

## **FAQ on the 2026 Social Work Legislation (Medium Version)**

### **Purpose & Context**

#### **What is the objective of the 2026 Social Work Legislation?**

The legislation “cleans up” Kentucky’s social work laws by clarifying telehealth, incorporating the interstate Compact, and creating a provisional license for MSW students. It strengthens public protection, reduces liability gaps, and improves workforce readiness.

#### **Is the Board creating a new license without authority?**

No. Only the General Assembly can authorize a new license. The bill gives the Board authority to establish one through regulations.

#### **What does the “may establish” language mean?**

It authorizes but does not mandate a provisional license. Regulations would be developed through a public process.

#### **What is the process for creating the license?**

The legislature must pass the bill. Then the Board drafts regulations, circulates them, holds hearings, considers comments, and submits them for legislative review.

#### **Why propose a provisional license instead of relying on field education? Does it replace practicum?**

Current law is silent on student practice, leaving students in a legal gray zone that creates risk for clients, students, universities, and agencies. The provisional license will clarify scope, require supervision, and ensure accountability. It does not replace practicum but works alongside it. Educators across Kentucky, through KASWE, have endorsed the provisional license as the best way to strengthen field education while keeping clients safe.

#### **Does the provisional license conflict with CSWE standards or require schools to change curriculum?**

No. It complements CSWE’s Educational Policy and Accreditation Standards. Schools do not need to alter curriculum or practicum models; they only verify student eligibility.

#### **Will students practice independently?**

No. They will only practice under the supervision of a Kentucky LCSW. They cannot diagnose, act independently, or provide therapy without supervision.

#### **Why not wait for consensus before proposing a student license?**

The law has been silent on student practice since 1974. Consensus is most often difficult, but the Board can no longer allow students and the public to remain unprotected. MSW students have engaged in clinical activities that fall under the statutory definition of practice, and complaints have been received. Other professions already authorize student practice. With KASWE’s endorsement, the profession has demonstrated meaningful consensus to move forward.

## **Why 2026?**

This proposal continues efforts from the 2025 session, when a similar bill did not pass. Complaints have continued, and the Board has a duty to act.

## **Is Kentucky the only state doing this?**

No. Minnesota has introduced legislation to authorize a temporary student license, showing Kentucky is not alone in recognizing the need for reform.

## **Decision-Making Process**

### **How did the Board decide on provisional licensure, and what other options were considered?**

The Board evaluated options against criteria of client protection, enforceability, feasibility, and impact.

- **Status quo** leaves students and supervisors exposed.
- **Broad exemptions** weaken public protection and create liability risks.
- **Other state laws** do not resolve Kentucky's issues.
- **Provisional license** allows for establishing clear duties, supervision, and accountability.

Educators, through KASWE, supports the Board's adoption of this option over others as the best balance of safety and feasibility.

### **What data informed this decision, and can it be shared?**

Input came from public comments, licensees, the Board's 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.

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

Yes. Other health professions authorize student or trainee practice. Kentucky is applying a model to social work. Minnesota has introduced a bill for a temporary student license, showing the need for reform is not just in Kentucky.

## **Implementation & Oversight**

### **If the legislation passes, what steps and timeline are required before provisional licensure takes effect?**

The Board will draft and circulate regulations, hold hearings, review public comments, and submit final rules for legislative review. This process typically takes 60–180 days, depending on comments. Updates will be shared at public Board meetings.

### **Which stakeholders are involved in drafting regulations, and how will their input be gathered?**

The Board will seek input from universities, field directors, agencies, supervisors, students, KSCSW, KASWE, NASW-KY, and the public through sessions, surveys, meetings, and hearings.

**How does the Board use public feedback, and can regulations be amended later?**

All comments are reviewed and can lead to revisions. Regulations can be amended or repealed through the same public process if needed.

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

No. Kentucky does not have a mechanism for pilots. However, participation is voluntary for students and MSW programs.

**If the regulation proves ineffective, what steps would the Board take?**

The Board can review data, complaints, audits, and feedback, and then amend, tighten, suspend, or repeal the regulation.

**Provisional License Details****Who is eligible?**

Students in their final practicum in a CSWE-accredited MSW program, in good standing, with placement confirmed by the university.

**Will all students be required to get one?**

No. It is voluntary.

**What authority will students have?**

They cannot practice independently. They may provide services under direct supervision within a defined scope.

**What protections exist for clients?**

Licensees under Board jurisdiction must receive weekly supervision and are bound by the KY Code of Ethical Conduct. Clients may file complaints with the Board.

**Will fees increase?**

No. A nominal fee of \$5–\$25 will cover administrative costs.

**Will this increase liability for universities or agencies?**

No. Currently, students operate in a gray zone that increases risk. A provisional license reduces liability by clarifying scope and accountability. This is likely one reason KASWE has endorsed the provisional license.

**Malpractice Risk for LCSWs****Can an LCSW legally supervise a student now?**

No. Only supervision of a CSW is recognized. Students are not included, making their activities potentially unlicensed practice.

**What does that mean for malpractice insurance?**

Insurers typically cover only activities within legal scope. Supervising students may fall outside coverage, exposing LCSWs to denied claims.

**Don't students carry insurance?**

Yes, but it protects only the student. Supervisors remain exposed.

**What happens if a client is harmed?**

Student coverage may apply, but the LCSW could still face denied coverage, personal liability, and possible board discipline.

**What is the solution?**

A provisional license gives students legal authority to practice under supervision, ensures coverage applies to both, and protects clients, supervisors, universities, and agencies.

**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).