

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Board of Social Work Examiners TITLE NUMBER: 25

CITE AUTHORITY: 30-30

RULE TYPE: PROCEDURAL _____ INTERPRETIVE x

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES x, NO _____

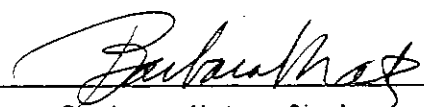
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Qualifications for Licensure as a
Social Worker

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS April 8, 1988


Barbara Matz, Chair

TITLE 25
INTERPRETIVE 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

1.3. Filing date. -- ~~June 10, 1985~~ *April 10, 1988*

1.4. Effective Date. -- ~~July 10, 1985~~ *April 9, 1988*

§25-1-2. Qualifications.

2.1. Adequacy of experience. -- (§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. -- (§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. -- (§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. -- (§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 permit.

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.

§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 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 in this booklet. This Application Handbook may be obtained by writing to the Board of Social Work Examiners, P.O. Box 5477, Charleston, WV 25311, Board members, and from the Department of Human Services, 1900 Washington Street E, Charleston, WV 25305.

4.2. Fee schedule. -- (§30-30-3(e) (4), 10, 11).

4.2.1. Fee for the initial examination for licensure is seventy dollars (\$70.00).

4.2.2. Fee for screening for exemption from examination is five dollars (\$5.00).

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

4.2.4. Fee for biennial license renewal is twenty-five (\$25.00).

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

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

4.3. Appeals ^{re} regarding denial of license.

4.3.1. Reconsideration. -- In cases where an applicant does not appear to meet the exemption requirements 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 de-

nied 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.

§25-1-5. Responsibilities of licensee.

5.1. Each licensee shall notify the Board of any change of address (§30-30-3e(3)).

5.2. Each license shall be prominently displayed by the licensee at his or her principal place of practice (§30-30-10).

5.3. Continuing education requirement (§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.

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 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: (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 program; (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 the following organizations is automatically accepted for continuing education requirements: American Association for Marriage and Family Therapy; American Orthopsychiatric Association; American Public Welfare Association; Child Welfare League of America; Council of Nephrology Social Workers; Council on Accreditation Accredited Agencies; Council on Social Work Education; West Virginia BSW or MSW programs; Family Service of American and member agencies; National Association of Black Social Workers; 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 School Social Service and Attendants Personnel; West Virginia Commission on Aging; West Virginia Department of Human Services, Training Division; West Virginia Health Department, Training Division; West Virginia Human Resources Association; Parkersburg Community College, Social Services Technology Program.

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 have an individual session approved or 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.

5.3.11. The chair will appoint a Board member to be the Board's continuing education coordinator. All inquiries regarding continuing education should be directed to that person. The name of the coordina-

tor may be obtained from the Board of Social Work Examiners.

APPENDIX A.

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 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 WORKER'S ETHICAL RESPONSIBILITY TO COLLEAGUES

RESPECT, FAIRNESS, AND COURTESY -- The social worker should treat colleagues with respect, courtesy, fairness, 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 the 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 assist the profession in making social services available to the general public.

DEVELOPMENT OF KNOWLEDGE -- The social worker should have responsibility for identifying, developing, and fully 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 license period.

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

3. Continuing education may be earned by participating in:

a. professional meetings and other formally organized learning events;

b. individual professional activities.

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 presentation that are 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. Continuing Education forms will be provided by the Board.

Formally organized learning events involve face-to-face interaction with a teacher for the purpose of accomplishing specific learning objectives. Courses, workshops, practice-oriented seminars, staff development, and training activities offered by accredited programs or social work education, professional social work organizations, and other providers of continuing 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. A plan identifying the area(s) to be studied, why the area(s) were chosen, and goals statement should be in written format. Examples include writing papers and books for presentation of publication; making presentations on major professional issues or programs; reading course which do not have approved provider status; preparing for initial consultation, teaching or training assignments (except when those are primary job responsibilities); and engaged in independent study, research, or tutorial projects.

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

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

6. Licensees who have had no professional education in social work must include continuing education in social work work ethics (five (5) hours) and social work methods of practice twenty (20) hours) during the first renewal period.

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. 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).

APPENDIX C

CRITERIA FOR CONTINUING EDUCATION

PROVIDERS

CONTINUING EDUCATION PROVIDER APPROVAL

Continuing education provided by the following organizations is automatically accepted for continuing education credits:

Approved Providers

American Association for Marriage and Family Therapy

American Orthopsychiatric Association

American Public Welfare Association

Child Welfare League of America

Council of Nephrology Social Workers

Council on Accreditation accredited agencies

Council on Social Work Education

West Virginia BSW or MSW programs

Family Service of America and member agencies

National Association of Black Social Workers

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 School Social Service and Attendants Personnel

West Virginia Commission on Aging

West Virginia Department of Human Services, Training Division

West Virginia Health Department, Training Division

West Virginia Human Resources Association

Parkersburg Community College, Social Services
Technology Program

These approved providers shall adhere to criteria below, items three (3) through six (6)

CONTINUING EDUCATION PROVIDER REQUIREMENTS

The Board has developed requirements 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, skill, and knowledge.

3. A licensed social worker (or, prior to July 1, 1986, one who is eligible for licensing) shall be designated to be responsible for the coordination of the program to assure its professional relevancy and ethical considerations.

Each provider must develop:

- a. a system for maintaining records, and
- b. methods for the selection and evaluation of instructors, participate 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 for the program and the relationship between the program content and the objectives;

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

d. the competency of the instructor 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 if quality programs are not maintained to the Board's satisfaction.

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 to be the Board's continuing education coordinator. All inquiries regarding continuing education should be directed to John David Smith, West Virginia Social Work Board Continuing Education Coordinator.

W.V. Board of Social Work Examiners

Post Office Box 5477, Charleston, West Virginia 25311

January 11, 1988

This is Barbara Matz, Chair of the Board of Social Work Examiners. We are holding a hearing for the interpretive rules which have been added to the Board of Social Work Examiners' policies as of December 11, 1987 and those who wish to make comments on the proposal are welcome to do so at this time.

"I am Sam Hickman with the West Virginia Chapter of the National Association of Social Workers. I have reviewed the revised rules and regulations for the Board of Social Work Examiners and they appear to be fairly and plainly written and encourage people who are covered by them to adhere to professional conduct and standards. They are in no apparent way going against the standards of the National Association of Social Workers. We would be willing in any way to help publicize these rules and regulations for the Board of Social Work Examiners. Thank you."

Thank you Sam.

Since there is no further comment the hearing for the Board of Social Work Examiners' revised regulations is now completed. We will remain open for another week for any written comments.


Thank you very much.

In addition to the members of the Board, the following persons were in attendance:

Tracy E. Posey, WV Department of Human Services
Bob Cline, WV Department of Human Services
Sam Hickman, National Association of Social Workers, WV Chapter
Evelyn Harsbarger, Staff

February 29, 1988

As of this date we have received no written comments and so declare the hearing period closed.


Barbara Matz, Chair

4.2.6 All fees paid to the Board are not refundable [30-30-11].

4.3 Appeals re denial of license.

4.3.1 Reconsideration - In cases where an applicant does not appear to meet the exemption requirements 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 WV 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 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 WV 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 WV Code §29A-5-2(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 WV 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 applicants aggrieved by Board orders in accordance with WV 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 a material change in the applicant's qualifications or in the law.

Section 5. Responsibilities of Licensee

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

5.2. Each license shall be prominently displayed by the licensee at his or her principal place of practice [30-30-10].

5.3. Continuing education requirement - [30-30-3-e(5)].

5.3.1. Fifty contact hours of continuing education (the equivalent of five CEU's) will be required within each two-year license period.

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 of the fifty hours may be individual professional activities.

5.3.5. Training specifically related to policies and procedures of an agency may 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 hours) and social work methods of practice (twenty hours) during the first renewal period: 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 the following organizations is automatically accepted for continuing education requirements:

- | | |
|---|--|
| ✓ American Association for Marriage and Family Therapy | ✓ American Orthopsychiatric Association |
| ✓ American Public Welfare Association | ✓ American Group Psychotherapy Association |
| ✓ Community Council of Kanawha Valley | ✓ Child Welfare League of America |
| ✓ Council of Nephrology Social Workers | ✓ Coordinating Council for Independent Living |
| ✓ Agencies Accredited by Council on Accreditation of Services for Families and Children | ✓ Council on Social Work Education |
| | ✓ CSWE Accredited Social Work Schools WV BSW or MSW Programs |

- o Family Services of America and Member Agencies
- o National Association of Black Social Workers
- o Parkersburg Community College Social Services Technology Program
- o WV Association of School Social Service and Attendants Personnel
- o WV Alcoholism and Drug Abuse Counselors Certification Board
- o WV Department of Health, Training Division
- o WV Human Resources Association
- o Gerontology Center, WVU
- National Association of Social Workers
- National Council on Aging
- o National Eligibility Workers Association
- Society for Hospital Social Work Directors
- WV Association of Directors of Senior Programs, Inc.
- WV Child Care Association
- o WV Commission on Aging
- WV Department of Human Services, Training Division
- WV 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 have an individual session approved or 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 for at least three years.

5.3.11. The Chair will appoint a Board member to be the Board's continuing education coordinator. All inquiries regarding continuing education should be directed to that person. The name of the coordinator may be obtained from the Board of Social Work Examiners.

Section 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 years that includes, 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 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 obtain 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.

6.4.2. Within ninety (90) days of receipt of a complaint, the Board shall notify the complainant whether or not the Board has found jurisdiction and will investigate said complaint.

6.4.3. 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.

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, a copy of the complaint to respondent and request that respondent submit, within fifteen (15) business days, a narrative reply to said complaint.

6.5.3. 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.

6.5.4. 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. 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. The notice forwarded to respondent shall include the following information:

(a) That respondent's license shall be suspended or revoked thirty 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, 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 WV 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 Attorney General's Office. 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 himself as a social worker who does not have a license, or a person engaged in 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 dollars, or imprisoned in the county jail for a term not to exceed one year, or both fined and imprisoned [WV 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 [WV Code §29A-5-x).

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: Barbara Mitz - Social Work

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: June 3, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

Series 1

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECTED

SIGNED: *B. Mitz*

TITLE OF PERSON SIGNING: *Chair*

DATE: *7/26/88*

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____