

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

201 KAR 23:160. Temporary permission to practice.

RELATES TO: KRS 335.080, 335.090, 335.100

STATUTORY AUTHORITY: KRS 335.070(1), (3), (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(1) requires the board to evaluate and approve the qualifications of 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 the granting of temporary permission to engage in the practice of social work.

Section 1. Temporary Permits without the Examination.

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

(2) The application required by subsection (1) of this section shall be made to the board or to the online application management system and shall:

(a) Include a certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and

2. The applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification;

(b) Be accompanied by payment of the application fee that shall:

1. Be made payable to the Kentucky State Treasurer if the application is processed through the board; or

2. Be made to the online application management system as directed by the board.

(3) A person practicing social work under a temporary permit as a licensed social worker or a certified social worker shall be under the supervision of a certified social worker or licensed clinical social worker licensed in Kentucky, who becomes the supervisor of record.

(4) A supervisor of record for a temporary permit holder not practicing clinical social work must have been licensed in Kentucky for two (2) years.

(5) 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.

(6)

(a) A temporary permit shall not extend for more than 180 days after the temporary permit is approved by the board unless renewed.

(b) A person may re-apply for a temporary permit before the issued permit expires, and this permit shall not extend for more than 180 days after the temporary permit is approved by the board for a maximum of 360 days.

(7) Temporary permit holders shall not practice telehealth outside of Kentucky, which means that the location of the temporary permit holder and the client at the time of service must be in Kentucky.

(8) The applicant shall pay the required fee for the permit and any renewal.

(9) Receipt of applications, contracts, and notification of approvals can be done by mail or electronically.

Section 2. Temporary Permits to Practice Clinical Social Work without the Examination.

- (1) Section 1(1), (2), (7), (8), and (9) are the same for this section.
- (2) A certified social worker who seeks to practice 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.
- (3) A person practicing under a temporary permit as a certified social worker to provide clinical social work shall not accumulate hours towards the supervision requirements of KRS 335.100(1)(b).
- (4) The application for a temporary permit to practice clinical social work shall include a contract/letter signed by 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) A licensed clinical social worker who qualifies to provide supervision under 201 KAR 23:070 must include temporary permit persons in the required limit of six (6) supervisees as supervisor of record.
- (7) Supervision during the period of temporary permission to practice shall be a minimum of one (1) hour of individual, face-to-face, or virtual supervision per week.
- (8) A person practicing under a temporary permit as a certified social worker to provide clinical social work shall be valid until the applicant for the Certified Social Work license is denied under the provisions of KRS 335.080, or the temporary permit expires.
- (9) The temporary permit to practice clinical social work shall only be issued with an approved contract as required in KRS 335.080(3).
 - (a) The temporary permit applicant must complete the temporary permit application that includes a contract with an approved supervisor.
 - (b) The temporary permit remains in effect until a new contract is approved after the Certified Social Work license is issued under KRS 335.080, even when the maximum of 360 days of the permit is exceeded.
 - (c) A new application for a temporary permit shall be submitted to the board immediately for approval if the supervisee changes their:
 1. Supervisor of record; or
 2. Place of employment.
- (10) A temporary permit holder shall cease and desist the practice of clinical social work if:
 - (a) The supervisor of record terminates supervision; or
 - (b) The temporary permit holder ceases employment listed on the application.
- (11) Any changes to the terms of the temporary permit to practice clinical social shall be submitted to the board and approved by the board before the temporary permit holder continues social work practice.
- (12) Temporary permit holders who violate the provisions of the section are subject to disciplinary action by the board.

Section 3. Temporary Permits for Out-of-state Independent Clinical License Holders. A temporary permit can be issued for clinical social work practice in Kentucky if requested, as prescribed when:

- (1) A temporary permit to provide clinical social work in Kentucky may be granted for not more than ninety consecutive days in one calendar year from the date of application is approved.
- (2) A temporary permit to provide clinical social work in Kentucky may be granted for not more than ninety consecutive days in one (1) calendar year from the date of application is approved.
- (3) A temporary permit holder under this provision is subject to the complaint procedures of the Kentucky Board of Social Work. Any complaints are reportable to the license

board of the jurisdiction where the permit holder/applicant is licensed.

(4) The temporary permit applicant is not a resident of Kentucky.

(5) The temporary permit holder informs the client of the limited nature of their services and that the person is not currently licensed in Kentucky.

(6) The permit applicant has no complaints filed against their license in their current jurisdiction or in the National Practitioner Database or the Public Protection Database.

(7) A permit holder may be required to submit billing records or other records to demonstrate compliance with the requirements of this section.

(8) The permit holder must pay the required fee for the permit.

(9) The applicant shall maintain licensure in the other jurisdiction during the time period of the temporary license.

(10) The person informs the client of the limited nature of their services and that the person is not currently licensed in Kentucky.

(11) The person informs the client of how to make a complaint to the board for improper practice.

(12) The permit holder is allowed to practice telehealth in Kentucky so long as the permit holder:

(a) Provides evidence to the board of appropriate training for telehealth practice;

(b) Is complying with all telehealth laws and regulations of Kentucky; and

(c) Has written consent for telehealth with clients.

Section 4. Temporary Permits for Out-of-state Social Workers. A temporary permit can be issued for social work practice in this state, if requested, for not more than ninety consecutive days during any one calendar year from the date of application approval as prescribed when:

(1) A person who is currently licensed, certified, or regulated pursuant to another jurisdiction or pursuant to the laws of a federally recognized tribe and who provides social work services within the person's scope of practice,

(2) A temporary permit holder under this provision is subject to the complaint procedures of the Kentucky Board of Social Work. Any complaints are reportable to the license board of the jurisdiction where the permit holder/applicant is licensed.

(3) The person seeks permission to practice social work within the state of Kentucky.

(4) The person is not a resident of Kentucky.

(5) The person pays the required fee.

(6) The person completes the required application and is approved.

(7) The person ceases practice when the permit expires.

(8) The person has no disciplinary actions against their license in their current jurisdiction.

(9) A temporary permit holder under this provision is subject to the complaint procedures of the Kentucky Board of Social Work. Any complaints are reportable to the license board of the jurisdiction where the permit holder/applicant is licensed.

(10) The person provides evidence to the board of appropriate training for social work telehealth practice.

(11) The person informs the client of the limited nature of their services and that the person is only temporarily licensed in Kentucky.

(12) The person informs the client of how to make a complaint to the board for improper practice.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Temporary Non-Clinical Social Work Application", 6/15/2023;

(b) "Temporary Clinical Social Work Application", 6/15/2023;

(c) "Temporary Non-Resident Social Work Application", 6/15/2023; and

(d) "Temporary Social Work Non-Clinical and Non-Resident Application", 6/150/2023.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or from its Web site at <https://telehealth.ky.gov>.

WHITNEY CASSITY-CAWOOD, LCSW, PhD., Board Chair

APPROVED BY AGENCY: June 22, 2023

FILED WITH LRC: June 28, 2023 at 3:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Sept 22, 2023, at 10:00 a.m. ET at the Justice and Public Safety Building, Third Floor Board Room, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing 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 September 30, 2023. 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, or email marc.kelly@ky.gov.