

1 AN ACT relating to social work.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 335.010 is amended to read as follows:

- 4 (1) It is the purpose and policy of the Commonwealth of Kentucky to protect the public  
5 from being misled by incompetent and unauthorized persons, and from  
6 unprofessional conduct on the part of qualified social workers by providing  
7 regulatory authority over persons who hold themselves out to the public as social  
8 workers.
- 9 (2) The purpose of KRS 335.010 to 335.160 and KRS 335.990 is to promote high  
10 standards of professional performance for those engaged in the profession of social  
11 work by regulating the title, and by setting standards of qualification, training, and  
12 experience for those who seek to engage in the practice of social work.
- 13 (3) Nothing contained in KRS 335.010 to 335.160 and KRS 335.990 shall be  
14 applicable to employees of the State Department of Education or local boards of  
15 education who meet the certification requirements in the area of social work as  
16 established, or which may be established, by the Kentucky Board of Education. Nor  
17 shall anything in KRS 335.010 to 335.160 and KRS 335.990 be construed to apply  
18 to, limit, or restrict the regulation of the title, setting of standards, qualifications,  
19 training, or experience of those who seek to engage in the practice of social work  
20 and who have been, or will be, certified by the Kentucky Board of Education for the  
21 position for which they have been employed.
- 22 (4) Nothing contained in KRS 335.010 to 335.160 and KRS 335.990 shall require  
23 persons employed by the Commonwealth of Kentucky, the director or  
24 administrative head of a social service agency or division of a city, county or urban-  
25 county government, or applicants for such employment to be licensed.
- 26 (5) (a) Nothing contained in KRS 335.010 to 335.160 and KRS 335.990 shall require  
27 persons employed by an organization that is exempt from federal income

1           taxation under Section 501(c)(3) of the Internal Revenue Code, and provides  
2           evidence of its tax-exempt status, to be licensed.

3           (b) The provisions of KRS 335.010 to 335.160 and KRS 335.990 shall not be  
4           construed to apply to, limit, or restrict the regulation of the title, setting of  
5           standards, qualifications, training, and experience of those engaged as  
6           employees of a tax-exempt organization in the practice of social work.

7           (c) The exemption provided in this subsection shall not apply to the practice of  
8           clinical social work, which shall be undertaken only by a certified social  
9           worker licensed pursuant to KRS 335.080 or a licensed clinical social worker  
10          licensed pursuant to KRS 335.100.

11         (6) Nothing contained in KRS 335.010 to 335.160 and 335.990 shall prohibit volunteer  
12         health practitioners from providing services under KRS 39A.350 to 39A.366.†

13         ~~(7) Beginning on July 12, 2012, and continuing through December 31, 2016, there shall  
14         exist an amnesty period during which no disciplinary action, administrative fees, or  
15         fines shall be imposed by the board for unlicensed practice against an individual  
16         who is currently serving or who formerly served as an employee of a tax exempt  
17         organization specified in subsection (5) of this section.]~~

18         ➔Section 2. KRS 335.020 is amended to read as follows:

19         As used in KRS 335.010 to 335.160 and 335.990, unless the context otherwise requires:

20         (1) "Board" means the Kentucky Board of Social Work;†

21         (2) **"Practice of clinical social work" means the practice of social work, as defined in**  
22         **subsection (3) of this section, which requires the application of specialized**  
23         **clinical knowledge and advanced clinical skills in the areas of assessment,**  
24         **diagnosis, evidence-based interventions, research, and treatment of mental,**  
25         **emotional, and behavioral disorders, conditions, and addictions; and**

26         (3) ~~["The ]~~Practice of social work" means:

27         (a) The **application of social work theory, knowledge, methods, ethics, training,**

1 *evidence-based interventions, research, and the professional use of self to:*

2 *1. Restore or enhance social, psychosocial, or biopsychosocial*  
 3 *functioning of individuals, couples, families, groups, organizations,*  
 4 *and communities; or*~~[professional activity of helping for remuneration~~  
 5 ~~individuals, groups, or communities enhance or restore their capacity for~~  
 6 ~~social functioning and create societal conditions favorable to this goal. It~~  
 7 ~~includes the professional application of social work values, principles,~~  
 8 ~~and techniques to one or more of the following ends: counseling and~~  
 9 ~~nonmedical psychotherapy with individuals, families, and groups;~~  
 10 ~~helping people obtain tangible services; assisting communities or~~  
 11 ~~groups]~~

12 2. Provide or improve social and health services; and

13 (b) Engaging in social work education, research, planning, and the appropriate  
 14 administration of social work or social welfare services.

15 ➔Section 3. KRS 335.070 is amended to read as follows:

16 (1) (a) The board shall administer and enforce the provisions of KRS 335.010 to  
 17 335.160 and KRS 335.990, and shall evaluate applications and issue licenses  
 18 to qualified applicants within forty-five (45) days of submission of the  
 19 complete application packet and receipt of the official passing score report  
 20 and the licensure fee.

21 (b) Within fifteen (15) days of accepting an applicant's payment and application  
 22 packet, the board shall:

23 1. Notify the applicant that the application packet is complete, approve the  
 24 applicant to sit for the national examination, and issue a temporary  
 25 permit to engage in the practice of social work; or

26 2. Notify the applicant that the application packet is incomplete and, when  
 27 all omitted application items are received, notify the applicant of receipt

- 1 of the complete application packet, approve the applicant to sit for the  
2 national examination, and issue a temporary permit to engage in the  
3 practice of social work.
- 4 (c) The board shall evaluate the complete application packet and, within forty-  
5 five (45) days, notify a qualified applicant of the issuance of the permanent  
6 license pursuant to KRS 335.080, 335.090, or 335.100.
- 7 (d) If the board deems an applicant unqualified, the license may be denied and the  
8 temporary permit to practice social work may be revoked.
- 9 (e) In order to be issued a temporary permit, an applicant shall have submitted:
- 10 1. A complete application packet as provided in this subsection, with the  
11 exception of a passing score on the required examination; and
- 12 2. If applying for licensure as a certified social worker or as a licensed  
13 clinical social worker, a letter from a licensed clinical social worker, or  
14 equivalent, who will supervise the applicant while under temporary  
15 permit in accordance with administrative regulations.
- 16 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,  
17 administer oaths, and investigate allegations of practices violating the provision of  
18 KRS 335.010 to 335.160 and KRS 335.990.
- 19 (3) The board may promulgate administrative regulations *in accordance with* ~~pursuant~~  
20 ~~to~~ KRS Chapter 13A to carry out the provisions of KRS 335.010 to 335.160 and  
21 KRS 335.990.
- 22 (4) The board may conduct hearings pursuant to KRS Chapter 13B and keep records  
23 and minutes necessary to carry out the functions of KRS 335.010 to 335.160 and  
24 KRS 335.990.
- 25 (5) The board may employ any other persons it deems necessary to carry on the work  
26 of the board, and shall define their duties and fix their compensation.
- 27 (6) The board may renew licenses and require continuing education as a condition for

1 license renewals, and shall authorize organizations to provide continuing education  
2 programs, including but not limited to:

3 (a) Schools of social work accredited by the Council on Social Work Education;

4 (b) The National Association of Social Workers-Kentucky Chapter; and

5 (c) The Kentucky Society of Clinical Social Workers.

6 (7) The board may, after a hearing conducted in accordance with KRS Chapter 13B,  
7 revoke, suspend, or refuse to issue or renew; impose probationary or supervisory  
8 conditions upon; impose administrative fines; issue written reprimands and  
9 admonishments; or any combination of actions regarding licenses and licensees.

10 (8) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful  
11 practice of social work by unlicensed persons.

12 (9) The board may establish, by promulgation of administrative regulations, the  
13 requirements for temporary permits to practice social work.

14 (10) The board may establish, by promulgation of administrative regulations in  
15 accordance with KRS Chapter 13A, the requirements for provisional licenses to  
16 practice social work for students enrolled in a bachelor's degree, master's degree,  
17 or doctorate degree program in social work from an educational institution  
18 accredited by the Council on Social Work Education.

19 (11) The board may enter into agreements with any organization for the creation and  
20 implementation of a social work impairment program, as specified in the  
21 agreement.

22 (12)~~(11)~~ The board shall refund any levied administrative assessments that it has  
23 received for practice by unlicensed individuals employed by organizations  
24 exempted from the application of KRS 335.010 to 335.160 and 335.990 by KRS  
25 335.010(5).

26 ➔Section 4. KRS 335.080 is amended to read as follows:

27 (1) The board shall issue a license as "certified social worker" to an applicant who

1 meets the following requirements:

2 (a) Is at least eighteen (18) years of age;

3 (b) ~~Is a person of good moral character;~~

4 (e) ~~Has received a master's degree or doctorate degree in social work from an~~  
5 educational institution approved by the board;

6 (c)~~(d)~~ Has paid to the board an examination fee established by the board by  
7 promulgation of an administrative regulation;

8 (d)~~(e)~~ Has passed an examination approved~~prepared~~ by the board;{

9 (f) ~~Has not within the preceding three (3) months failed to pass an examination~~  
10 ~~given by the board;}~~ and

11 (e)~~(g)~~ Has paid an initial license fee established by the board by promulgation  
12 of an administrative regulation.

13 (2) The license shall be displayed in the licensee's principal place of practice or  
14 displayed virtually if practicing via telehealth, and shall entitle the licensee to hold  
15 himself or herself forth to the public as providing services as authorized by KRS  
16 335.010 to 335.160 and 335.990.

17 (3) A certified social worker may engage in the practice of clinical social work by  
18 contracting, in writing, with a licensed clinical social worker who shall assume  
19 responsibility for and supervise the certified social worker's practice as directed by  
20 the board by promulgation of administrative regulations. The certified social worker  
21 shall, for purposes of this section, be an employee of an institution or organization  
22 in which the certified social worker has no direct or indirect interest other than  
23 employment. No certified social worker shall enter into a practice of clinical social  
24 work until this contract has been approved by the board, and shall cease the practice  
25 of clinical social work immediately upon the termination of the contract. At the  
26 termination of the contract, the certified social worker shall apply for licensure as a  
27 licensed clinical social worker or request an extension of the contract from the

1 board.

2 ➔Section 5. KRS 335.090 is amended to read as follows:

3 (1) The board shall issue a license as "licensed social worker" to an applicant who  
4 meets the following requirements:

5 (a) Is at least eighteen (18) years of age;

6 (b) ~~Is a person of good moral character;~~

7 ~~(c)~~1. Has received a baccalaureate degree in a social work or social welfare  
8 program accredited by the Council on Social Work Education; or

9 2. Has received a baccalaureate degree and has completed courses  
10 equivalent to a social work or social welfare program as determined by  
11 the board;

12 ~~(c)~~~~(d)~~ Has paid to the board an examination fee established by the board by  
13 promulgation of an administrative regulation;

14 ~~(d)~~~~(e)~~ Has passed an examination approved~~prepared~~ by the board;{

15 ~~(f)~~~~Has not within the preceding three (3) months failed to pass an examination~~  
16 ~~given by the board;}~~ and

17 ~~(e)~~~~(g)~~ Has paid an initial license fee established by the board by promulgation  
18 of an administrative regulation.

19 (2) The license shall be displayed in the licensee's principal place of practice or  
20 displayed virtually if practicing via telehealth, and shall entitle the licensee to hold  
21 himself or herself forth to the public as providing services as authorized by KRS  
22 335.010 to 335.160 and 335.990.

23 ➔Section 6. KRS 335.100 is amended to read as follows:

24 (1) The board shall issue a license as "licensed clinical social worker" to an applicant  
25 who meets the following requirements:

26 (a) Has received a master's degree or doctoral degree in social work from an  
27 educational institution accredited by the Council on Social Work

- 1            Education~~[approved by the board];~~
- 2            (b) Has had a minimum of two (2) years of ~~[full-time post-master's experience,~~  
3            ~~consisting of at least thirty (30) hours per week, or three (3) years of part time,~~  
4            ~~consisting of at least twenty (20) hours per week, ]~~post-master's degree  
5            experience acceptable to the board in the use of specialty methods and  
6            measures to be employed in clinical social work practice, the experience  
7            having been acquired under appropriate supervision as established by the  
8            board by promulgation of an administrative regulation;
- 9            (c) Has paid to the board an examination fee established by the board by  
10            promulgation of an administrative regulation;
- 11            (d) Has passed an examination approved~~[prepared]~~ by the board for this purpose;~~]~~
- 12            ~~(e) Has not within the preceding three (3) months failed to pass an examination~~  
13            ~~given by the board;]~~ and
- 14            ~~(e)~~~~(f)~~     Has paid an initial license fee established by the board by promulgation  
15            of an administrative regulation.
- 16            (2) The license shall be displayed in the licensee's principal place of practice or  
17            displayed virtually if practicing via telehealth, and shall entitle the licensee to hold  
18            himself or herself forth to the public as providing services as authorized by KRS  
19            335.010 to 335.160 and KRS 335.990.
- 20            (3) A licensed clinical social worker may contract with a certified social worker in the  
21            practice of clinical social work as provided in KRS 335.080(3). The licensed  
22            clinical social worker shall assume responsibility for and supervise the certified  
23            social worker's practice as directed by the board by promulgation of administrative  
24            regulations.
- 25            ➔Section 7. KRS 335.158 is amended to read as follows:
- 26            (1) For purposes of this section:
- 27            (a) "Client" means:



- 1            1. An individual, family, or group who receives social work services from  
2            a social worker;
- 3            2. A corporate entity, school, or other organization, if the social worker  
4            is employed or contracted to provide a social work service or benefit  
5            directly to the corporate entity, school, or other organization, or its  
6            individual members; or
- 7            3. A legal guardian who is responsible for making decisions regarding  
8            the provision of social work services to a minor or legally incompetent  
9            adult;

10          (b) "Social work services" means the application of social work theory,  
11          knowledge, methods, ethics, and the professional use of self to restore or  
12          enhance social, psychosocial, or biopsychosocial functioning of individuals,  
13          couples, families, groups, organizations, and communities through the care  
14          and services provided by a social worker through both in-person and virtual  
15          care or services via technology, including telehealth in accordance with this  
16          section;

17          (c) "Social worker" means an individual:

- 18            1. Licensed as a:
- 19            a. Certified social worker pursuant to Section 4 of this Act;  
20            b. Licensed social worker pursuant to Section 5 of this Act; or  
21            c. Licensed clinical social worker pursuant to Section 6 of this Act;  
22            or
- 23            2. Issued a temporary permit under Section 3 of this Act; and

24          (d) "Telehealth":

- 25            1. Means the use of interactive audio, video, or other electronic media to  
26            deliver health care; and
- 27            2. Includes the use of electronic media for diagnosis, consultation,

1                    treatment, transfer of health or medical data, and continuing  
2                    education.

3                    (2) A client shall be deemed to continue to be a client for a period of five (5) years  
4                    following the last:

5                    (a) Date of service rendered to the individual, family, group, or legal guardian;  
6                    or

7                    (b) Day of employment or contract for services to a corporate entity, school, or  
8                    other organization.

9                    (3) A social worker who provides or facilitates the use of telehealth shall:

10                    (a) Ensure that the informed consent of the client, or another appropriate person  
11                    with authority to make the health care treatment decision for the client, is  
12                    obtained before services are provided through telehealth;

13                    (b) Ensure that the confidentiality of the client's medical information is  
14                    maintained as required by this chapter and other applicable state and federal  
15                    law. At a minimum, confidentiality shall be maintained through appropriate  
16                    processes, practices, and technology that conform to applicable state and  
17                    federal law, including but not limited to the Health Insurance Portability and  
18                    Accountability Act of 1996, Pub. L. No. 104-191, as amended;

19                    (c) Comply with Section 508 of the Rehabilitation Act of 1973, as amended, 29  
20                    U.S.C. sec. 794(d), to allow telehealth services accessible to a client with  
21                    disabilities;

22                    (d) Disclose to the client the potential risks to privacy and confidentiality of  
23                    information due to the use of technology, including:

- 24                    1. The potential risks of disruption in the use of technology;  
25                    2. When and how the social worker utilizes electronic messages;  
26                    3. The circumstances in which the social worker may utilize alternative  
27                    modes of communication for emergency purposes, including medical,

- 1                   psychiatric, and other emergencies;
- 2           4.   The identity of anyone who may have access to client communications
- 3                   with the social worker; and
- 4           5.   The identity of the social worker, his or her credentials, and the
- 5                   jurisdiction of licensed practice;
- 6    ~~(e)~~~~(d)~~   Assess the client's current condition and needs to determine the
- 7                   appropriateness of telehealth in meeting those needs and that the client has the
- 8                   necessary knowledge and skill to benefit from telehealth;
- 9    ~~(f)~~~~(e)~~   Adhere to the same or appropriately adapted standards of care as when
- 10                  treatment or services are provided in person;
- 11   ~~(g)~~~~(f)~~   Not engage in fee-splitting with other telehealth providers or entities;
- 12   ~~(h)~~~~(g)~~   Not engage in false, misleading, or deceptive advertising of telehealth
- 13                  services; and
- 14    ~~(i)~~~~(h)~~   Beginning on July 1, 2025, complete a board-approved two (2) hour
- 15                  training course on the use of telehealth to provide social work services.
- 16   ~~(4)~~~~(2)~~   Each time a social worker provides or facilitates services via telehealth, the
- 17                  social worker shall:
- 18           (a)   Make a reasonable attempt to verify the identity of the client;
- 19           (b)   Make a reasonable attempt to verify and document the physical location of the
- 20                  client at the time services are provided;
- 21           (c)   Obtain from the client alternative means of contacting the client;
- 22           (d)   Provide information on how communication can be directed to the social
- 23                  worker;
- 24           (e)   Utilize non-public facing technology products that comply with the Health
- 25                  Insurance Portability and Accountability Act of 1996 standards in 42 U.S.C.
- 26                  secs. 1320d to 1320d-9, **except when the client, after being duly informed of**
- 27                  **the risks in writing or through a documented conversation, has requested to**

1           use nonsecure communication methods, and the social worker has  
2           documented the client's request and informed consent in the client's record;

3           and

4           (f) Document in the client's record that a service was provided via telehealth,  
5           including any technological difficulties experienced during the provision of  
6           the service and adherence to all appropriate standards of care.

7           (5) Any person located within or outside of Kentucky who provides social work  
8           services via telehealth to a client in Kentucky, and any person located in  
9           Kentucky who provides social work services via telehealth to a client outside of  
10           Kentucky, shall:

11           (a) Hold a temporary permit issued under Section 3 of this Act;

12           (b) Be licensed under Section 4, 5, or 6 of this Act; or

13           (c) Be licensed to provide social work services by a member state, as defined in  
14           KRS 335.135, in a jurisdiction that has enacted the Social Work Licensure  
15           Compact.

16           (6) A social worker shall comply with the laws, administrative regulations, and  
17           professional standards relating to licensing, telehealth, mandatory reporting, duty  
18           to warn, age of consent, and other requirements for the provision of social work  
19           services of:

20           (a) The Commonwealth of Kentucky;

21           (b) Any jurisdiction in which the social worker is located, including a  
22           temporary location; and

23           (c) Any jurisdiction in which a client is located at the time the social worker  
24           provides social work services via telehealth.

25           (7) A social worker employed by a federal agency, including but not limited to the  
26           United States Department of Veterans Affairs, may provide social work services  
27           via telehealth to clients of the federal agency regardless of the social worker's or

1 client's location, as permitted under federal law for telehealth practice when  
 2 performed within the scope of social worker's employment.

3 (8) A social worker who is temporarily or permanently located outside of the United  
 4 States may provide social work services via telehealth to clients in Kentucky, and  
 5 a social worker located in Kentucky may provide social work services via  
 6 telehealth to clients who are temporarily or permanently located outside of the  
 7 United States, if the social worker:

8 (a) Complies with Kentucky laws and administrative regulations governing the  
 9 practice of social work and provision of social work services via telehealth;

10 (b) Complies with the laws and professional standards governing the practice of  
 11 social work and provision of social work services via telehealth of the  
 12 foreign country in which the social worker or client is located;

13 (c) Complies with all United States laws and international agreements that  
 14 apply to the provision of telehealth services; and

15 (d) Ensures the secure and compliant handling of client information in  
 16 accordance with applicable United States and international data protection  
 17 standards, such as the Health Insurance Portability and Accountability Act  
 18 of 1996, Pub. L. No. 104-191, as amended, and the General Data Protection  
 19 Regulation, Regulation (EU) 2016/679.

20 ~~{(3) The provisions of this section shall not apply to a social worker employed or~~  
 21 ~~contracted in Kentucky to answer and respond to national 988 crisis line calls~~  
 22 ~~to the extent that the provisions of this section are in conflict with the~~  
 23 ~~requirements and training provided by the crisis line service provider.~~

24 ~~(4) For purposes of this section:~~

25 ~~(a) "Client" means:~~

26 ~~1. An individual, family, or group who receives social work services from a~~  
 27 ~~social worker;~~

1       ~~2.—A corporate entity or other organization, if the social worker is contracted to~~  
 2           ~~provide a social work service of benefit directly to the corporate entity or~~  
 3           ~~organization; or~~

4       ~~3.—A legal guardian who is responsible for making decisions regarding the~~  
 5           ~~provision of social work services to a minor or legally incompetent adult;~~

6       ~~(b) "Social worker" means an individual licensed as a:~~

7           ~~1.—Certified social worker pursuant to KRS 335.080;~~

8           ~~2.—Licensed social worker pursuant to KRS 335.090; or~~

9           ~~3.—Licensed clinical social worker pursuant to KRS 335.100; and~~

10       ~~(c) "Telehealth" means the use of interactive audio, video, or other electronic~~  
 11           ~~media to deliver health care. It includes the use of electronic media for~~  
 12           ~~diagnosis, consultation, treatment, transfer of health or medical data, and~~  
 13           ~~continuing education.]~~

14       ➔Section 8. KRS 387.610 is amended to read as follows:

15       Prior to the expiration of a term of guardianship or conservatorship, the limited guardian,  
 16       guardian, limited conservator, or conservator may petition, pursuant to KRS 387.620, for  
 17       a renewal of his appointment for a period not to exceed five (5) years. The petition shall  
 18       be accompanied by verified affidavits of a physician, an advanced practice registered  
 19       nurse or physician assistant working within his or her scope of practice, or a psychologist  
 20       licensed or certified under the provisions of KRS Chapter 319, or a person licensed or  
 21       certified as a social worker or an employee of the Cabinet for Health and Family Services  
 22       who meets the qualifications of KRS 335.080(1)(a) and[,] (b)[, and (c)] or 335.090(1)(a)  
 23       and[,] (b)[, and (c)], supporting the need for the continuation of the guardianship or  
 24       conservatorship.

25       ➔Section 9. KRS 457.090 is amended to read as follows:

26       (1) A power of attorney is effective when executed unless the principal provides in the  
 27       power of attorney that it becomes effective at a future date or upon the occurrence

- 1 of a future event or contingency.
- 2 (2) If a power of attorney becomes effective upon the occurrence of a future event or  
3 contingency, the principal, in the power of attorney, may authorize one (1) or more  
4 persons to determine in a writing or other record that the event or contingency has  
5 occurred.
- 6 (3) If a power of attorney becomes effective upon the principal's incapacity and the  
7 principal has not authorized a person to determine whether the principal is  
8 incapacitated, or the person authorized is unable or unwilling to make the  
9 determination, the power of attorney becomes effective upon a determination in a  
10 writing or other record by:
- 11 (a) A physician, an advanced practice registered nurse, a psychologist licensed or  
12 certified under the provisions of KRS Chapter 319, or a person licensed or  
13 certified as a social worker or an employee of the Cabinet for Health and  
14 Family Services who meets the qualifications of KRS 335.080(1)(a) and~~[,]~~  
15 (b)~~[, and (c)]~~ or 335.090(1)(a) and~~[,]~~ (b)~~[, and (c)]~~, that the principal is  
16 incapacitated within the meaning of KRS 457.020(5)(a); or
- 17 (b) An attorney-at-law or a judge that the principal is incapacitated within the  
18 meaning of KRS 457.020(5)(b).
- 19 (4) A person authorized by the principal in the power of attorney to determine that the  
20 principal is incapacitated may act as the principal's personal representative pursuant  
21 to the Health Insurance Portability and Accountability Act, Sections 1171 to 1179  
22 of the Social Security Act, 42 U.S.C. sec. 1320d, as amended, and applicable  
23 regulations, to obtain access to the principal's health-care information and  
24 communicate with the principal's health-care provider for the sole purpose of  
25 determining whether the principal is incapacitated, unless the power of attorney  
26 otherwise provides.