

(3) A certified alcohol and drug counselor or licensed clinical alcohol and drug counselor shall not be the supervisor of record for more than twelve (12) supervisees.

(4) A licensed clinical alcohol and drug counselor associate shall only be supervised by a licensed clinical alcohol and drug counselor.

Section 5. (1) The supervisor shall make all reasonable efforts to be assured that each supervisee's practice is in compliance with this administrative regulation.

(2) The supervisor shall report to the board an apparent violation of KRS 309.086 on the part of the supervisee.

(3) The supervisor shall inform the board immediately of a change in the ability to supervise or in the ability of a supervisee to function in the practice of alcohol and drug counseling in a competent manner.

(4) The supervisor shall control, direct, or limit the supervisee's practice to insure that the supervisee's practice of alcohol and drug counseling is competent.

(5) The supervisor of record shall be responsible for the practice of alcohol and drug counseling by the supervisee. If the board initiates an investigation concerning a supervisee, the investigation shall include the supervisor of record.

(6) For each person supervised, the supervisor shall maintain a KBADC Form 13, Verification of Clinical Supervision, for each supervisory session that shall include the type, place, and general content of the session. This record shall be maintained for a period of not less than six (6) years after the last date of supervision.

Section 6. (1) The supervisor of record shall submit the Supervisor Log for each supervisee to the board on an annual basis with a KBADC Form 14, Supervision Annual Report or as directed otherwise by the board.

(2) The report shall include:

(a) A description of the frequency, format, and duration of supervision;

(b) An assessment of the functioning of the supervisee, including the strengths and weaknesses; and

(c) Other information which may be relevant to an adequate assessment of the practice of the supervisee.

Section 7. (1) If a supervisee has more than one (1) board-approved supervisor, the supervisors shall be in direct contact with each other at least once every six (6) months, and they shall provide supervisory plans and reports to the board and copies to each other.

(2) A request to have more than two (2) supervisors at one (1) time shall require a written request to the board, which shall include detailed information as to how the supervisors shall communicate and coordinate with each other in providing the required supervision.

Section 8. If the supervisee is a licensed clinical alcohol and drug counselor associate, or an applicant for a certificate as a certified alcohol and drug counselor, the supervisor of record shall:

- (1) Review all alcohol and drug assessments and treatment plans;
- (2) Review progress notes and correspondence on a regular basis to assess the competency of the supervisee to render alcohol and drug services;
- (3) Jointly establish with the supervisee a supervisory plan that shall be submitted to the board and approved within thirty (30) days of the beginning of the supervisory relationship. The plan shall:
  - (a) Be updated and revised, as needed, and submitted to the board annually;
  - (b) Include intended format and goals to be accomplished through the supervisory process;and
  - (c) Include methods that the supervisor and supervisee shall employ to evaluate the supervisory process;
- (4) At least semi-annually, have direct observation of the supervisee's work, which may be accomplished through audiotaping, video camera, videotaping, one (1) way mirror, or as a cotherapist;
- (5) Have direct knowledge of the size and complexity of the supervisee's caseload;
- (6) Limit and control the caseload, as appropriate, to the supervisee's level of competence;
- (7) Have knowledge of the therapeutic modalities and techniques being used by the supervisee;
- (8) Have knowledge of the supervisee's physical and emotional well-being if it has a direct bearing on the supervisee's competence to practice; and
- (9) Submit a completed KBADC Form 7, Supervision Evaluation, within thirty (30) days of termination of a peer support special supervisory agreement.

Section 9. If the supervisee is a peer support specialist, the supervisor of record shall:

- (1) Jointly establish with the supervisee a supervisory plan that shall be submitted to the board and approved within thirty (30) days of the beginning of the supervisory relationship. The plan shall:
  - (a) Be updated and revised, as needed, and submitted to the board annually;
  - (b) Include intended format and goals to be accomplished through the supervisory process;and
  - (c) Include methods that the supervisor and supervisee shall employ to evaluate the supervisory process;
- (2) Review and countersign all peer recovery service plans;
- (3) Review peer recovery notes and correspondence on an as-needed basis to assess the competency of the supervisee to render peer recovery services;



- (4) At least once every two (2) months, have direct observation of the supervisee's work, which may be accomplished through audiotaping, video camera, videotaping, one (1) way mirror or direct observation;
- (5) Have direct knowledge of the size and complexity of the supervisee's caseload;
- (6) Limit and control the caseload, as appropriate, to the supervisee's level of competence;
- (7) Have knowledge of the methods and techniques being used by the supervisee;
- (8) Have knowledge of the supervisee's physical and emotional well-being if it has a direct bearing on the supervisee's competence to practice; and
- (9) Submit a completed KBADC Form 9, Supervision Evaluation for Peer Support Specialist, within thirty (30) days of termination of a peer support special supervisory agreement.

Section 10. (1) The supervisee shall:

- (a) Keep the supervisor adequately informed at all times of his or her activities and ability to function; and
- (b) Seek consultation from the supervisor, as needed, in addition to a regularly-scheduled supervisory session.

(2) The supervisee shall:

- (a) Participate with the supervisor in establishing supervisory goals and in completing the regular supervisory reports;
- (b) Be jointly responsible with the supervisor for ensuring that a supervisory report or plan has been sent to the board, in accordance with the reporting schedule established in Section 6(1) of this administrative regulation; and
- (c) Report to the board an apparent violation on the part of the supervisor.

(3) Except as provided in Section 11 of this administrative regulation, a supervisee shall not continue to practice alcohol and drug counseling or peer support services if:

- (a) The conditions for supervision set forth in the supervisory agreement are not followed;
- (b) There is a death or serious illness of the board-approved supervisor that results in the supervisor not being able to provide supervision; or
- (c) The supervisory agreement is terminated by the board, the board-approved supervisor, or the supervisee for any reason other than the extenuating circumstances that allow temporary supervision in Section 11 of this administrative regulation.

Section 11. Temporary Supervision. (1) In extenuating circumstances, if a supervisee is without supervision, the supervisee may continue working up to sixty (60) calendar days under the supervision of a qualified mental health provider as defined by KRS 202A.011(12), a certified alcohol and drug counselor, or a licensed clinical alcohol and drug counselor while an appropriate board-approved supervisor is sought and a new supervisory agreement is submitted to the board. Extenuating circumstances include situations such as death or serious illness of the board-approved supervisor, a leave of absence by the supervisor, the termination of the supervisor's employment, or termination of the supervisory agreement except for a violation of KRS 309.080 to 309.089, or 201 KAR Chapter 35.

(2)(a) Within ten (10) days of the establishment of the temporary supervisory arrangement, the supervisee shall notify the board of the extenuating circumstances that have caused the supervisee to require temporary supervision.

(b) The supervisee shall submit, in writing, a plan for resolution of the situation within thirty (30) calendar days of the establishment of the temporary supervisory arrangement.

(c) The written plan shall include:

1. The name of the temporary supervisor;
2. Verification of the credential held by the temporary supervisor;
3. An email address and a postal address for the temporary supervisor and the supervisee; and
4. A telephone number for the temporary supervisor.

(3) The temporary supervisory arrangement shall expire after sixty (60) days of the establishment of the temporary supervisory arrangement.

(4) To avoid the expiration of a temporary supervisory arrangement:

(a) A temporary alcohol and drug counselor shall submit a completed KBADC Form 3, Supervisory Agreement; or

(b) A peer support specialist shall submit a completed KBADC Form 6, Peer Support Specialist Supervisory Agreement.

Section 12. Identification of Provider and Supervisor of Record. The actual deliverer of a service shall be identified to the client, and the client shall be informed of the deliverer's credential and name of supervisor of record. A billing for a rendered service shall identify which service was performed by the registered alcohol and drug peer support specialist, applicant as a certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or other provider who is supervised by the board approved supervisor of record.

Section 13. Supervision of a Disciplined Credential Holder.

(1) The board shall appoint an approved supervisor to supervise a disciplined credential holder for the period of time defined by the board and a member of the board to serve as a liaison between the board and the appointed supervisor.

(2) The disciplined credential holder shall be responsible for paying the fee for supervision.

(3) The supervisor shall have completed the board approved training course in supervision.

(4) The supervisor shall:

(a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;

(b) Meet with the disciplined credential holder and the board liaison to:

1. Summarize the actions and concerns of the board;
2. Review the goals and expected outcomes of supervision submitted by the board liaison;
3. Develop a specific plan of supervision approved by the board; and
4. Review the reporting requirements that shall be met during the period of supervision;

(c) Meet with the disciplined credential holder at least weekly, on an individual face-to-face basis for a minimum of one (1) hour unless modified by the board;

(d) Submit a quarterly report to the board which reflects progress, problems, and other information relevant to the need for board-mandated supervision;

- (e) Make all reasonable efforts to insure that the disciplined credential holder's practice is in compliance with KRS 309.080 to 309.089, and 201 KAR Chapter 35;
  - (f) Report to the board any apparent violation on the part of the disciplined credential holder;
  - (g) Immediately report to the board in writing a change in the ability to supervise, or in the ability of the disciplined credential holder to function in the practice of peer recovery support or substance use disorders counseling in a competent manner;
  - (h) Review and countersign assessments, as needed or appropriate;
  - (i) Review and countersign service or treatment plans, as needed or appropriate;
  - (j) Have direct observation of the disciplined credential holder's work on an as-needed basis;
  - (k) Have direct knowledge of the size and complexity of the disciplined credential holder's caseload;
  - (l) Have knowledge of the therapeutic methods, modalities, or techniques being used by the disciplined credential holder; and
  - (m) Have knowledge of the disciplined credential holder's physical and emotional well-being if it has a direct bearing on the disciplined credential holder's competence to practice.
- (5) The supervisor shall control, direct, or limit the disciplined credential holder's practice to ensure that the disciplined credential holder's practice is competent.
- (6) The supervisor shall contact the board liaison with any concern or problem with the disciplined credential holder, his or her practice, or the supervision process.
- (7) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the supervision. The meeting shall include the supervisor, disciplined credential holder, and board liaison. A written summary of the supervision shall be submitted by the supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 14. Graduate Students in Programs Emphasizing Substance Use Disorders Counseling. Graduate-level students in programs that emphasize alcohol and drug counseling who are providing services in health care settings that provide alcohol and drug counseling including independent practice settings shall:

- (1) Be supervised by a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor;
- (2) Be registered for practicum credit on the transcript in his or her course of study;
- (3) Clearly identify their status as unlicensed trainees in the field of alcohol and drug counseling to all clients and payors;
- (4) Give to all clients and payors the name of the supervising licensed clinical alcohol and drug counselor or certified alcohol and drug counselor responsible for the student's work; and
- (5) Not accept employment or placement to perform the same or similar activities following the completion of their university-sanctioned placement, regardless of the job title given, unless the student holds a certificate or license from the board.

Section 15. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "KBADC Form 3, Supervisory Agreement", June 2015;
- (b) "KBADC Form 4, Request to Provide Supervision", June 2015;
- (c) "KBADC Form 6, Peer Support Specialist Supervisory Agreement", June 2015;
- (d) "KBADC Form 7, Supervision Evaluation", June 2015;

- (e) "KBADC Form 8, Peer Support Specialist Verification of Supervision", June 2015;
- (f) "KBADC Form 9, Supervision Evaluation for Peer Support Specialist", June 2015;
- (g) "KBADC Form 13, Verification of Clinical Supervision", June 2015; and
- (h) "KBADC Form 14, Supervision Annual Report", June 2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. (35 Ky.R. 463; 789; eff. 10-15-2008; 42 Ky.R. 1316; 1792; 2046; eff. 2-5-2016; 43 Ky.R. 1250, 1726; eff. 5-5-2017.)

**201 KAR 35:075. Substitution for work experience for an applicant for certification as an alcohol and drug counselor.**

RELATES TO: KRS 309.083, 309.0831, 309.0832, 309.0833

STATUTORY AUTHORITY: KRS 309.0813(1), (3), (5), 309.083, 309.0831, 309.0832, 309.0833

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(1) authorizes the board to promulgate administrative regulations for the administration and enforcement of KRS 309.080 to 309.089. KRS 309.083, 309.0831, 309.0832, and 309.0833 establish the standards for the accumulation of the required supervised work experience. This administrative regulation establishes the requirements for substituting education for work experience requirements for an applicant for certification as an alcohol and drug counselor.

Section 1. Substitution for Work Experience for an Applicant for Certification as an Alcohol and Drug Counselor.

(1) An applicant may substitute, for part of the work experience, a degree in a related field such as:

- (a) Addictions;
- (b) Counseling;
- (c) Psychology;
- (d) Psychiatric nursing; or
- (e) Social work.

(2) An applicant may request to substitute an educational degree for part of the required work experience by submitting KBADC Form 12, Workplace Experience Substitution Request, to the board along with transcripts from an accredited college or university.

(3) Educational substitution shall be reviewed and approved by the board based upon education relative to the delivery of alcohol and other drug counseling.

- (a) A master's degree or higher in a related field, with a specialization in addictions or drug and alcohol counseling, may be substituted for 4,000 hours of work experience.
- (b) A master's degree or higher in a related field, without the specialization in paragraph (a) of this subsection, may be substituted for 3,000 hours of work experience.
- (c) A bachelor's degree in a related field may be substituted for 2,000 hours of work experience.
- (d) A bachelor's degree in an unrelated field shall not qualify for a substitution of hours, and the applicant shall provide proof of 6,000 hours of work experience as established in KRS 309.083(3).

(4) The hours of work experience shall be documented on the candidate's application for certification and shall contain verification by the supervisor.

Section 2. Incorporation by Reference.

(1) "KBADC Form 12, Workplace Experience Substitution Request", June 2015, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (42 Ky.R. 1415; 2048; eff. 2-5-2016.)

**201 KAR 35:080. Voluntary inactive status.**

RELATES TO: KRS 309.0813(12)

STATUTORY AUTHORITY: KRS 309.0813(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.080 to 309.089. This administrative regulation allows credential holders to place their credential in voluntary inactive status for a period of time if they do not intend to actively practice alcohol and drug counseling or alcohol and drug peer support services in the Commonwealth of Kentucky.

Section 1. Conditions for Application for Voluntary Inactive Status.

(1) Voluntary inactive status shall be for the credential holder who is currently not working as a peer support specialist or an alcohol and drug counselor, yet plans to return to providing peer support services or alcohol and drug counseling.

(2) The Kentucky Board of Alcohol and Drug Counselors shall grant inactive status if one (1) or more of the following conditions apply:

- (a) Medical problems;
- (b) Maternity or paternity;
- (c) Education;
- (d) Military service; or
- (e) Family or personal issues.

Section 2. Instructions for Application for Voluntary Inactive Status.

(1) A credential holder desiring inactive status shall send a letter of request to the office of the Kentucky Board of Alcohol and Drug Counselors and include the following information:

- (a) Current home address and telephone number;
- (b) Reason for request;
- (c) Final date of employment in the alcohol and drug field;
- (d) Anticipated date of return to employment in the alcohol and drug field; and
- (e) Nonrefundable enrollment fee as established in 201 KAR 35:020, Section 7.

- (2) The request for voluntary inactive status shall be placed on the agenda of the next regularly-scheduled meeting of the Kentucky Board of Alcohol and Drug Counselors for consideration.
- (3) The applicant shall be notified of the board's decision no later than two (2) weeks after the board's meeting.

### Section 3. Terms and Responsibilities.

- (1) While on voluntary inactive status, an individual shall continue to receive bulletins, newsletters, and other communications from the Kentucky Board of Alcohol and Drug Counselors.
- (2) A counselor on voluntary inactive status shall not practice or use the initials of a counselor (e.g. CADC, LCADCA, or LCADC).
- (3) A peer support specialist on voluntary inactive status shall not practice or use the initials of a registered peer support specialist (e.g. RPSS).
- (4) Individuals on voluntary inactive status shall not be eligible for reciprocity.
- (5) Individuals on voluntary inactive status shall comply with the Kentucky Code of Ethics as established in 201 KAR 35:030.
- (6) The voluntarily inactive individual shall notify the Kentucky Board of Alcohol and Drug Counselors prior to returning to work in the alcohol and drug field and pay the reactivation fee established in 201 KAR 35:020, Section 7.
- (7) Failure to notify the board prior to returning to employment shall constitute a violation of the Kentucky Board of Alcohol and Drug Counselors Code of Ethics in 201 KAR 35:030, and shall result in referral to the board for investigation, in accordance with the procedures outlined in 201 KAR Chapter 35.

### Section 4. Reactivation.

- (1) Individuals requesting reactivation of their registration, certification, or licensure status shall send a letter of request to the office of the Kentucky Board of Alcohol and Drug Counselors and shall include the following:
  - (a) Current home address;
  - (b) Current e-mail address;
  - (c) Description of change of circumstances allowing active participation in the field;
  - (d) Address of employing agency, if applicable;
  - (e) Submission of proof of attendance of continuing education as required by 201 KAR 35:040; and
  - (f) Nonrefundable reactivation fee as established in 201 KAR 35:020, Section 8(3).
- (2)(a) A request for reactivation shall be considered at the next regularly scheduled meeting of the Kentucky Board of Alcohol and Drug Counselors.
  - (b) The applicant shall be notified within two (2) weeks of the board's decision. (35 Ky.R. 465; Am. 1153; eff. 12-5-2008; TAm 1-12-2009; 42 Ky.R. 1320; 2049; eff. 2-5-2016.)

**201 KAR 35:090. Appeal from a denial of or refusal to renew or reinstate a registration, certificate, or license, or denial of continuing education hours by the board.**

RELATES TO: KRS 13B, 309.085, 309.086, 309.087

STATUTORY AUTHORITY: KRS 309.0813(1), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(1) and (6) require the Board of Alcohol and Drug Counselors to promulgate administrative regulations concerning denial, suspension, failure to reissue, or revocation of a license, certificate, or registration. This administrative regulation establishes procedures for appealing the board's refusal to issue, renew, or reinstate a registration, certificate, or license or deny continuing education hours.

Section 1. The board may, in accordance with KRS 309.086:

- (1) Deny issuance of a registration, certificate, or license;
- (2) Refuse to renew a registration, certificate, or license; or
- (3) Refuse to reinstate a registration, certificate, or license.

Section 2.

(1) The board may deny, refuse to renew, or refuse to reinstate a registration, certificate, or license to an applicant or credential holder, who violates the provisions of KRS 309.086(1).

(2) For purposes of this section:

- (a) A conviction shall include a plea of guilty, an Alford plea, or a trial conviction of a felony or misdemeanor; and
- (b) Disregarding professional standards of practice, or violating the Code of Ethics in KRS 309.086(1)(d), shall include a disciplinary action taken against a professional license, certificate, registration, or permit held by the applicant or licensee in any jurisdiction or state, including Kentucky.

(3) The board shall base its decision on the seriousness of the offense or disciplinary action, the length of time since the offense or disciplinary action, and the applicant's or credential holder's showing of remorse, rehabilitation, and restitution by clear and convincing evidence.

Section 3.

(1)(a) The board shall issue written notice of the denial or refusal and inform the applicant or credential holder of the specific reason for the board's action, including:

1. The statutory or regulatory violation; and
2. The factual basis on which the denial or refusal is based; and

(b) The notice of denial or refusal shall be sent to the last address provided to the board by the applicant or credential holder.

(2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days of the date of the board's notice.

(3) If the request for an administrative hearing is not timely filed, the denial or refusal shall be effective upon the expiration of the time for the credential holder to request an appeal.

- (4) The administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (5) A credential holder may petition the board to stay the effectiveness of a refusal to renew.

Section 4. Appeal of Denial of Continuing Education Hours by the board.

- (1) If an application for approval of continuing education hours is denied, the credential holder or provider shall have the right to appeal the board's decision.
- (2) An appeal shall be:
  - (a) In writing;
  - (b) Received by the board within thirty (30) days after the date of the decision denying approval of continuing education hours; and
  - (c) Conducted in accordance with KRS Chapter 13B.

Section 5. Any request for an administrative hearing shall be sent to the Board of Alcohol and Drug Counselors by mail to P.O. Box 1360, Frankfort, Kentucky 40602 or by delivery to 911 Leawood Drive, Frankfort, Kentucky 40601. (42 Ky.R. 1320; 2049; eff. 2-5-2016.)