

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 practice of social work**, and by setting standards of
12 qualification, training, and experience for those who seek to engage in the practice
13 of social work.
- 14 (3) ~~[Nothing contained in]~~ KRS 335.010 to 335.160 and KRS 335.990 shall **not** be
15 applicable to employees of the State Department of Education or local boards of
16 education who meet the certification requirements in the area of social work as
17 established, or which may be established, by the Kentucky Board of Education.
18 ~~[Nor shall anything in]~~ KRS 335.010 to 335.160 and KRS 335.990 **shall not** be
19 construed to apply to, limit, or restrict the regulation of the title, setting of
20 standards, qualifications, training, or experience of those who seek to engage in the
21 practice of social work and who have been, or will be, certified by the Kentucky
22 Board of Education for the position for which they have been employed.
- 23 (4) ~~[Nothing contained in]~~ KRS 335.010 to 335.160 and KRS 335.990 shall **not** require
24 persons employed by the Commonwealth of Kentucky, the director or
25 administrative head of a social service agency or division of a city, county, or
26 urban-county government, or applicants for such employment to be licensed.
- 27 (5) (a) ~~[Nothing contained in]~~ KRS 335.010 to 335.160 and KRS 335.990 shall **not**

1 require persons employed by an organization that is exempt from federal
2 income taxation under Section 501(c)(3) of the Internal Revenue Code, and
3 provides evidence of its tax-exempt status, to be licensed.

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

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

12 (6) (a) *KRS 335.010 to 335.160 and 335.990 shall not require persons employed by*
13 *child-caring facilities and child-placing agencies, as defined in KRS*
14 *199.011, that are contracted with the Commonwealth of Kentucky for foster*
15 *care services, or applicants for such employment, to be licensed.*

16 (b) *The exemption provided in paragraph (a) of this subsection shall not apply*
17 *to the practice of clinical social work, which shall be undertaken only by a*
18 *certified social worker licensed in accordance with Section 6 of this Act or a*
19 *licensed clinical social worker licensed in accordance with Section 8 of this*
20 *Act.*

21 (7) ~~{Nothing contained in }~~KRS 335.010 to 335.160 and 335.990 shall **not** prohibit
22 volunteer health practitioners from providing services under KRS 39A.350 to
23 39A.366.

24 (8) (a) *KRS 335.010 to 335.160 and 335.990 shall not be construed to apply to the*
25 *activities and services of a student intern or trainee in social work who is*
26 *pursuing a program of studies in social work at an accredited institution of*
27 *higher learning if these activities are performed under supervision and*

1 constitute a part of the program of study.

2 (b) If the student intern or trainee in social work is studying or training in the
3 practice of clinical social work, the board shall promulgate administrative
4 regulations in accordance with KRS Chapter 13A to define supervision
5 standards for student involvement in clinical social work to ensure public
6 safety. Before promulgating administrative regulations under this
7 paragraph, the board shall consult with a working group of social work
8 professionals and educators that includes at least one (1) practicum
9 education director.

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

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

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

17 (1) "Board" means the Kentucky Board of Social Work;~~[-]~~

18 (2) "Client" means:

19 (a) An individual, family, or group who receives social work services from a
20 social worker;

21 (b) A corporate entity, school, or other organization, if the social worker is
22 contracted to provide a social work service of benefit directly to the
23 corporate entity or organization; or

24 (c) A legal guardian, personal representative, or designated caregiver who is
25 responsible for making decisions regarding the provision of social work
26 services to a minor or legally incompetent adult;

27 (3) "Multistate authorization to practice" has the same meaning as in KRS 335.135;

1 (4) "Multistate license" has the same meaning as in KRS 335.135;

2 (5) "Practice of clinical social work" means the practice of social work that requires
3 the application of specialized clinical knowledge and advanced clinical skills in
4 the areas of assessment, diagnosis, evidence-based interventions, research, and
5 treatment of mental, emotional, or behavioral disorders, conditions, or addictions,
6 not to include activities reserved to the practice of psychology as defined in KRS
7 319.010, except as permitted under KRS 319.015(3);

8 (6) "[The] Practice of social work" means:

9 (a) The application of social work theory, knowledge, methods, ethics, and the
10 professional use of self to restore or enhance social, psychosocial, or
11 biopsychosocial functioning of individuals, couples, families, groups,
12 organizations, or communities; or~~professional activity of helping for~~
13 ~~remuneration individuals, groups, or communities enhance or restore their~~
14 ~~capacity for social functioning and create societal conditions favorable to this~~
15 ~~goal. It includes the professional application of social work values, principles,~~
16 ~~and techniques to one or more of the following ends: counseling and~~
17 ~~nonmedical psychotherapy with individuals, families, and groups; helping~~
18 ~~people obtain tangible services; assisting communities or groups provide or~~
19 ~~improve social and health services; and]~~

20 (b) Engaging in social work education, research, planning, training, supervision,
21 or~~and] the appropriate administration of social work[or social welfare]~~
22 ~~services;[-]~~

23 (7) "Social worker" means an individual who is:

24 (a) Licensed as a certified social worker pursuant to Section 6 of this Act, a
25 licensed social worker pursuant to Section 7 of this Act, or a licensed
26 clinical social worker pursuant to Section 8 of this Act; or

27 (b) Practicing under a temporary permit issued by the board in accordance with

1 **Section 5 of this Act; and**

2 **(8) "Telehealth" has the same meaning as in KRS 211.332.**

3 ➔Section 3. KRS 335.030 is amended to read as follows:

4 **(1) A**~~[No]~~ person shall **not** engage in the practice of social work **in the Commonwealth**
5 **of Kentucky, whether in person, through telehealth, or other technology,** unless
6 **the person:**~~[he]~~

7 **(a)** Is licensed in accordance with the provisions of KRS 335.010 to 335.160 and
8 335.990;~~[, and]~~

9 **(b) Is practicing under a temporary permit issued by the board in accordance**
10 **with Section 5 of this Act and applicable administrative regulations; or**

11 **(c) Holds an active, unencumbered multistate license and the multistate**
12 **authorization to practice in accordance with KRS 335.135.**

13 **(2) A**~~[No]~~ person shall **not** hold himself **or herself** out to the public by any title or
14 description of services representing **the person**~~[himself]~~ as a "Certified Social
15 Worker," "Licensed Social Worker," "Licensed Clinical Social Worker," or any
16 other title that includes such words except as such usage of title or description is
17 authorized by KRS 335.010 to 335.160 and 335.990, **or any comparable**
18 **designation authorized under a multistate license and multistate authorization to**
19 **practice recognized pursuant to KRS 335.135.**

20 ➔Section 4. KRS 335.050 is amended to read as follows:

21 (1) There is hereby created the Kentucky Board of Social Work, consisting of seven (7)
22 members appointed by the Governor **in accordance with the following:**~~[,]~~

23 **(a) 1.** One (1) member shall be a certified social worker under the provisions
24 of KRS 335.010 to 335.160 and 335.990;~~[,]~~

25 **2.** One (1) member shall be a licensed social worker under the provisions
26 of KRS 335.010 to 335.160 and 335.990;~~[,]~~

27 **3.** One (1) member shall be a licensed clinical social worker licensed under

1 the provisions of KRS 335.010 to 335.160 and 335.990;~~[-]~~

2 4. Three (3) members shall be persons licensed by the board at any level, at
3 the discretion of the Governor;~~and~~~~[-]~~

4 5. One (1) member shall be a citizen at large who is not associated with or
5 financially interested in the practice or business regulated;~~[-]~~

6 (b) At least one (1) of the six (6) members appointed under paragraphs (a)1. to
7 (a)4. of this subsection shall be a teacher actively engaged in social work
8 education; and

9 (c) With the exception of the citizen at large, each member shall be appointed
10 from a list of names of qualified persons submitted by any interested parties.

11 The Governor may request the submission of additional names.

12 (2) Members of the board shall be appointed for terms of four (4) years, except
13 appointments to fill vacancies caused by a reason other than the expiration of a
14 member's term. A member shall not serve more than two (2) consecutive full terms.
15 A member currently serving on the board who has served more than two (2)
16 consecutive full terms shall be replaced by the Governor in a timely manner. Upon
17 recommendation of the board, made after notice and hearing, the Governor may
18 remove any member of the board for incompetence, neglect of duty, or malfeasance
19 in office.

20 (3) All vacancies shall be filled by the Governor.

21 (4) The board shall organize upon appointment and qualification of its members, and
22 shall elect annually from its membership a chairman, vice chairman, and a
23 secretary. The board shall meet as frequently as it deems necessary, but not less
24 than two (2) times each year, at such times and places as the board designates.
25 Additional meetings may be held upon call of the chairman or upon the written
26 request of two (2) members of the board. Four (4) members of the board shall
27 constitute a quorum.

1 ➔Section 5. KRS 335.070 is amended to read as follows:

2 (1) ~~{(a)}~~The board shall administer and enforce the provisions of KRS 335.010 to
3 335.160 and KRS 335.990.~~{, and}~~

4 **(2) (a) The board** shall evaluate applications and issue licenses to qualified
5 applicants within forty-five (45) days of submission of the complete
6 application~~{packet}~~ and receipt of the **national examination** official passing
7 score report and the licensure fee.

8 (b) Within fifteen (15) days of accepting an applicant's payment and application~~{~~
9 ~~packet}~~, the board shall:

10 1. Notify the applicant that the application~~{packet}~~ is complete **and**~~{,}~~
11 approve the applicant to sit for the national examination~~{, and issue a~~
12 ~~temporary permit to engage in the practice of social work}~~; or

13 2. Notify the applicant that the application~~{packet}~~ is incomplete and,
14 when all omitted application items are received, notify the applicant of
15 receipt of the complete application **and**~~{packet,}~~ approve the applicant to
16 sit for the national examination~~{, and issue a temporary permit to engage~~
17 ~~in the practice of social work}~~.

18 (c) The board shall evaluate the complete application~~{packet}~~ and, within forty-
19 five (45) days, notify a qualified applicant of the issuance of the~~{permanent}~~
20 license pursuant to KRS 335.080, 335.090, or 335.100.

21 (d) If the board deems an applicant unqualified, the license may be denied and the
22 temporary permit to practice social work may be revoked.

23 **(3) (a) The board shall require a criminal background check, by means of a**
24 **fingerprint check by the Department of Kentucky State Police and the**
25 **Federal Bureau of Investigation, in the following cases:**

26 **1. For all applicants for initial licensure after the effective date of this**
27 **Act; and**

1 2. For an applicant for a multistate license under the Social Work
2 Licensure Compact.

3 (b) The board may require a criminal background check for a licensee who is
4 the subject of an active investigation.

5 (c) A criminal background check shall not be required by the board solely for
6 purposes of renewing a state-issued license, unless otherwise required by
7 law.

8 ~~[(e) In order to be issued a temporary permit, an applicant shall have submitted:~~

9 ~~1. A complete application packet as provided in this subsection, with the~~
10 ~~exception of a passing score on the required examination; and~~

11 ~~2. If applying for licensure as a certified social worker or as a licensed~~
12 ~~clinical social worker, a letter from a licensed clinical social worker, or~~
13 ~~equivalent, who will supervise the applicant while under temporary~~
14 ~~permit in accordance with administrative regulations.]~~

15 ~~(4) [(2)]~~ The board may issue subpoenas, examine witnesses, pay appropriate witness
16 fees, administer oaths, and investigate allegations of practices violating the
17 provision of KRS 335.010 to 335.160 and KRS 335.990.

18 ~~(5) [(3)]~~ The board may promulgate administrative regulations in accordance
19 with ~~[pursuant to]~~ KRS Chapter 13A to carry out the provisions of KRS 335.010 to
20 335.160 and KRS 335.990.

21 ~~(6) [(4)]~~ The board may conduct hearings in accordance with ~~[pursuant to]~~ KRS
22 Chapter 13B and keep records and minutes necessary to carry out the functions of
23 KRS 335.010 to 335.160 and KRS 335.990.

24 ~~(7) [(5)]~~ The board may employ any other persons it deems necessary to carry on the
25 work of the board, and shall define their duties and fix their compensation.

26 ~~(8) [(6)]~~ The board may renew licenses and require continuing education as a condition
27 for license renewals, and shall authorize organizations to provide continuing

1 education programs, including but not limited to:

- 2 (a) Schools of social work accredited by the Council on Social Work Education;
3 (b) The National Association of Social Workers-Kentucky Chapter; and
4 (c) The Kentucky Society ~~for~~^{of} Clinical Social Workers.

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

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

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

14 ~~(12)~~⁽¹⁰⁾ The board may enter into agreements with any organization for the creation
15 and implementation of a social work impairment program, as specified in the
16 agreement.†

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

20 ➔Section 6. KRS 335.080 is amended to read as follows:

21 (1) The board shall issue a license as "certified social worker" to an applicant who
22 meets the following requirements:

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

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

25 ~~(c)]~~ Has received a master's degree or doctorate degree in social work from an
26 educational institution approved by the board;

27 ~~(c)~~^(d) Has paid to the board an examination fee established by the board by

1 promulgation of an administrative regulation;
2 ~~(d)~~~~(e)~~ Has passed an examination approved~~[prepared]~~ by the board;
3 ~~{(f) Has not within the preceding three (3) months failed to pass an examination~~
4 ~~given by the board;}~~ and
5 ~~(e)~~~~(g)~~ Has paid an initial license fee established by the board by promulgation
6 of an administrative regulation.

7 (2) The license shall be displayed in the licensee's principal place of practice and, in
8 the case of virtual or remote practice, shall be made accessible to clients through
9 electronic means or other appropriate forms of notification, and shall entitle the
10 licensee to hold himself or herself forth to the public as providing services as
11 authorized by KRS 335.010 to 335.160 and 335.990.

12 (3) A certified social worker may engage in the practice of clinical social work by
13 contracting, in writing, with a licensed clinical social worker who shall assume
14 responsibility for and supervise the certified social worker's practice as directed by
15 the board by promulgation of administrative regulations. The certified social worker
16 shall, for purposes of this section, be an employee of an institution or organization
17 in which the certified social worker has no direct or indirect interest other than
18 employment. ~~A~~~~No~~ certified social worker shall not enter into a practice of clinical
19 social work until this contract has been approved by the board, and shall cease the
20 practice of clinical social work immediately upon the termination of the contract. At
21 the termination of the contract, the certified social worker shall apply for licensure
22 as a licensed clinical social worker or request an extension of the contract from the
23 board.

24 ➔Section 7. KRS 335.090 is amended to read as follows:

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

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

- 1 (b)~~[-Is a person of good moral character;~~
 2 ~~(e)]~~ 1. Has received a baccalaureate degree in a social work or social welfare
 3 program accredited by the Council on Social Work Education; or
 4 2. Has received a baccalaureate degree and has completed courses
 5 equivalent to a social work or social welfare program as determined by
 6 the board;
 7 ~~(c)~~~~(d)]~~ Has paid to the board an examination fee established by the board by
 8 promulgation of an administrative regulation;
 9 ~~(d)~~~~(e)]~~ Has passed an examination approved~~[prepared]~~ by the board;
 10 ~~[(f) -Has not within the preceding three (3) months failed to pass an examination~~
 11 ~~given by the board;]~~ and
 12 ~~(e)~~~~(g)]~~ Has paid an initial license fee established by the board by promulgation
 13 of an administrative regulation.
- 14 (2) The license shall be displayed in the licensee's principal place of practice and, in
 15 the case of virtual or remote practice, shall be made accessible to clients through
 16 electronic means or other appropriate forms of notification, and shall entitle the
 17 licensee to hold himself or herself forth to the public as providing services as
 18 authorized by KRS 335.010 to 335.160 and 335.990.
- 19 (3) A licensed social worker may engage in the practice of social work as defined in
 20 Section 2 of this Act but shall not engage in the practice of clinical social work as
 21 defined in Section 2 of this Act.
- 22 ➔Section 8. KRS 335.100 is amended to read as follows:
- 23 (1) The board shall issue a license as "licensed clinical social worker" to an applicant
 24 who meets the following requirements:
- 25 (a) Has received a master's degree or doctoral degree in social work from an
 26 educational institution accredited by the Council on Social Work
 27 Education~~[approved by the board];~~

- 1 (b) Has had a minimum of two (2) years of ~~full-time post-master's experience,~~
2 ~~consisting of at least thirty (30) hours per week, or three (3) years of part time,~~
3 ~~consisting of at least twenty (20) hours per week,]~~ post-master's degree
4 experience acceptable to the board in the use of specialty methods and
5 measures to be employed in clinical social work practice, the experience
6 having been acquired under appropriate supervision as established by the
7 board by promulgation of an administrative regulation;
- 8 (c) Has paid to the board an examination fee established by the board by
9 promulgation of an administrative regulation;
- 10 (d) Has passed an examination approved ~~prepared~~ by the board for this purpose;
11 ~~[(e) Has not within the preceding three (3) months failed to pass an examination~~
12 ~~given by the board;]~~ and
- 13 ~~(e)~~ ~~(f)~~ Has paid an initial license fee established by the board by promulgation
14 of an administrative regulation.
- 15 (2) The license shall be displayed in the licensee's principal place of practice and, in
16 the case of virtual or remote practice, shall be made accessible to clients through
17 electronic means or other appropriate forms of notification, and shall entitle the
18 licensee to hold himself or herself forth to the public as providing services as
19 authorized by KRS 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 9. KRS 335.150 is amended to read as follows:
- 26 (1) The board may revoke, suspend, or refuse to issue or renew; impose probationary or
27 supervisory conditions upon; impose an administrative fine; issue a written

- 1 reprimand or admonishment; or any combination of actions regarding any
2 applicant, license, or licensee upon proof that the applicant or licensee has:
- 3 (a) Committed any act of dishonesty or corruption, if in accordance with KRS
4 Chapter 335B. If the act constitutes a crime, conviction in a criminal
5 proceeding is not a condition precedent to disciplinary action. Upon
6 conviction of the crime, the judgment and sentence creates a rebuttable
7 presumption at the ensuing disciplinary hearing of the guilt of the applicant or
8 licensee. Conviction includes all instances in which a plea of no contest is the
9 basis of the conviction;
 - 10 (b) Misrepresented or concealed a material fact in obtaining a license, or in
11 reinstatement thereof;
 - 12 (c) Committed any unfair, false, misleading, or deceptive act or practice;
 - 13 (d) Been incompetent or negligent in the practice of social work;
 - 14 (e) Violated any state statute or administrative regulation governing the practice
15 of social work or any activities undertaken by a social worker;
 - 16 (f) Failed to comply with an order issued by the board or an assurance of
17 voluntary compliance;
 - 18 (g) Violated any aspect of the code of ethical conduct as set forth by the board by
19 promulgation of an administrative regulation;
 - 20 (h) Been legally declared mentally incompetent;
 - 21 (i) Aided or abetted another person in falsely procuring or attempting to procure
22 a license; or
 - 23 (j) Aided or abetted an unlicensed person in the practice of social work.
- 24 (2) Five (5) years from the date of a revocation, any person whose license has been
25 revoked may petition the board for reinstatement. The board shall investigate the
26 petition and may reinstate the license upon a finding that the individual has
27 complied with any terms prescribed by the board and is again able to engage

- 1 competently in the practice of social work.
- 2 (3) If an alleged violation is not of a serious nature and the evidence presented to the
3 board, after the investigation and appropriate opportunity for the licensee to
4 respond, provides a clear indication that the alleged violation did in fact occur, the
5 board may issue a written admonishment to the licensee. A copy of the
6 admonishment shall be placed in the permanent file of the licensee. The licensee
7 shall have the right to file a response within thirty (30) days of its receipt and to
8 have the response placed in the licensee's permanent file. Alternatively, the licensee
9 may file a request for a hearing, within thirty (30) days of the receipt of the written
10 admonishment. Upon receipt of this request, the board shall set aside the written
11 admonishment and set the matter for hearing.
- 12 (4) At any time during the investigative or hearing processes, the board may enter into
13 an agreed order with, or accept an assurance of voluntary compliance from, the
14 licensee that effectively satisfies the complaint.
- 15 (5) The board may reconsider, modify, or reverse its decision regarding probation,
16 suspension, or any other disciplinary action.
- 17 (6) Upon proof substantiating that sexual contact occurred between a social worker
18 licensed by the board and a client while the client was under the care of or in a
19 professional relationship with the social worker, the social worker's license may be
20 revoked or suspended with mandatory treatment of the social worker as prescribed
21 by the board. The board may require the social worker to pay a specified amount for
22 mental health services for the client which are needed as a result of the sexual
23 contact.
- 24 (7) The board may revoke the license of a social worker if the social worker has been
25 convicted of a misdemeanor offense under KRS Chapter 510 involving a client or a
26 felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or has been
27 found to have had sexual contact as defined in KRS 510.010(7) with a client while

1 the client was under the care of the social worker.

2 **(8) A disciplinary action, or other adverse action reported by a member state through**
3 **the data system established under the Social Work Licensure Compact in KRS**
4 **335.135 and affecting a licensee's multistate license or multistate authorization to**
5 **practice shall constitute grounds for identical or comparable action by the board**
6 **under this section.**

7 ➔Section 10. KRS 335.158 is amended to read as follows:

8 (1) A social worker who provides or facilitates the use of telehealth shall:

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

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

18 (c) **Ensure that telehealth services are accessible to clients with disabilities in**
19 **compliance with Section 508 of the Rehabilitation Act of 1973, as amended,**
20 **29 U.S.C. sec. 794(d), Title III of the Americans with Disabilities Act, 42**
21 **U.S.C. secs. 12181-12189, and all other applicable federal and state**
22 **accessibility requirements;**

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

- 25 1. The potential risks of disruption in the use of technology;
26 2. When and how the social worker utilizes electronic messages;
27 3. The circumstances in which the social worker may utilize alternative

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

1 secs. 1320d to 1320d-9, except when the client, after being duly informed of
2 the risks in writing or through a documented conversation, has requested to
3 use nonsecure communication methods, and the social worker has
4 documented the client's request and informed consent in the client's record;
5 and

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

9 (3) When a social worker determines a client is at imminent risk of serious harm
10 during a telehealth encounter, the requirements of subsections (1) and (2) of this
11 section may be waived as necessary for timely and appropriate intervention to
12 protect the client's safety. This exception is limited to a single telehealth
13 encounter or successive contacts within the same crisis lasting no more than
14 twenty-four (24) hours. Use of this telehealth exception and the rationale shall be
15 documented in the client record.

16 (4) Any person located within or outside of Kentucky who provides social work via
17 telehealth to a client in Kentucky, and any person located in Kentucky who
18 provides social work via telehealth to a client outside of Kentucky, shall:

19 (a) Hold a temporary permit issued under Section 5 of this Act;

20 (b) Be licensed under Section 6, 7, or 8 of this Act; or

21 (c) Be licensed to provide social work by a member state, as defined in KRS
22 335.135, in a jurisdiction that has enacted the Social Work Licensure
23 Compact.

24 (5) A social worker shall comply with the laws, administrative regulations, and
25 professional standards relating to licensing, telehealth, mandatory reporting, duty
26 to warn, age of consent, and other requirements for the provision of social work
27 services of:

1 (a) The Commonwealth of Kentucky;

2 (b) Any jurisdiction in which the social worker is located; and

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

5 (6) A person practicing social work who is employed by a federal agency, including
6 but not limited to the United States Department of Veterans Affairs, may provide
7 social work services via telehealth to clients of the federal agency regardless of
8 the person's or client's location, as permitted under federal law for telehealth and
9 within the scope of the person's employment.

10 (7) A person practicing social work who is located outside of the United States may
11 provide social work services via telehealth to clients in Kentucky, and a social
12 worker located in Kentucky may provide social work services via telehealth to
13 clients who are located outside of the United States, if the person practicing social
14 work:

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

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

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

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

27 ~~The provisions of this section shall~~
~~not apply to a social worker employed or contracted in Kentucky to answer~~

1 ~~and respond to national 988 crisis line calls to the extent that the provisions of~~
2 ~~this section are in conflict with the requirements and training provided by the~~
3 ~~crisis line service provider.~~

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

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

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

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

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

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

14 ~~1. Certified social worker pursuant to KRS 335.080;~~

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

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

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

21 ➔Section 11. KRS 387.610 is amended to read as follows:

22 Prior to the expiration of a term of guardianship or conservatorship, the limited guardian,
23 guardian, limited conservator, or conservator may petition, pursuant to KRS 387.620, for
24 a renewal of his appointment for a period not to exceed five (5) years. The petition shall
25 be accompanied by verified affidavits of a physician, an advanced practice registered
26 nurse or physician assistant working within his or her scope of practice, or a psychologist
27 licensed or certified under the provisions of KRS Chapter 319, or a person licensed or

1 certified as a social worker or an employee of the Cabinet for Health and Family Services
2 who meets the qualifications of KRS 335.080(1)(a) and (b) ~~and (c)~~ or 335.090(1)(a)
3 and (b) ~~and (c)~~, supporting the need for the continuation of the guardianship or
4 conservatorship.

5 ➔Section 12. KRS 457.090 is amended to read as follows:

6 (1) A power of attorney is effective when executed unless the principal provides in the
7 power of attorney that it becomes effective at a future date or upon the occurrence
8 of a future event or contingency.

9 (2) If a power of attorney becomes effective upon the occurrence of a future event or
10 contingency, the principal, in the power of attorney, may authorize one (1) or more
11 persons to determine in a writing or other record that the event or contingency has
12 occurred.

13 (3) If a power of attorney becomes effective upon the principal's incapacity and the
14 principal has not authorized a person to determine whether the principal is
15 incapacitated, or the person authorized is unable or unwilling to make the
16 determination, the power of attorney becomes effective upon a determination in a
17 writing or other record by:

18 (a) A physician, an advanced practice registered nurse, a psychologist licensed or
19 certified under the provisions of KRS Chapter 319, or a person licensed or
20 certified as a social worker or an employee of the Cabinet for Health and
21 Family Services who meets the qualifications of KRS 335.080(1)(a) and (b) ~~and (c)~~
22 and (b) ~~and (c)~~ or 335.090(1)(a) and (b) ~~and (c)~~, that the principal is
23 incapacitated within the meaning of KRS 457.020(5)(a); or

24 (b) An attorney-at-law or a judge that the principal is incapacitated within the
25 meaning of KRS 457.020(5)(b).

26 (4) A person authorized by the principal in the power of attorney to determine that the
27 principal is incapacitated may act as the principal's personal representative pursuant

1 to the Health Insurance Portability and Accountability Act, Sections 1171 to 1179
2 of the Social Security Act, 42 U.S.C. sec. 1320d, as amended, and applicable
3 regulations, to obtain access to the principal's health-care information and
4 communicate with the principal's health-care provider for the sole purpose of
5 determining whether the principal is incapacitated, unless the power of attorney
6 otherwise provides.