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TIME: 1:10 PM
NOV 10 2026
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REGULATIONS COMPILER

BOARDS AND COMMISSIONS

Kentucky Board of Alcohol and Drug Counselors

(New Administrative Regulation)

201 KAR 35:061. Complaint procedure.

RELATES TO: KRS 13B, 61.878(1)(l), 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 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 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 committee determines there is insufficient evidence to warrant an investigation, but there is sufficient evidence to pursue the complaint, it shall recommend that the board:

(a) Offer an informal settlement or pursue administrative action based on evidence as presented; and

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

(3) If the complaint 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.

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

(a) Authorize an investigation into the matter; and

(b) Provide status report to the complaint committee every sixty (60) days and the final report upon completion.

(5) If the board accepts the recommendation of the complaint 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) Restriction;

(b) Probation;

(c) Suspension;

(d) License revocation;

(e) Issuance of public reprimand;

(f) Issuance of public admonishment;

(g) Issuance of private admonishment; or

(h) Issuance of 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 committee of the facts regarding the complaint.

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

(b) If the board accepts the recommendation of the complaint 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 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 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) A private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(l) 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 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.

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

2. 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 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.

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; and

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 500 Mero Street, Second Floor, 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", DPL-ADC-26, October 2026, 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, 500 Mero Street, Second Floor, Frankfort, Kentucky, 40601, telephone (502) 564-3296, ext. 222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

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APPROVED BY AGENCY:



Karyn Hascal
Chair, Kentucky Board of Alcohol and Drug Counselors
Date: November 10, 2026