



KENTUCKY BOARD OF SOCIAL WORK

125 Holmes Street, Suite 310
Frankfort, Kentucky 40601
(502) 564-2350

Andy Beshear
Governor

Florence Huffman
Executive Director

M E M O R A N D U M

TO: All Out-of-State Clinical Social Workers Not Licensed in Kentucky
All Kentucky Licensees

FROM: Kentucky Board of Social Work

RE: Executive Order 2020-243 – Out of state clinical social workers - Continuity of care –
Emergency temporary license to practice

DATE: March 30, 2020

The Governor released Executive Order 2020-243 on March 18, 2020, titled State of Emergency Relating to Social Distancing. This Executive Order has direct implications on licensed clinical social workers (or equivalent license to provide clinical social work services independently and without supervision) providing services in states contiguous to the Commonwealth of Kentucky, who provide social work services to clients who are Kentucky residents, but who are not licensed by the Kentucky Board of Social Work (hereinafter "the board"). Executive Order 2020-243 specifically orders the citizens of the Commonwealth to take all feasible measures to engage in appropriate social distancing to prevent the spread of COVID-19, in accordance with guidance from the Centers for Disease Control and Prevention (hereinafter "CDC") and the Kentucky Department of Public Health. It further orders all boards to take actions necessary to ensure appropriate social distancing. The board has previously taken steps to ensure continuity of care by LCSWs, who are licensed to practice independently, without supervision, and CSWs providing clinical social work services under board-approved supervision contracts, through telehealth methods authorized by KRS 335.158 during the current state of emergency related to the COVID-19

pandemic. (See March 19, 2020 Memorandum) However, those exceptions do not apply to duly licensed out-of-state clinical social workers providing therapy services to Kentucky residents who travel across state lines to receive care in a contiguous state from providers that are not licensed in Kentucky.

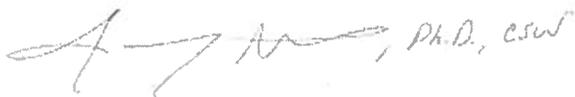
First, it is important to understand that a social worker must either be licensed in Kentucky, or have reciprocal licensure under KRS 335.120, in order to practice social work in Kentucky, regardless of whether any other state's licensure laws allow for reciprocal practice in their state. In light of that requirement, the board has received numerous inquiries regarding what a clinical social worker can do if they are not licensed in Kentucky in either manner, but have clients who reside in Kentucky travel to them for services in their state of licensure. The board has received requests from out-of-state agencies requesting to provide clinical social work services through telehealth to Kentucky residents who may have traveled throughout America to receive services. Now, however, these clients have now been directed not to travel and to remain at home during the COVID-19 pandemic. In response, the board has determined that emergency temporary licensure status shall be provided to the following individuals, upon application and approval by the board. This temporary status shall be valid only during the state of emergency contained in Executive Order 2020-215 and shall expire no more than sixty (60) days following the conclusion of the current state of emergency.

Please note that these changes are only in place during the state of emergency:

1. Applicants who submit proof of a valid license issued by a jurisdiction contiguous to the Commonwealth of Kentucky that is: (a) A licensed clinical social work or equivalent license to practice clinical social work, independently and without supervision; (b) in active status; (c) in good standing; and (d) has completed the Kentucky Social Work Ethics course and has provided documentation thereof, may provide telehealth services to an existing client who directly receives clinical social work services and who reside in the Commonwealth of

Kentucky. Existing clients are considered those that had an existing clinical relationship with the applicant prior to the entry of Executive Order 2020-243.

2. Upon approval of a submitted application, the temporary licensee must comply with all provisions of KRS 335.100 regarding licensed clinical social workers, KRS 335.158 regarding telehealth and 201 KAR 23:080, the Code of Ethical Conduct.
3. In addition to the notice and informed consent required in KRS 335.158(1), an emergency temporary licensee shall notify all clients in writing that their ability to provide care across state lines via telehealth is temporary in nature and will expire within sixty (60) days of the conclusion of the state of emergency.
4. An emergency temporary licensee shall not provide clinical social works services prior to the approval of their emergency temporary licensure status nor after the conclusion thereof within the Commonwealth of Kentucky directly or via telehealth.



Justin "Jay" Miller, Ph.D., CSW
Chairman, Board of Social Work
Dated: March 30, 2020



J. Michael Brown
Secretary of the Executive Cabinet
Commonwealth of Kentucky
Dated: 3/31, 2020