

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box
Filing Date

2008 JUN 24 PM 4:01

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: WV BOARD OF SOCIAL WORK EXAMINERS TITLE NUMBER: 25-Series 3-Fees

CITE AUTHORITY: WV Code 30-30-1 Purpose, 30-30-3(a)&(e) (1) through(8)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Fee Schedule

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME
EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER
FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE
AS FOLLOWS:

Use additional sheets if necessary

Pat M. Brown
Authorized Signature

TITLE 25
LEGISLATIVE RULE
BOARD OF SOCIAL WORK EXAMINERS

SERIES 3
FEE SCHEDULE

2009 JUN 24 PM 4:01

§25-3-1. General.

1.1. Scope. -- This rule specifies the fees required for licensing as a social worker, certification as a continuing education, and fees for other services provided by the Board.

1.2. Authority. -- W. Va. Code §§30-1-6(c), 30-30-3.(e)(1)(4), 30-30-11.

1.3. Filing Date. -- ~~June 24, 2002.~~

1.4. Effective Date. -- ~~July 1, 2002.~~

§25-3-2. Fee Schedule.

2.1. Fees paid to the Board are not refundable.

2.1.1. All fees, with the exception of those for examination, are payable to the West Virginia Board of Social Work Examiners (WVBSWE).

2.1.2. The fee for the late payment of any required fee is ~~thirty dollars (\$30)~~ fifty dollars (\$50) in addition to the amount of the required fee. The Board applies a late payment fee when a payment is more than thirty (30) days delinquent, based on the date of receipt of an application, expiration date of a license or permit or other recognizable date of transaction.

~~2.1.3. The fee for a payment made by a check returned due to insufficient funds, denial of a credit card charge or similar failure to negotiate payment is the lesser of twenty dollars (\$25) or the actual amount charged to the Board for the transaction by its designated agent.~~

2.2. License fees.

2.2.1. The fee for issuance of ~~initial a regular~~ LSW, LGSW, LCSW, and LICSW biennial license certificate is ~~seventy-five dollars (\$75)~~ one hundred dollars (\$100).

2.2.2. The fee for a regular biennial license renewal is ~~sixty-five dollars (\$65)~~ eighty-five dollars (\$85). The fee for the biennial temporary license renewal is ninety dollars (\$90).

2.2.3. The fee for a provisional social work permit is ~~thirty dollars (\$30.00)~~ fifty dollars (\$50).

2.2.4. The fee for a temporary license is ~~seventy-five dollars (\$75)~~ one hundred fifteen dollars (\$115).

2.2.5. The fee for a replacement license due to loss or name change request is twenty-five dollars (\$25.00).

2.2.6. The fee for biennial renewal of an emeritus status license is ~~Forty (\$40)~~ fifty dollars (\$50).

2.2.7. The fee for activation of a biennial inactive regular status license is ~~seventy-five (\$75)~~ one hundred dollars (\$100).

2.2.8. The fee for upgrade to a higher level of license is fifty-five dollars (\$55).

2.3. Examination fees.

2.3.1. The fee for the examination required by the Board is established

by and payable to the Association of Social Work Boards (ASWB) or its designee.

2.4. Application fees.

2.4.1. The application fee to become a certified provider of continuing social work education is one hundred dollars (\$100.00).

2.4.2. The application fee to become an individually approved provider of continuing social work education is ~~thirty dollars (\$30.00)~~ sixty dollars (\$60) for each separate program application.

~~2.4.3. The fee to specially monitor the continuing education records and activities of an individually approved provider for the purpose of quality assurance is twenty-five dollars (\$25.00) for one event in each biennial and fifty dollars (\$50) for more than one event in each biennial.~~

2.5. Fees for certified providers of continuing education.

2.5.1. The fee to re-certify biennially as a certified provider of continuing social work education is one hundred dollars (\$100)

(a) A certified provider who does not pay the fee to re-certify within ~~thirty (30) days~~ sixty-five (65) days of notice from the Board ~~of certified provider status expiration~~ shall forfeit all rights and privileges as a certified provider of continuing education as defined by the Board.

(b) A certified provider who does not complete a recording form provided by the board for the purpose of determining eligibility for re-certification as a certified provider of continuing education shall not be re-certified, regardless of fee payment status, until a satisfactory determination of eligibility to re-certify has been made by the Board or its designee.

~~2.5.2. The fee to specially monitor the continuing education records and activities of a certified provider for the purpose of quality assurance is twenty-five dollars (\$25.00) for one event in each biennial and fifty dollars (\$50) for more than one event in each biennial.~~

2.6. ~~Other~~ Miscellaneous fees.

2.6.1. The fee for complying with a request for providing records as requested by the public information, such as for print, ~~or~~ electronic information or data relating to the Board, its members, services, or licensed social workers is calculated based upon the actual cost of materials, employee time, and procedures required to comply with the request. Other fees for services and special status protection are based upon actual cost of material, staff time, postage, or other expenses incurred as a result of the request.

(a) No fees shall be applied for compliance with initial requests for routine information regarding license application, continuation or renewal processes, or for the Board's annual report.

(b) Requests for additional or bulk quantities may require payment of a fee.



EMERGENCY RULE QUESTIONNAIRE

DATE: June 24, 2008

TO: **LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

FROM: (Agency Name, Address & Phone No.) WV BOARD OF SOCIAL WORK EXAMINERS-Contact Judith Williams

Physical Address: State Capitol-Bldg 1-Room WB9-Charleston WV 25305

Business: PO Box 5459-Charleston, WV 25361 Phone:*558-2988 or 558-8816

EMERGENCY RULE TITLE: Title 25 Series 3 Fee Schedule

1. Date of filing June 24, 2008
2. Statutory authority for promulgating emergency rule:
WV Code 30-30-3(a) & (e)(2), (4), & (5) WV Code 30-30-1 Purpose Describes
the need for licensure for the protection of the public. 30-30-3 assigns Board
the responsibility for carrying out all provisions set forth therein 30-30
3. Date of filing of proposed legislative rule: June 24, 2008
4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? Amends most of the fees to incorporate minor increase.
Certain fees were deleted and minor language changes to clarify only.
No new charges are included in amendment.
5. Has the same or similar emergency rule previously been filed and expired?
No. The last Rule to request a fee increase was filed and approved in 2002.
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
Fewer active workers in WV resulted in loss of revenue; rising agency costs
and service fees and reduced income from social work funds have resulted in
an inadequate cash balance to continue to meet costs especially legal fees
incurred due to ethical complaint investigations and related costs of resolution.
A major expense is the rising insurance costs currently in excess of \$1,400 per
month in addition to liability premiums.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

Not Applicable. We are a self-supporting agency dependent upon license fees to meet costs and remain in operation and serve the public.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

Several ethical cases are in process and require on-going cash to meet legal and related costs. The public depends upon the board and it's staff to publicly report unethical practitioners and those who are not licensed but have been and may be currently providing services to public consumers. We have three cases of alleged unlicensed practice including one individual that presented a counterfeit home-made license to an unsuspecting employer. Without a most immediate increase in fees, the cash balance and expected revenue will not carry us through September. The highest revenue comes in late fall and winter due to January renewals. The public depends upon this staff and the board for public information on a regular basis and to receive their written complaints.

WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

P.O. Box 5459 Charleston, WV 25361 Phone: (304) 558-8816 Fax: (304) 558-4189

www.wvsocialworkboard.org



June 24, 2008

SUMMARY OF PROPOSED AMMENDMENT TO FEE SCHEDULE SUMMARY OF RULE CHANGES

Board Members

Rita M. Brown, LSW
Chair
Kanawha

Patricia O'Reilly, Ph.D.
Vice Chair
Public Member- Kanawha

Lucy C. Eates, LSW
Secretary
Marion

Renee J. Ellenberger, LGSW
Marion

JoDee Gottlieb, LCSW
Cabell

Barbara K. Heasley, LICSW
Randolph

Christine Maniskas, LCSW
Cabell

Office Staff

Judith K. Williams
Executive Director

Amy S. Polen
Administrative Assistant

Linda C. Dempsey
Clerk

The Board is financed TOTALLY by professional social work fees. Rising expenses have caused a dramatic and dangerous decrease in our operating funds. The last increase occurred in 2002 and was minimal at that time. Unfortunately the Board has no choice other than to pursue an increase in fees at this time. Please share this message with co-workers, employer, supervisor, supervisees and any one that could be affected. Persons who renewed or obtained their two-year license in 2008 would not be affected until 2010.

If you wish to comment on the proposed fees, do so IN WRITING through July 25, 2008. Submit **written** comments by mail, fax, or email. ***In order for this agency and staff to remain in operation and continue to serve the public additional revenue is required. Social Workers and CE providers are the only source of revenue available to the Board.***

Proposed Increases:

1. Regular License Renewal: From \$65 to **\$85** (\$20 increase)
2. Regular License Issue : From \$75 to **\$100** (\$25 increase)
3. Activation & Reissue of inactive Regular: From \$75 to **\$100** (\$25 increase)
4. Temporary License Issue: From \$75 to **\$115** (\$40 increase)
5. Temporary License Renewal: From \$65 to **\$90** (\$25 Increase)
6. BSW/MSW Provisional SW Permit: From \$30 to **\$50** (\$20 Increase)
7. Emeritus Renewal : From \$40 to **\$50** (\$10 Increase)
8. Late Fee: From \$30 to **\$50** (Occurs if material is received more than thirty (30) days **after** the day of expiration but before end of grace period). (\$20 Increase)
9. Individually Approved Provider program applications: (does not affect licensed social workers) From \$30 per program to **\$60**. This is the first increase ever implemented.

Application Fees: Unlike most boards, we do not charge "application fees" for licensure candidates.

Email Addresses: Attention to J. Williams

bswe2@suddenlink.net amypolen@wvsocialworkboard.org or

jwilliams@wvsocialworkboard.org

STATEMENT OF CIRCUMSTANCES

TITLE 25-SERIES 3

FEE SCHEDULE

DATE: June 24, 2008

The WVBSWE has *insufficient cash funds available to meet the coming expenditures* which places the agency in danger as well as the general public and social workers who depend on this agency. *March through September produce the lowest revenues of the year. As of mid-June, there is approximately \$30,000-\$36,000 of unspent cash in the Board's account and deposits for June totaled \$5,600 through June 24, 2008. July through September expenditures will most likely exceed \$40,000* since quarterly premiums and service fees are due and payable in July 2008. *There would not be enough money for priority expenses:* payroll, insurance, tax payments, office rent, postage fees, liability insurance, copier lease, DSL service, telephone service, etc.

The 2009 Expenditure Schedule requires revenue to meet or exceed \$195,000. This will not be possible without a positive response to the emergency rule request. Even though the increase is small, we feel the social work support will be possible and allow enough income to survive. *Most importantly to note is that there are several cases pending resolution and costly investigation. Two of the matters may result in the public hearing process. Hearings are paid for by the Board and the cost can be great. To carry out the provisions of the West Virginia Code 30-30-7, a hearing must be afforded to the individual charged with violations of ethical conduct. The main purpose of the Board is to "protect the public" from unethical practitioners who stand in violation of law, rules, and ethical standards. There are at least three cases pending of alleged unlicensed practice that includes fraudulent and possibly criminal activity.*

The Board and staff operate not only to provide a license (which provides a living to social workers) but to monitor and inform the social workers of the required standards of ethical practice (mailed materials and Ethics manuals are provided to each). Of priority concern is the protection of the public who depends upon social workers for services and help. *Legal and investigative costs are high but required to enforce and carry out the provisions of the WV Code §30-30.* Disciplinary actions are reported to the public as well as every social work jurisdiction in the country and beyond. *This is protection for the general public as well as for unsuspecting potential employers.*

There has been no increase in fees for six years. The costs of operations have increased significantly during this span of time while fees have remained the same. We are asking for a minimal increase to begin at the earliest possible time.

The social work and general public has come to rely on a dedicated Board and staff that is familiar with and aware of the licensing and disciplinary action legal procedures.

A handwritten signature in cursive script, appearing to read "J. Williams", followed by the word "Prepared" in a similar cursive style.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 25-Series 3-Fee Schedule

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: WV Board of Social Work Examiners

Address: Contact: Judith K. Williams, Exec. Director
Physical: State Capitol Complex-Bldg 1-Room WB9-Charleston, WV 25305
Business: PO Box 5459-Charleston, WV 25361

Phone Number: 558-2988 or 558-8816 Email: jwilliams@wvsocialworkboard.org
After Hours: bswe2@suddenlink.net

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No impact on state government as the board is financed only by collection of social work license fees not state funding.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	30,000 +	40,000 +	40,000+
Personal Services	3,000	5,000	5,000
Current Expenses	27,000	35,000	35,000
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	30,000+	40,000+	40,000+

Rule Title: Title 25 Series 3-Fee Schedule

Rule Title: Title 25 Series 3 Fee Schedule

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

We need to generate an additional \$40,000 in revenue in order to meet recurring expenditures of operation and excessive legal costs necessary for the proper investigation and disposition of ethical conduct complaint matters. Current June operating balance is between \$30,000 to \$36,000 cash and pending invoices through next three months will exceed this amount.

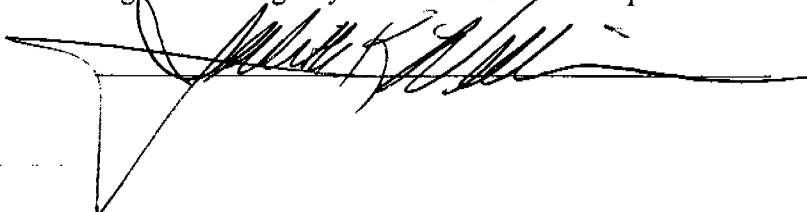
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

It is a minor increase while some fees remain the same (set forth in summary of changes). Thus far, the social work public has not objected considering the economics of current times. A license is issued for two years.

Date: June 24, 2008

Signature of Agency Head or Authorized Representative



Judy Cooper

From: ShannonBridget Murphy [orphansgold@yahoo.com]
Sent: Saturday, July 12, 2008 12:48 PM
To: WV Secretary of State
Subject: Request

The attempt to increase fees for providing licenses to social workers in the state of West Virginia should provide the opportunity to ensure that their licenses are up to date.

It is important to keep in mind that those who have their licenses updated are competent and accountable. These characteristics have been severely lacking in the profession of social work in West Virginia.

Before the social workers in the state of West Virginia are given an opportunity to renew their licenses, they should be proven competent.

Please send me a complaint form to file against a West Virginia social worker.

Shannon Bridget Murphy

2008 JUL 14 AM 8:45
WEST VIRGINIA
SECRETARY OF STATE