

BOARDS AND COMMISSIONS

Board of Social Work

(Amendment)

201 KAR 23:055. Inactive status of license.

RELATES TO: KRS 335.070(3)

STATUTORY AUTHORITY: KRS 335.070(3), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(3) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990. This administrative regulation establishes the requirements relating to inactive licenses, extension of inactive status, return to active status, and reinstatement.

Section 1. Request for Inactive Status.

(1) A licensee may request that ~~their~~~~[his or her]~~ license be placed on inactive licensure status by submitting to the board:

(a) A written request for ~~their~~~~[his or her]~~ license to be placed on inactive status, received by the board no sooner than ninety (90) days before the license expiration date;

(b) Payment of an inactive license status fee of fifty (50) dollars made payable to the Kentucky State Treasurer; and

(c) A copy of certificates of attendance or completion to show proof of continuing education requirements for renewal as established in 201 KAR 23:075.

(2) The licensee shall be relieved of ~~their~~~~[his or her]~~ obligation to pay the license renewal fee established in 201 KAR 23:020 for ~~their~~~~[his or her]~~ license level.

Section 2. Additional Extension of Inactive Status. A licensee whose license is on inactive status may request an additional extension of the inactive license status and shall submit to the board:

(1) A written request to continue the license on inactive status, received by the board no sooner than ninety (90) days before the license expiration date;

(2) Payment of an inactive status fee of fifty (50) dollars made payable to the Kentucky State Treasurer; and

(3) A copy of continuing education certificates of completion or attendance, awarded to the licensee during the period of inactive status, to show proof of continuing education requirements for renewal as established in 201 KAR 23:075.

Section 3. License Expiration. If the licensee does not submit a request for an extension of the inactive status or the licensee fails to renew ~~their~~~~[his or her]~~ license before the license expiration date, the license shall expire.

Section 4. Return to Active License Status. At any time within the three (3) year period of being granted inactive licensure status, a licensee may request ~~their~~~~[his or her]~~ license be returned to active status by submitting to the board:

(1) A written request to the board to return ~~their~~~~[his or her]~~ license to active status;

(2) Payment of the current license renewal fee as set forth in 201 KAR 23:020; and

(3) A copy of continuing education certificates of completion or attendance, awarded to the licensee during the period of inactive status, to show proof of continuing education requirements for renewal as established in 201 KAR 23:075.

Section 5. Renewal of Expired License. Following the expiration of a license under Section 3 of this administrative regulation, a licensee who desires to practice social work in

Kentucky shall follow the requirements for reinstatement established in 201 KAR 23:051~~[050]~~.

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 September 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.

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 13A.180 and KRS 13A.190(1)(a)(1) to meet an imminent threat to public health, safety, or welfare. This regulation is necessary to provide directions for social workers to practice telehealth and allow social work licensees in the Commonwealth of Kentucky to improve access to services and meet the needs of citizens. 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 requirements to practice telehealth responsibly and respectfully of federal and state laws.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to address the necessity of allowing social work licensees to have an inactive license and reinstate it. A period of inactive license allows social workers

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

KRS 335.070(3)(6) authorizes the board to promulgate administrative regulations to carry out the provisions of KRS 335.10 to 335.160 and KRS 335.990.

(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 social workers to continue to practice social work and protect the public 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:

This amendment updates the cross-reference to 2021 KAR 23:051, which replaced 201 KAR 23:050.

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

The amendment is necessary as it allows for inactive and reinstatement of licenses for social work practice in Kentucky.

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

This amendment conforms to the requirements of KRS 355.070(3) to promulgate regulations.

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

This amendment will assist the Kentucky Board of Social Work in administering KRS 335.010 to 160 for social work practice.

(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 7,000 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 license requirements will be able to renew to reinstate their license to practice.

(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 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 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 social worker practicing social work.

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.

KRS 39A.180, 13A.190, 335.070(3) and (7) and 335.158(2).

(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 (+/-):\$0.00

Expenditures (+/-):\$0.00

Other Explanation:

This administrative regulation requires fees paid by the licensee and no cost to the Commonwealth of Kentucky.

(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 (+/-):\$0.00

Expenditures (+/-):\$0.00

Other Explanation:

No income or expenditure is anticipated.

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

This regulation has no major economic impact.