REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 35:091
Contact Person: Michelle A. VanHook, Staff Attorney III
Phone: (502) 564-3296
Email: michelle.vanhook@ky.gov

Subject Headings: Alcohol and Drug Counselors, Boards and Commissions, Appeals and Hearings.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the appeals process from the denial of an application, refusal to renew or reinstate a registration, certification, or license, or denial of continuing education hours by the board.

(b) The necessity of this administrative regulation: This regulation is necessary to provide a party adversely affected by a board's decision with a mechanism to request a due process hearing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the administrative hearing process to appeal a denial of or refusal to renew or reinstate a registration, certificate, or license or denial of continuing education hours by the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will provide a party adversely affected by a board's decision to have a due process hearing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A.

(b) The necessity of the amendment to this administrative regulation: N/A.

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

(d) How the amendment will assist in the effective administration of the statutes: N/A.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?: No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board is unable to determine the exact number of persons who would be impacted by this regulation since the number of applications varies from month to month. Presently, there are 4369 credential holders licensed, certified, or registered with the board and specified below (as of September 29, 2026):

License Type:	Number of Licensees:
LADC (Licensed Alcohol & Drug Counselor)	26
LCADC (Licensed Clinical Alcohol & Drug Counselor)	717
LCADCA (Licensed Clinical Alcohol & Drug Counselor Associate)	34
CADC (Certified Alcohol & Drug Counselor)	500
TCADC (Temporary Certified Alcohol & Drug Counselor)	1122
CADCA II (Certified Alcohol & Drug Counselor Associate – II)	88
CADCA I (Certified Alcohol & Drug Counselor Associate – I)	209
RADPSS (Registered Alcohol & Drug Peer Support Specialist)	291
TRADPSS (Temporary Registered Alcohol & Drug Peer Support Specialist)	1170
CCS (Certified Clinical Supervisor)	212
TOTAL:	4369

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The applicants and credential holders will have a procedure to appeal an adverse decision on an application, renewal, reinstatement, or continuing education.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The board is unable to determine the additional costs for complying with this regulation since it would be the cost of litigation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Individuals who are denied or refused renewal or reinstatement of a registration, certificate, or license or denied continuing education hours by the board will have a means by which to challenge the board's decision and have the decision possibly reversed.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(7) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by credential holders and applicants.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no increases in fees or funding required to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees or fee increases associated with the administrative regulation.

(10) TIERING: Is tiering applied? (Explain why or why not): Tiering was not applied as the regulation is applicable to all credential holders. This regulation does not distinguish between similarly situated individuals on the basis of any factor.