

1 AN ACT relating to social work.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 335.010 is amended to read as follows:

- 4 (1) It is the purpose and policy of the Commonwealth of Kentucky to protect the public
5 from being misled by incompetent and unauthorized persons, and from
6 unprofessional conduct on the part of qualified social workers by providing
7 regulatory authority over persons who hold themselves out to the public as social
8 workers.
- 9 (2) The purpose of KRS 335.010 to 335.160 and KRS 335.990 is to promote high
10 standards of professional performance for those engaged in the profession of social
11 work by regulating the title, and by setting standards of qualification, training, and
12 experience for those who seek to engage in the practice of social work.
- 13 (3) Nothing contained in KRS 335.010 to 335.160 and KRS 335.990 shall be
14 applicable to employees of the State Department of Education or local boards of
15 education who meet the certification requirements in the area of social work as
16 established, or which may be established, by the Kentucky Board of Education. Nor
17 shall anything in KRS 335.010 to 335.160 and KRS 335.990 be construed to apply
18 to, limit, or restrict the regulation of the title, setting of standards, qualifications,
19 training, or experience of those who seek to engage in the practice of social work
20 and who have been, or will be, certified by the Kentucky Board of Education for the
21 position for which they have been employed.
- 22 (4) Nothing contained in KRS 335.010 to 335.160 and KRS 335.990 shall require
23 persons employed by the Commonwealth of Kentucky, the director or
24 administrative head of a social service agency or division of a city, county or urban-
25 county government, or applicants for such employment to be licensed.
- 26 (5) (a) Nothing contained in KRS 335.010 to 335.160 and KRS 335.990 shall require
27 persons employed by an organization that is exempt from federal income

1 taxation under Section 501(c)(3) of the Internal Revenue Code, and provides
2 evidence of its tax-exempt status, to be licensed.

3 (b) The provisions of KRS 335.010 to 335.160 and KRS 335.990 shall not be
4 construed to apply to, limit, or restrict the regulation of the title, setting of
5 standards, qualifications, training, and experience of those engaged as
6 employees of a tax-exempt organization in the practice of social work.

7 (c) The exemption provided in this subsection shall not apply to the practice of
8 clinical social work, which shall be undertaken only by a certified social
9 worker licensed pursuant to KRS 335.080 or a licensed clinical social worker
10 licensed pursuant to KRS 335.100.

11 (6) Nothing contained in KRS 335.010 to 335.160 and 335.990 shall prohibit volunteer
12 health practitioners from providing services under KRS 39A.350 to 39A.366.†

13 ~~(7) Beginning on July 12, 2012, and continuing through December 31, 2016, there shall~~
14 ~~exist an amnesty period during which no disciplinary action, administrative fees, or~~
15 ~~finances shall be imposed by the board for unlicensed practice against an individual~~
16 ~~who is currently serving or who formerly served as an employee of a tax-exempt~~
17 ~~organization specified in subsection (5) of this section.†~~

18 ➔Section 2. KRS 335.020 is amended to read as follows:

19 As used in KRS 335.010 to 335.160 and 335.990, unless the context otherwise requires:

20 (1) "Board" means the Kentucky Board of Social Work;†

21 (2) **"Practice of clinical social work" means the practice of social work, as defined in**
22 **subsection (3) of this section, which requires the application of specialized**
23 **clinical knowledge and advanced clinical skills in the areas of assessment,**
24 **diagnosis, evidence-based interventions, research, and treatment of mental,**
25 **emotional, and behavioral disorders, conditions, and addictions; and**

26 **(3) "[The] Practice of social work" means:**

27 **(a) The application of social work theory, knowledge, methods, ethics, training,**

evidence-based interventions, research, and the professional use of self to:

1. Restore or enhance social, psychosocial, or biopsychosocial

functioning of individuals, couples, families, groups, organizations,

and communities; or~~[professional activity of helping for remuneration~~

~~individuals, groups, or communities enhance or restore their capacity for~~

~~social functioning and create societal conditions favorable to this goal. It~~

~~includes the professional application of social work values, principles,~~

~~and techniques to one or more of the following ends: counseling and~~

~~nonmedical psychotherapy with individuals, families, and groups;~~

~~helping people obtain tangible services; assisting communities or~~

~~groups]~~

2. Provide or improve social and health services; and

- (b)** Engaging in social work education, research, planning, and the appropriate administration of social work or social welfare services.

➔Section 3. KRS 335.070 is amended to read as follows:

- (1) (a) The board shall administer and enforce the provisions of KRS 335.010 to 335.160 and KRS 335.990, and shall evaluate applications and issue licenses to qualified applicants within forty-five (45) days of submission of the complete application packet and receipt of the official passing score report and the licensure fee.

- (b) Within fifteen (15) days of accepting an applicant's payment and application packet, the board shall:

1. Notify the applicant that the application packet is complete, approve the applicant to sit for the national examination, and issue a temporary permit to engage in the practice of social work; or
2. Notify the applicant that the application packet is incomplete and, when all omitted application items are received, notify the applicant of receipt

- 1 of the complete application packet, approve the applicant to sit for the
2 national examination, and issue a temporary permit to engage in the
3 practice of social work.
- 4 (c) The board shall evaluate the complete application packet and, within forty-
5 five (45) days, notify a qualified applicant of the issuance of the permanent
6 license pursuant to KRS 335.080, 335.090, or 335.100.
- 7 (d) If the board deems an applicant unqualified, the license may be denied and the
8 temporary permit to practice social work may be revoked.
- 9 (e) In order to be issued a temporary permit, an applicant shall have submitted:
- 10 1. A complete application packet as provided in this subsection, with the
11 exception of a passing score on the required examination; and
- 12 2. If applying for licensure as a certified social worker or as a licensed
13 clinical social worker, a letter from a licensed clinical social worker, or
14 equivalent, who will supervise the applicant while under temporary
15 permit in accordance with administrative regulations.
- 16 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,
17 administer oaths, and investigate allegations of practices violating the provision of
18 KRS 335.010 to 335.160 and KRS 335.990.
- 19 (3) The board may promulgate administrative regulations in accordance with ~~pursuant~~
20 ~~to~~ KRS Chapter 13A to carry out the provisions of KRS 335.010 to 335.160 and
21 KRS 335.990.
- 22 (4) The board may conduct hearings pursuant to KRS Chapter 13B and keep records
23 and minutes necessary to carry out the functions of KRS 335.010 to 335.160 and
24 KRS 335.990.
- 25 (5) The board may employ any other persons it deems necessary to carry on the work
26 of the board, and shall define their duties and fix their compensation.
- 27 (6) The board may renew licenses and require continuing education as a condition for

1 license renewals, and shall authorize organizations to provide continuing education
2 programs, including but not limited to:

- 3 (a) Schools of social work accredited by the Council on Social Work Education;
- 4 (b) The National Association of Social Workers-Kentucky Chapter; and
- 5 (c) The Kentucky Society of Clinical Social Workers.

6 (7) The board may, after a hearing conducted in accordance with KRS Chapter 13B,
7 revoke, suspend, or refuse to issue or renew; impose probationary or supervisory
8 conditions upon; impose administrative fines; issue written reprimands and
9 admonishments; or any combination of actions regarding licenses and licensees.

10 (8) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful
11 practice of social work by unlicensed persons.

12 (9) The board may establish, by promulgation of administrative regulations, the
13 requirements for temporary permits to practice social work.

14 (10) The board may establish, by promulgation of administrative regulations in
15 accordance with KRS Chapter 13A, the requirements for provisional licenses to
16 practice social work for students enrolled in a bachelor's degree, master's degree,
17 or doctorate degree program in social work from an educational institution
18 accredited by the Council on Social Work Education.

19 **(11)** The board may enter into agreements with any organization for the creation and
20 implementation of a social work impairment program, as specified in the
21 agreement.

22 **(12)**~~**(11)**~~ The board shall refund any levied administrative assessments that it has
23 received for practice by unlicensed individuals employed by organizations
24 exempted from the application of KRS 335.010 to 335.160 and 335.990 by KRS
25 335.010(5).

26 ➔Section 4. KRS 335.080 is amended to read as follows:

27 (1) The board shall issue a license as "certified social worker" to an applicant who

1 meets the following requirements:

2 (a) Is at least eighteen (18) years of age;

3 (b) ~~[Is a person of good moral character;~~

4 (c) ~~]~~Has received a master's degree or doctorate degree in social work from an
5 educational institution approved by the board;

6 ~~(c)~~~~(d)~~ Has paid to the board an examination fee established by the board by
7 promulgation of an administrative regulation;

8 ~~(d)~~~~(e)~~ Has passed an examination approved~~[prepared]~~ by the board;{

9 (f) ~~Has not within the preceding three (3) months failed to pass an examination~~
10 ~~given by the board;]~~ and

11 ~~(e)~~~~(g)~~ Has paid an initial license fee established by the board by promulgation
12 of an administrative regulation.

13 (2) The license shall be displayed in the licensee's principal place of practice or
14 displayed virtually if practicing via telehealth, and shall entitle the licensee to hold
15 himself or herself forth to the public as providing services as authorized by KRS
16 335.010 to 335.160 and 335.990.

17 (3) A certified social worker may engage in the practice of clinical social work by
18 contracting, in writing, with a licensed clinical social worker who shall assume
19 responsibility for and supervise the certified social worker's practice as directed by
20 the board by promulgation of administrative regulations. The certified social worker
21 shall, for purposes of this section, be an employee of an institution or organization
22 in which the certified social worker has no direct or indirect interest other than
23 employment. No certified social worker shall enter into a practice of clinical social
24 work until this contract has been approved by the board, and shall cease the practice
25 of clinical social work immediately upon the termination of the contract. At the
26 termination of the contract, the certified social worker shall apply for licensure as a
27 licensed clinical social worker or request an extension of the contract from the

1 board.

2 ➔Section 5. KRS 335.090 is amended to read as follows:

3 (1) The board shall issue a license as "licensed social worker" to an applicant who
4 meets the following requirements:

5 (a) Is at least eighteen (18) years of age;

6 (b) ~~Is a person of good moral character;~~

7 (c) ~~1.~~ 1. Has received a baccalaureate degree in a social work or social welfare
8 program accredited by the Council on Social Work Education; or

9 2. Has received a baccalaureate degree and has completed courses
10 equivalent to a social work or social welfare program as determined by
11 the board;

12 (c)(d) Has paid to the board an examination fee established by the board by
13 promulgation of an administrative regulation;

14 (d)(e) Has passed an examination approved ~~prepared~~ by the board;{

15 (f) ~~Has not within the preceding three (3) months failed to pass an examination~~
16 ~~given by the board;}~~ and

17 (e)(g) Has paid an initial license fee established by the board by promulgation
18 of an administrative regulation.

19 (2) The license shall be displayed in the licensee's principal place of practice or
20 displayed virtually if practicing via telehealth, and shall entitle the licensee to hold
21 himself or herself forth to the public as providing services as authorized by KRS
22 335.010 to 335.160 and 335.990.

23 ➔Section 6. KRS 335.100 is amended to read as follows:

24 (1) The board shall issue a license as "licensed clinical social worker" to an applicant
25 who meets the following requirements:

26 (a) Has received a master's degree or doctoral degree in social work from an
27 educational institution accredited by the Council on Social Work

1 **Education**~~[approved by the board];~~

2 (b) Has had a minimum of two (2) years of ~~[full-time post-master's experience,~~
3 ~~consisting of at least thirty (30) hours per week, or three (3) years of part time,~~
4 ~~consisting of at least twenty (20) hours per week,]~~post-master's degree
5 experience acceptable to the board in the use of specialty methods and
6 measures to be employed in clinical social work practice, the experience
7 having been acquired under appropriate supervision as established by the
8 board by promulgation of an administrative regulation;

9 (c) Has paid to the board an examination fee established by the board by
10 promulgation of an administrative regulation;

11 (d) Has passed an examination **approved**~~[prepared]~~ by the board for this purpose;{

12 ~~(e) Has not within the preceding three (3) months failed to pass an examination~~
13 ~~given by the board;}~~ and

14 **(e)**~~(f)~~ Has paid an initial license fee established by the board by promulgation
15 of an administrative regulation.

16 (2) The license shall be displayed in the licensee's principal place of practice **or**
17 **displayed virtually if practicing via telehealth**, and shall entitle the licensee to hold
18 himself **or herself** forth to the public as providing services as authorized by KRS
19 335.010 to 335.160 and KRS 335.990.

20 (3) A licensed clinical social worker may contract with a certified social worker in the
21 practice of clinical social work as provided in KRS 335.080(3). The licensed
22 clinical social worker shall assume responsibility for and supervise the certified
23 social worker's practice as directed by the board by promulgation of administrative
24 regulations.

25 ➔Section 7. KRS 335.158 is amended to read as follows:

26 (1) **For purposes of this section:**

27 **(a) "Client" means:**

- 1 1. An individual, family, or group who receives social work services from
2 a social worker;
- 3 2. A corporate entity, school, or other organization, if the social worker
4 is employed or contracted to provide a social work service or benefit
5 directly to the corporate entity, school, or other organization, or its
6 individual members; or
- 7 3. A legal guardian who is responsible for making decisions regarding
8 the provision of social work services to a minor or legally incompetent
9 adult;
- 10 (b) "Social work services" means the application of social work theory,
11 knowledge, methods, ethics, and the professional use of self to restore or
12 enhance social, psychosocial, or biopsychosocial functioning of individuals,
13 couples, families, groups, organizations, and communities through the care
14 and services provided by a social worker through both in-person and virtual
15 care or services via technology, including telehealth in accordance with this
16 section;
- 17 (c) "Social worker" means an individual:
18 1. Licensed as a:
19 a. Certified social worker pursuant to Section 4 of this Act;
20 b. Licensed social worker pursuant to Section 5 of this Act; or
21 c. Licensed clinical social worker pursuant to Section 6 of this Act;
22 or
23 2. Issued a temporary permit under Section 3 of this Act; and
- 24 (d) "Telehealth":
25 1. Means the use of interactive audio, video, or other electronic media to
26 deliver health care; and
27 2. Includes the use of electronic media for diagnosis, consultation,

1 treatment, transfer of health or medical data, and continuing
2 education.

3 (2) A client shall be deemed to continue to be a client for a period of five (5) years
4 following the last:

5 (a) Date of service rendered to the individual, family, group, or legal guardian;
6 or

7 (b) Day of employment or contract for services to a corporate entity, school, or
8 other organization.

9 (3) A social worker who provides or facilitates the use of telehealth shall:

10 (a) Ensure that the informed consent of the client, or another appropriate person
11 with authority to make the health care treatment decision for the client, is
12 obtained before services are provided through telehealth;

13 (b) Ensure that the confidentiality of the client's medical information is
14 maintained as required by this chapter and other applicable state and federal
15 law. At a minimum, confidentiality shall be maintained through appropriate
16 processes, practices, and technology that conform to applicable state and
17 federal law, including but not limited to the Health Insurance Portability and
18 Accountability Act of 1996, Pub. L. No. 104-191, as amended;

19 (c) Comply with Section 508 of the Rehabilitation Act of 1973, as amended, 29
20 U.S.C. sec. 794(d), to allow telehealth services accessible to a client with
21 disabilities;

22 (d) Disclose to the client the potential risks to privacy and confidentiality of
23 information due to the use of technology, including:

- 24 1. The potential risks of disruption in the use of technology;
25 2. When and how the social worker utilizes electronic messages;
26 3. The circumstances in which the social worker may utilize alternative
27 modes of communication for emergency purposes, including medical,

- 1 psychiatric, and other emergencies;
- 2 4. The identity of anyone who may have access to client communications
- 3 with the social worker; and
- 4 5. The identity of the social worker, his or her credentials, and the
- 5 jurisdiction of licensed practice;
- 6 ~~(e)~~~~(d)~~ Assess the client's current condition and needs to determine the
- 7 appropriateness of telehealth in meeting those needs and that the client has the
- 8 necessary knowledge and skill to benefit from telehealth;
- 9 ~~(f)~~~~(e)~~ Adhere to the same or appropriately adapted standards of care as when
- 10 treatment or services are provided in person;
- 11 ~~(g)~~~~(f)~~ Not engage in fee-splitting with other telehealth providers or entities;
- 12 ~~(h)~~~~(g)~~ Not engage in false, misleading, or deceptive advertising of telehealth
- 13 services; and
- 14 ~~(i)~~~~(h)~~ Beginning on July 1, 2025, complete a board-approved two (2) hour
- 15 training course on the use of telehealth to provide social work services.
- 16 ~~(4)~~~~(2)~~ Each time a social worker provides or facilitates services via telehealth, the
- 17 social worker shall:
- 18 (a) Make a reasonable attempt to verify the identity of the client;
- 19 (b) Make a reasonable attempt to verify and document the physical location of the
- 20 client at the time services are provided;
- 21 (c) Obtain from the client alternative means of contacting the client;
- 22 (d) Provide information on how communication can be directed to the social
- 23 worker;
- 24 (e) Utilize non-public facing technology products that comply with the Health
- 25 Insurance Portability and Accountability Act of 1996 standards in 42 U.S.C.
- 26 secs. 1320d to 1320d-9, **except when the client, after being duly informed of**
- 27 **the risks in writing or through a documented conversation, has requested to**

1 use nonsecure communication methods, and the social worker has
2 documented the client's request and informed consent in the client's record;

3 and

4 (f) Document in the client's record that a service was provided via telehealth,
5 including any technological difficulties experienced during the provision of
6 the service and adherence to all appropriate standards of care.

7 (5) Any person located within or outside of Kentucky who provides social work
8 services via telehealth to a client in Kentucky, and any person located in
9 Kentucky who provides social work services via telehealth to a client outside of
10 Kentucky, shall:

11 (a) Hold a temporary permit issued under Section 3 of this Act;

12 (b) Be licensed under Section 4, 5, or 6 of this Act; or

13 (c) Be licensed to provide social work services by a member state, as defined in
14 KRS 335.135, in a jurisdiction that has enacted the Social Work Licensure
15 Compact.

16 (6) A social worker shall comply with the laws, administrative regulations, and
17 professional standards relating to licensing, telehealth, mandatory reporting, duty
18 to warn, age of consent, and other requirements for the provision of social work
19 services of:

20 (a) The Commonwealth of Kentucky;

21 (b) Any jurisdiction in which the social worker is located, including a
22 temporary location; and

23 (c) Any jurisdiction in which a client is located at the time the social worker
24 provides social work services via telehealth.

25 (7) A social worker employed by a federal agency, including but not limited to the
26 United States Department of Veterans Affairs, may provide social work services
27 via telehealth to clients of the federal agency regardless of the social worker's or

client's location, as permitted under federal law for telehealth practice when performed within the scope of social worker's employment.

(8) A social worker who is temporarily or permanently located outside of the United States may provide social work services via telehealth to clients in Kentucky, and a social worker located in Kentucky may provide social work services via telehealth to clients who are temporarily or permanently located outside of the United States, if the social worker:

(a) Complies with Kentucky laws and administrative regulations governing the practice of social work and provision of social work services via telehealth;

(b) Complies with the laws and professional standards governing the practice of social work and provision of social work services via telehealth of the foreign country in which the social worker or client is located;

(c) Complies with all United States laws and international agreements that apply to the provision of telehealth services; and

(d) Ensures the secure and compliant handling of client information in accordance with applicable United States and international data protection standards, such as the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, as amended, and the General Data Protection Regulation, Regulation (EU) 2016/679.

~~[(3) The provisions of this section shall not apply to a social worker employed or contracted in Kentucky to answer and respond to national 988 crisis line calls to the extent that the provisions of this section are in conflict with the requirements and training provided by the crisis line service provider.~~

~~(4) For purposes of this section:~~

~~(a) "Client" means:~~

~~1. An individual, family, or group who receives social work services from a social worker;~~

2. ~~A corporate entity or other organization, if the social worker is contracted to provide a social work service of benefit directly to the corporate entity or organization; or~~

3. ~~A legal guardian who is responsible for making decisions regarding the provision of social work services to a minor or legally incompetent adult;~~

(b) ~~"Social worker" means an individual licensed as a:~~

1. ~~Certified social worker pursuant to KRS 335.080;~~

2. ~~Licensed social worker pursuant to KRS 335.090; or~~

3. ~~Licensed clinical social worker pursuant to KRS 335.100; and~~

(c) ~~"Telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.]~~

➔ Section 8. KRS 387.610 is amended to read as follows:

Prior to the expiration of a term of guardianship or conservatorship, the limited guardian, guardian, limited conservator, or conservator may petition, pursuant to KRS 387.620, for a renewal of his appointment for a period not to exceed five (5) years. The petition shall be accompanied by verified affidavits of a physician, an advanced practice registered nurse or physician assistant working within his or her scope of practice, or a psychologist licensed or certified under the provisions of KRS Chapter 319, or a person licensed or certified as a social worker or an employee of the Cabinet for Health and Family Services who meets the qualifications of KRS 335.080(1)(a) and (b) ~~and (c)~~ or 335.090(1)(a) and (b) ~~and (c)~~, supporting the need for the continuation of the guardianship or conservatorship.

➔ Section 9. KRS 457.090 is amended to read as follows:

(1) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence

1 of a future event or contingency.

2 (2) If a power of attorney becomes effective upon the occurrence of a future event or
3 contingency, the principal, in the power of attorney, may authorize one (1) or more
4 persons to determine in a writing or other record that the event or contingency has
5 occurred.

6 (3) If a power of attorney becomes effective upon the principal's incapacity and the
7 principal has not authorized a person to determine whether the principal is
8 incapacitated, or the person authorized is unable or unwilling to make the
9 determination, the power of attorney becomes effective upon a determination in a
10 writing or other record by:

11 (a) A physician, an advanced practice registered nurse, a psychologist licensed or
12 certified under the provisions of KRS Chapter 319, or a person licensed or
13 certified as a social worker or an employee of the Cabinet for Health and
14 Family Services who meets the qualifications of KRS 335.080(1)(a) and~~[-]~~
15 (b)~~[-]~~ ~~and (c)~~ or 335.090(1)(a) and~~[-]~~ (b)~~[-]~~ ~~and (c)~~, that the principal is
16 incapacitated within the meaning of KRS 457.020(5)(a); or

17 (b) An attorney-at-law or a judge that the principal is incapacitated within the
18 meaning of KRS 457.020(5)(b).

19 (4) A person authorized by the principal in the power of attorney to determine that the
20 principal is incapacitated may act as the principal's personal representative pursuant
21 to the Health Insurance Portability and Accountability Act, Sections 1171 to 1179
22 of the Social Security Act, 42 U.S.C. sec. 1320d, as amended, and applicable
23 regulations, to obtain access to the principal's health-care information and
24 communicate with the principal's health-care provider for the sole purpose of
25 determining whether the principal is incapacitated, unless the power of attorney
26 otherwise provides.