FILED WITH LRC
TIME: 1:10 Pm
NOV 10 2026
REGULATIONS COMPILER

BOARDS AND COMMISSIONS

Kentucky Board of Alcohol and Drug Counselors

(New Administrative Regulation)

201 KAR 35:091. 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, upon full review of the record, 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 pending the outcome of the administrative hearing.

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 hand-delivery to 500 Mero Street, Second Floor, Frankfort, Kentucky 40601.

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APPROVED BY AGENCY:



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