



CABINET FOR HEALTH AND FAMILY SERVICES
Office of Legal Services

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To Whom It May Concern:

KRS 387.540(1) requires interdisciplinary evaluation reports to be provided to the district court before any disability determination proceeding. The statute also identifies the three individuals that comprise the interdisciplinary evaluation team tasked with completing the interdisciplinary evaluations. That statute states, in relevant part:

The report shall be compiled by at least three (3) individuals, including a physician, an advanced practice registered nurse, or a physician assistant, a psychologist licensed or certified under the provisions of KRS Chapter 319, and a person licensed or certified as a social worker or an employee of the Cabinet for Health and Family Services who meets the qualifications of KRS 335.080(1)(a), (b), and (c) or 335.090(1)(a), (b), and (c).

If an employee of the Cabinet for Health and Family Services is appointed to the interdisciplinary evaluation team to complete an evaluation, they must meet the qualifications in either KRS 335.080(1)(a), (b), and (c), or KRS 335.090(1)(a), (b), and (c). Pursuant to KRS 335.080(1), the critical component the CHFS employee must meet is that he/she “has received a *master’s degree or doctorate degree in social work* from an educational institution approved by the board.” (Emphasis added). Pursuant to KRS 335.090(1)(a), (b), and (c), the CHFS employee must have either “received a *baccalaureate degree in social work or social welfare program* accredited by the Council on Social Worker Education” or “received a *baccalaureate degree and has completed courses equivalent to social work or social welfare programs* as determined by the board.” (Emphasis added).

In a recent Kentucky Court of Appeals case, the Court determined that a CHFS employee, who held a B.A. in Psychology, was not qualified to serve on the interdisciplinary team and submit an evaluation to the court as she failed to meet the qualifications in either KRS 335.080(1)(a), (b), and (c), or KRS 335.090(1)(a), (b), and (c). *Webb v. Comm. of KY and Betner*, No. 2022-CA-0444-DG (Ky. Ct. App. 2023). See Attached Opinion. The Court determined that the statutory language was unambiguous and must be strictly construed in application.

It can be a common practice for district courts throughout the Commonwealth to appoint non-qualified CHFS employees to serve as part of the interdisciplinary team and submit interdisciplinary evaluations in guardianship proceedings. In light of the *Webb* decision, the Cabinet's Office of Legal Services respectfully requests that only CHFS employees who meet the strict qualifications outlined in KRS 335.080(1)(a), (b), and (c), or KRS 335.090(1)(a), (b), and (c) be appointed to the interdisciplinary evaluation team to complete an evaluation.

Please do not hesitate to contact the Office of Legal Services if you have any questions.

Sincerely,



Wesley W. Duke