

West Virginia Board of Social Work Examiners

Post Office Box 5477 • Charleston, West Virginia • 25361
Telephone (304) 558-8816



STATEMENT OF NEED FOR PROPOSED LEGISLATIVE RULES

The purpose of these amendments and additional rules is to clarify, improve, and/or update:

- Disciplinary procedures;
- Fees for services provided by the Board to licensed social workers;
- Application and eligibility requirements, and;
- Board organization and procedures.

It should be noted that the Board's sole source of revenue is through special revenue fees for services provided to licensed social workers.

In order to make it possible for the Board to effectively discharge its legislatively mandated responsibility to protect the public and, at the same time, remain financially solvent to carry out its necessary functions and services, modest fee increases have been proposed.

Further, it should be noted that these fee increases represent a responsible, sound mechanism to maintain services at current levels and plan for anticipated new expenditures, rather than an effort to generally increase available revenues.

The Honorable Gaston Caperton, III
Governor

Margaret P. Bishop, ACSW, LOSW
Charleston

Susan Casto, LGSW
Parkersburg

Adrian Dowell, LSW
Bluefield

Barbara L. Gazdik, LGSW
Wheeling

Samuel A. Hickman, LOSW
Acting Chair
Dunbar

Louis Palma, LSW
Welch

Lottie Russell
Consumer Representative
Dunbar

Judith Williams
Administrative Aide

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1992 SEP 11 PM 2:22
OFFICE OF WEST VIRGINIA
SPECIAL SERVICES

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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Rule Title: Qualifications for Licensure As A Social Worker

1992 SEP 11 PM 2:22

Type of Rule: X Legislative Interpretive Procedural

PO Box 5477

Agency WV Board of Social Work Examiners Address Charleston, WV 25361

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ None	\$ 30,000	\$ 50,000
Personal Services				10,000	10,000
Current Expense				15,000	25,000
Repairs and Alterations					
Equipment				5,000	10,000
Other					5,000

2. Explanation of above estimates: The proposed rule would enable the Board to receive additional Special Revenue funds necessary and crucial to allowing the Board to maintain and improve it's ability to perform it's mandated responsibilities. Expenses are not generally expected to increase dramatically in the current fiscal year.

3. Objectives of these rules: The proposed rules are, in large part, necessary to provide sufficient income to meet expenses for this special revenue account which receives no State or Other appropriations, to meet the financial obligations necessary to the efficient operation of this agency. The Board of Social Work Examiners cannot effectively discharge it's duties as mandated by law without raising additional special revenue income.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

No impact on State Government taxes and revenues due to Board's Special Revenue account status. Positive impact on ability of the Board, as an entity of State Government, to effectively discharge it's duties.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

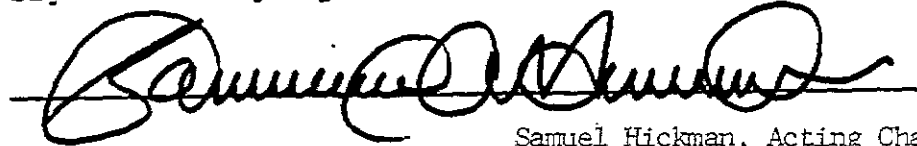
Modest increase in fees for services to licensed Social Workers in West Virginia. This would be the first and only increase since 1985. Fees are substantially lower than similar fees charged by surrounding states for similar services.

C. Economic Impact on Citizens/Public at Large.

No impact. Modest increase to Social Work professional will be totally absorbed and not passed along to consumers or to the public at large.

Date: September 11, 1992

Signature of Agency Head or Authorized Representative

A handwritten signature in black ink, appearing to read "Samuel Hickman", written over a horizontal line.

Samuel Hickman, Acting Chair WVBSWE

**TITLE 25
LEGISLATIVE RULES
BOARD OF SOCIAL WORK EXAMINERS**

RECEIVED

**SERIES 1
QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER**

1987 SEP 11 PM 2:22
OFFICE OF WEST VIRGINIA
LEGISLATION

§25-1-1. General.

1.1. Scope.--These legislative rules define and specify the qualifications, ethics, application and responsibilities for licensing as a social worker.

1.2. Authority.--W. Va. Code §30-30

1.3. Filing date.--

1.4. Effective Date.--

§25-1-2. Qualifications.

2.1 Adequacy of experience. -- (WV Code §30-30-6a, b) Acceptable experience for the purpose of exemption from requirements must involve the practice of social work, as defined in §30-30-2b, c, e, and must have been performed competently at a professional level in order to be considered satisfactory in scope and quality. Experience limited to essentially repetitious and routine tasks at the preprofessional level will not be accepted.

2.2 Related fields. -- (WV Code §30-30-6) Fields related to social work for the purpose of exemption from requirements include psychology, sociology, counseling, rehabilitation, correctional counseling, public policy, public administration and human resources.

2.3. Requirements for applicants from schools of social work in the process of being accredited. -- (WV Code §30-30-6) Candidates from schools of social work currently in the process of application for accreditation by the Council on Social Work Education will be eligible to take the licensure examination until June 30, 1987 (because they could not have been reasonably expected to know the requirements for licensure when they entered the program). Students entering an as yet unaccredited program after June 30, 1985 shall be notified in writing by the school on an annual basis of the status of the school's application for accreditation. Applicants who have graduated from programs that were accredited at the time of graduation but are no longer accredited will be eligible on the basis of the school's status at the time of their graduation. Applicants who were enrolled and in good standing in a social work program at the time of the loss of accreditation will be eligible until June 30, 1987.

2.4. Provision for in lieu of requirement. -- (WV Code §30-30a-5 (5), b-4, c-4) Candidates who wish to be considered under this section must obtain the approval of the Board of Social Work Examiners to an agreed upon specific plan for

meeting those requirements and must provide verification at times specified by the Board that they are adhering to the approved plan for meeting the requirements. In addition, the candidate shall satisfactorily pass specified examinations in order to qualify for continuance of temporary license.

2.4.1. Competency. -- The Board may convene a panel of social work experts to advise and consult with the Board in considering the competency of applicants requesting evaluation in a particular area of practice for which they have not completed coursework. This panel of experts will be versed in the area of the competency to be evaluated. The board may use competency equivalency evaluation tests and other evaluative methods in determining competency.

Ed. Historical Note: The "grandfathering" provisions in section 2 §25-1-2 expired on June 30, 1986.

§25-1-3. Ethics

3.1. Licensees shall abide by the West Virginia Social Work Code of Ethics. (See Appendix A.) Failure to do so will be considered grounds for disciplinary action.

§25-1-4. Application.

4.1. Application for social work licensure shall be made on the forms provided by the Board of Social Work Examiners included in the applicant's Handbook provided by the Board of Social Work Examiners and the American Association of State Social Work Boards. Details of the application process are contained within the forms provided, in informational attachments, and/or in the Candidate Handbook for scheduling to take required examinations for social work licensure in West Virginia. This Application forms Handbook may be obtained by writing to the Board of Social Work Examiners, P.O. Box 5477, Charleston, WV 25361, Board members, and from the Department of Human Services, 1900 Washington Street, E., Charleston, WV 25305.

4.2. Fee Schedule. -- [WV Code §30-30-3(e) (4), 10, 11].

4.2.1. Fee for the initial nationally standardized examination for licensure is seventy dollars (\$70.00); established by the American Association of State Social Work Boards and listed in the Candidate Handbook.

4.2.2. Fee for screening for exemption from examination is thirty-five dollars (\$35.00); fifty dollars (\$50.00).

~~4.2.3. Fee for issuance of initial licensing certificate is five dollars (\$5.00).~~

4.2.3. Fee for the biennial license renewal is ~~twenty-five dollars (\$25.00), forty dollars (\$40.00).~~

4.2.4. All fees for examination are payable to the American Association of State Social Work Boards (AASSWB), the designated examination organization for the Board of Social Work Examiners.

4.2.5. All fees for services other than for examination are payable to the West Virginia Board of Social Work Examiners.

4.2.6. All fees paid to the Board are not refundable (WV Code §30-30-11).

4.2.7. Fee for initial application by an individual who documents a social work degree from a college or university accredited by the Council on Social Work Education is twenty-five dollars (\$25.00).

4.2.8. Fee for initial application by an individual who is engaged in the licensing process via the in lieu of provisions [§§ 30-30-5(a)(5), 30-30-5(b)(4), and 30-30-5(c)(4)] and who does not hold a social work degree from a college or university accredited by the Council on Social Work Education, but who, at minimum, documents a four year degree from an accredited college or university, or, at least sixty (60) college credit hours from an accredited college or university and at least two years of documented and Board approved social work experience within the previous ten years, is fifty dollars (\$50.00).

4.2.9. Fee for replacement of lost license is ten dollars (\$10.00).

4.2.10. Fee for processing of application by an organization or institution to become a provider of continuing social work education approved by the Board of Social Work Examiners is one hundred dollars (\$100.00). Additional requirements as established by the Board will apply. Successful applicants will be known as an approved provider of continuing social work education in West Virginia. This designation shall apply to only those events internally approved by the approved provider as being appropriate as continuing social work education events as determined by Board policies.

4.2.11. Fee for processing of application for prior review of a single continuing social work education event for potential approval offered by an individual, organization, or institution not desiring to apply to become recognized as an Board approved provider of continuing social work education is twenty-five dollars (\$25.00). Additional requirements as established by the Board will apply. Successful applicants will be known as an individually approved provider of continuing social work education in West Virginia. This designation shall apply only to those events specifically approved by the Board.

4.2.12. Fee for Board monitoring of continuing social work education events offered by approved providers or individually approved providers of continuing social work education to measure quality and appropriateness of events offered are twenty-five dollars (\$25.00) for one event in each biennial period, or, fifty dollars (\$50) for more than one event in each biennial period.

4.2.13. Fee for filling requests for public information, data, or other services relating to the Board, its members, or licensed social workers shall be based on actual materials, staff time, and services required to fill such requests.

4.2.14. Fees for other services not currently anticipated shall be based on case relativity to established fees and may be decreased, but not increased, by the Board.

4.3. Appeals re denial of licensure.

4.3.1. Reconsideration. — In cases where an applicant does not appear to meet the exemption requirement but believes that he or she should be considered for grandfathering because of his or her experience in social work practice, the candidate may submit the following for the Board's evaluation: Documentation of (a) social work experience, paid or unpaid; (b) length of service; (c) evaluations and recommendations of employer and/or supervisor; (d) performance on equivalency examinations; (e) description of duties; (f) educational record and/or transcripts; (g) expectation of historically-understood career ladder; and any other information that would demonstrate that the applicant has met the intent of the law.

4.3.2. Reconsideration is decided on an individual basis and the Board cannot predetermine eligibility. The formal application for licensure must be denied and the applicant must file for reconsideration before a determination can be made.

4.3.3. Hearing -- An applicant who is not satisfied with the decision of the Board may request a hearing before the Board to further appeal.

4.3.4. Initiating proceedings. When the West Virginia Board of Social Work Examiners (hereinafter "Board") denies an application for licensure on the basis that the applicant does not have the qualifications required by W.Va. Code §30-30-5, the Board shall make a finding stating the specific reason why said application was denied. Upon denial of an application for licensure, the Board shall mail the applicant, by registered or certified mail, return receipt requested, a statement of denial, which statement shall contain the following information:

(a) That applicant has been denied licensure and the reason therefore;

(b) that applicant may, within twenty (20)

working days after receipt of said statement, request a hearing by written request mailed by certified or registered mail, return receipt, to the Board;

(c) that a hearing shall only be provided by request, and failure to request a hearing within the twenty (20) day period shall be deemed a waiver of the right to any hearing;

(d) that said hearing shall be before a Board appointed hearing examiner; and

(e) that the applicant shall have the right to be represented by counsel, subpoena witnesses and present both testimonial and documentary evidence.

4.3.5. Notification. — Within twenty (20) working days after receipt of a timely request for hearing, the Board shall notify applicant, by registered or certified mail, return receipt, of the date, time, and location of said hearing.

4.3.6. Continuances. Continuances may be granted upon the applicant's request, provided such request is received by the Board at least five (5) days prior to the scheduled hearing and if good cause is shown. Good cause shall include serious illness, court appearances, or religious holidays of either of the applicant or the applicant's attorney. The board may continue a hearing on its own motion.

4.3.7. Subpoenas. Applicants may obtain hearing subpoenas by submitting a written request to the Board at least ten (10) working days prior to the hearing date.

4.3.8. Hearing Procedures. Failure of the applicant to appear at the hearing without first obtaining a continuance shall be deemed a waiver of the right to a hearing. Applicants must appear in person and may be represented by an attorney licensed to practice law in West Virginia. The West Virginia Rules of Civil Procedure and Rules of Evidence shall be applicable during said hearing except as altered by W.Va. Code §29A-5-2 and the rules herein. The hearing examiner shall construe said rules liberally to allow full presentation of the evidence. The proceedings shall be recorded by stenographic notes or by mechanical recording. In accordance with W.Va. Code §29A-2-2(b), the hearing examiner shall admit into evidence all papers, records, and Board memoranda. The applicant shall then present his or her case. Upon written request, all testimony shall be transcribed and copy furnished to the applicant upon payment of the cost of preparation. The hearing examiner shall make an order containing findings of fact and conclusions of law in accordance with W.Va. Code §29A-5-3, and submit same to the Board, who may accept, reject, or modify said order. Applicants requesting hearings pay a ten dollar (\$10.00) docket fee and a fifteen dollar (\$15.00) fee for each witness subpoenaed prior to the hearing. The Board shall refund such fees for applicants prevailing at said hearing or during judicial review.

4.3.9 Judicial Review. Judicial review shall be available for all applicants aggrieved by Board orders in

accordance with W.Va. Code §29A-5-4.

4.3.10. Renewed application. After offering the applicant an opportunity for a hearing, the Board shall not provide another opportunity for hearing for subsequent application denials, unless there is material change in the applicant's qualifications or in the law.

§25-1-5. Responsibilities of Licensees

5.1. Each licensee shall notify the Board of any change of address, [WV Code §30-30-3e(3)].

5.2. Continuing education requirement [WV Code §30-30-3e(5)].

5.3.1. Fifty (50) contact hours of continuing education (the equivalent of five (5) CEU's) will be required within each two (2) year license period, except that eighty (80) contact hours of continuing education will be required within each two (2) year license period of persons engaged in the licensing process via the in lieu of provisions [WV Code §§ 30-30-5(a)(5), 30-30-5(b)(4), and 30-30-5(c)(4)].

5.3.2. In the first renewal cycle of grandfathered licensees, continuing education credits earned from January 1, 1985 forward may be submitted.

5.3.3. Continuing education may be earned in: (a) Professional meetings and other formally organized learning events; (b) individual professional activities. (See Appendix B.)

5.3.4. Only twenty (20) ~~of the fifty (50)~~ hours may be individual professional activities.

5.3.5. Training specifically related to policies and procedures of an agency ~~may shall~~ not be counted toward the continuing education requirements.

5.3.6. Licensees who have had no professional education in social work must include continuing education in social work ethics [five (5) hours] and social work methods of practice [twenty (20) hours] during the first renewal period, except that eight (8) contact hours in social work ethics and twenty (20) contact hours of social work methods of practice will be required within each two (2) year license period of persons engaged in the licensing process via the in lieu of provisions [WV Code §§ 30-30-5(a)(5), 30-30-5(b)(4), and 30-30-5(c)(4)].

(a) Methods of Practice represents a category of basic interventive techniques similar to those taught in the curriculum of Council on Social Work Education approved social work programs;

(b) Social Work Ethics are basic fundamental guidelines of professional behavior as delineated within the West Virginia Social Work Code of Ethics. Ethics are integrated throughout most curricula of Council on Social Work

Education approved Social Work programs.

5.3.7. The licensee must keep records to verify his/her continuing education. These records must cover what he/she did, when, where, hours of instruction and instructor(s).

5.3.8. Continuing education provided by ~~Board approved providers of continuing social work education the following organizations~~ is automatically accepted for continuing education requirements. ~~A current listing of Board approved providers of continuing social work education is available from the Board. American Association for Marriage and Family Therapy; American Orthopsychiatric Association; American Public Welfare Association; American Group Psychotherapy Association; Child Welfare League of America; Community Council of Kanawha Valley; Coordinating Council for Independent Living; Council of Nephrology Social Workers; Agencies Accredited by the Council on Accreditation of Services for Families and Children; Council on Social Work Education (CSWE); CSWE Accredited Social Work Schools; West Virginia Baccalaureate in Social Work (BSW) or Master of Social Work (MSW) Programs; Family Service of America and Member Agencies; National Association of Black Social Workers; Gerontology Center, West Virginia University; National Association of Social Workers; National Council on Aging; National Eligibility Workers Association; Society for Hospital Social Work Directors; West Virginia Association of Directors of Senior Programs, Inc.; West Virginia Association of Social Service and Attendance; West Virginia Commission on Aging; West Virginia Department of Human Resources; Training Division; West Virginia Department of Health, Training Division; West Virginia Human Resources Association; Parkersburg Community College; Social Service Technology Program; West Virginia Alcoholism and Drug Abuse Counselors Certification Board; West Virginia Child Care Association; West Virginia Committee for the Prevention of Child Abuse.~~

These approved providers shall adhere to criteria for continuing education providers. (See Appendix C.)

5.3.9. The Board has developed requirements for providers of continuing education. Those individuals, organizations or institutions who wish to obtain approved provider status must document for the Board that they meet the criteria to obtain approval (See Appendix C.)

5.3.10. The Board will monitor and evaluate continuing education providers and the continuing education records of licensees. Each approved provider must maintain a record of at least three (3) years. (See Appendix C.)

5.3.11. The chair will appoint a Board ~~member~~ committee of qualified social work professionals to be the Board's continuing education coordinator. This committee shall number no more than eleven persons and shall be versed in the area of continuing social work education. All inquires regarding continuing education should be directed to that ~~person~~ committee. The name of the coordinator may be obtained from the Board of Social Work Examiners.

§25-1-6. Disciplinary Proceedings

6.1. Definition.

6.1.1. Respondent. The person against whom the complaint is being made.

6.1.2. Complainant. The person who is filing the complaint.

6.1.3. Board. The term "Board" shall refer to the West Virginia Board of Social Work Examiners throughout these procedures.

6.1.4. Unprofessional Conduct. Any conduct which is cited in the West Virginia Code, Section §30-30-7, and any conduct which is in noncompliance with the West Virginia Social Work Code of Ethics.

6.2. Complaint. Unprofessional conduct is conduct by an individual within the last five (5) years that included, but is not limited to, the following:

6.2.1. Conviction of a felony.

6.2.2. Inability to perform the functions of his or her licensed title by reasons of alcohol or drug abuse, mental or physical illness or some other infirmity or impairment.

6.2.3. Gross negligence or unprofessional or unethical conduct in the practice of social work.

6.2.4. Assisting or participating with a person not licensed under this article in the false representation that the person is licensed.

6.2.5. Failure to obtain a license renewal after expiration or revocation of same but continued representation that he or she is duly licensed hereunder.

6.2.6. Found guilty by the Board of unprofessional conduct in accordance with the rules and regulations promulgated by the Board.

6.2.7. Obtaining or attempting to obtaining a license or renewal thereof by bribery or false representations.

6.2.8. Knowingly making a false statement on any form or written statement submitted to the Board.

6.2.9. Representing him or herself as a social worker if unlicensed.

6.2.10. Engaging in the private independent practice of social work [WV Code §30-30-4(b)] if unlicensed.

6.2.11. Noncompliance with the West Virginia Social Work Code of Ethics.

6.3. How to file a complaint. Any individual may file a complaint by contacting a member of the Board of Social Work Examiners. A complaint form will be sent to the complainant. The complaint becomes official on the date when a Board member personally receives the signed complaint form. A file will be maintained for all complaints by the Chairperson of the board, or the Chair's designee.

6.4. Acknowledgement of a complaint.

6.4.1. Within thirty (30) days of receipt of a complaint, the Board shall mail a written acknowledgement of receipt of said complaint to complainant by registered or certified mail, return receipt requested.

6.4.2. Within thirty (30) days of receipt of a complaint, the Board shall mail a complete true and accurate copy of said complaint to the respondent by registered or certified mail, return receipt requested.

6.4.2.3. Within ninety (90) days of receipt of a complaint, the Board shall notify the complainant, by registered or certified mail, return receipt requested, whether the Board has found jurisdiction and will investigate said complaint.

6.4.3.4. Within fifteen (15) business days of the Board's decision to investigate said complaint, respondent shall be notified by registered or certified mail, return receipt requested.

6.4.5. Within fifteen (15) business days of their receipt of a complaint the respondent must submit to the Board a written narrative reply to said complaint.

6.5. The investigation. Upon receipt and acknowledgement of a complaint, the Board shall conduct an investigation to determine if there is sufficient evidence of a violation of the regulations herein to merit a hearing. The investigation shall be conducted as follows:

6.5.1. The Chairperson shall appoint one member of the Board to act as investigator.

~~6.5.2. The investigator shall forward by registered or certified mail, return receipt requested, a copy of the complaint to respondent and request that respondent submit, within fifteen (15) days, a narrative reply to said complaint.~~

6.5.3.2 The investigator shall prepare a report summarizing information gathered from complainant, respondent, and other witnesses: said report shall be submitted to the Board along with recommendation of the investigator.

6.5.4.3. The Board, after review of said report, shall determine the existence of probable cause by majority vote of all present, except the investigator shall be disqualified from voting in all proceedings arising from the

complaint investigated.

6.5.5.4. If the Board determines that probable cause exists, the Board shall notify both respondent and complainant of such determination by registered or certified mail, return receipt requested. The notice forwarded to respondent shall include the following information:

(a) That respondent's license shall be suspended or revoked thirty (30) days from the date of notice unless an Administrative Hearing has been requested;

(b) that respondent has the right to request an Administrative Hearing by mailing such a request registered mail, return receipt requested, within fifteen (15) business days of receipt of notice;

(c) that respondent has the right to subpoena and present witnesses and documents in his or her behalf; and,

(d) that respondent has the right to be represented by a retained counsel and to cross-examine witnesses.

6.6. The Hearing. The Hearing may be conducted by a Hearing Examiner who is appointed by the Board, but is not a member of the Board. The Hearing Examiner shall have the authority to rule on all motions, procedures, and other legal objections in accordance with West Virginia Rules of Civil Procedure except as modified by W. Va. Code 29A-5-1. The Hearing Examiner shall not be entitled to a vote in the determination of the case.

The respondent shall be advised of the date, time, and place of the hearing and the issue pending before the Board.

The respondent may be represented at the hearing by an attorney, may cross-examine witnesses, may subpoena and produce witnesses, and may present evidence in his or her behalf. The Board will be represented by an attorney from the Office of the Attorney General. All hearings will be tape recorded. A transcript of the hearing will be made available if requested by the Circuit Court or respondent. Costs incurred in transcribing will be assumed by the party on whose behalf the request is made.

After conclusion of said hearings, the examiner shall prepare proposed findings of fact and conclusions of law to be submitted to the Board.

6.7 Sanctions. The Board has the discretion of instituting the following sanctions upon reaching a finding of unprofessional conduct:

6.7.1. (a) May refuse to renew a license.

6.7.2. (b) May suspend an existing license.

6.7.3. (c) May revoke an existing license.

6.7.4. A person representing herself/himself as a social worker who does not have a license, or a person engaged in the private, independent practice of social work without a license is guilty of a misdemeanor. Upon conviction in a Circuit Court, the person shall be fined not more than five hundred (\$500) dollars, or imprisoned in the county jail for a term not to exceed one (1) year, or both fined and imprisoned [W. Va. Code §30-30-4(c)]. In addition, the Board can exercise the option to share the findings with other state boards and community organizations in order to protect the public from the possibility of further unprofessional conduct.

6.8. Judicial review of contested cases. Any party adversely affected by the final determination of the Board shall be entitled to Judicial Review. This shall be instituted by filing a petition in either the Circuit Court of Kanawha County, West Virginia or in the Circuit Court of the county in which the petitioner resides or does business. The petition must be filed within thirty (30) days of receiving the final decision of the Board. The Judicial Review will be conducted by the Circuit Court without a jury (W. Va. Code 29A-5-x).

APPENDIX A.

WEST VIRGINIA SOCIAL WORK CODE OF ETHICS

THE SOCIAL WORKER'S CONDUCT AND COMPORTMENT AS A SOCIAL WORKER

PROPRIETY -- The social worker should maintain high standards of personal conduct in the capacity or identity as a social worker.

COMPETENCE AND PROFESSIONAL DEVELOPMENT -- The social worker should strive to become and remain proficient in professional practice and the performance of professional functions.

SERVICE -- The social worker should regard as primary the service obligation of the social work profession.

INTEGRITY -- The social worker should act in accordance with the highest standards of professional integrity.

SCHOLARSHIP AND RESEARCH -- The social worker engaged in study and research should be guided by the conventions of scholarly inquiry.

THE SOCIAL WORKER'S ETHICAL RESPONSIBILITY TO CLIENTS

PRIMACY OF CLIENTS' INTERESTS -- The social worker's primary responsibility is to clients.

RIGHTS AND PREROGATIVES OF CLIENTS -- The social worker should make every effort to foster maximum self-determination on the part of the clients.

CONFIDENTIALITY AND PRIVACY -- The social worker should respect the privacy of clients and hold in confidence all information obtained in the course of professional service.

ADVERTISING -- If a social worker engages in advertising, he/she must present services and credentials factually. A client shall not be intentionally or knowingly led to develop unrealistic expectations about the delivery of services.

FEES -- When setting fees, the social worker should ensure that they are fair, reasonable, considerate, and commensurate with the service performed and with due regard for the client's ability to pay.

THE SOCIAL WORKERS ETHICAL RESPONSIBILITY TO COLLEAGUES

RESPECT, FAIRNESS, AND COURTESY -- The social worker should treat colleagues with respect, fairness, courtesy, and good faith.

DEALING WITH COLLEAGUES' CLIENTS -- The social worker has the responsibility to relate to the clients of colleagues with full professional consideration.

THE SOCIAL WORKER'S ETHICAL RESPONSIBILITY TO EMPLOYERS AND EMPLOYING ORGANIZATIONS

COMMITMENTS TO EMPLOYING ORGANIZATIONS -- The social worker should adhere to commitments made to employing organizations.

THE SOCIAL WORKER'S ETHICAL RESPONSIBILITY TO THE SOCIAL WORK PROFESSION

MAINTAINING THE INTEGRITY OF THE PROFESSION -- The social worker should uphold and advance the values, ethics, knowledge, and mission of the profession.

COMMUNITY SERVICE -- The social worker should assist the profession in making social services available to the general public.

DEVELOPMENT OF KNOWLEDGE -- The social worker should take responsibility for identifying, developing, and full utilizing knowledge for professional practice.

THE SOCIAL WORKER'S ETHICAL RESPONSIBILITY TO SOCIETY

PROMOTING THE GENERAL WELFARE -- The social worker should promote the general welfare of society.

APPENDIX B

EXPLANATION OF CONTINUING EDUCATION REQUIREMENTS

CONTINUING EDUCATION REQUIREMENTS

(1) Fifty (50) hours of continuing education is required within each two-year period, except that eighty (80) contact hours of continuing education will be required within each two (2) year period of persons engaged in the licensing process via the in lieu of provisions [§§ 30-30-5(a)(5), 30-30-5(b)(4), and 30-30-5(c)(4)] .

~~(2) In the first renewal cycle of grandfathered licenses, continuing education credits earned from January 1, 1985 forward may be submitted.~~

(2) Continuing education may be earned by participating in:

a. professional meetings and other formally organized learning events:

b. individual professional activities which enhance the individual's social work skills, values, knowledge, and/or ethical considerations in her/his social work practice setting.

In a formal or structured learning situation only hours of interaction between the learner and instructor (instructional hours) may be counted. An instructional hour is a minimum of fifty (50) minutes in length. When counting hours the following are excluded: time spent outside of class or seminar for study; assigned reading, writing assignments or other related activities required for completion of a continuing education course; travel time; meeting time devoted to business, committee activities, entertainment, or social activities such as coffee hours, luncheons, dinners, etc. (Time for luncheon or dinner presentations that are an integral part of the educational experience may be included.) While there are factors, such as availability and accessibility, which may interfere with a social worker's ability to participate in educational activities, whenever possible the social worker should plan a varied continuing education program. Progress toward the achievement of the required number of hours will be periodically monitored and licensees will be informed of their status. Forms for reporting of continuing education forms will be provided by are available from the Board.

Formally organized learning events involve face-to-face or other instructional methods or technologies allowing interaction with a teacher for the purpose of accomplishing specific learning objectives. Courses, workshops, practice-oriented seminars, staff development, and training activities offered for approved continuing education by accredited programs of social work education or other Board approved providers of continuing social work education, as well as formally structured discussions among professionals about professional issues whereby professionals increase their awareness of new developments in social work, are examples of events in this category. Such events provide social workers with the opportunity to integrate theoretical and practice components of all forms of social work, including social change and action, administration and supervision, planning

and policy development.

Individual professional activities consist of a variety of self-directed professional study activities and growth experiences. Such activities shall directly relate to improving the practice skills and/or knowledge of the individual within his or her particular area of social work practice. A plan summary identifying the area(s) to be studied, why the area(s) were chosen, and goal statements applicability to the licensee's field of social work practice, and the ways in which the licensee's knowledge, values, and/or skills were enhanced by such activities, should be in written format and maintained in the licensee's personal continuing social work education files in anticipation of Board monitoring of the licensee's continuing education records and activities. Examples of individual professional activities include writing papers and books for presentation or publication; making presentations on major professional issues or programs; reading; courses which do not have approved provider status; preparing for initial consultation, teaching or training assignments (except when those are primary job responsibilities); and engaging in independent study, research, or tutorial projects.

~~(4.)~~(3.) Only twenty (20) ~~of the fifty (50)~~ hours may be from individual professional activities.

(5.) ~~(4.)~~ Training specifically related to policies and procedures of an agency ~~may~~ shall not be counted toward the continuing education requirements.

(6.) ~~(5.)~~ Licensees who have had no professional education in social work must include continuing education in social work ethics (five (5) hours) and social work methods of practice (twenty (20) hours) during the first renewal period, except that eight (8) contact hours in social work ethics and twenty (20) contact hours of social work methods of practice will be required within each two (2) year license period of persons engaged in the licensing process via the in lieu of provisions [WV Code § 30-30-5(a)(5), §30-30-5(b)(4), and §30-30-5(c)(4)].

a. Methods of practice represents a category of basic interventive techniques similar to those taught in the curriculum of Council on Social Work Education approved Social Work programs.

b. Social work ethics are basic, fundamental guidelines of professional behavior as delineated within the West Virginia Social Work Code of Ethics. Ethics are integrated throughout most curricula of Council on Social Work Education approved Social Work programs.

~~(7.)~~(6.) The licensee must keep records to verify his/her continuing education activities. These records must cover what he/she did, when, where, hours of instruction, and instructor(s).

APPENDIX C

CRITERIA FOR CONTINUING SOCIAL WORK

EDUCATION PROVIDERS

programs are not maintained to the Board's satisfaction.

CONTINUING EDUCATION PROVIDER REQUIREMENTS

The Board will monitor and evaluate continuing education providers and the continuing education records of licensees. Each approved provider must maintain a record of individual social worker's attendance for a period of at least three (3) years.

The chair will appoint a ~~Board member~~ Continuing Education Committee to be the Board's continuing education coordinator. All inquiries regarding continuing social work education should be directed to ~~John David Smith~~ Continuing Education Committee, West Virginia Board of Social Work Examiners Continuing Education ~~Coordinator~~ Committee.

The Board has developed requirements for providers of continuing education. Those individuals, organizations or institutions who wish to have an individual session approved or who wish to obtain approved provider status must document for the Board that they meet the following criteria to obtain approval:

1. Each application must be submitted three (3) months prior to the first scheduled program.

2. Each applicant must submit an educational plan which includes a written statement of purpose documenting how the materials to be presented would enhance social work practice, values, skills, and knowledge.

3. A West Virginia licensed social worker (or, prior to July 1, 1986, one who is eligible for licensing) who holds a degree in social work from a college or university accredited by the Council on Social Work Education shall be designated to be responsible for the coordination of the program to assure its professional relevancy and adherence to ethical considerations.

4. Each provider must develop:

a. a system for maintaining records, and;

b. methods for the selection and evaluation of instructors, participant performance requirements, and provision of accessible and adequate space.

5. Each provider must maintain a summary of each individual program offered which documents:

a. the relationship of the program to enhancement of social work practice, values, skills, or knowledge;

b. the learning objectives of the program and the relationship between the program content and objectives;

c. the licensing levels for which the program is designed and any program prerequisites;

d. the competency of the instructor(s) in the subject matter;

e. the means of program evaluation;

f. the program agenda (the agenda shall clearly indicate all coffee and lunch breaks), and;

g. the dates the program was given.

6. Provider approval may be withdrawn by the Board if the provider violates these rules and regulations, or of quality