

BOARDS AND COMMISSIONS

Board of Social Work

(Amended After Comments)

201 KAR 23:051. Renewal, Expiration, Termination, Reinstatement of license.

RELATES TO: KRS ~~39A.180, 39A.190,~~ 335.010-335.160, 335.990

STATUTORY AUTHORITY: KRS ~~39A.180,~~ 335.070~~[(1), (3), (6), (7), 335.190,]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~335.070~~~~39A.180 and 39A.190~~ ~~allow agencies~~ authorizes the board 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(6) authorizes the board to renew licenses and set requirements for continued education. establishing requirements for license renewal. KRS 335.130 authorizes fees.~~ This administrative regulation establishes the requirements for ~~renewals, reinstatements, and terminations of licenses to engage in the practice of social work.~~ license renewal.

Section 1. Definitions ~~Definition~~.

- (1) "Expiration" means the license has not been renewed.
- (2) "Grace period" means the time allowed to renew after the expiration date of the license;
- (3) "Licensee" means a person licensed under KRS 335.010 through 335.160~~[-160]~~ as:
 - (a) ~~[(1)]~~ A certified social worker;
 - (b) ~~[(2)]~~ A licensed social worker; or
 - (c) ~~[(3)]~~ A licensed clinical social worker.
- (4) "Reinstatement" means the reinstatement of a license due to an action of the board.
- (5) "Renewal" means renewing by the expiration date of the license.
- (6) "Termination" means the expiration of the license because of disciplinary action in accordance with 201 KAR 23:150.

Section 2. Renewal.

- (1)
 - (a) Pursuant to KRS 335.130(1), a licensee shall renew the licensee's license on a three (3) year basis to continue practicing~~in order to continue to practice~~ social work in Kentucky.
 - (b) The three (3) year renewal cycle shall be calculated based on the date of the issuance of the initial license.
- (2) A Renewal Form shall be submitted with the appropriate fee and continuing education requirements as established in 201 KAR 23:020 and 201 KAR 23:075.
- (3) A licensee shall ~~file the licensee's current mailing address~~ update their contact information with the board within ten (10) days of such change(s) by USPS; email; by hand; or via the self-service portal via the board Web site; and ~~shall immediately notify the board in writing if the address changes.~~
- (4) All licensees are required to maintain current contact information with the board, which includes, name, physical address, phone number (business or personal), and email address (business or personal).

Section 3. Grace Period. If a licensee reapplies after the date of expiration and before the three (3) months~~, month~~ the licensee shall:

- (1) Cease and desist the practice of social work immediately; ~~{Pay a penalty of 100 dollars;}~~
- (2) ~~{Cease and desist the practice of social work immediately;}~~
- ~~{(3)}~~ Submit a renewal form along with documentation of completed continuing education requirements per 201 KAR 23:075, Section 2; ~~{and}~~
- ~~(3)~~ Pay a penalty of 100 dollars;
- (4) Submit official documentation of employment beginning with the date of expiration of the license and the job description with an affirmation that the practice of social work had not taken place during or after the end date of the license and ceased when discovered during the grace period of the renewal of the license;
- (5) When reimbursement for services occurred during the grace period, the licensee shall reconcile the matter with their employer or each specific payer; and
- (6) Upon payment of the license renewal fee and the late renewal penalty, the date of the license will be retroactive to the date of expiration.

Section 4. Expiration and Termination.

- (1) If a licensee has not renewed the licensee's license at the end of three (3) months, the ~~licensee~~~~licensee~~ shall be considered expired, and the licensee shall submit a new application in accordance with existing requirements for initial applicants under KRS Chapter 335 and 201 KAR Chapter 23.
- (2) Section 3(e) is applicable to this section; and
- (3) If a licensee is subject to disciplinary action and the result of that action is revocation of the license or an agreement to surrender the license as if revoked, the licensee's license will be terminated effective the date of such action.

Section 5. Reinstatement.

- (1) The board may reinstate a license from disciplinary action in accordance with 201 KAR 23:150. ~~{Upon payment of the renewal fee and the late renewal penalty, the date of the license shall be retroactive to the date of expiration.}~~
- (2) The board's reinstatement is based on:
 - (a) The request by the former licensee;
 - (b) The length of time the license was inactive;
 - (c) Any extenuating circumstance creating the need for reinstatement can be made in writing to the board by the licensee but cannot be related to disciplinary action or renewal of the license;
 - (d) The board may require an application fee in accordance with existing requirements for initial applicants under KRS Chapter 335 and 201 KAR Chapter 23 at the time of reinstatement; and
- (3) The board shall set the date of reinstatement for license renewal.

Section 6. Incorporation by Reference.

- (1) "Application For Renewal", 01/2023~~{05/2022}~~, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Social Work, 125 Holmes St Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at bsw.ky.gov.

WHITNEY CASSITY-CAYWOOD, Board Chair

APPROVED BY AGENCY: February 8, 2023

FILED WITH LRC: February 13, 2023 at 4:10 p.m.

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, or email marc.kelly@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Kelly

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation is being promulgated pursuant to KRS 335.010-335.160, 335.990 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 license. Access to licensure would maintain the current access to services to the citizens of the Commonwealth and provide social workers access to current employment opportunities. This regulation will replace the emergency regulation in due course.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to address the shortage of social work professionals in the Commonwealth of Kentucky at this time.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 335.070(3) authorizes the board to promulgate administrative regulations to carry out of the provisions of KRS 335.010 to 335.160 and KRS 335.990. KRS 335.070(7) authorizes the board to establish requirements for a license to practice social work.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will assist the board in lawfully addressing the ability of individuals who meet certain educational requirements to practice social work under licensure pursuant to KRS 335.080, 335.090 or 335.100.

(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:

The amendment after comments version of this administrative regulation includes the methods for applying for a renewal or reinstatement and how terminations are handled. It clarifies the definitions of each section in section 1; it separates each section and provides a better description within each section; it allows the sections to be put in a better order within the regulation; it clarifies items within the sections with bullet points for the items; and it allows for new sections within the regulation and provides better clarification with a new title and additional information related to the title of that section.

(b) The necessity of the amendment to this administrative regulation:

The amended after comments version is necessary in order to provide clarification on the regulation. It will allow the sections within the regulation to separate each of the sections and provide more descriptions within those sections and ensure the methods of applying for a renewal or reinstatement; as well as, how terminations are handled at the Board. (c) How the amendment conforms to the content of the authorizing statutes: KRS 335.070(3) authorizes the board to promulgate

administrative regulations to carry out provisions of KRS 335.010 to 335.160 and KRS 335.990. KRS 335.070(7) authorizes the board to establish requirements for a license to practice social work.

(c) How the amendment conforms to the content of the authorizing statutes:

No answer provided.

(d) How the amendment will assist in the effective administration of the statutes:

This administrative regulation amendment will assist the Board in addressing the ability of individuals who meet certain educational requirements to practice social work under licensure pursuant to KRS 335.080, 335.090 or 335.100.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect approximately 6,000 licensed social workers, licensed clinical social workers, and certified social workers in Kentucky, public schools, hospitals, community mental health centers, public and private agencies.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment:

Individuals meeting the appropriate educational and testing requirements will be able to apply for a renewal or reinstatement immediately upon the filing of the administrative regulation or will have their prior license validated.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

The board does not anticipate that there will be a cost increase to any of the entities and will waive any fees incurred.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The board believes that the entities will benefit from the ability to provide services to clients more efficiently and quickly without any disruptions. (5) Provide an estimate of how much it will cost to implement this administrative regulation: None

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

(a) Initially:

The board estimates that it will incur no additional costs to implement this administrative regulation.

(b) On a continuing basis:

The board estimates that it will incur no additional costs to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The board's operations are wholly self-funded by fees paid by licensees, applicants, and continuing education providers and sponsors.

(7) 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:

This administrative regulation does not directly establish or increase fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No, this amendment does not.

(9) TIERING: Is tiering applied?

No, tiering was not applied. This administrative regulation is applied uniformly to each certified social worker practicing clinical social work under board-approved supervision.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Board of Social Work and entities that employ licensed social workers to provide social work services will be impacted by this administrative regulation. These entities include public school districts, hospitals, community mental health centers, and other public agencies and private businesses.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

The statutes are KRS 335.070.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

None.

(d) How much will it cost to administer this program for subsequent years?

None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):N/A

Expenditures (+/-):N/A

Other Explanation:

N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

None.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

None.

(c) How much will it cost the regulated entities for the first year?

None.

(d) How much will it cost the regulated entities for subsequent years?

None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):N/A

Expenditures (+/-):N/A

Other Explanation:

N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

“Major economic impact” means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact of five hundred thousand dollars or more on the state or local government or regulated entities.