

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Social Work

3 (Amendment)

4 201 KAR 23:070. Qualifying education and clinical practice experience under supervision

5 ~~[for a certified social worker and a licensed clinical social worker and qualifying~~

6 ~~experience under supervision].~~

7 RELATES TO: KRS 335.010, 335.080(1)(c), (3), 335.100(1)(a), (b), (3)

8 STATUTORY AUTHORITY: KRS 335.070(3), 335.080(1)(c), (3), 335.100(1)(a), (b), (3)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.080(1)(c) and 335.100(1)(a)

10 require an applicant for a certified social worker license or a licensed clinical social
11 worker license to have a master's degree or a doctoral degree in social work from an
12 educational institution approved by the board. KRS 335.080(3) authorizes~~[allows]~~ a
13 certified social worker to engage in the practice of clinical social work under the
14 supervision of a licensed clinical social worker as directed by the board by promulgation
15 of an administrative regulation. KRS 335.100(1)(b) requires an applicant for a licensed
16 clinical social worker license to have acquired post-master's experience under approved
17 supervision as established by the board by promulgation of an administrative
18 regulation. KRS 335.100(3) requires a licensed clinical social worker (LCSW) to assume

1 responsibility for and supervise the certified social worker's (CSW) practice of clinical
2 social work as directed by the board by promulgation of an administrative regulation.
3 This administrative regulation establishes the educational institutions approved by the
4 board, ~~[the definitions relating to supervision,]~~ the content of a Clinical Social Work
5 Supervision Contract, and the requirements for qualifying experience under supervision
6 for in state and out-of-state applicants.

7 Section 1. Definitions. (1) "Additional supervisor" means the supervisor who holds a
8 licensed clinical social work license issued by this board, and who assumes responsibility
9 for the practice of a certified social worker pursuant to KRS 335.080(3), ~~and~~ 335.100(3),
10 and this administrative regulation.

11 (2) "Educational institution approved by the board" means a graduate school of social
12 work accredited by the Council on Social Work Education.

13 (3) ~~[(2)]~~ "Electronic supervision" means the use of computers and other electronic
14 means by which the supervisor and supervisee use interactive video technology, in real-
15 time, with video and audio interaction for individual and group supervision.

16 (4) ~~[(3)]~~ "Practice of clinical social work" means the practice of social work that focuses
17 on the evaluation, diagnosis, and treatment of a mental disorder ~~[an emotional disorder~~
18 ~~or mental illness]~~ as related to the total health of the individual and that meets the
19 requirements of Section 3 of this administrative regulation.

20 (5) ~~[(4)]~~ "Supervision" means the educational process of utilizing a partnership

1 between an LCSW [a] supervisor and a CSW supervisee aimed at enhancing the
2 professional development of the supervisee in providing clinical social work services.

3 (6) [~~5~~] "Supervisor of record" means the supervisor who holds a licensed clinical
4 social work license issued by this board, and who assumes responsibility for the practice
5 of a certified social worker pursuant to KRS 335.080(3), [~~and~~] 335.100(3), and this
6 administrative regulation.

7 Section 2. Education Requirements. An applicant for a certified social worker license
8 or a licensed clinical social worker license shall have a Master of Social Work degree or
9 Doctorate of Social Work degree from an educational institution approved by the board.

10 Section 3. Practice of Clinical Social Work. (1) The practice of clinical social work shall
11 be based on knowledge of psychodynamics, human relations, crisis intervention,
12 psychopathology, and group dynamics.

13 (2) A practitioner of clinical social work shall:

14 (a) Possess competencies including skills necessary for:

15 1. Individual, marital, family, and group psychotherapy; and

16 2. Other recognized treatment modalities; and

17 (b) Establish a therapeutic relationship with his or her client that includes:

18 1.[a.] Assessment and diagnosis of mental disorders using professionally recognized
19 clinical nomenclature;

20 2.[b.] Safe and appropriate treatment planning that includes development,

1 implementation, ~~[and]~~ modification of the plan, and coordination of treatment with
2 other clinicians who may be involved in the client's care;~~]~~
3 ~~3.[]~~ Evaluation of progress; ~~[and]~~
4] ~~4.[]~~ Termination of the treatment process; and~~]~~~~[; and]~~
5 5. ~~[3.]~~ ~~Is characterized by~~ Face-to-face contact with the client throughout the
6 treatment process, and which may include telehealth in accordance with KRS 335.158
7 and administrative regulations of the board.

8 Section 4. Supervision. (1) A supervisor shall be a licensed clinical social worker who:

9 (a) Provides supervision to a certified social worker pursuant to KRS 335.080(3) and
10 335.100(3);

11 (b) Does not have:

- 12 1. An unresolved citation filed against him or her by the board;
- 13 2. A suspended or probated license; or
- 14 3. A previous or existing personal relationship with a supervisee; and

15 (c) Has:

16 1. Been engaged in the practice of clinical social work for three (3) years following
17 licensure in Kentucky or another jurisdiction as an independent licensed clinical social
18 worker; ~~[and]~~

19 2. Completed an initial six (6) [a board-approved three (3)] hour training course on
20 supervisory practices and methods for licensed clinical social workers relating to the

1 requirements in KRS Chapter 335.010 to 335.160 and 335.990, and 201 KAR Chapter 23;
2 and [and this administrative regulation.]

3 3. In addition to the initial six (6) hour training course established in subparagraph 2.
4 of this paragraph, each supervisor shall complete a three (3) hour refresher supervisory
5 training course each licensure renewal period to maintain supervisory status with the
6 board.

7 ~~[(2) Supervisory experience obtained in Kentucky with a supervisor who has not~~
8 ~~completed the course required by subsection (1)(c) 2 of this section shall not be~~
9 ~~approved by the board.]~~

10 (2) Supervisory experience obtained in Kentucky with a supervisor who has not
11 completed the courses required by subsection (1)(c) 2. and 3. of this section shall not be
12 approved by the board.

13 ~~[(3) The supervisory training course shall be completed every licensure renewal period~~
14 ~~to maintain supervisory status with the board.]~~

15 (3) ~~[(4)]~~ A licensed clinical social worker shall not serve as a supervisor of record for
16 more than six (6) certified social workers with whom he or she has a contract to be held
17 accountable to the board at the same time.

18 ~~[(5) An applicant receiving supervision outside of Kentucky shall demonstrate that his~~
19 ~~or her supervisor has been in the practice of clinical social work for a period of three (3)~~
20 ~~years following licensure as a clinical social worker or its equivalent effective at the time~~

1 ~~of the supervision.]~~

2 ~~(4)[(6)]~~ To be approved as a supervisor, a licensed clinical social worker who meets
3 the requirements of this section shall submit a written request to become a supervisor in
4 Kentucky along with a copy of the supervisory training certificate.

5 Section 5. Clinical Social Work Supervision Contract. The Clinical Social Work
6 Supervision Contract required by KRS 335.080(3) and 335.100(3) shall be submitted to
7 the board for approval before the certified social worker begins supervision and shall
8 contain:

9 (1) The name and license number of the certified social worker supervisee;

10 (2) The name and license number of the supervisor of record;

11 (3) The name and license number of additional supervisors;

12 (4) The agency, institution, or organization where the experience will be received;

13 (5) A detailed description of the nature of the practice including the type of:

14 (a) Clients who will be seen;

15 (b) Therapies and treatment modalities ~~that~~ ~~[which]~~ will be used including the
16 prospective length of treatment; and

17 (c) Mental disorders that ~~[Problems which]~~ will be treated;

18 (6) The nature, duration, and frequency of the supervision, including the:

19 (a) Number of hours of supervision per week;

20 (b) Amount of ~~[group and]~~ individual and group supervision; and

1 (c) Methodology for transmission of case information.[:]

2 (7) The conditions or procedures for termination of the supervision including a
3 provision that the terminating party shall provide at least thirty (30) days' written notice
4 of termination to the certified social worker, supervisor of record, additional
5 supervisor[~~supervisor(s)~~], and certified social worker's employer by the terminating
6 party;

7 (8) The conditions and procedures for self-evaluation of the supervision process every
8 six (6) months in which both the certified social worker and the supervisor of record
9 evaluate areas of strength, areas of improvement, punctuality, and overall satisfaction
10 with the supervision process by the supervisor and the supervisee;[:]

11 (9) A statement that:

12 (a) The supervisor of record understands and agrees that he or she shall be held
13 accountable to the board for the care given to the supervisee's clients;

14 (b) The certified social worker is an employee of an agency, institution, or
15 organization, who receives regular wages for a payroll period either at a regular hourly
16 rate or in a predetermined fixed amount, and has Social Security and income tax
17 deducted from his or her salary;

18 (c) The supervisor of record and additional supervisors meet the criteria established in
19 Section 4 (1) through (4) of this administrative regulation; [~~and~~]

20 (d) The certified social worker supervisee has completed the training course described

1 in Section 12 of this administrative regulation; and

2 (e) The [A] supervisor and supervisee [may] agree to use electronic supervision, in
3 accordance with KRS 335.158 and 201 Chapter 23;

4 (10) [(9)] An individualized job description attached to the Clinical Social Work
5 Supervision Contract that:

6 (a) Describes the nature of the clinical social work services the certified social worker
7 supervisee shall provide to a client including assessment, evaluation, diagnosis, and
8 treatment of a mental disorder;

9 (b) Describes in detail how the requirements of Sections 6 and 7 [~~7 and 8~~] of this
10 administrative regulation shall [will] be met; and

11 (c)[(b)] Is on office or agency letterhead and is signed by the executive director, the
12 agency director, or the individual who heads the office. [~~and~~]

13 (11) Each supervisor of record and additional supervisor shall record and submit to
14 the board documentation of the hours of individual or group supervision completed
15 during the period of supervised clinical practice experience or upon termination of the
16 contract, whichever occurs first.

17 Section 6. Notice to Client. If an employee is practicing clinical social work under the
18 supervision of a licensed clinical social worker, the employee shall notify in writing each
19 client at the start of treatment during the period of the supervision. The notification
20 shall contain:

1 (1) The name, office address, telephone number, email address, and license number
2 of the supervisor of record; and

3 (2) A statement that the employee is licensed by the board.

4 Section 7. Experience under Supervision. Experience under supervision shall consist
5 of:

6 (1) At least sixty (60) percent of the required experience in a direct client-professional
7 relationship;

8 (2) Direct responsibility for providing clinical social work services to a specific
9 individual or group of clients; and

10 (3) Broad exposure and opportunity for skill development with a variety of mental
11 disorders [~~dysfunctions~~], diagnoses, acuity levels, and population groups.

12 Section 8. Supervision Requirements. (1) Supervision shall relate specifically to the
13 qualifying supervised clinical practice experience and shall focus on:

14 (a) The accurate assessment and diagnosis of a client's mental disorder [~~client~~
15 ~~problem~~] leading to proficiency in applying professionally recognized clinical
16 nomenclature;

17 (b) The development and modification of the treatment plan;

18 (c) The development of treatment skills suitable to each phase of the therapeutic
19 process;

20 (d) Ethical problems in the practice of clinical social work and application of the Code

1 of Ethical conduct established in 201 KAR 23:080; and

2 (e) The development and use of the professional self in the therapeutic process.

3 (2)(a) Supervision shall total a minimum of 150 ~~[200]~~ hours, which shall include

4 individual supervision of not less than two (2) hours during every two (2) weeks of

5 supervised clinical social work practice, over the two (2) year minimum time period of

6 supervised practice experience under supervision described in KRS 335.100(3).

7 (b)~~[c]~~^[d] Electronic supervision may be used for no more than two (2) hours of

8 individual supervision per month, but only after the first ten (10) ~~[twenty-five (25)]~~ hours

9 of individual supervision hours have been obtained in face-to-face, in-person meetings

10 in which~~[where]~~ the supervisor and supervisee are physically present in the same room.

11 A certified social worker supervisee who completes the first ten (10) ~~[twenty-five (25)]~~ of

12 face-to-face individual supervision hours shall not have to repeat the face-to-face

13 individual supervision hours if a new contract or supervisor of record is approved by the

14 board unless agreed to by the certified social worker supervisee, supervisor of record,

15 and additional supervisor. ~~[No]~~ More than fifty (50) percent of the individual supervision

16 hours shall not~~[may]~~ be obtained by electronic supervision.

17 (c) Electronic supervision shall conform to state and federal laws governing electronic

18 practice or telehealth to ensure that confidentiality of client records and personal health

19 information shall be maintained as required by KRS 335.158, the Code of Ethical

20 Conduct established in 201 KAR 23:080, and other applicable state and federal laws.

1 (d) A supervisee shall obtain a minimum of 100 hours ~~[not obtain more than 100~~
2 ~~hours]~~ of the required supervision by individual ~~[group]~~ supervision.

3 (e) A supervisee may obtain up to fifty (50) hours of group supervision.

4 ~~[(d) No more than fifty (50) percent of the group supervision hours may be obtained~~
5 ~~by electronic supervision.~~

6 ~~(e) Electronic supervision shall conform to all state and federal laws governing~~
7 ~~electronic practice to ensure the confidentiality of the client's medical information is~~
8 ~~maintained as required by KRS Chapter 335 and 201 KAR Chapter 23 and by all~~
9 ~~applicable state and federal law.~~

10 (f) Group supervision shall ~~[not]~~ be in groups of not more than six (6) supervisees, and
11 shall not include supervisees from other behavioral health professions who are attaining
12 supervised clinical practice experience.

13 Section 9. An applicant for licensure as a licensed clinical social worker from another
14 jurisdiction. (1) An applicant who holds or has held a license to practice clinical social
15 work or an equivalent license in another jurisdiction and has been engaged in the active
16 practice of clinical social work in that jurisdiction for at least two (2) years prior to the
17 filing of an application with the board meets the requirements for supervision
18 established~~[set forth]~~ in this administrative regulation unless the license, certificate,
19 registration, or other authorization issued by the other jurisdiction:

20 (a) Has been expired for more than two (2) years;

1 (b) Is not in good standing; or

2 (c) Has been suspended or revoked for disciplinary reasons.

3 (2) An applicant who receives clinical practice experience under supervision in
4 another jurisdiction shall demonstrate that:

5 (a) His or her clinical practice experience under supervision met the legal
6 requirements of that jurisdiction; and

7 (b) The board shall give credit for supervision hours obtained in accordance with the
8 legal requirements of the other jurisdiction.

9 (3) An applicant from another jurisdiction shall submit proof of issuance of a valid
10 license, permit, certificate, registration, or other authorization issued by another
11 jurisdiction that is:

12 (a) Active or has been expired for less than two (2) years; and

13 (b) Is in good standing or was in good standing upon the date of expiration.

14 ~~[(3) Documentation that establishes that an individual has been licensed in another~~
15 ~~jurisdiction at the clinical level and has been engaged in the active practice of clinical~~
16 ~~social work in that jurisdiction for at least five (5) years prior to the filing of an~~
17 ~~application with the board meets the requirement for supervision set forth in this~~
18 ~~administrative regulation.]~~

19 Section 10.[9]. Evaluation by the Board. (1) The ~~[period of]~~ supervised experience
20 required by KRS 335.100(1)(b) shall be evaluated by the board according to one (1) of

1 the methods established in this subsection.

2 (a) Post experience evaluation. An applicant who obtained his or her supervised
3 experience [~~whose experience was obtained~~] while licensed in another jurisdiction [~~state~~]
4 shall submit his or her application along with documentation of supervision and
5 qualifications of his or her supervisor[~~supervisor(s)~~].

6 (b) Transitional evaluation. An applicant who has accumulated an amount less than
7 the full amount of qualifying experience while licensed in another jurisdiction [~~state~~] or
8 while working in a clinical social work setting that does not meet the requirements
9 under Section 7(3) of this administrative regulation shall submit his or her application
10 along with documentation of supervision completed prior to the date of his or her
11 application. The applicant shall also submit with his or her application a Clinical Social
12 Work Supervision Contract under paragraph (c) of this subsection for the remainder of
13 the supervised experience.

14 (c) Preapproved evaluation. Prior to beginning supervised practice experience
15 [~~supervision~~], an applicant shall submit a Clinical Social Work Supervision Contract for
16 the supervised experience [~~which will be taking place over the required time period~~] and
17 the applicant shall have the contract approved by the board. This contract shall be
18 evaluated by the board and shall be approved or denied[~~disapproved~~] within ninety (90)
19 days of its submission.

20 (2) A certified social worker who desires to practice clinical social work that does not

1 qualify as supervised experience pursuant to KRS 335.100(1)(b)[,] shall submit a Clinical
2 Social Work Supervision Contract pursuant to KRS 335.080(3). This contract shall be
3 evaluated by the board and shall be approved or denied~~disapproved~~ within ninety (90)
4 days of its submission.

5 (3) A certified social worker who desires to practice clinical social work that meets all
6 the other supervised experience requirements, other than the requirement
7 established~~listed~~ in Section 7(3) of this administrative regulation, shall submit a Clinical
8 Social Work Supervision Contract pursuant to KRS 335.080(3). The supervision hours
9 obtained in this clinical setting may be considered by the board.

10 Section 11. ~~10~~ (1) Changes to Section A of the Plan of Clinical Social Work Activities
11 of the Clinical Social Work Supervision Contract that describes the clinical setting and
12 nature of the practice and experience that the supervisee is to obtain, as required by
13 Section 5 (5) of this administrative regulation, shall be submitted to the board for
14 approval.

15 (2) A new Clinical Social Work Supervision Contract shall be submitted to the board
16 for approval if the supervisee changes his or her:

17 (a)[a.] Supervisor of record; or

18 (b)[b.] Place of employment.~~[If the supervisee changes his or her supervisor of record,~~
19 ~~a new Contract for Clinical Social Work Supervision shall be submitted to the board for~~
20 ~~approval.]~~

1 (3) A supervisee shall notify the board in writing of changes of additional supervisors
2 who are not the supervisor of record, but who are identified in the Clinical Social Work
3 Supervision Contract pursuant to Section 5(3) of this administrative regulation, and
4 attach a copy of the supervisor's supervisory training certificate.

5 Section 12. [11.] Supervision training course for a certified social worker under
6 supervision.

7 (1) Prior to beginning supervised clinical social work practice, a certified social worker
8 supervisee shall complete a one (1) hour training course on supervised clinical
9 practice experience, provided at no cost by the board, and relating to the
10 requirements in KRS 335.010 to 335.160 and 335.990, and 201 Chapter 23; and.

11 (2) Submit a copy of the certificate of completion with their Clinical Social Work
12 Supervision Contract.

13 Section 13. [12.] Incorporation by Reference. (1) "Clinical Social Work Supervision
14 Contract," 11/2020[04/2016], is incorporated by reference.

15 (2) This material may be inspected, copied, or obtained, subject to applicable
16 copyright law, at the Kentucky Board of Social Work, 125 Holmes Street, Suite 310 [44
17 ~~Fountain Place~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Justin Miller, Ph.D., CSW". The signature is fluid and cursive, with the first name "Justin" being the most prominent.

Justin "Jay" Miller, Ph.D., CSW
Chair, Board of Social Work

November 10, 2020
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on **January 21, 2021, at 9:00 a.m. ET**, at the Kentucky Board of Social Work, 125 Holmes Street, Third Floor Board Room or by a virtual Zoom meeting on this date and time, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted by the board **through the end of the day on January 31, 2021.**

Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Florence S. Huffman, Executive Director, Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601; phone: (502) 564-2350 or (502) 782-2856; or email: florence.huffman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 23:070

Contact Person: Florence S. Huffman, Executive Director, phone: (502) 564-2350 or (502) 782-2856, email: florence.huffman@ky.gov.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the educational and supervision requirements for individuals who wish to provide clinical social work services in Kentucky. Clinical social work involves the assessment, diagnosis, safe and appropriate treatment planning, and therapy to an individual with a mental or emotional disorder. To provide these services, one must hold a Masters or Doctorate in Social Work from an accredited academic institution, and be licensed as an licensed clinical social worker (LCSW) or as a certified social worker (CSW) who has been approved by for post-master's clinical social work experience under the supervision of a qualified LCSW clinical supervisor. Due consideration was given to quality of the supervision experience, the quality and breadth of supervisor's training, and how to improve the outcomes from the overall clinical practice experience.

This regulation establishes the education, licensing, qualifying experience, supervision, and training requirements for:

- An LCSW supervisor;
- A CSW to provide clinical social work services; and
- An out-of-state applicant's qualifications for licensure as an LCSW.

(b) The necessity of this administrative regulation: In the U.S., two years of supervised clinical social work practice experience is the *uniform standard* to qualify for the licensure as a licensed clinical social worker and to sit for the national standardized clinical practice exam. However, the number of hours of supervision required under supervision with an LCSW supervisor varies widely across the U.S. The lack of uniformity and Kentucky's current requirements present a significant barrier to licensure including the cost of supervision and the vast differential in the number of required supervision hours.

The board filed an amendment to this regulation in the spring of 2020. The board went to extensive efforts to solicit wide participation from the social work community: a public hearing was held virtually by Zoom on May 27, 2020, the public comment time was extended to June 30, 2020; and two listening sessions held virtually by Zoom after the public comment time closed. After receiving hundreds of comments, and after much public debate and consideration, the board decided to withdraw the amendment and refile the current version submitted herein. The board holds fast to the conclusion that a reduction in the number of supervision hours is necessary. However, overwhelming opinion led the board to reconsider its initial amendments, and to move in an incremental approach to reducing the supervision hours and improving the outcome of supervision experience.

Before this amendment, Kentucky was discordant with social work boards in neighboring states on the hours of supervision. For example, Tennessee and Indiana require 100 hours or

less of clinical practice supervision to qualify for a clinical license, compared to the 200 hours mandated in Kentucky. If a duly qualified LCSW from Tennessee has not practiced clinical social work for five years, and does not have the requisite 200 hours of supervision, this individual cannot qualify for a clinical social work license in Kentucky. Their recourse is to *wait* until the five years of practice are completed or ask the board to issue a CSW license, and *go back under supervision* to accumulate the balance of the required supervision hours. This process is costly, time-consuming and frustrating to otherwise qualified clinical social workers who want to work in Kentucky.

The board also considered the cost issue as a potential barrier: Clinical supervision costs an average of \$75 per hour and can be as much as \$100 per hour depending upon area of the state in which the social worker lives. Another consideration is that the additional hours of supervision required in Kentucky makes the practice experience take longer than two years.

In addition, license mobility and portability have become increasingly important. It is evident from the COVID-19 pandemic, the proliferation of telehealth and the expanding use of technology has transformed the nature of social work practice and greatly expanded social workers' ability to assist people in need, particularly in rural areas. With due consideration to informed consent and confidentiality of clients' protected health information, contemporary social workers' use of technology has created new ways to interact and communicate with clients, raising fundamentally new questions about the differences in regulation of social work practice.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.070(3) authorizes the board to promulgate administrative regulations to carry out of the provisions of KRS 335.101 to 335.160 and KRS 335.990.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation informs an applicant how he or she qualifies for licensure as a licensed clinical social worker, restates the requirements for a Clinical Social Work Contract during the period of supervised clinical practice experience, reduces the number of supervision hours over the two-year supervised clinical practice period, and describes the conditions for clinical supervision established by the board. In addition, this administrative regulation informs an applicant or licensee about the reduced supervision hours for the clinical social work license, an increase in continuing education hours required for board-approved clinical supervisors, addition of continuing education for the supervisee, and evaluation of the supervision experience.

(2) If this is an amendment to an existing administrative regulation, provide a summary of:

(a) How the amendment will change this existing administrative regulation: This amendment increases the hours of the training course for LCSW supervisors on supervisory practice and methods, adds a self-evaluation of the supervision process for both the LCSW CSW supervisee. It adds new requirements that the CSW supervisee must complete a one-hour training course and be an employee who receives regular wages; reduces the supervision hours from 200 to 150 hours over the two-year supervised clinical practice with a minimum of 50 hours of the required supervision by individual supervision, and adds a new section for applicants for licensure as a licensed clinical social worker from another jurisdiction.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to implement the board's desire to increase the quality of the supervision experience and to bring the supervision requirements in closer conformity to the clinical supervision requirements of other U.S. jurisdictions and neighboring states.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 335.070 (3) permits the board to establish the requirements for licensure as a clinical social worker.

(d) How the amendment will assist in the effective administration of the statutes: This amendment removes potential time and cost barriers to clinical social work licensure, increases the hours of the LCSW supervision course, adds a one-time course to inform the supervisee, and includes an evaluation of the supervision process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 6,000 licensed social workers in Kentucky, undetermined numbers of out-of-state applicants, community mental health centers, public and private agencies and businesses that employ social workers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The changes in this amendment will increase the continuing education hours for LCSW supervisors and may increase the cost of the initial six-hour supervision course. Correspondingly, the numbers of licensed clinical social workers in this state will increase because both in-state and out-of-state applicants will more easily and quickly meet the licensure requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The board anticipates that any cost increase will be the expense of the supervision training course for licensed clinical social workers who wish to become board-approved supervisors.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The board estimates that the number of licensed clinical social workers in this state will increase because in state and out-of-state applicants will meet the criteria for licensure more quickly because of the reduced supervision hours. By removing the barriers, the amendment also will increase lawful provision of clinical services by and through telehealth providers from outside the boundaries of Kentucky.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that it will incur additional costs of less than \$5,000 to implement this amendment because it will provide the CSW training course at no cost to the applicant.

(b) On a continuing basis: The board estimates that it will incur nominal additional costs to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are wholly self-funded by fees paid by licensees, applicants, and continuing education providers and sponsors.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to

implement this administrative regulation, if new, or by the change, if it is an amendment: This amendment does not directly establish or increase fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No, this amendment does not.

(9) TIERING: Is tiering applied? No, tiering was not applied. This administrative regulation is applied uniformly to each licensee and applicant regardless of his or her state of residence and each will be required to meet the same qualifications for clinical social work practice.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

201 KAR 23:070

Contact Person: Florence S. Huffman, Executive Director, phone: (502) 564-2350 or (502) 782-2856, email: florence.huffman@ky.gov.

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Board of Social Work and entities that employ social workers to provide clinical social work services will be impacted by this regulation. These entities include public school districts, community mental health centers, and other public and private businesses.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 335.070(3), 335.080(1)(c) and (3), 335.100(1)(a), (b), and (3).

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. Payment for the overall cost of supervision will decrease because the number of supervision hours will be reduced.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. NA

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

1) List a summary of each item amended in the material incorporated by reference [KRS 13A.224-13A.2267]

1. Deleted extraneous text.
2. Revised text for clarification.
3. Modified definitions to reflect amendment changes.
4. Changed section and subsection references to this regulation.
5. Increased initial training for LCSW supervisors to six (6) hours of continuing education and added a three (3) hour refresher course each renewal period to maintain supervisory status;
6. Changed supervision requirements for CSW supervisee:
 - a. 150 supervision hours required over the two years of supervised clinical practice experience;
 - b. Minimum of 100 hours in individual supervision; and
 - c. Minimum of 50 hours required for individual supervision out of the total 150.
7. Added requirements that a CSW supervisee shall receive regular wages and shall complete a one (1) hour supervision course provided by the board at no cost.
8. Added a self-evaluation of the supervision process by CSW supervisee and LCSW supervisors required every six months.
9. Party terminating contract shall provide at least thirty (30) days' written notice of termination.
10. Electronic supervision may take place after 10 hours of face-to-face supervision and must conform to state and federal laws to ensure confidentiality of personal health information.

2) Continue listing items until summary is complete.

3) Include total number of pages. Four (4) pages.