

1 AN ACT relating to social work.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 335.158 is amended to read as follows:

4 (1) A ~~{treating clinical}~~ social worker who provides or facilitates the use of telehealth
5 shall~~{ensure}~~:

6 (a) ***Ensure*** that the informed consent of the ***client***~~{patient}~~, or another appropriate
7 person with authority to make the health care treatment decision for the
8 ***client***~~{patient}~~, is obtained before services are provided through telehealth;~~{~~
9 ~~and}~~

10 (b) ***Ensure*** that the confidentiality of the ***client's***~~{patient's}~~ medical information is
11 maintained as required by this chapter and other applicable ***state and federal***
12 law. At a minimum, confidentiality shall be maintained through appropriate
13 processes, practices, and technology ~~{as designated by the board and}~~ that
14 conform to applicable ***state and*** federal law, ***including but not limited to the***
15 ***Health Insurance Portability and Accountability Act of 1996, Pub. L. No.***
16 ***104-191, as amended;***

17 (c) ***Disclose to the client the potential risks to privacy and confidentiality of***
18 ***information due to the use of technology, including:***

19 ***1. The potential risks of disruption in the use of technology;***

20 ***2. When and how the social worker utilizes electronic messages;***

21 ***3. The circumstances in which the social worker may utilize alternative***
22 ***modes of communication for emergency purposes, including medical,***
23 ***psychiatric, and other emergencies;***

24 ***4. The identity of anyone who may have access to client communications***
25 ***with the social worker; and***

26 ***5. The identity of the social worker, his or her credentials, and the***
27 ***jurisdiction of licensed practice;***

- 1 (d) Assess the client's current condition and needs to determine the
2 appropriateness of telehealth in meeting those needs and that the client has
3 the necessary knowledge and skill to benefit from telehealth;
4 (e) Adhere to the same or appropriately adapted standards of care as when
5 treatment or services are provided in person;
6 (f) Not engage in fee-splitting with other telehealth providers or entities;
7 (g) Not engage in false, misleading, or deceptive advertising of telehealth
8 services; and
9 (h) Beginning on July 1, 2025, complete a board-approved two (2) hour
10 training course on the use of telehealth to provide social work services.
11 (2) Each time a social worker provides or facilitates services via telehealth, the social
12 worker shall~~[The board shall promulgate administrative regulations in accordance~~
13 ~~with KRS Chapter 13A to implement this section and as necessary to]:~~
14 (a) Make a reasonable attempt to verify the identity of the client;
15 (b) Make a reasonable attempt to verify and document the physical location of
16 the client at the time services are provided~~[Prevent abuse and fraud through~~
17 ~~the use of telehealth services];~~
18 ~~(c)~~~~(b)~~ Obtain from the client alternative means of contacting the
19 client;~~[Prevent fee-splitting through the use of telehealth services; and]~~
20 ~~(d)~~~~(e)~~ Provide information on how communication can be directed to the
21 social worker;~~[Utilize telehealth in the provision of clinical social work~~
22 ~~services and in the provision of continuing education]~~
23 (e) Utilize non-public facing technology products that comply with the Health
24 Insurance Portability and Accountability Act of 1996 standards in 42 U.S.C.
25 secs. 1320d to 1320d-9; and
26 (f) Document in the client's record that a service was provided via telehealth,
27 including any technological difficulties experienced during the provision of

1 *the service and adherence to all appropriate standards of care.*

2 (3) *The provisions of this section shall not apply to a social worker employed or*
3 *contracted in Kentucky to answer and respond to national 988 crisis line calls to*
4 *the extent that the provisions of this section are in conflict with the requirements*
5 *and training provided by the crisis line service provider.*

6 (4) For purposes of this section:~~[-]~~

7 (a) *"Client" means:*

8 *1. An individual, family, or group who receives social work services from*
9 *a social worker;*

10 *2. A corporate entity or other organization, if the social worker is*
11 *contracted to provide a social work service of benefit directly to the*
12 *corporate entity or organization; or*

13 *3. A legal guardian who is responsible for making decisions regarding*
14 *the provision of social work services to a minor or legally incompetent*
15 *adult;*

16 (b) *"Social worker" means an individual licensed as a:*

17 *1. Certified social worker pursuant to KRS 335.080;*

18 *2. Licensed social worker pursuant to KRS 335.090; or*

19 *3. Licensed clinical social worker pursuant to KRS 335.100; and*

20 (c) *"Telehealth" means the use of interactive audio, video, or other electronic*
21 *media to deliver health care. It includes the use of electronic media for*
22 *diagnosis, consultation, treatment, transfer of health or medical data, and*
23 *continuing education.*