

## 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 The bill updates outdated definitions, clarifies telehealth standards, integrates the Social Work Licensure Compact, and authorizes the Board to create a provisional license for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. 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 license 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 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.

#### **Why is the Board proposing a provisional license 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 license 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 license 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 license 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 license gives social work students the same protection and puts them on par with other professions during their education.

### **Does the proposed provisional license replace or compete with field education?**

No. The provisional license 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 license authorize students to practice independently or provide therapy without supervision?**

No. Provisional licensees 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 license 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 license?**

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 license. Practicum placements and supervision remain under current standards; the license adds legal clarity and Board oversight, not academic or programmatic requirements.

### **Will the provisional license 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 license 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 license 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 license 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 license 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 license 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 license.

### 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 license 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 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 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 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.

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### **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 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 licensees will be under Board jurisdiction and will receive weekly 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. 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 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. 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.

### **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 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

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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 license 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.

### **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](mailto:marc.kelly@ky.gov).