

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Social Work TITLE NUMBER: 25

RULE TYPE: Legislative CITE AUTHORITY: §30-30-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 1

TITLE OF RULE BEING PROPOSED: Series 1: Qualifications for the Profession
of Social Work

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JAN. 02, 2013 AT 12:00pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

P.O. Box 5459 - Charleston, WV 25361

jwilliams@wvsocialworkboard.org
bswe2@suddenlink.net

amypolen@wvsocialworkboard.org
Fax: (304) 558-4189

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WV BOARD OF SOCIAL WORK
Contact: Judy Williams
Phone: 304-558-2988
Email: jwilliams@wvsocialworkboard.org

Legislative Rule Revision: Title 25 Series 1 “Qualifications for the Profession of Social Work.”

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THIS RULE

To include and revise provisions set forth in the newer edition of the WV Code §30-30 that require detail and authority to be included in legislative Rules.

These actions follow several years of communication and meetings with representatives of major West Virginia employers, of social service workers, members of the Board and social work educators from WV social work departments.

End of Circumstance Statement

WV Board of Social Work (Name Changed by 2011 WV Code §30-30)
State Capitol Complex-Main Building-West Basement Room WB9
304-558-8816 or 304-558-2988 Contact: Judith Williams

Brief Summary of Revision

**Rule Title: QUALIFICATIONS FOR THE PROFESSION OF SOCIAL WORK
Title 25 Series 1**

*To reduce Series 1 into separate Series titles, per Legislative Rule Making Review
Counsel and as granted under the WV Code §30-30-6 effective March 18, 2011.*

Series 1 was found to be too long in length by the Legislative Rule Making Review Counsel. The suggestion was to separate Series 1 into other Series codes: 4, 5, 6, and 7. Series 1 now only specifies the qualifications and responsibilities for licensing as a social worker and alternative license candidates.

End of Summary

TITLE 25
LEGISLATIVE RULE
BOARD OF SOCIAL WORK EXAMINERS

SERIES 1
QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER ~~THE PROFESSION OF~~
SOCIAL WORK

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OFFICE OF THE CLERK
SECRETARY OF STATE

§25-1-1. General.

1.1. Scope. -- This rule specifies the qualifications, ethics, ~~application and responsibilities for~~ licensing as a social worker, ~~alternative license candidates, continuing education criteria and disciplinary procedures.~~

1.2. Authority. -- W. Va. Code §30-30-6. ~~approved as of March 18, 2011 specifically §§30-30-6, 30-30-8, 10, 12, 14, 16, 19, 20, 22 and 26. (3)(a), (3)(e)(1), (3)(e)(5), (3)(e)(6), 30-30-9, 30-1(8)(a), 30-1(15)(e).~~

1.3. Filing Date. -- June 24, 2002

1.4. Effective Date. -- July 1, 2002

§25-1-2. Definitions.

2.1. "Board" means the West Virginia Board of Social Work Examiners.

2.2. "Clinical supervisor" means a licensed independent clinical social worker providing supervision to an individual attempting to become qualified as a licensed independent clinical social worker. ~~A certified social worker, licensed clinical psychologist or licensed, board eligible psychiatrist, or an independent clinical social worker licensed in another state, may serve as a clinical supervisor only with the prior written consent of the Board.~~

2.3. ~~"Certified provider" means an agency, organization, or institution which has applied to and received approval by the Board to provide programs of continuing social work education under its own auspices, and which remains certified by complying with the provisions of Section 10 of as set forth within this rule.~~

2.4. ~~"Code of ethics" means the Code of Ethics of the National Association of Social Workers, Washington, DC which became effective on January 1, 1997. 2009~~

2.5. ~~"Complainant" means the person or agency who has filed a complaint.~~

2.6. ~~"Continuing social work education" means a program promoting social work skills, values, knowledge, and/or ethical considerations in the practice of social work. including, but not limited to, educational programs in the following areas: theoretical concepts; intervention techniques; functional skills; methods of social work practice; management, supervision, and administration in social work practice and human service programs; methods of social research; aspects of human behavior, growth and development; aspects of social change and social action; aspects of social and organizational planning and development; social and public policy development and implementation; social work education; restoration of the capacity for social functioning; controlling social problems, and altering societal conditions as a means toward enabling people to attain their maximum potential.~~

2.7. ~~"Continuing social work education program" means a formally organized educational program~~

~~sponsored by a certified or individually approved provider and offered in the form of a class, course, workshop, seminar, staff development or training activity, or formally structured discussion. Programs shall be designed to enhance social work skills, values, knowledge, and/or ethical considerations in social work practice.~~

~~2.8: 2.3. "Emeritus status" means a social work license held by an individual formally recognized by the Board to have over twenty (20) years of social work practice and who is retired from the active practice of the profession of social work.~~

~~2.9: 2.4. "Examination" means an examination approved by the Board for certification purposes, currently the basic, intermediate, advanced and clinical examinations developed and administered by the American Association of State Social Work Boards.~~

~~2.10: 2.5. "Inactive status" means a social work license that is formally recognized by after the receipt and approval of an application the Board to be inactive. During this time the licensee is barred from the practice of the profession social work during which he or she is exempt from continuing education provisions.~~

~~2.11. "Individually approved provider" means an individual, agency, institution, or organization which has applied to the Board and received approval to provide present a specific program of continuing social work education on a date, time, and location included in the application.~~

~~2.12. "Professional misconduct" or "unprofessional conduct" means any conduct by a licensed social worker cited in the Section 11 W.Va. Code § 30-30 of this rule and other conduct not in compliance with the Code of Ethics.~~

~~2.13. "Respondent" means the person against whom a complaint is made.~~

~~2.14. "Social work ethics education" means a continuing social work educational program of fundamental values and ethical behaviors which constitute guidelines of professional behavior as delineated defined in the Code of Ethics of the National Association of Social Workers.~~

~~2.15. "Social work methods of practice" means a continuing social work education program of basic, intermediate, or advanced social work intervention techniques.~~

~~2.16: 2.6. "Temporary Social work permit" means a temporary six-month permit certificate granted by the Board to an applicant qualified by education with an earned bachelor or masters degree in social work accredited by the Council on Social Work Education and experience as a social worker, graduate social worker, certified social worker, or, independent clinical social worker, but who has not yet demonstrated passage of an examination required by the Board.~~

~~2.17: 2.7. "Temporary Provisional license" means a provisional restricted license certificate granted to an applicant qualified through alternative licensing education provisions of W.Va. Code §~~30-30 (5)~~-30-30-16 and specified within this Rule. A provisional social worker is not a licensed social worker and may not use any initials suggesting he or she is an LSW, LGSW, LCSW, or LICSW.~~

~~2.18: 2.8. Provisional licensing "Supervisor" means a graduate qualified licensed social worker, certified social worker, or independent clinical social worker who has agreed to provide supervision to a temporary—provisional licensee to assist in the integration of social work skills, values, knowledge, and ethical considerations gained through continuing social work education programs and through the social work practice experience and who will evaluate progress towards satisfaction of coursework and other provisions during the four-year period of continuous employment.~~

§25-1-3. Qualifications for License.

3.1. An applicant qualified under the provisions of W.Va. Code §30-30-1,8, et. seq. may receive a social work permit license from the Board, a license as a social worker, graduate social worker, certified social worker, or independent clinical social worker, or apply for an inactive or emeritus status license. A ~~temporary licensee~~ provisional licensee is not eligible for a temporary social work permit, inactive or emeritus status license.

3.1.1. A licensed social worker may apply to place a their license on inactive status by making a formal application to the Board. ~~formally requesting and~~ Upon receiving the approval of the Board and the inactive licensee shall not perform the duties of a social worker and is exempt in earning continuing education during this period.

3.1.1.(a) A licensee may remove a license from inactive status and return to active practice by formally requesting and receiving the approval of the Board. The applicant shall provide a sworn statement indicating that he or she has never been convicted of a felony, has not engaged in behavior which constitutes professional misconduct, and intends to meet all requirements to maintain the license following activation

3.1.2. A licensed social worker may receive an emeritus status license by making a formal application to the Board and providing documentation of ~~formally requesting and receiving the approval of the Board.~~ An emeritus status license requires twenty (20) years of social work practice experience and retirement from the active practice of social work. An emeritus licensee is not required to comply with the continuing social work education requirements ~~in Section 8 of this rule.~~ Upon receipt of the Board's approval in writing, an emeritus status licensee may engage in the active practice of the profession of social work, including supervision, for up to twenty (20) hours per week.

3.2. An applicant may receive a temporary social work permit by making a formal application ~~formally requesting and receiving the approval of the Board.~~ An eligible applicant for a temporary permit may include:

~~3.2.1. A social work degree candidate enrolled in an undergraduate, or graduate or doctoral social work program at a college or university accredited by the Council on Social Work Education may receive a temporary social work permit by formally requesting and receiving the approval of the Board, and is eligible to register to take a licensing examination when enrolled in the final semester of coursework leading to the conferring of the degree, provided; the social work program director or dean provide a written statement to the Board that the applicant is expected to matriculate; the degree candidate not receive a social work license until an official college transcript is provided to the Board indicating that the degree is conferred, and; all other requirements for licensure are met.~~

(a) A candidate who has earned either an undergraduate or graduate social work degree from a college or university accredited by the Council on Social Work Education that has not yet passed an examination approved by the Board;

(b) A candidate enrolled in their final semester of either an undergraduate or graduate social work program from a college or university accredited by the Council on Social Work Education provided that the social work program director provide a written statement to the Board that the applicant is expected to matriculate.

3.2.2. Once an applicant has received a Temporary Permit from the Board, the applicant may register for and take the examination at any point during that six month permit period.

3.2.3. The degree candidate not receive a social work license until an official college transcript is

provided to the Board indicating that the undergraduate or graduate social work degree is conferred, and all other requirements for licensure are met.

3.3. An applicant may learn if he or she is eligible for a temporary provisional license by completing an application provided by the Board. To meet the educational requirement for a temporary provisional license, an applicant ~~with the exception of employees of the Department of Health and Human Resources,~~ shall have earned a four-year academic degree ~~prior to July 1, 2000~~ from a recognized, academically accredited college in a field related to social work. Related fields include sociology, psychology, counseling, ~~interpersonal communication, human services, elementary education, secondary education, special education~~ or other related fields as determined by the Board. The Board shall ~~issue a temporary~~ send an invoice for the provisional license certificate only after it has determined an applicant's eligibility and received written evidence of qualified supervision and employment in a position requiring a social work license.

3.3.1. Prior to the issuance of eligibility to pursue a temporary provisional license, an applicant shall submit to the Board:

(a). An official transcript showing the applicant completed a four-year academic degree from a recognized, academically accredited college in a field related to social work as determined by the Board;

(b). Has met other requirements as defined in §W.Va. Code 30-30-16.

~~(b). A specific plan for meeting the requirements to maintain a temporary license, including the promise of paid employment in a position requiring a social work license and the agreement of an eligible licensed social worker to provide supervision; and,~~

~~(e). Three professional references and documentation that the applicant is of good moral character and has never been convicted of a felony.~~

3.3.2. Prior to the issuance of a provisional license to perform social work within the legal scope of practice the applicant must submit a board provided provisional license agreement contract that shows evidence of full time social work employment and provisional license supervisor and employment supervisor in a position that legally requires and accepts this form of restricted certification.

3.3.3. Upon approval of the provisional license agreement contract and other provisions have been met, the Board will issue a provisional license certificate for a two year period. The provisional licensee must meet all provisions and requirements as set forth in WV Code 30-30-16 and within this article 3.3. If all guidelines are met, the provisional licensee will renew their provisional license for a final two year period, upon which time the provisional licensee will apply for conversion of their provisional to a formal license as a fully licensed social worker.

3.3.4. As defined in §W.Va. Code 30-30-16(b)(2) a Provisional licensee must complete twelve credit hours of core social work study from a program accredited by the council on social work education (CSWE), specifically post Bachelor classes in conjunction with the school, within the four-year provisional license period. A passing grade shall be earned in order for provisional licensee to remain in compliance with this criteria.

(a). A provisional licensee will be granted a six month time limit on which they must enroll in a Board approved CSWE social work program once they have been issued a provisional license certificate. The obligation of enrollment is solely the responsibility of the provisional licensee.

(b). The provisional licensee must successfully complete all 12 credit hours of the required coursework. Successful completion means receiving a passing grade. The provisional licensee must successfully complete a minimum of 3 credit hours of the required coursework per year.

(c). The only exception to the core social work courses is if a provisional licensee is enrolled in a CSWE accredited Bachelor or Master of Social Work Program.

(d). If a provisional licensee fails to enroll in a CSWE approved social work course or a CSWE approved Bachelor or Master Social Work Program, the provisional licensee will be out of compliance of their provisional license and will no longer be an eligible, active provisional licensee. The licensee must resign their full time social work position immediately and send their certificate back to the Board. If this should occur, then under §W.Va. Code 30-30-16 (c) the provisional licensee will no longer be eligible for a provisional license without first having earned a CSWE accredited Bachelor or Master of Social Work degree.

3.3.5. In addition to the twelve required hours of approved core social work courses, the provisional licensee will be responsible for earning an additional twenty (20) hours of Board approved continuing social work education per two years. A provisional licensee may earn up to ten (10) of the twenty (20) hours through Board approved online education hours.

3.3.6. A provisional licensee must provide a sworn statement to the Board annually to indicate he or she is complying with all requirements to maintain the provisional license, required social work continuing education, quarterly face to face supervision sessions, and documentation, by way of school transcript, of the required social work courses taken.

3.3.2. 3.3.7 Prior to conversion of a temporary provisional license to a formal license as a social worker, an applicant shall: the provisional licensee must provide final documentation that all requirements, as outlined in §W.Va. Code 30-30-16 and in section 3.3 of this rule have been met. The provisional licensee shall show documented proof that he or she has:

(a). Passed an examination approved by the Board;

(b). Document Completed and has documentation of four years of continuous, supervised employment in the field of social work in the form of an official letter from the employer(s) during the tenure of the provisional license;

(c). Earn continuing social work education contact hours totaling at least eighty (80) hours every two years. Of these, at least eight (8) contact hours shall be in subjects related to professional social work values and ethics, including the code of ethics, earned in formal workshop or conference settings, and no more than twenty (20) contact hours may be earned in individual professional activities; and

(d). Has documentation by way of a college transcript that the provisional licensee has met the requirements of attendance and passage of twelve (12) hours of core social work classes through a CSWE approved social work program;

(e). Provide documentation that the provisional licensee has earned continuing social work education contact hours totaling at least twenty (20) hours every two years.

(f). Provide a sworn statement to the Board in six-month intervals to indicate he or she is complying with a written plan and meeting all other requirements to maintain the temporary license.

~~3.3.3. An employer or prospective employer of a temporary license applicant shall provide the Board, upon request, a statement of whether the temporary license holder has satisfactorily performed the duties of a social worker while under his or her employ.~~

3.3.8. An employer or prospective employer shall make application to the Board for approval to hire provisional licensees. The application shall include:

(a). ~~An employer may be required to~~ Written documentation to the Board upon request, that he or she has engaged in a reasonable effort to recruit and hire a licensed social worker, graduate social worker, certified social worker or independent clinical social worker was made prior to the employ of a licensee of a temporary license for a prospective provisional licensee. ~~employee.~~

(b). Written evidence of the critical need to hire the provisional applicant.

3.3.9. An employer of a provisional licensee shall annually provide the Board a statement of whether the provisional licensee has satisfactorily performed the duties of a social worker while under the employment of the agency.

3.3.10. An employer is responsible for reporting the resignation or termination of any provisional license employee within no more than thirty (30) days of the action.

~~3.3.4. The requirements of Subsection 3.3 of this Section are to effectuate the Board's goal of meeting the need for professionally trained social workers in West Virginia. However, the Board recognizes the unique position of the Department of Health and Human Resources and, therefore, has created a limited exemption to the requirement that applicants for licensure obtain a degree in social work after July 1, 2000. This exemption is granted with the understanding that the Department will diligently pursue hiring professionally trained social workers. The Board and the Department shall file a progress report with the Joint Committee on Government and Finance on their efforts to achieve this goal on or before December 1, 2000.~~

3.3.11. A provisional licensing supervisor may be a licensed social worker, licensed graduate social worker, licensed certified social worker or licensed independent clinical social worker licensed in good standing in the State of West Virginia, provided that the licensed social worker:

(a). Has made application and received Board approval to become a provisional licensing supervisor;

(b) Has earned a council on social work education accredited Bachelor of Social Work or Master of Social Work degree and has completed two years post graduate social work experience;

(c). Shall provide a resume with application that documents continuous employment in the social work field for no less than two years;

(d). Is of good moral character documented by three letters of professional recommendations to be included in the application;

(e). The Provisional Supervisor shall not have been a subject of disciplinary action from the WV Board of Social Work or any other licensing jurisdiction in any state;

(f). Shall provide any further documentation that may be required from the Board.

~~3.3.5.~~ 3.3.12. The supervisor of a temporary provisional licensee shall provide upon request annually a sworn statement to the Board indicating:

~~(a). The supervisor is licensed in West Virginia as a graduate social worker, certified social worker, or independent clinical social worker;~~

~~(b). (a). The supervisor has engaged in face-to-face supervision with a specific temporary provisional licensee in an amount not less than the equivalent of one hour per month on at least a quarterly basis; one time every three months following license issue and whenever make-up sessions are held; and~~

~~(e). (b). The temporary provisional licensee has satisfactorily performed the duties of a social worker while under his or her supervision.~~

3.3.6. A seasoned supervisor may supervise no more than fifteen (15) temporary provisional licensees unless a written waiver has been granted by the Board allowing the supervisor to exceed this number. An LSW licensing supervisor that is new to this privilege shall limit the number of persons to five (5) until determined otherwise by the Board.

3.6. An applicant may make up to four (4) attempts to pass the examination recognized by the Board. An applicant who fails to pass the examination after four (4) attempts shall petition the Board in writing prior to attempting the examination an additional time. The Board may approve, approve with conditions, or deny a petition.

~~3.7. An applicant for licensure as a social worker, graduate social worker, certified social worker or independent clinical social worker may receive a license with waiver of the requirement for passage of an examination if the applicant:~~

~~—— (a). Is licensed under the laws of another state which are equal to or greater than requirements for licensure in West Virginia as a social worker, graduate social worker, certified social worker, or independent clinical social worker;~~

~~—— (b). Has previously passed an examination required or recognized by the Board; and~~

~~—— (c). Is eligible under all other requirements for licensure with the exception of examination.~~

~~3.8. A licensee may remove a license from inactive status and return to active practice by formally requesting and receiving the approval of the Board. The applicant shall provide a sworn statement indicating that he or she has never been convicted of a felony, has not engaged in behavior which constitutes professional misconduct, and intends to meet all requirements to maintain the license following activation. (this item was moved to other special status items 3.1.1.)~~

~~3.8.1.3.8~~ The Board may require the applicant to submit recent professional references, or similar documentation of continuing eligibility, prior to removing a license from inactive status after a period of two or more years.

3.9 As referenced in the WV Code §30-30-8; A Licensed Independent Clinical Social Worker may apply social work theory, methods, assessment, ethics and the professional use of self to the diagnosis, treatment and prevention of psychological dysfunction or disability including emotional and mental disorders.

3.9.1 Clinical Supervisor: is a Board approved WV licensed independent clinical social worker or a licensed clinical social worker from another jurisdiction who has completed no less than two additional years of clinical practice since the initial issue of the clinical license;

3.9.2. Submits a clinical supervision contract provided by the Board which identifies both parties including employment and duties of the supervisee. The contract must include evidence of good standing specifically for out of state supervisors.

3.9.2 Records of supervision will be maintained and initialed by both the supervisor and supervisee during each session for up to one-hundred (100) total hours for the duration of practice period of two full years or three-thousand hours part time. A reasonable portion of the one-hundred hours may be conducted by other technical means where confidentiality is guaranteed and the communication is not open for view or comment by other parties. No more than thirty (30) of the one-hundred hours of supervision may occur in this manner.

~~§25-1-4. Code of Ethics.~~

~~— 4.1. The Board adopts the National Association of Social Workers Code of Ethics, in the version effective January 1, 1997-2009, and incorporates it by reference.~~

~~— 4.2. The Board may take disciplinary action against a licensee who fails to comply with this Code of Ethics.~~

~~§25-1-5. Applications.~~

~~— 5.1. Application forms for a social work license, temporary permit, provisional license for examination or other services, and applications for continuing social work education provider approval, are available from the Board. Forms may be obtained by writing to: West Virginia Board of Social Work Examiners, PO Box 5459, Charleston, WV 25361 by mail, fax or email.~~

~~§25-1-6. Contested Case Hearing Procedures.~~

~~— 6.1. All procedures for contested cases are governed by W. Va. Code §29A-5-1), et seq.~~

~~§25-1-7. §25-1-4. Responsibilities of Licensees~~

~~7.1. 4.1. A licensee, provisional licensee or permittee shall notify the Board within thirty (30) days of any change of his or her legal name, primary address, telephone number or similar change of location or status, and, if required by the Board, of any change of supervisor or employer.~~

~~7.2. 4.2. A licensee, provisional licensee or permittee shall notify the Board within thirty (30) days of witnessing what may constitute, in his or her best judgment, professional misconduct by another licensed social worker.~~

~~7.3. 4.3. A licensee, provisional licensee or permittee shall abide by the provisions of the Code of Ethics of the National Association of Social Workers, which became effective on January 1, 1997.~~

~~7.4. 4.4. Allegations of professional misconduct occurring prior to January 1, 1997 are judged against the version of the Code of Ethics in effect at the time of the alleged or proven professional misconduct.~~

~~7.5. 4.5. A licensee or provisional licensee or permittee or prospective licensee or permittee shall make application for a license, renewal of a license, or similar service on forms provided by the Board.~~

~~7.6. 4.6. A licensee, provisional licensee or permittee or prospective licensee, provisional licensee or~~

permittee shall pay the appropriate fee as a condition of their application for license, renewal or other similar service.

~~7.7.~~ 4.7. At the time of renewal of license or provisional license permit, a licensee ~~or~~ permittee shall provide to the Board:

~~7.7.1.~~ 4.7.1. Written evidence of completion of mandatory continuing social work education during the tenure of the license ~~or~~ permit as specified in ~~Section 8~~ of this rule; and

~~7.7.2~~ 4.7.2. A sworn statement, on a ~~form~~ license renewal application provided by the Board, that the license has not been revoked or suspended by the Board, by another state licensing agency, or by a licensing agency in another state or territory of the United States, and that he or she has never been convicted of a felony or misdemeanor.

~~7.8.~~ 4.8. No license, provisional license, permit or certificate of license ~~or~~ permit granted or issued to an individual by the Board under the provisions of the Code of WV §30-30-1, et. seq. may be assigned to any other individual.

~~§25-1-8. Continuing Social Work Education Requirements for Licensees. Renewal.~~

~~8.1.~~ A licensee shall obtain, as a condition of renewal of license, at least fifty (50) ~~forty (40)~~ contact hours of continuing social work education within each two (2) year license period, except:

~~8.1.1.~~ Of these fifty (50) contact hours, at least thirty (30) ~~twenty (20)~~ contact hours shall be earned by attending formally organized learning events or professional meetings; ~~programs, conferences, workshops or professional meetings that are pre-approved by a WV authorized approved or certified provider; of these twenty (20) approved provider hours, no more than ten (10) hours may be used by technical means;~~

~~8.1.2.~~ Of these thirty (30) hours, at least three (3) contact hours shall be earned prior to January 1, 1999 in subjects specifically related to the Code of Ethics. These three (3) contact hours may be earned only in formal workshops or conferences by certified providers; and

~~8.1.3.~~ A licensee may earn the balance of contact hours through individual professional activities, described in paragraph ~~9.4.4.2.~~ of this rule.

~~8.2.~~ A temporary licensee shall obtain eighty (80) contact hours of continuing social work education within each two (2) year license period, except:

~~8.2.1.~~ Of these eighty (80) contact hours, at least sixty (60) contact hours shall be earned by attending formally organized learning events or professional meetings as described in ~~Section 8~~ of this rule.

~~8.2.2.~~ Of these sixty (60) contact hours, at least eight (8) contact hours shall be earned in subjects related to social work ethical considerations provided only by certified providers and incorporating the Code of Ethics and;

~~8.2.3.~~ Of these sixty (60) contact hours, at least twenty (20) contact hours shall be earned in subjects related to methods of social work practice provided by certified or individually approved providers.

~~8.2.4.~~ Of these eighty (80) contact hours, a temporary licensee may earn up to twenty (20) contact hours through individual professional activities as specified in paragraph ~~8.4.4.(b)~~ of this Section.

~~8.3.~~ An inactive, emeritus or temporary permit licensee is not required to earn continuing social work education contact hours.

~~8.4. The licensee shall only receive credit for those continuing education activities that meet the specifications established by the Board.~~

~~8.4.1. A contact hour is a minimum of fifty (50) minutes in length.~~

~~8.4.2. A licensee or temporary licensee may not count time spent in assigned reading, outside writing assignments or similar activities, travel time, meeting time devoted to business activities, entertainment, and refreshment breaks and meals in the calculation of contact hours.~~

~~8.4.3. A licensee or temporary licensee may count an integral part of an approved continuing social work education program that occurs during a meal, such as a speech or panel discussion, in the calculation of contact hours.~~

~~8.4.4. A licensee may earn continuing social work education contact hours by attending, engaging in and satisfactorily completing:~~

~~———— (a). Professional meetings and other formally organized learning events that are recognized by the Board and offered by a certified or individually approved provider of continuing social work education; and~~

~~———— (b). Individual professional activities that enhance the licensee's knowledge of professional social work issues or which relate specifically to his or her particular social work practice setting. These individual professional activities are self-directed, professional social work study activities including, but not necessarily limited to, formally organized learning events not officially recognized by the Board, college courses taken outside an accredited social work program, writing for professional social work publications, preparing and presenting certified or approved continuing social work education contact hours, reading professional literature, social work teaching or training assignments if not part of the primary job duties; independent study, research, or tutoring of a professional social work nature; making presentations on professional social work issues; and preparation of initial consultation if not employed or under contract and professional meetings.~~

~~— 8.5. A licensee is solely responsible for keeping adequate records of his or her continuing social work education contact hours and activities.~~

~~———— 8.5.1. A licensee shall maintain written records of continuing education contact hours.~~

~~———— 8.5.2. A licensee shall maintain written records of individual professional activities which describe:~~

~~———— (a). The nature of the activity;~~

~~———— (b). The dates the activity was engaged in and completed;~~

~~———— (c). The number of contact hours earned in the activity;~~

~~———— (d). The reference citations for any text, journal, or publication utilized as an activity; and~~

~~———— (e). A written statement of how the activity has enhanced the licensee's social work skills, values, knowledge, and/or ethical considerations in his or her specific practice setting.~~

~~— 8.5.3. The licensee or temporary licensee shall maintain records of all continuing education activities for a period of not less than three (3) years. of time that best suits the individual. Once the license is~~

~~renewed the records are expunged by the Board office.~~

~~— 8.5.4. The licensee or temporary licensee shall submit the written information regarding individual professional activities specified in Subsection 8.5.2.(a)–(e) of this rule upon request.~~

~~— 8.6. A licensee or temporary licensee shall submit written records of continuing education activities to the Board by the appointed due date to document earning the required number of contact hours.~~

~~— 8.6.1. The licensee or temporary licensee shall submit the record of continuing education activities on forms provided by the Board or the Board approved continuing social work education provider.~~

~~— 8.6.2. The licensee shall deliver the continuing education record forms to the Board no later than the November 15th prior to expiration of a license on January 1. In all other cases reports are due no later than forty five (45) days prior to expiration of a license. on a regular basis during the two year process in order for Board staff to keep an on going tally to compare with that of the licensee, and to cause submission of a renewal application thirty to forty five days prior to the date of expiration.~~

~~— 8.6.3. The Board may return incomplete or unreadable written records.~~

~~— 8.6.4. The Board may require a licensee or temporary licensee to submit additional evidence of completion of contact hours, programs or activities for the purpose of monitoring the quality of providers and the accuracy of reports. Additional evidence includes, but is not limited to, payment receipts, program notes, certificates of attendance, a sworn statement from a provider representative, or other proof of program attendance.~~

~~— 8.7. When a licensee or temporary licensee earns the required number of contact hours by the due date and earns additional contact hours after the due date, he or she may apply the contact hours earned after the due date to the calculation of contact hours required for the two year licensing period immediately following the due date.~~

~~— 8.8. A licensee or temporary licensee who does not earn the required number of contact hours may, no later than the due date specified in Subsection 8.6.2. of this rule, petition the Board in writing to extend the time necessary to earn the required number of contact hours. Each petition shall indicate:~~

~~— (a). The number of contact hours earned to date or of failure to earn contact hours;~~

~~— (b). The licensee's detailed plan to insure he or she shall, if granted the opportunity by the Board, earn the remainder of the mandatory contact hours in a timely manner;~~

~~— (c). The nature of any extenuating circumstances which may have prevented the licensee from earning the required contact hours during the current or previous two (2) year license period;~~

~~— (d). Written supportive documentation to any claim of extenuating circumstances, including but not limited to, a statement by an employer or health practitioner as may be requested by the Board; and~~

~~— (e). Written approval of the licensing supervisor in support of the temporary licensee's request for an extension.~~

~~— 8.9. If the Board finds a licensed social worker's individual professional activities insufficient in scope, it may require the licensee to earn his or her entire contact hour requirement in formally organized learning events during the next license period.~~

- ~~8.9.1. The Board may not extend this requirement beyond the next license period without cause.~~
- ~~8.10 Training related to the policies and procedures of an agency, organization or system for which the licensee is an employee shall not fulfill any continuing social work education requirement.~~
- ~~8.11. A list of certified continuing education providers is available from the Board.~~
- ~~8.12 A license renewal application, evidence of satisfaction of continuing social work education and required payment of fee is due in the Board office at least thirty (30) days before the day of certificate expiration. Failure to comply will result in automatic status change to delinquent the day follow certificate expiration and activate the initial late fee of \$50.00 in addition to the renewal fee. The license remains renewable provided the licensee has ceased to perform social work; satisfies the continuing education requirements; and pays all late fees which will accumulate monthly for a maximum period of thirty-six months (refer to WV Code §30-30-20). A licensee may not apply for special status inactive or emeritus if a license is delinquent.~~

~~§25-1-9. Continuing Social Work Education Requirements for Providers.~~

- ~~9.1. Providers of continuing social work education are classified either as certified providers or individually approved providers. An individually approved provider is a qualified individual, agency, or organization that has applied to the Board and received approval for a single program of continuing social work education. A certified provider is a qualified individual, agency, or organization that has applied to and received approval from the Board to provide continuing social work programs under it's own auspices and is issued a unique provider number by the Board. A certified provider maintains this status by complying with the re-certification provision of Subsection 9.4.3. of this of this Section.~~
- ~~9.1.1. An organization or individual shall apply, remit a fee, and receive approval from the Board or its designee to become a certified or individually approved provider.~~
- ~~9.1.2. No organization or individual may provide a program of continuing social work education without becoming a certified or individually approved provider.~~
- ~~9.1.3. A certified or individually approved provider shall make its program records available to the Board upon request.~~
- ~~9.1.4. A certified or individually approved provider shall inform the Board within thirty (30) days of a change of name, address or phone number for the provider or a licensed social worker who is responsible for assuring a program's professional relevancy on behalf of the provider.~~
- ~~9.2. In an application to become a certified provider, an organization shall document to the satisfaction of the Board:~~
 - ~~9.2.1. The name, address, phone number and license number of the licensed social worker with a degree in social work from a college or university accredited by the Council on Social Work Education who shall substantially participate in the coordination and planning of any program developed by the organization to assure the program's professional relevancy and adherence to social work values, knowledge, practice or ethical considerations;~~
 - ~~9.2.2. A system of maintaining program records for at least five (5) years, including attendance rosters, participant evaluations, written handouts and publicity materials;~~
 - ~~9.2.3. Methods to assure the selection of qualified instructors, teachers or presenters;~~

- ~~9.2.4. Methods to evaluate program content, instructor performance and participant satisfaction;~~
- ~~9.2.5. Methods to assure that programs will be made available to license holders who work outside the bounds of the provider organization;~~
- ~~9.2.6. That facilities selected as program sites are accessible under the provisions of the American's With Disabilities Act; and,~~
- ~~9.2.7. Copies of successful applications made by the organization as an individually approved provider that document the provision of at least thirty (30) hours of programs within the previous two years.~~
- ~~9.3. In an application to become an individually approved provider, an organization or individual shall document to the satisfaction of the Board:~~
- ~~9.3.1. That a licensed social worker with a degree in social work from a college or university accredited by the Council on Social Work Education has substantially participated in the coordination and planning of the program to assure its professional relevancy and adherence to social work values, knowledge, practice and/or ethical considerations;~~
- ~~9.3.2. The relevancy of the program to social work practice, values, skills, knowledge, or ethical considerations;~~
- ~~9.3.3. The learning objectives of the program and the relationship between the program content, delivery methods and objectives;~~
- ~~9.3.4. The license level for which the program is optimally designed;~~
- ~~9.3.5. Any prerequisites a participant must meet to enter or successfully complete the program;~~
- ~~9.3.6. A system of maintaining program records for at least five (5) two (2) years, including attendance rosters, participant evaluations, written handouts and publicity materials;~~
- ~~9.3.7. The method used to assure the selection of qualified instructors, teachers or presenters;~~
- ~~9.3.8. The method used to evaluate program content, instructor performance and participant satisfaction;~~
- ~~9.3.9. The method used to assure that programs will be made available to license holders who work outside the bounds of the provider organization;~~
- ~~9.3.10. The program agenda, clearly listing the time and date of the program, including starting and ending times and refreshment and meal breaks;~~
- ~~9.3.11. The calculated number of contact hours offered; and,~~
- ~~9.3.12. That facilities selected as program site are accessible under the provisions of the American's With Disabilities Act;~~
- ~~9.4. A certified provider receives a unique provider number issued by the Board and may initiate a program of continuing social work educational without the prior written consent of the Board.~~

~~9.4.1. An organization may apply to become a certified provider only after providing at least thirty (30) hours of formally organized learning events as an individually approved provider.~~

~~9.4.2. A certified provider shall offer at least fifteen (15) hours of formally organized learning events per year to maintain certified provider status. Any education conducted via technical means that allows true interaction between presenter and audience shall be documented on the activity report to the Board and be limited to no more than half the total hours required over a two-year re-certification period.~~

~~9.4.3. Certified providers shall pay the fee set forth in the Board's rule, Fee Schedule, 25CSR3 and provide documentation of satisfactory performance as a certified provider every two (2) years to maintain certification.~~

~~9.5. An individually approved provider shall apply to and receive written approval from the Board for each program of continuing social work educational offered.~~

~~9.5.1. An organization or individual shall apply for approval as an individually approved provider at least three (3) months prior to the first scheduled program.~~

~~9.5.2. An individually approved provider may offer an approved program only up to three times prior to reapplying to the Board for approval.~~

~~9.5.3. An organization or individual shall reapply to the Board when a previously approved program undergoes substantive changes, including a change in the instructor or to one or more learning modules or components of the program.~~

~~9.6. A certified or individually approved provider shall offer formally organized learning events in a formal, structured learning environment involving face-to-face instructional methods or educational technologies that allow true interaction between the instructor and participant.~~

~~9.6.1. A professional meeting is recognized as a formally organized learning event when offered by a certified provider in the form of a facilitated discussion or similar focused learning activity related to topics and issues that stimulate, promote, increase, or impart professional knowledge, experiences and/or opinions in the practice of social work, or that concern social work values, skills, knowledge, or ethical considerations.~~

~~9.6.2. An individually approved provider may not offer a professional meeting that is not an integral part of a larger, approved formally organized learning event.~~

~~9.7. A certified or individually approved provider that offers a program on social work ethics shall arrange for the program to be taught by a licensed social worker who has a degree in social work from a program accredited by the Council on Social Work Education. The program shall incorporate the Code of Ethics of the National Association of Social Workers as a substantial part of the program.~~

~~9.8. The Board may refuse to approve the application or rescind the certified or individually approved provider status of a provider that does not adhere to the continuing social work education provider requirements of this rule.~~

~~9.9. The Board may monitor and evaluate the records of providers or license holders to determine compliance with this rule.~~

~~9.10. The chair of the Board may appoint a continuing education committee to coordinate continuing social work education activities and make recommendations to the Board concerning policies, applications and re-certification.~~

~~§25-1-10. Disciplinary Proceedings.~~

~~—10.1. Professional misconduct is conduct by a license holder is defined by W.Va. Code § 30-30-26(g)(1-7) that includes, but is not limited to:~~

~~—10.1.1 Conviction of a felony;~~

~~—10.1.2. Inability to perform the functions of his or her professional duty by reasons of illness or impairment;~~

~~—10.1.3. Gross negligence in the practice of social work;~~

~~—10.1.4. Assisting or participating with a person who falsely represents himself or herself as a licensed social worker;~~

~~—10.1.5. Failure to renew a license after expiration or revocation of a license with continued representation that he or she is duly licensed;~~

~~—10.1.6. Obtaining or attempting to obtain a license or renewal of a license by bribery, theft or false representation;~~

~~—10.1.7. Knowingly making a false statement on a form or written statement submitted to the Board;~~

~~—10.1.8. Failure to comply with the Code of Ethics of the National Association of Social Workers;~~

~~—10.1.9. Failure to report knowledge of professional misconduct by a licensee. A licensee who reports or provides evidence to the Board of the negligence, impairment, or incompetence of another licensee is immune from civil or criminal liability which may result by reason of that action or actions if made without actual malice and in the reasonable belief that the action is warranted by the facts known to him or her at the time.~~

~~—10.1.10. A finding or preliminary finding by the Board that a license holder's continued practice of social work constitutes an immediate danger to the public.~~

~~—10.2. An individual may file a complaint by contacting the Board in writing. The Board shall provide a complaint form or additional information about filing a complaint upon request.~~

~~—10.3. Upon receipt of a written complaint, the The Board shall acknowledge receipt of a the complaint within thirty (30) days by registered or certified mail, return receipt requested.~~

~~—10.3.1. The Board shall notify a complainant whether or not it has determined there is a reasonable basis for the complaint within a reasonable period of time.~~

~~—10.3.2. The Board shall notify a respondent within thirty (30) days after it determines there is a reasonable basis for a complaint. The Board shall notify a respondent by registered or certified mail, return receipt requested.~~

~~—10.3.1. The Board shall mail a copy of a complaint to a respondent by registered or certified mail, return receipt requested, with a request of a detailed reply to the complaint allegations within 30 days.~~

~~10.3.2. Should the Board not receive a written response to the allegations within this period, the matter will proceed to investigation and hearing thereafter.~~

~~10.3.3. A licensee who reports or provides evidence to the Board of the negligence, impairment, or incompetence of another licensee is immune from civil or criminal liability which may result by reason of that action or actions if made without actual malice and in the reasonable belief that the action is warranted by the facts known to him or her at the time.~~

~~10.4. After finding a reasonable basis for a complaint, the Board shall conduct an investigation to determine if there is sufficient evidence to merit a hearing, negotiation of a consent agreement, application to a circuit court for an injunction or restraining order or take similar action involving disciplinary action. The Board shall conduct an investigation as follows:~~

~~10.4. The Board is not required to await a reply prior to applying to a circuit court for an injunction or restraining order to enjoin the respondent from engaging in an act which constitutes or will constitute an immediate danger to the public.~~

~~10.4.1. The Board chair shall may appoint a member or committee of the Board, or a special investigator, to investigate the allegations of surrounding the complaint, consider the findings and make recommendations to the Board, regarding the complaint, the investigation and the possibility of disciplinary action.~~

~~10.4.2. The Board shall mail a copy of a complaint to a respondent by registered or certified mail, return receipt requested, with a request of a detailed reply to the complaint allegations within fifteen (15) days. The Board is not required to await a reply prior to applying to a circuit court for an injunction or restraining order to enjoin the respondent from engaging in an act which constitutes or will constitute an immediate danger to the public.~~

~~10.4.3. The investigator shall submit a report for the Board which summarizes the information gathered during the investigation and provides a recommendation for action by the Board.~~

~~10.4.4. 10.4.2. After reviewing the report considering the recommendation of the Investigator, the Board shall determine the existence of if probable cause by a majority vote of all present. exists that the licensee or permittee has violated subsection §30-30-26 or any rules promulgated pursuant to this article. The investigator shall abstain from voting in proceedings arising from a complaint he or she has investigated.~~

~~10.4.5. The Board shall notify a the respondent and a complainant by registered or certified mail, return receipt requested, when probable cause has been determined to exist. The Board may at this time offer a consent agreement. A notice forwarded to a respondent shall include the following information:~~

~~10.4.4. A notice forwarded to the respondent shall include the following information:~~

~~(a). That the Board shall suspend or revoke the respondent's license and/or take other disciplinary action as specified in the notice in thirty (30) days unless the respondent requests in writing an administrative hearing prior to the expiration of the thirty-day period;~~

~~(b)(a). That the respondent has the right to a hearing;~~

~~(c). (b). That the respondent has the right to subpoena and present witnesses and documents on his or her behalf;~~

~~———— (d). (e). That the respondent has the right to be represented by a lawyer at his or her expense and to cross-examine witnesses; and,~~

~~———— (e). (d). That the complaint will not result in an administrative hearing if the respondent and Board mutually agree upon the findings of fact, conclusions of law and imposed sanctions contained in a consent agreement and order offered to the respondent and subsequently entered into by the respondent and the Board.~~

~~———— 10.5. Procedures for contested case hearings are governed by W.Va. Code §29A-5-1, et seq.~~

~~———— 10.6. 10.5. The Board may impose any of the following sanctions, singly or in combination, after finding that a license holder has engaged in professional misconduct: violated a Board regulation and/or statute:~~

~~———— 10.6.1. Refuse to renew a license;~~

~~———— 10.6.2. Suspend an existing license for a set period of time and/or impose requirements for reinstatement or renewal of a license;~~

~~———— 10.6.3. Revoke an existing license;~~

~~———— 10.6.4. Enter into a consent decree, consent agreement, agreed settlement, default or stipulation or other informal disposition;~~

~~———— 10.6.5. Issue a public reprimand;~~

~~———— 10.6.6 5. Impose a period of probation and requirements for the lifting of probation, including meeting continuing education requirements, mandatory supervision by a licensed social worker, peer or professional counseling, a medical, psychological or clinical social work evaluation, or other reasonable requirement, singly or in combination, that the Board considers sufficient to protect the public;~~

~~———— 10.6.7. 6. Levy fines not to exceed one thousand dollars (\$1,000) per day per offense; and,~~

~~———— 10.6.8. 7. Assess fees to recover administrative costs incurred by the Board for disciplinary actions taken.~~

~~———— 10.7. The Board may suspend a license prior to the outcome of a hearing or other disposition when, in the opinion of the Board, continued practice by the license holder constitutes an immediate danger to the public, evidenced by conduct or practice which constitutes professional negligence, a willful departure from accepted standards of professional social work conduct or onset of a condition which renders an individual unqualified or unfit to practice. The negligent conduct or practice includes:~~

~~———— (a). Acknowledged perpetration of or conviction of a felony while holding a license;~~

~~———— (b). Indictment, admission or establishment of guilt of an act of larceny, theft, misrepresentation, solicitation or other criminal act against a client or patient, the client or patient of another licensed professional, or against another licensed professional;~~

~~———— (c). Indictment, admission or establishment of guilt of an act of criminal assault against a client or patient, the client or patient of another licensed professional or against another licensed professional; and,~~

~~———— (d). Willful disregard of the authority of the Board to enforce duly imposed sanctions.~~

~~—10.8. 7. The Board may apply to the circuit court for an order enjoining a licensee from the practice of social work when he or she has engaged in, is engaging in, or is about to engage in any act which constitutes or will constitute a violation of the provisions of law under its authority. issue a notice to the licensee or permittee to cease and desist.~~

~~—10.9. 8. Prior to revoking any license prior Prior to a hearing, the Board shall send the licensee a notice of a hearing, to take place within thirty (30) days, by registered or certified mail, return receipt requested.~~

~~—10.10. A person representing herself or himself as a social worker who does not have a license, or a person engages in the private, independent practice of social work without an appropriate license, is guilty of a misdemeanor and is subject to penalties of law and/or disciplinary action for professional misconduct.~~

~~—10.11. After finding that a social worker has violated regulations and/or statute processes and disciplinary action is proposed the Board shall engaged in professional misconduct, and after the expiration of a period of appeals, the Board may report its findings to the Disciplinary Action Reporting System (DARS) who in turn is the agent for West Virginia in reporting matters to the Health Integrity Practitioner's Data Bank (HIPDB) as set forth by Federal Law; or other recognized national and state disciplinary action reporting organization, licensing agency, professional association or society, community organization, employers of social workers, the public, or other agencies, institutions, and organizations.~~

~~—10.12. The Board may apply to the circuit court for an order enjoining a license holder who has engaged in, is engaging in, or is about to engage in any act which constitutes or will constitute a violation of the provisions of law under its authority.~~

~~§25-1-11. Violations of Child Support Orders.~~

~~—11.1. The Board shall revoke or suspend the license of a licensee or impose other sanctions against a licensee, or refuse to renew a license or approve an application for license, after receiving a valid circuit court order indicating that the licensee has violated a child support ruling and, as a result, has endangered his or her professional license.~~

~~—11.2. The Board shall reinstate, remove sanctions against or allow renewal of or application for a license after receiving a valid circuit court order to reinstate or renew a license previously suspended, revoked or sanctioned as a result~~

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Qualifications for the Profession of Social Work - Title 25 Series 1

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Social Work

Address: Physical: 1900 Kanawha Blvd. East - Building 1 Room WB-9

Public Mailing Address: P.O. Box 5459 Charleston, WV 25361
Contact Person: Judith K. Williams, Executive Director

Phone Number: (304) 558-8816 Email: jwilliams@wvsocialworkboard.org

Fiscal Note Summary

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

This rule in itself is not expected to have impact on revenue.

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	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets			
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Qualifications for the Profession of Social Work - Title 25 Series 1

Rule Title: _____

Rule Title: _____

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

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

No fee increase/decrease expected.

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.

This rule specifies the qualifications and responsibilities for licensing as a social worker and alternative licensing candidates.

Date: December 21, 2012

Signature of Agency Head or Authorized Representative


