

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 license 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 The bill updates outdated definitions, clarifies telehealth standards, integrates the Social Work Licensure Compact, and authorizes the Board to create a provisional license for students through regulation. The goal is better public protection, clearer rules for practice, and a stronger pipeline into the workforce.

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

It authorizes, but does not mandate, a new provisional license 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 license?

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 licenses will be issued until the second step of the process is complete.

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 clients, students, universities, and agencies. A provisional license replaces this gray zone with defined scope, supervision, and accountability. Students are protected from exploitation and become doers instead of observers.

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.

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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 (complaints 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 LCSW supervision. 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 license is legally sound, professionally appropriate, and regulatory compliant and it supports the specialized clinical education that CSWE requires.

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

Inputs included public comments to the Board and from licensees, its ad hoc committee, university and agency feedback, complaints involving students, and CSWE standards. No written records exist and complaints involving students cannot be shared.

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. The Board is aligning with that general approach while tailoring details to Kentucky's social work practice environment. No state was found to use a provisional license for social work students in the same way Kentucky is proposing.

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

No provisional license 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

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comment volume, LRC requirements, and committee schedules. The Board will report on the process during its public meetings.

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

Universities, field directors, agencies, supervisors, students, KSCSW, NASW, Children's Alliance, and the public are the stakeholders. Input may be gathered through listening sessions, surveys, public board meetings, ad hoc committees of the Board, a posted working draft, and the formal public hearing.

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.

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. 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 license 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 License Details

Who is eligible to apply for a provisional license?

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.

Will all students be required to get a provisional license?

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

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

No. Provisional licensees may only provide services under the supervision of a Kentucky LCSW and within the scope of their practicum placement. All billing and diagnostic authority remain with licensed clinical social workers.

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What protections are built in for clients?

Provisional licensees will be under Board jurisdiction, must carry liability coverage, and will receive weekly LCSW supervision with documented oversight. Provisional licensees will be under the Code of Ethical Conduct (201 KAR 23:080) and clients can initiate a complaint to the board for unethical practice.

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 license, 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 licenses 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 license 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.

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.