

FAQ on the 2026 Social Work Legislation

The Kentucky Board of Social Work is advancing Social Work Legislation in 2026 to modernize practice laws, integrate the Social Work Licensure Compact, clarify telehealth standards, and authorize the creation of a provisional permit for students through regulation. We have prepared these Frequently Asked Questions to provide clarity, address common concerns, and invite input from licensees, students, educators, agencies, and the public. The Board is committed to transparency and will continue to update this page as new questions are raised.

Purpose & Context

What is the objective and significance of the 2026 Social Work Legislation?

To modernize Kentucky's social work laws. The bill updates outdated definitions, clarifies telehealth standards, integrates the Social Work Licensure Compact, and authorizes the Board to create a provisional permit for students through regulation. The goal is better public protection, clearer rules for practice, and a stronger pipeline into the workforce. The Kentucky Association of Social Work educators (KASWE) is supportive of the legislation.

Is the Board creating a new license without authority?

No. The provisional permit is only a proposal. It requires legislation and cannot move forward without statutory approval by the General Assembly in 2026.

What does the “may establish” language around provisional licensure actually mean?

It authorizes, but does not mandate, a new provisional permit category. The Board can create it only by going through the public regulatory process. No student license takes effect until a regulation is drafted, noticed, reviewed, and finally adopted in accordance with state laws.

What is the process for creating a provisional permit?

It is a two-step process. **First**, the legislation must pass to give the Board authority to create the license. **Second**, the Board must draft a regulation that sets the details, including scope, supervision, and accountability. That regulation will move through the full public process, with drafts shared, hearings held, comments reviewed, and legislative review before adoption. No provisional permits will be issued until the second step of the process is complete.

Why is the Board proposing a provisional permit for students instead of relying on current field education structures?

The current statute governing social work licensure in Kentucky is silent on students, unlike statutes for other professions, which allow students or interns to engage in practice under supervision. This creates ambiguity and legal risk for social work students and their supervisors when students engage in activities defined as the “practice of social work” under KRS 335.030. The proposed provisional permit does not replace or undermine field education. It complements CSWE's 2022 Educational Policy and Accreditation Standards (EPAS), especially for students pursuing the clinical social work specialty, by providing clear legal authority for supervised clinical practice during practicum placements. This

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change ensures that social work students receive the same legal protection and clarity during their educational experience on par with other licensed professions in Kentucky.

Why is the Board proposing a provisional permit for students instead of relying on current field education structures?

Kentucky law is silent on social work students. Educators across Kentucky, through KASWE, have endorsed the provisional permit as the most effective way to provide students with clear scope and legal protection while maintaining strong field education standards. Other professions have statutory exemptions or provisions for interns. The provisional permit gives social work students the same protection and puts them on par with other professions during their education.

Does the proposed provisional permit replace or compete with field education?

No. The provisional permit works alongside existing field education models. It clarifies the legal authority for students to engage in supervised practice during their final practicum but does not change curriculum, eliminate CSWE requirements, or compete with academic standards. It ensures students can legally perform tasks they are already doing, under supervision, with clear accountability.

Does the provisional permit authorize students to practice independently or provide therapy without supervision?

No. Provisional permittees cannot practice independently. They may only provide services under the direct supervision of a Kentucky LCSW as part of their field placement. All diagnostic decisions remain with the supervising LCSW. The license does not give students independent authority but confirms their legal role in a structured, supervised setting.

Does this conflict with CSWE standards?

No. The provisional permit complements CSWE's 2022 EPAS by reinforcing supervised clinical training for students in the clinical specialty.

Do MSW programs need to change their curriculum or practicum model to accommodate the provisional permit?

No. The license builds on existing CSWE-accredited structures and does not require curriculum changes. Universities will simply verify a student's eligibility during their final practicum when a student applies for the provisional permit. Practicum placements and supervision remain under current standards; the license adds legal clarity and Board oversight, not academic or programmatic requirements.

Will the provisional permit create administrative work for faculty or agencies?

Minimal. The Board intends to design the license with low paperwork requirements with an online process. Schools will verify student eligibility. Agencies will continue existing supervision practices. All compliance, documentation, and oversight are handled by the Board, not the school or site.

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What prompted the Board to explore provisional licensure as a solution to student concerns?

Students often provide services in field placements under unclear authority, and the Board has received complaints regarding unlicensed practice by students. That creates risk for the public, clients, students, supervisors, universities, and agencies. A provisional permit replaces this gray zone with defined scope, supervision, and accountability. Students are protected from exploitation and become doers instead of observers. This approach also reflects KASWE's leadership in recognizing that students and supervisors need clearer safeguards. Their endorsement confirms that a provisional permit provides the necessary structure, scope, and accountability to protect clients, students, and supervisors alike.

Is the Board trying to create a credential that gives students an advantage over others?

No. The license ensures all students are protected and operating legally, not privileged. The same standards apply to all MSW students in their final practicum. It levels the field and protects students from being asked to perform duties without the legal authority to do so and places them on a par with students in other programs and professions.

Why not wait for the profession to reach consensus before proposing a student license?

The law has been silent on student practice since 1974. Consensus across the profession is difficult, but the Board can no longer allow students to remain in a legal gray zone or be exploited. MSW students have engaged in clinical activities that fall under the statutory definition of social work practice, and the Board has received complaints related to this issue. Other professions in Kentucky already provide for student practice. With KASWE's endorsement, the profession is demonstrating meaningful consensus on moving forward. The proposed provisional permit brings social work in line with other professions and ensures students are prepared for the workforce.

What is the rush? Why 2026?

There is no rush. The provisional permit was first proposed for the 2025 session but did not pass. The 2026 proposal is a continuation of this effort, not a new or hasty action. Complaints have continued, and the Board has a duty to protect the public. The proposed legislation provides legal clarity and parity with other health professions in Kentucky.

Is Kentucky the only state to do this?

No. A bill has been filed in Minnesota this year to have a temporary license for students.

Decision-Making Process

How did the Board determine that provisional licensure was the preferred course of action?

By weighing safety, legality, and feasibility. The Board compared options on four criteria: client protection, enforceability, burden on schools and agencies, and time to implement. Provisional licensure was determined to be the better option because it creates clear duties and Board jurisdiction with manageable operational changes. This approach also

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reflects input from educators and professional associations, showing consensus that this option best balances safety and feasibility.

Were other options considered? If so, what were they?

Yes.

- **Keep the status quo:** High risk, no clarity, no Board jurisdiction over unlicensed student activity, and risk to students (sanctions for unlicensed practice) and the public.
- **Broad student exemption:** Reduces oversight, weakens public protection, and increases liability; MSW programs are not required by CSWE to provide a licensed supervisor. A student exemption introduces ambiguity, legal risk, and inconsistency.
- **Other state laws and regulations:** The ASWB state licensing database was consulted, but these models do not solve Kentucky's accountability issues.

Provisional licensure was chosen because it creates enforceable standards with clear supervision and accountability. A provisional permit is legally sound, professionally appropriate, and regulatory compliant. It supports the specialized clinical education that CSWE requires.

What data was collected to inform this decision, and can it be shared?

Input included public comments to the Board, feedback from licensees, input from the ad hoc committee, universities, agencies, students, and CSWE standards. No written records exist, and complaints involving students cannot be shared due to confidentiality and due process rights. The Board continues to seek additional data, research literature, and evidence-based reports to guide the development of a safe and effective provisional permit.

Are there examples from other states that influenced the draft regulation?

Several states authorize students or trainees in health professions, though not necessarily in social work, with a defined scope of practice, supervision, and disciplinary oversight. Social Work is the only law that remains silent on students. The Board is aligning with the general approach while tailoring details to Kentucky's social work practice environment. While no state has yet implemented a provisional permit for social work students in the same way Kentucky is proposing, Minnesota has introduced legislation to authorize a temporary student license. This demonstrates that Kentucky is not alone in recognizing the need for reform but is taking a leadership role in shaping how it can be done safely.

Implementation & Oversight

If the 2026 Social Work Legislation passes, what steps are required before provisional licensure takes effect?

1. Draft regulation text.
2. Circulate a working draft to stakeholders for feedback.
3. File the proposed regulation.
4. Hold the public comment period and hearing.
5. Publish a statement of consideration that responds to comments.

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6. Adoption by the board.
7. Legislative review and final adoption.

No provisional permit can be issued until the regulation is effective.

What does the regulation development process look like, including the timeline from drafting to implementation?

A typical sequence is 60 to 180 days from first public draft to final adoption, depending on comment volume, LRC requirements, and committee schedules. The Board is committed to transparency and will provide progress updates at each public meeting.

Which stakeholders are involved in drafting the regulation, and how will their input be gathered?

Universities, field directors, agencies, supervisors, students, KASWE, KSCSW, NASW, and the public are the stakeholders. Input may be gathered through listening sessions, surveys, public board meetings, ad hoc committees of the Board, work groups, working drafts, and formal public hearings.

How does the Board use public feedback received during the process?

Each public comment is reviewed, and substantive points can lead to edits in the proposed regulation in all areas of the regulation including supervision, scope of practice, reporting, documentation, and timelines. This ensures the final regulation reflects the concerns of licensees, educators, and clinicians, not just the Board.

What is the process for amending or revising a regulation if needed?

The Board can initiate amendments at any time using the same public process under Chapter 13A. It can also issue guidance to clarify operational questions while amendments move forward.

Is there an option to run a pilot program before full implementation?

No. The state has no method for a pilot project. Keep in mind that the provisional permit is voluntary for the student and the MSW program depending upon the practicum placement. There is no mandate for students or programs.

If the regulation proves ineffective, what steps would the Board take to reassess or make adjustments?

The Board would review incident data, formal complaints, supervision audits, and stakeholder feedback, then propose amendments. It can tighten scope, raise supervision standards, adjust eligibility, or suspend issuance if safety concerns arise. The board can seek repeal of the regulation.

Provisional Permit Details

Who is eligible to apply for a provisional permit?

Students in the final practicum of a CSWE-accredited MSW program in Kentucky, verified by their university, in good academic standing, and seeking a clinical practice placement.

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Will all students be required to get a provisional permit?

No. The provisional permit is voluntary. It may be used when both the student and the school choose to participate.

Will the provisional permit allow students to diagnose or bill independently?

No. Provisional permittees may only provide services under the supervision of a qualified, licensed professional and within the scope of their practicum placement. All billing must meet payer rules and diagnostic authority remain with licensed clinical social workers.

What protections are built in for clients?

Provisional permittees will be under Board jurisdiction and will receive weekly supervision with documented oversight. Provisional permittees will be under the Code of Ethical Conduct (201 KAR 23:080) and clients can initiate a complaint to the board for unethical practice. These protections ensure students practice within clear guardrails and clients have full recourse.

Will the bill raise fees or create new financial burdens on licensees?

No. The bill does not raise existing license or renewal fees. The only new fee anticipated is for the provisional permit, which the Board intends to keep nominal (for example, \$5–\$25). The purpose is to cover administrative processing while keeping the pathway affordable for students.

Will provisional permits increase liability for universities or agencies hosting students?

No. In fact, the opposite. Currently, students operate in a gray zone without clear guidance or licensure. That creates liability exposure for students, supervisors, schools, and agencies if a complaint arises. A provisional permit established by the Board provides oversight, continues liability coverage, and sets a defined scope, which is intended to reduce risk. Universities will help verify eligibility; all other compliance falls under the Board's authority. This likely contributed to KASWE's endorsement as it reduces institutional risk while strengthening student protection and public accountability, without adding administrative burden to schools.

Will students be allowed to function as CSWs or LCSWs under the provisional permit?

No. The provisional permit will **not** authorize students to practice as Certified Social Workers or Licensed Clinical Social Workers. The scope of the permit will be clearly defined by regulation and limited to supervised practice during the final practicum in an MSW program. Diagnostic decisions and billing authority remain exclusively with the supervising LCSW.

Malpractice Risk for LCSWs Supervising Students

Can an LCSW legally supervise a student under current Kentucky law?

No. KRS 335.010–160 and 201 KAR 23:070 only recognize supervision between an LCSW

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and a Certified Social Worker (CSW). Students are not included in the statutes or regulations, which means their activities may be considered unlicensed practice.

If students are not legally recognized, what does that mean for the LCSW's malpractice insurance?

Malpractice insurance typically covers only activities performed within the legal scope of practice. Supervising a student is not authorized in statute or regulation, so an insurer may deny coverage if a claim arises from a student's actions.

Don't Kentucky universities require students to carry liability insurance?

Generally, yes. Universities require students to purchase their own malpractice coverage, which protects the student if a claim is filed against them. However, this coverage does not extend to the supervising LCSW. The LCSW remains vulnerable because their own insurer could deny coverage, arguing they permitted unlicensed practice.

What happens if a client is harmed during student-provided services?

The student's insurance may cover the student's liability, but the LCSW could still face:

- Denied coverage from their own insurer,
- Personal financial liability,
- Disciplinary action by the Board for enabling unlicensed practice.

What is the solution?

Establishing a provisional permit for students. This would give students legal authority to practice under LCSW supervision, ensure malpractice coverage applies for both the student and the LCSW, and protect clients, supervisors, and universities alike.

What concerns have KSCSW and NASW-KY raised about the provisional permit, and how has the Board responded?

KSCSW and NASW-KY expressed concerns about the proposed provisional permit, citing a lack of research supporting its effectiveness and a need for clearer supervision standards. The Board responded that such research does not exist for either provisional permits or student exemptions — and cannot reasonably be expected before adopting a regulatory framework.

The Board emphasized that regulatory policy is grounded in statutory responsibility, identified risks, and the duty to protect the public — which is not always supported by controlled studies. For example, no research study was conducted before the establishment of the LCSW license, yet it was adopted to address professional needs and improve access to care. Similarly, there is no research demonstrating that student exemptions are effective.

The Board also outlined several concerns with relying on student exemptions:

- Students currently operate outside Board oversight, creating legal and safety risks for themselves, clients, universities, and placement agencies.
- Students remain unprotected, with no defined scope of practice.

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- Supervisors are fully liable for student actions, even without formal authority or standards.
- Clients harmed by student actions have limited recourse, as the Board lacks jurisdiction over students.

The Board's position is that a provisional permit creates **structure, accountability, and legal authority**, which are all absent under the exemption model. The Board further noted:

- Over 1,100 Board-approved LCSW supervisors currently have capacity to supervise students.
- Supervision standards, training, and documentation — including the student scope of practice — will be developed through the regulatory process with educator and stakeholder input.
- The goal is not to expand what students can do, but to place enforceable guardrails around practice that is already occurring.
- The provisional permit ensures that social work students are prepared for the workforce and treated on par with students in other professions.

Additional Questions

What is a “multistate license” or “multistate authorization to practice”?

A multistate license allows a social worker to practice across state lines under the Social Work Licensure Compact, as long as they meet the uniform standards adopted by all participating states. A multistate authorization to practice grants the same privilege to social workers licensed in another compact member state, enabling them to provide services to Kentucky clients without needing a separate Kentucky license. These designations will streamline cross-state telehealth and expand access to care.

Can disciplinary action in another state affect a license in Kentucky?

Yes. If a social worker is disciplined in another compact member state, that action will be reported through a national data system and may lead to discipline by the Kentucky Board of Social Work. This ensures consistent public protection across state lines under the Social Work Licensure Compact.

Does the new legislation allow foreign social workers to provide services to Kentucky clients via telehealth?

Yes, under strict conditions. A person located outside the United States may provide social work via telehealth to clients in Kentucky if they meet all Kentucky requirements, comply with U.S. and international data laws, and follow both Kentucky and the foreign country's regulations. Similarly, Kentucky social workers may serve clients abroad under these same protections.

Is a criminal background check required under the new legislation?

Yes. The bill requires a fingerprint-based criminal background check for:

- All first-time license applicants;
- Applicants for a multistate license under the Compact;

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- Licensees under investigation by the board may be required to get a background check.

Routine license renewals will not require background checks unless otherwise required by law.

Closing

The Board welcomes input from licensees, students, educators, and the public. Please send additional questions or comments to Marc Kelly at marc.kelly@ky.gov.