

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 28:060

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Subject Headings: Occupations and Profession, Compacts, Interstate, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the procedure by which applicants shall apply for, renew, or reinstate a temporary permit or license administered by the board under the provisions of KRS Chapter 319A.

(b) The necessity of this administrative regulation: This amendment is necessary to ensure compliance with the requirements of KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists licensees and the Board by providing specific guidance for the licensure process.

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

(a) How the amendment will change this existing administrative regulation: This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. This amendment also moves and adds necessary language to promote clarity, clarifies the length of a temporary permit as prescribed by statute, includes a reference to the Board's website, and updates the forms incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. The other amendments are necessary to promote clarity.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A. This amendment is also in conformity with KRS 319A.070(3)(a), KRS 319A.100, KRS 319A.160, KRS 319A.170, and KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

- (d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by ensuring Kentucky is in compliance with KRS 319A.310 and KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 319A.310. Counseling Compact. Created 2022 Ky. Acts Ch. 127, sec. 1, effective July 14, 2022, and KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect all new applicants for licensure as well as the 4,310 active licensees who must renew annually and the 88 inactive licensees who may apply for reinstatement.
- (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: An applicant must have a criminal background investigation rereport by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be a cost to obtain a criminal background investigation report, which the Board understands to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00 for each applicant.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 319A.310 and the Occupational Therapy Licensure Compact, thus allowing Kentucky to advance toward its participation in the Compact that will allow Kentucky credential holders to obtain the privilege to practice in Member States.
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There will be no initial cost to the administrative body to implement this administrative regulation.
  - (b) On a continuing basis: There will be no continuing cost to the administrative body to implement this administrative regulation.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board's operations are funded by fees paid by license holders and applicants.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees or increase any fees paid to the Board.

(10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied because this regulation applies to all applicants equally.