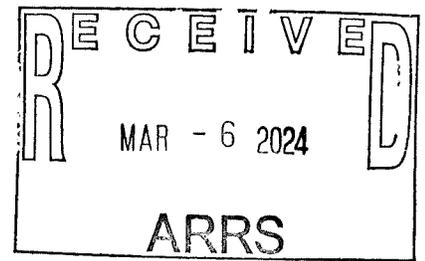


Agency amendment was not voted on during the ARRS meeting.



KENTUCKY BOARD OF SOCIAL WORK
125 Holmes Street, Suite 310
Frankfort, Kentucky 40601
(502) 564-2350

Andy Beshear
Governor

Marc Kelly
Executive Director

March 6, 2024

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

Dear Co-Chairs:

After consideration of the issues raised by 201 KAR 23:170, the Kentucky Board of Social Work proposes the attached agency amendment to this ordinary regulation.

Sincerely

A handwritten signature in cursive script that reads "Marc Kelly".

Marc Kelly
Executive Director

Agency Amendment

BOARDS AND COMMISSIONS Board of Social Work

201 KAR 23:170. Telehealth and social work practice.

Page 1

NFC paragraph

Line 17

After "social work services, and", insert "establishes provisions for".
Delete "the provision of".

Page 2

Section 1(3)(a)

Line 1

After "electronic means", insert "provided by a licensee".

Line 2

After "to the public", insert the following:

when the activities are a professional service

Line 11

After "telehealth;", insert "or".
Delete "and".

Line 14

After "service provided", insert "through".
Delete "via".

After "that utilizes the", insert "licensed".

Page 3

Section 1(6)

Lines 3 and 4

After "defined by", delete "KRS 335.020 and".

After "201 KAR 23:070", insert the following:

using telehealth as defined by KRS 335.158

Page 3

Section 2(1)

Line 6

After "to deliver telehealth", insert "services".

Section 2(1)(a)

Line 9

After "of the client", insert the following:

as appropriate to the service being provided

Section 2(1)(b)

Line 10

After "location of the client", insert the following:

as appropriate to the service being provided

Section 2(1)(c)

Line 12 and 13

After "(c)", insert the following:

Collaborate with the client to establish at least one (1) alternative mode of contact with each other if the primary electronic means are disrupted, which may be utilized for contingency planning or emergency communications from either the client to the licensee or from the licensee to the client. The collaboration may include developing protocols with the client that account for limitations of the selected technology

Delete the following:

"Obtain alternative means of contacting the client other than electronically"

Section 2(1)(d)

Line 14 and 15

Delete the following:

"Provide how communications can be directed to the social worker other than electronically

(e)"

Renumber subsequent paragraphs accordingly.

Section 2(1)(g)

Line 22

After "information or", insert "protected health information".
Delete "PHI".

Page 4

Section 2(1)(i)(2)

Line 11

After "When and how the", insert "licensed".

Line 12

After "in which the", insert "licensed".

Line 14

After "communications with the", insert "licensed".

Line 16

After "Identification of the", insert "licensed".

Page 5

Section 2(1)(j)

Line 2

After "Provide how the", insert "licensed".

Page 5

Section 2(1)(k)

Line 4

After "client's record that a", insert "telehealth".

Section 2(2)

Line 8

After "client", insert "is unable to".
Delete "cannot".

Section 2(4)

Line 15

After "and originating site.", return and insert the following:

(5) All licensees shall make reasonable attempts to provide accurate information to the public.

(6) All licensees shall make reasonable attempts to protect client identifiers in financial transactions.

Page 5

Section 3(1)

Line 17

After "A", insert "licensee".

Delete "social worker".

Page 6

Section 3(2)(b)

Line 15

After "Comply with", insert the following:

all statutes and administrative regulations

Delete "the directives".

Page 6

Section 3(3)

Line 17

After "to a client", insert "who is".

Line 18

After "time of", insert "a telehealth".

Delete the following:

"or is located in Kentucky at the time of service"

Line 19

After "licensed in Kentucky," return and insert the following:

(4) A social worker licensed in another jurisdiction and is located in Kentucky and using telehealth, teletherapy, or electronic social work services to deliver social work services at the time of a telehealth service is delivered shall have a temporary permit to provide services in Kentucky or be licensed in Kentucky.

Page 7

Section 4(2)

Line 1

After "licensees shall", insert "complete".

Delete "take".

Section 4(3)

Line 4

After "licensees shall", insert "complete".
Delete "take".

After "a", insert "board approved".

Line 5

After "social work services", delete "approved by the board".

Section 4(3)

Line 5

After "by", insert "December 31".
Delete "June 30".