

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV BOARD OF SOCIAL WORK EXAMINERS TITLE NUMBER: 25

CITE AUTHORITY WV CODE 30-30

AMENDMENT TO AN EXISTING RULE: YES NO

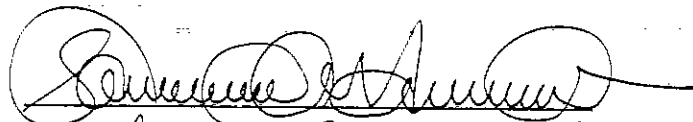
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: QUALIFICATIONS FOR LICENSURE AS A
SOCIAL WORKER

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


ACTING CHAIR

4180

FILED

25-CSR-1

FEB 16 2 05 PM '93

TITLE 25

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE RULES

BOARD OF SOCIAL WORK EXAMINERS

SERIES 1

QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

§ 25-1-1. General.

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

1.2. Authority.--W. Va. Code §30-30-(3)(a), (3)(e)(1), (3)(e)(4), (3)(e)(5)

1.3. Filing date.--_____

1.4. Effective Date.--_____

§ 25-1-2. Definitions.

2.1 "Board" means the West Virginia Board of Social Work Examiners created pursuant to the provisions of W.Va. Code §30-30-3(a).

2.2 "Temporary Permit" means a provisional license certificate granted to an applicant qualified as a social worker, graduate social worker, or certified social work pursuant to W.Va. Code §30-30-9.

2.3 "Temporary License" means a provisional license certificate granted to an applicant qualified pursuant to W.Va. Code §30-30-5(a)(5), (b)(4), (6)(4).

2.4 "Provider" means an individual, agency, organization, or institution approved by the Board to offer continuing social work education programs.

2.4.1 "Approved provider" means an agency, organization, or institution which has made application and become approved by the Board to provide programs of continuing social work education under the auspice of the agency, organization, or institution.

2.4.2 "Individually approved provider" mean an individual, agency, institution, or organization which has made application to the Board and become approved to provide a specific program of continuing social work education.

2.5 "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; interventive 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.

2.6 "Continuing social work education program" means a formally organized educational program sponsored by a continuing social work education provider approved by the Board 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 the social work skills, values, knowledge, and/or ethical considerations of a licensee in his or her social work practice.

2.7 "Social work methods of practice" means a continuing social work educational program of basic, intermediate, or advanced social work interventive techniques.

2.8 "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 in the Code of Ethics of the National Association of Social Workers.

2.9 "Code of ethics" means the established, modified, or revised Code of Ethics of the National Association of Social Workers, Washington, D.C.

2.10 "Supervisor" means a certified social worker who has agreed to provide supervision to a temporary licensee for the purposes of helping the person integrate social work skills, values, knowledge, and ethical considerations gained through continuing social work education and the practice of the profession of social work.

2.11. "Respondent" means the person against whom the complaint is being made.

2.12. "Complainant" means the person who is filing a complaint.

2.13. "Professional misconduct" means any conduct which is cited in the West Virginia Code, Section §30-30-7, and conduct which is not in compliance with the Code of Ethics of the National Association of Social Workers.

§25-1-3. Qualifications for license.

3.1 The Board shall grant a license as a social worker, graduate social worker, or certified social worker to an applicant who is qualified pursuant to W.Va. Code §30-30-5.

3.1.1 "Inactive status" means a licensee who has formally requested and received approval from the Board for a temporary period of inactive license during which the inactive licensee shall not perform the duties of a social worker under the provisions of W.Va. Code §30-30-2(b), 30-30-2(c) and 30-30-2(d).

3.1.2 "Emeritus status" means a licensee who has retired from the active practice of social work pursuant to the provisions of W.Va. Code §30-30(2)(b), (2)(c), (2)(d) and who shall not be required to meet the continuing social work education requirements pursuant to W.Va. Code §30-30-10.

3.2 The Board shall grant a temporary permit to any candidate who is qualified pursuant to the provisions of W.Va. Code §30-30-9. Social work degree candidates enrolled in a social work program at a college or university accredited by the Council on Social Work Education shall be eligible to register for the examination approved by the Board for certification purposes when enrolled in the final coursework leading the the confiration of the degree, provided:

3.2.1. That the social work program director or dean provide a written statement to the Board that the applicant is expected to matriculate, and;

3.2.2. That the applicant shall not be granted a license until an official college transcript is provided to the Board indicating that the degree is confirred, and;

3.2.3 That all other requirements for licensure are met.

3.3 Temporary license. -- The Board shall grant a temporary license to applicants according to the provisions of W.Va. Code §30-30-5(a)(5), 30-30-5(b)(4). Additionally, the Board shall grant a temporary license to applicants according to the provisions of W.Va. Code §30-30-6(4).

3.3.1. The applicant shall obtain the approval of the Board to a specific plan for meeting the requirements of temporary licensure prior to the issuance of a license.

3.3.2. Persons holding a temporary license shall pass an examination approved by the Board for certification purposes in order to qualify for continuance of temporary license.

3.3.3. Persons holding a temporary license shall provide a sworn statement to the Board upon receiving a temporary license and in six month increments thereafter that they are complying with the written plan and meeting all other requirements for temporary license.

3.3.4. Supervisors of persons holding a temporary license shall, upon request, provide a sworn statement to the Board:

(a) That they are licensed in West Virginia as a certified social worker;

(b) That they have agreed to provide face-to-face supervision to an identified temporary licensee in an amount not less than the equivalent of one (1) hour per month on at least a quarterly basis;

(c) Whether the temporary licensee has satisfactorily complied with all regulations for temporary license.

3.4. License with waiver of examination (reciprocal license) -- The board shall grant a license to an applicant who meets all requirements for licensure except examination pursuant to the provisions of W.Va. Code §30-30-(5)(3), (6)(1), (6)(2).

3.5. Inactive status -- The Board shall grant inactive status and exempt from the responsibilities of licensees a licensee who provides a sworn statement that he or she is no longer employed as a social worker in the State of West Virginia and does not provide social work services within the borders of or to citizens of the State of West Virginia -- W.Va. Code §30-30-(3)(5).

3.6. Removal of inactive status -- The Board shall remove inactive status and restore the rights, privileges, and responsibilities of licensure to a licensee previously approved for inactive status following receipt of a sworn statement that the licensee shall be employed in the practice of social work in the State of West Virginia or in a capacity requiring the provision of social work services within the borders of or to citizens of the State of West Virginia and meets all requirements for licensure outlined herein.

3.7. Emeritus status -- The Board shall grant emeritus status and exempt from continuing social work educational requirements a licensee who has been employed in the practice of social work for a minimum of twenty (20) years and who has retired from the active practice of social work -- W.Va. Code §30-30-(3)(5). Upon receipt of Board approval in writing, emeritus status licensees may continue in the active practice of social work, including supervision of licensees, for up to twenty (20) hours per week.

§25-1-4. Code of Ethics.

4.1. The Board adopts the National Association of Social Workers Code of Ethics and incorporates them by reference.

4.2. Failure of any licensee to comply with this Code of Ethics may be considered grounds for disciplinary action.

§25-1-5. Application.

5.1. Application for social work licensure or examination or for providers of continuing social work education shall be made on the forms promulgated by the Board. Application forms may be obtained by writing to: West Virginia Board of Social Work Examiners, P.O. Box 5477, Charleston, WV 25361.

§25-1-6. Fee Schedule. -- [§30-30-3(e) (4), 10, 11].

6.1 Licenses.

6.1.1. There is no fee required for the issuance of the initial license certificate.

6.1.2. The fee for biennial license renewal is forty dollars (\$40.00).

6.1.3. The fee for a temporary license is fifty dollars (\$50.00).

6.1.4. The fee for replacement of a lost license is ten dollars (\$10.00).

6.1.5. The fee for biennial renewal of an emeritus status license is twenty dollars (\$20).

6.2. Examinations.

6.2.1. The fee for the examination approved by the Board for certification purposes is established by and payable to the testing agency approved by the Board to offer the examination.

6.2.2. The fee for screening for waiver of examination is fifty dollars (\$50)

6.2.3. The fee for all services other than examination are payable to the Board.

6.3. Applications.

6.3.1. The application fee for a temporary permit is twenty-five dollars (\$25.00).

6.3.2. The application fee for removal of an inactive status is fifty dollars (\$50).

6.3.3. The fees paid to the Board are not refundable (W.Va. Code §30-30-11).
(\$50.00).

6.4. Applications for Continuing Education Providers and Programs.

6.4.1. The fee for the processing of an application by an agency, institution, or organization to become an approved provider of continuing social work education is one hundred dollars (\$100.00).

6.4.2. The fee for the processing of an application by an individual, agency, institution, or organization to become an individually approved provider of continuing social work education is twenty-five dollars (\$25.00).

6.4.3. The fee for the monitoring of continuing social work education programs offered by approved providers or individually approved providers of continuing social work education is twenty-five dollars (\$25.00) for one event in each biennial and fifty dollars (\$50) for more than one event in each biennial.

6.4.4. The fee for filling a request for public information, data, or other service 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.

§25-1-7. Contested case hearing procedures.

7.1. All procedures for contested cases shall be governed by W.Va. Code §29A-5-1, et seq and such other future procedures which may be promulgated by the Board pursuant to W.Va. Code §29A-5-1, et seq.

§25-1-8. Responsibilities of Licensees

8.1. All licensees shall notify the Board upon any change of his or her name, address, telephone number, or temporary license supervisor [§30-30-3e(3)].

8.2. All licensees shall report any reasonable belief of professional misconduct by any licensee to the Board.

8.3. All licensees shall abide by the provisions of the Code of Ethics of the National Association of Social Workers.

8.4. All licensees or prospective licensees shall make application for license, renewal, or other services on forms promulgated by the Board.

8.5. All licensees shall pay the established fee for an application, license, renewal, or other service as a condition of their request for an application, license, renewal, or other service(W.Va. Code §30-30-10.).

8.6. All licensees shall, at the time of renewal of license:

8.6.1. Submit satisfactory evidence that he or she has completed the continuing social work educational requirement specified by the Board during the tenure of his or her license (W.Va. Code §30-30-10.). The requirements for completion of continuing social work education are specified in §25-1-8 of these legislative rules.

8.6.2. Execute a sworn statement on a form provided by the Board that his or her license has not been revoked and is not currently suspended by the Board, by any another state licensing agency, or by a licensing agency in another state or territory of the United States (W.Va. Code §30-30-10.).

**§25-1-9. Continuing social work education requirements for licensees --
W.Va. Code §30-30-(3)(e)(5), (10).**

8.1. All licensee shall obtain fifty (50) contact hours (the equivalent of five (5) CEU's) of continuing social work education within each two (2) year license period, except:

8.1.1. All temporary licensees shall obtain eighty (80) contact hours of continuing education within each two (2) year license period.

(a) All temporary licensees shall earn five (5) contact hours of social work ethics and twenty (20) contact hours of social work methods of practice offered by approved providers during each biennial license renewal period;

(b) All temporary licensees shall earn the required contact hours in social work ethics and methods of practice as professional meetings and other formally organized learning programs.

8.1.2. All inactive status licensees shall not be required to obtain continuing social work education contact hours while his or her license is placed in inactive status.

8.1.3. All emertis status licensees shall not be required to obtain continuing social work education contact hours.

8.2. Computation of contact hours; Record keeping; Reporting of earned contact hours; and Board monitoring of continuing social work educational requirement.

8.2.1. A contact or instructional hour shall be a minimum of fifty (50) minutes in length.

(a) Time spent outside of the program for study, assigned reading, writing assignments or other related activities required for completion of the program, travel time,

meeting time devoted to business or committee activity, entertainment, or social activities such as refreshment breaks and meals. Meals or a portion thereof may be included in the computation time only when occurring during an integral part of the educational program.

8.2.2. Each licensee shall maintain and submit a written record of his or her continuing social work educational program activity to the Board as evidence of completion of the continuing education requirement.

(a) Reports shall be submitted on a form promulgated by the Board or provider.

(b) All licensees shall submit to the Board, upon request, additional evidence of completion of continuing social work education programs for the purpose of monitoring the quality of programs and accuracy of reports. Receipts, program notes, certificates, sworn statements of provider representatives, or other proof of program attendance may be accepted.

(c) All licensees shall maintain a summary of individual professional activities which describes the activity, date completed, total number of contact hours, complete reference to any text, journal, or publication read or utilized, and how the activity has enhanced the social work skills, values, knowledge, or ethical considerations of the licensee in his or her practice setting. This summary shall be maintained in the licensee's records and provided to the Board upon request.

(d) All licensees shall submit records of earned continuing education contact hours prior to sixty (60) days after the license has expired or within sixty (60) days of a termination or suspension period (W.Va. Code §30-30-10).

(e) Contact hours earned for programs completed during the final forty-five (45) days of an active license may be applied to the subsequent license renewal period, provided, that the licensee has met the continuing education requirement for renewal of the subsequent license prior to forty-five (45) days before the expiration of the active license for completion and resubmission.

(e) Incomplete written records may be returned to a licensee.

8.3. Continuing social work education may be earned as follows:

8.3.1. Professional meetings and other formally organized learning programs.

(a) Professional meetings and other formally organized learning events may be offered as approved continuing social work educational programs only by approved providers.

(b) Programs in this category shall be, upon documentation of completion, accepted as a licensee's earned continuing social work education contact hours.

(c) A minimum of thirty (30) contact hours may be earned as professional meetings and other formally organized learning programs.

8.3.2. Individual professional activities.

(a) Only twenty (20) hours of the continuing education requirement earned as individual professional activities may be applied to the fifty (50) contact hours required for license renewal.

(b) Individual professional activities may be self-directed, professional social work study activities designed to improve the social work skills, values, knowledge, or ethical considerations of the licensee within his or her practice setting, including: writing for professional publication or presentation; reading professional literature; teaching or training assignments if not part of primary job duties; independent study, research, or tutorial projects; programs or presentations on professional social work issues; preparation for initial consultation if not employed or under contract; professional meetings and formally organized educational programs not approved by the Board which increase the social work skills, values, knowledge, or ethical considerations of the licensee in his or her practice setting.

8.3.3. Training related to the policies and procedures of an agency may not be used to fulfill any continuing education requirement.

8.3.4. A list of approved providers is available from the Board.

**§25-1-9. Continuing social work education requirements for providers --
W.Va. Code §30-30-(3)(e)(5).**

9.1. Continuing social work education providers providing continuing social work educational programs shall be approved by the Board and shall be known as approved provider or individually approved provider.

9.1.1. Approved providers shall receive an approved provider number issued by the Board before providing continuing social work educational programs.

(a) Formally organized learning programs offered to licensees by approved providers shall be organized in a formal or structured learning environment involving face-to-face or other instructional methods or educational technologies allowing interaction with the instructor or facilitator.

9.1.2. Individually approved providers may apply to and receive the approval of the Board before providing continuing social work educational programs.

(a) Each applicant shall apply three (3) months prior to the first scheduled program on a form promulgated by the Board.

9.2. Programs may be approved only when a licensed social worker holding a degree in social work from a college or university accredited by the Council on Social Work Education is responsible for the coordination of the program to assure its professional relevancy and adherence to social work ethical considerations.

9.3. All approved programs in social work ethics shall incorporate at least one (1) hour of presentation on the Code of Ethics of the National Association of Social Workers.

9.4. All applications shall document the following:

9.4.1. A system for maintaining records;

9.4.2. Methods for the selection and evaluation of qualified instructors;

9.4.3. Participant performance requirements, if any; and,

9.4.4. Indication that the facility(ies) selected as the site(s) for the program are fully accessible under the requirements of the American's With Disabilities Act.

9.5. Providers shall maintain written records of each program provided. The records shall:

9.5.1. Define the relationship of the program to enhancement of social work practice, values, skills, or knowledge, and social work ethical considerations;

9.5.2. List the learning objectives of the program and the relationship between the program content and objectives;

9.5.3. Identify the license level(s) for which the program is designed and any prerequisites;

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

9.5.5. Identify the means and results of program content evaluation by participants;

9.5.6. Indicate the program agenda, clearly indicating starting and ending times and refreshment and lunch break; and,

9.5.6. List the date(s) of the program.

9.6. Each provider shall maintain a record of the individual licensee's attendance for a period of at least four (4) years.

9.7. The Board may deny approval for an application or recind provider status when the provider or applicant does not adhere to continuing social work education provider requirements.

9.8. The Board may monitor and evaluate continuing education providers and the continuing education records of individual licensees to determine compliance with these rules.

9.9. The Board chair shall appoint a continuing education committee to coordinate continuing education activities.

§25-1-10. Disciplinary Proceedings

10.1. Professional misconduct is conduct by a licensee within the last five (5) years that included, but is not limited to, the following:

10.1.1. Conviction of a felony.

10.1.2. Inability to perform the functions of his or her professional duty by reasons of alcohol or drug abuse, mental or physical illness or other infirmity or impairment.

10.1.3. Gross negligence in the practice of social work.

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

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

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

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

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

10.2. Any individual may file a complaint by contacting the Board. A complaint form shall be sent to the complainant.

10.3. Acknowledgement of a complaint.

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

10.3.2. Within ninety (90) days of receipt of a complaint, the Board shall notify the complainant whether the Board has found that there is a reasonable basis for the complaint.

10.3.3. The respondent shall be notified by registered or certified mail, return receipt requested.

10.4. Upon finding that there is a reasonable basis for the 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:

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

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

10.4.3. 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.

10.4.4. The Board, after review of the 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.

10.4.5. When 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 the 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 the respondent has the right to a hearing;

(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.

10.5. All procedures for contested case hearings shall be governed by W.Va. Code §29A-5-1, et seq and such other future procedures which may be promulgated by the Board pursuant to W.Va. Code §29A-5-1, et seq.

10.6. The Board may impose any of the following sanctions upon finding that a licensee has engaged in professional misconduct:

10.6.1. Refuse to renew a license.

10.6.2. Suspend an existing license for a set period of time or impose that requirements for reinstatement are met.

10.6.3. Revoke an existing license.

10.7. A person representing her or 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 and shall be subject to penalties pursuant to W.Va. Code §30-30-4(a), (4)(b), (4)(c), (4)(d).

10.8. After finding that a social worker has engaged in professional misconduct and after the expiration of the period of appeals, the Board may share its findings with any other licensing agency, the American Association of State Social Work Boards, the National Association of Social Workers, community organizations, employers of social workers, the public, and other agencies, institutions, and organizations.



WEST VIRGINIA LEGISLATURE
 LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
 Room M-152, State Capitol
 Charleston, West Virginia 25305
 (304) 340-3286

FILED

FEB 17 12 53 PM '93

OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

Senator Joe Manchin III, Co-Chair
 Delegate Brian A. Gallagher, Co-Chair

Debra A. Graham, Counsel
 Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

February 8, 1993

TO: Ken Hechler, Secretary of State, State Register

TO: Samuel Hickman, ACSW
 Acting Chair
 WV Board of Social Work Examiners
 P.O. Box 5477
 Charleston, WV 25361

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Qualifications for Licensure as a Social Worker

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.