



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Social Work Examiners TITLE-SERIES: 25-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 25CSR3 Fee Schedule

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 30-30-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

WV Code §30-1-23 establishes the waiver process for low income individuals and military families and provides definitions for the affected classes. Waiver of fees for deployed personnel are authorized in §30-1-14. The Board's authority to establish applications and fees are addressed in WV Code §30-30-5 and 30-30-7, and its rule making authority is defined in §30-30-6 .

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/5/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

The rule was noticed on the Board web page. Additionally, the rule and request for comment was sent to the WV Chapter of NASW and the list serve managed by WV University.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The rule establishes a process for waiver of initial licensure fees for low income individuals and military families. Definitions for initial licensure fee, local labor market, low income individual and military families are added to the rule-all language from the originating statute.

A decision on the waiver must be made within 30 days of receipt of an application.

Additionally, while the Board had previously exempted reactivation and inactivation fees for deployed military families, the inclusion of active duty in the definition and in 4.3 betters clarifies the intent and also provides for an exemption of renewal fees for deployed active duty personnel.

The inclusion of 3.2.10 is not a new fee but it was noted that the fee for written licensure verification was not included in the fee schedule. The Board web site provides free primary source verification but when written verification is requested, the fee has been \$25 in practice.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule change is proposed to comply with SB 396, passed on March 8, 2019. This legislation requires Chapter 30 Boards to provide an application process for a waiver of initial licensure fees for "low income individuals" and "military families".

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no impact to state government revenue as a whole. Any impact will be on the revenues of the Board of Social Work and the Board anticipates the loss in revenue can be absorbed without an adverse effect on services.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

There is no negative impact and it is anticipated those in the affected classes that seek a waiver will benefit from this rule.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There are no immediate costs to implementing these rules. As the Board's operational expenses are generated from licensure fees, it is difficult to predict the economic impact on the Board as the number that will seek a waiver is unknown. However the Board anticipates the loss can be absorbed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 25
LEGISLATIVE RULE
BOARD OF SOCIAL WORK

SERIES 3
FEE SCHEDULE

§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 §§30-30-6

1.3. Filing Date. —~~June 4, 2013.~~

1.4. Effective Date. -- ~~July 1, 2013.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or be effective upon the expiration of ten years from its effective date.

§25-3-2. Definitions

2.1. “Initial Licensure fee” means the fees associated with a temporary permit or issuance of a license which enable one to seek employment and practice social work in West Virginia.

2.2 “Active duty” means individuals who are employed full time in the armed forces of the United States and deployed outside of this state, and for six months after discharge from active duty.

2.3. “Local labor market” means every county in West Virginia, and any county outside of West Virginia if any portion of that county is within fifty miles of the border of West Virginia, pursuant to W.Va. Code §21-1C-2.

2.4 “Low-income individual” means an individual in the local labor market as defined in W.Va. Code §21-1C-2, whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but not limited to the Temporary Assistance for Needy Families Program (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.5. “Military families” mean any person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U.S.C. §101, honorably discharged veterans of those forces, and their spouses. This term also includes surviving spouses of deceased service members who have not remarried.

§25-3-~~2~~ 3. Fee Schedule.

~~2~~ 3.1. Fees paid to the Board are not refundable.

~~2~~ 3.1.1. All fees, with the exception of those for examination, are payable to the West Virginia Board of Social Work.

~~2~~ 3.1.2. The fee for the initial late payment of any required fee is fifty dollars (\$50) in addition to the amount of the required fee. The Board applies the initial late payment if renewal payment is not received by the due date based upon the date of receipt of an application. The “due” date is the day the certificate expires and becomes delinquent.

~~2~~ 3.1.3 An additional amount of twenty-five (\$25) dollars per month or fraction thereof, based upon date of receipt, will accumulate for up to a maximum of thirty-five additional months thereafter. The accumulated total due is payable upon receipt of the required application.

~~2~~ 3.2. License fees.

~~2~~ 3.2.1. The fee for issuance of a regular LSW, LGSW, LCSW, and LICSW biennial license certificate is one-hundred dollars (\$100).

~~2~~ 3.2.2. The fee for a regular biennial license renewal is eighty-five dollars (\$85). The fee for the biennial ~~temporary~~ provisional license renewal is ninety dollars (\$90).

~~2~~ 3.2.3. The fee for a temporary permit is fifty dollars (\$50).

~~2~~ 3.2.4. The fee for a provisional license is one hundred fifteen dollars (\$115).

~~2~~ 3.2.5. The fee for a replacement license due to loss or name change is twenty-five dollars (\$25).

~~2~~ 3.2.6. The fee for biennial renewal of an emeritus status license is fifty dollars (\$50).

~~2~~ 3.2.7 The application fee for inactive status that is made while the license is still active and in good standing is thirty dollars (\$30) and shall include evidence of continuing education earned after the issue date of the existing license as determined by the Board. Persons suffering critical health problems and military personnel called to active duty are exempt from this fee.

~~2~~ 3.2.8. The fee for activation of a biennial inactive regular status license is one-hundred dollars (\$100). Special accommodations may be made to military personnel families to waive the fee when called to active duty that caused an interruption in social work employment as determined by the Board.

~~2~~ 3.2.9. The fee for upgrade to a higher level of license is fifty-five dollars (\$55).

3.2.10 The fee for written verification of a license is twenty-five dollars (\$25).

~~2~~ 3.3. Examination fees.

~~2~~ 3.3.1. The fee for the examination is established by and payable to the Association of Social Work Boards (ASWB) or its designee.

~~2~~ 3.4. Application fees.

~~2~~3.4.1. The application fee to become a certified provider of continuing social work education is one hundred dollars (\$100.00).

~~2~~3.4.2. The application fee to become an individually approved provider for a specifically dated and titled program of continuing social work education is sixty dollars (\$60) for each separate program application.

~~2~~ 3.5. Fees for certified providers of continuing education.

~~2~~3.5.1. The fee to re-certify biennially as a certified provider of continuing social work education is one hundred dollars (\$100)

~~2~~3.5.1.a. A certified provider who does not pay the fee to re-certify within ninety (90) days of notice from the Board shall forfeit all rights and privileges as a certified provider of continuing education as defined by the Board.

~~2~~ 3.5.1.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~~3.6. Miscellaneous fees.

~~2~~ 3.6.1. The fee for complying with a request for providing records as requested by the public information, such as for print, 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.

~~2~~3.6.1.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.

~~2~~3.6.1.b. Requests for additional or bulk quantities may require payment of a fee.

§25-3-4. Waiver of Fees

4.1. Individuals meeting the definition of low income individuals as defined in this rule, may seek a waiver of the fees for a temporary permit or license to practice by submitting a waiver application for low income individuals including all required items for verification as prescribed by the Board. The Board shall review the application and issue a decision within 30 days of receipt of a complete application.

4.2. Military families, as defined in this rule, may seek a waiver of initial licensure fees by submitting a waiver application for military families including all required items for verification as prescribed by the Board. The Board shall review the application and issue a decision within 30 days of receipt of a complete application.

4.3 Active duty service personnel, as defined in this rule may seek a waiver of all renewal, inactivation and reactivation fees by submitting appropriate verification to the Board with the renewal application or application for special status privileges.