

STATEMENT OF EMERGENCY

201 KAR 23:016E.

This emergency administrative regulation is being promulgated pursuant to KRS 335.070(3) and KRS 13A.190(1)(a)(1) to meet an imminent threat to public health, safety, or welfare. This regulation is necessary to mitigate the shortage of social work professionals in the Commonwealth of Kentucky at this time. The need for care continues to increase while the availability of practitioners to provide that care lags behind. Specifically, this regulation allows individuals that meet the appropriate educational requirements to practice social work under a temporary permit, under the appropriate supervision of a licensed clinical social worker, until such time as they are able to obtain licensure pursuant to KRS 335.080, KRS 335.090 or KRS 335.100. Access to temporary licensure would create a significant increase in access to services to the citizens of the Commonwealth and provide new social workers access to employment opportunities shortly after graduation. This regulation will be replaced with an ordinary regulation in due course. The ordinary administrative regulation is not identical to this emergency administrative regulation.

ANNE ADCOCK, DWS, MSW, CSW, Board Chair

ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS
Kentucky Board of Social Work
(New Emergency Administrative Regulation)

201 KAR 23:016E. Temporary permission to practice.

RELATES TO: KRS 39A.180, 39A.190, 335.080, 335.090, 335.100

STATUTORY AUTHORITY: KRS 39A.180, 335.070(1), (3), (9), 335.190,

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.180 and 39A.190 allow agencies to promulgate administrative regulations necessary for disaster and emergency response purposes during a state of emergency. KRS 335.070(1) requires the board to evaluate and approve the qualifications of the applicants for licensure. KRS 335.070(3) authorizes the board to promulgate administrative regulations. KRS 335.070(9) authorizes the board to establish requirements for temporary permits to practice social work. This administrative regulation establishes the requirements for granting of temporary permission to engage in the practice of social work.

Section 1.

(1) A temporary permit to engage in the practice of social work shall be granted, if requested, to an applicant who has completed all of the requirements for licensure except the examination and has applied for licensure under the provisions of KRS 335.080, 335.090, or 335.100.

(2) A person practicing under a temporary permit as a certified social worker shall not accumulate hours toward the supervision requirements of KRS 335.100(1)(b).

(3) A certified social worker or licensed clinical social worker practicing clinical social work under a temporary permit shall be under the supervision of a licensed clinical social worker who qualifies to provide supervision under 201 KAR 23:070, Section 3(1).

(4) The request for a temporary permit shall be accompanied by a letter from the proposed supervisor acknowledging the responsibility for supervision and for the practice of the person holding the temporary permit.

(5) A licensee shall not serve as the supervisor for more than two (2) persons holding a temporary permit at any one (1) time.

(6) Supervision during the period of temporary permission to practice shall be a minimum of one (1) hour of individual, face-to-face supervision per week.

(7)

(a) Except as provided in paragraph (b) of this subsection, the temporary permit shall be valid until the applicant for licensure is issued or denied licensure under the provisions of KRS 335.080, 335.090, or 335.100.

(b) A temporary permit shall not extend for more than 240 days after the temporary permit was approved.

(c) Active temporary permits existing at the time of the promulgation of this emergency administrative regulation shall be reissued as of the date of the filing of this regulation and shall be valid for not more than 240 days from the date of issuance.

(8) Any changes to the terms of the temporary permit shall be submitted to the board and approved by the board before the temporary permit holder continues social work practice.

ANNE ADCOCK, DSW, MSW, CSW, Board Chair

APPROVED BY AGENCY: September 30, 2022

FILED WITH LRC: October 3, 2022 at 1:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2022, at 10:00 a.m. ET at the Justice and Public Safety Building, Third Floor Board Room, 125 Holmes Street, Frankfort,

Kentucky 40601. Individuals interesting in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2022. Send written notice of intent to be heard or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, phone (502) 564-2350 or (502) 782-2856, email marc.kelly@ky.gov.