

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

Form #3

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2010 JUL 30 AM 11:49

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: BOARD OF SOCIAL WORK EXAMINERS TITLE NUMBER: 25

CITE AUTHORITY: W.Va. Code 30-30-1, 30-30-3(e) (6), 30-30-5 (d) (1) through (4)

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 RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
\_\_\_\_\_  
Authorized Signature

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV BOARD OF SOCIAL WORK EXAMINERS

Address: Physical: State Capitol Complex-Main Building Room WB9  
Public Mailing: PO Box 5459  
Charleston, WV 25361

Phone Number: 304-558-8816 or 558-2988 Email: jwilliams@wvsocialworkboard.org or  
24/7: bswe2@suddenlink.net

**Fiscal Note Summary**

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

The revisions effect only alternative licensing process and requires no addition to fees. There should be zero impact on State Government revenue or expenditures. It would improve education criteria, make supervision easier to arrange, and cut the four-year process to two years for serious people who truly want to practice social work.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	No Change	No Change	No Change
Personal Services	No Change	No Change	No Change
Current Expenses	No Change	No Change	No Change
Repairs & Alterations	No Change	No Change	No Change
Assets	N/A	N/A	N/A
Other	--	--	--
2. Estimated Total Revenues	zero	zero	zero

Rule Title: QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

Rule Title:

QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

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

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

NO CHANGES-THE PROPOSED MODIFICATIONS REFER ONLY TO EDUCATIONAL AND PROFESSIONAL IMPROVEMENT TO PROVIDE QUALITY SERVICES TO THE PUBLIC.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

If anything, it will benefit the public in having more qualified and professionally educated individuals providing their care. We would eliminate the renewal process and fee and allow a person to be fully licensed in two years instead of four years. This is also to reduce the 76% to 80% drop out rate of temporary licensed individuals who have failed to commit to the process in the past and failed to comply with Rules and alternative license provisions available ONLY in West Virginia. The Board hopes to refine the process as well as strengthen it to bring it closer to what every other social work board is and has been doing for more than twenty years. Require formal social work education, at least to some degree.

Date:

June 21, 2010

Signature of Agency Head or Authorized Representative

Justin Williams Director and CFO

WV Board of Social Work Examiners  
State Capitol Complex-Main Building-West Basement Room WB9  
304-558-8816 or 304-558-2988  
Contact for Board: Judy Williams

PROPOSED RULE CHANGES-NOTICE OF COMMENT PERIOD  
JUNE 22, 2010

Rule Title: **QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER**  
Title 25 Series 1

**Brief Summary of Changes**

General clean-up to outdated language: Code of Ethics version and Association name. Removed use of "permittee" in renewal sections (a social work degree graduate with a SW Permit provisional does not renew but may obtain another certificate for work to retest). Eliminated language regarding any "extension" since the Board has never allowed extensions and complies with WV Code §30-30-10 always.

PROPOSED REVISIONS: Apply to the Alternative **Temporary License Process**.

**Eligibility and Education**

Accept related bachelor's degree and continue to consider "other" related degrees *as determined by the Board*. The Board voted to remove education degrees as they had done in the early 90's; this was put back into the Rule by special request in 2000 but is not related to social work practice. Interpersonal Communication is from 1980's language.

**Duration:** Instead of a mandatory **four** year process the candidate may earn full LSW license in **two years** by satisfying the conditions of education, employment, examination and supervision.

**Employment:** Allow state recognized **private sector employers** as well as the WV Department of Health & Human Resources Bureau for Children and Families to hire eligible temporary applicants under the provisions set forth in the Rule **without regard to the year of graduation** with a related bachelor's degree.

**Continuing Social Work Education:** In addition to a minimum of contact hours for Board approved workshops or conferences, temporary licensees must complete **social work courses that are accredited by the Council on Social Work Education (CSWE)** or show proof of enrollment in a CSWE accredited Bachelor's or Master's degree program in addition to the existing related bachelor's degree. (page 3; §§3.3.1 (C).

**Employer Responsibility and Pre-Approval:** To avoid a temporary candidate from performing independent and unsupervised social work, the Board will require an application from any employer that opts to hire eligible temporary applicants after first demonstrating efforts to recruit fully licensed and professionally educated persons.

The **employer** will be responsible for assigning appropriate Board approved supervision of the temporary licensee and communicate any end or change to the Board for additional approval of the supervisor.

The **employer** shall **communicate** with the Board about any actions related to a temporary licensee (end of employment, supervision, or unethical conduct) within a specified time period.

**Supervisor of Temporary License:** Instead of only MSW level social workers as licensing supervisors, this responsibility may also be carried out by a Board approved LSW level social worker under specified provisions that is authorized also by the employer of both the supervisor candidate and temporary applicant. Records are reduced and quarterly sessions are eliminated.

This rule is to **improve** and strengthen the process to attract dedicated individuals who are appropriately educated to provide the highest quality of services available. The process will also help to fill the need of non-state agency employers of social workers that have found difficulty recruiting eligible individuals.

See: WV Code §30-30-1 **Purpose.** More than anything else the Board desires to meet the purpose of licensure and laws which is to serve and protect the public.

End of Summary

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: July 29, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No ) WV Board of Social Work Examiners

Capitol Complex-Building 1-Room WB9

West Wing Basement-Charleston, WV 25305  
Phone: 558-8816

LEGISLATIVE RULE TITLE: Qualifications for licensure as a Social Worker

1. Authorizing statute(s) citation WV Code 30-30-5 (d) (4) 30-30-1 and 30-30-(e) (6)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 22, 2010

b. What other notice, including advertising, did you give of the hearing?

Board web-site for comment period; electronic mailing to all major employers, educational universities in WV and numerous supervisors of entry level social workers. Also distributed by mailings to interested parties.

c. Date of Public Hearing(s) *or* Public Comment Period ended:

July 23, 2010 at 5:00 p.m.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X With Summary

No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 30, 2010

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- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Judith K. Williams, Executive Director-liaison to Board and public  
Capitol Complex-Building 1-Room WB9 Charleston, WV 25303  
Phone: 304-558-8816 or 304-558-2988 Fax: 304-558-4189

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Office Emails: jwilliams@wvsocialworkboard.org or  
amypolen@wvsocialworkboard.org  
Remote Weekend Office: bswe2@suddenlink.net

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- g. **IF DIFFERENT FROM ITEM 'f',** please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Members of the Board List Attached: JoDee Gottlieb and Rita Brown Lead Rule  
Persons.

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

n/a

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b. Date of hearing or comment period:

n/a

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

\_\_\_\_\_

d. Attach findings and determinations and reasons:

Attached \_\_\_\_\_



# Rule PROPOSAL June 2010 \* LEADERS

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TITLE 25  
LEGISLATIVE RULE  
BOARD OF SOCIAL WORK EXAMINERS

FILED

2010 JUL 30 AM 11:49

SERIES 1  
QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§25-1-1. General.**

1.1. Scope. -- This rule specifies the qualifications, ethics, application and responsibilities for licensing as a social worker.

1.2. Authority. -- W. Va. Code §§30-30-1; §§30-30-(3) (a); (3) (e) (1); (3) (e) (5); (3) (e) (6); ~~30-30-9, 30-1(8)(a), 30-1(15)(e), 30-30-5 (d) (4).~~

1.3. Filing Date. -- ~~June 24, 2002~~

1.4. Effective Date. -- ~~July 1, 2002~~

**§25-1-2. Definitions.**

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

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

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

2.4. "Code of ethics" means the Code of Ethics of the National Association of Social Workers, Washington, DC which became effective on January 1, ~~1997~~ 1999.

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

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

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

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

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

2.10. "Inactive status" means a social work license that is formally recognized by the Board to be inactive. During this time the licensee is barred from the practice of the profession of social work.

2.11. "Individually approved provider" means an individual, agency, institution, or organization which has applied to the Board and received approval to provide a specific program of continuing social work education.

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

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

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

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

2.16. "Social work permit" means a temporary permit certificate granted by the Board to an applicant qualified by education and experience as a social worker, graduate social worker, certified social worker, or, independent clinical social worker, but who has not yet demonstrated passage of an examination required by the Board.

2.17. "Temporary license" means a provisional license certificate granted to an applicant qualified through alternative licensing provisions of W.Va. Code §30-30-(5).

2.18. "Temporary License Supervisor" means a ~~graduate social worker, certified social worker, or independent clinical social worker who has agreed to~~ licensed social worker assigned by the employer to provide supervision to supervise a temporary licensee to assist in the integration of social work skills, values, knowledge, and ethical considerations gained through ~~continuing social work education programs and through the and~~ social work practice experience.

### **§25-1-3. Qualifications for License.**

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

3.1.1. A licensed social worker may place a license on inactive status by formally requesting and receiving the approval of the Board and shall not perform the duties of a social worker during this period.

3.1.2. A licensed social worker may receive an emeritus status license by formally requesting and

receiving the approval of the Board. An emeritus status license requires twenty (20) years of social work practice experience and retirement from the active practice of social work. An emeritus licensee is not required to comply with the continuing social work education requirements in Section 8 of this rule. Upon receipt of the Board's approval in writing, an emeritus status licensee may engage in the active practice of the profession of social work, including supervision, for up to twenty (20) hours per week.

3.2. An applicant may receive a social work permit by formally requesting and receiving the approval of the Board.

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

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

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

(a). ~~An official transcript showing the applicant completed a four-year academic degree from a recognized, academically accredited college in a field related to social work as determined by the Board; The application that includes an official transcript, three (3) letters of recommendation from professionals not related to the applicant, the background questionnaire, and sworn statement that he or she has not been convicted of a felony or previously licensed as a temporary for more than two years since 1990;~~

(b). ~~A specific plan for meeting the requirements to maintain a temporary license, including the promise of paid employment in a position requiring a social work license and the agreement of an eligible licensed social worker to provide supervision; and, Proof of social work employment with a Board approved West Virginia agency or organization in a position that requires a social work license; a detailed job description to verify the license requirement and the agreement for employer assigned supervision by a fully licensed and qualified West Virginia social worker;~~

(c). ~~Three professional references and documentation that the applicant is of good moral character and has never been convicted of a felony. Proof of enrollment in a social work bachelor's or master's degree program accredited by the Council on Social Work Education; or a signed license agreement that includes the commitment to complete a minimum of twelve (12) semester hours of specifically designed Board approved coursework accredited by the Council on Social Work Education during the two-year temporary period.~~

3.3.2. Prior to conversion of a temporary license to a formal license as a social worker, an applicant shall:

- (a). Pass an examination approved by the Board;
- (b). Document ~~four~~ two years of continuous, supervised employment in the field of social work;

(c). ~~Earn continuing social work education contact hours totaling at least eighty (80) hours every two years. Of these, at least eight (8) contact hours shall be in subjects related to professional social work values and ethics, including the code of ethics, earned in formal workshop or conference settings, and no more than twenty (20) contact hours may be earned in individual professional activities; and Complete twenty (20) contact hours of continuing social work education sponsored by a Board approved or certified provider and twelve (12) semester hours of Board approved coursework accredited by the Council on Social Work Education;~~

(d). ~~Provide a sworn statement to the Board in six month intervals to indicate he or she is complying with a written plan and meeting all other requirements to maintain the temporary license. If the temporary licensee fails to satisfy all provisions and has not already exhausted an accumulated four years of privileges, he or she may petition the Board for approval to apply for a second and final two-year temporary license.~~

3.3.3. An employer or prospective employer of a temporary license applicant shall provide an application to the Board before hiring an eligible temporary license candidate that confirms: , upon request, a statement of whether the temporary license holder has satisfactorily performed the duties of a social worker while under his or her employ.

(a). ~~An employer may be required to document to the Board, upon request, that he or she has engaged in a reasonable effort to recruit and hire a licensed social worker, graduate social worker, certified social worker or independent clinical social worker prior to the issuance of a temporary license for a prospective employee. evidence of preferential hiring practices with a description of the efforts made to recruit fully licensed social workers and persons with an accredited bachelor's or master's degree in social work.~~

(b). The employer shall be a Board recognized West Virginia government or private sector social services agency or organization who will assume the responsibility of assigning a fully licensed social work staff member to supervise a temporary licensee;

(c). The Board approved employer of a temporary licensee shall send written notice of resignation, termination, or end of supervision related to a temporary license employee within fifteen (15) business days after the action occurs. A temporary licensee shall forfeit the license and privileges thereof upon end of employment or supervision.

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

3.3.5 3.3.4 The Board approved temporary license supervisor is employed by the same organization as the temporary licensee and will be assigned by the employer. The following provisions apply to a temporary license supervisor: of a temporary licensee shall provide upon request a sworn

statement to the Board indicating:

(a). The supervisor is licensed in West Virginia, with a history of good standing and no disciplinary action. in West Virginia A licensing supervisor shall be fully licensed as a social worker, graduate social worker, certified social worker, or independent clinical social worker; provided that a licensed social worker (LSW) shall have been fully licensed and performing social work for a minimum of three (3) full years before they may be an employer assigned to supervise a temporary licensee;

(b). The license supervisor will observe and evaluate the progress of the temporary licensee towards satisfying the provisions of the license within the two-year period. The supervisor will maintain documentation to be provided to the Board upon request. The supervisor will report whether or not the temporary licensee has satisfactorily performed the duties of a social worker and fulfilled the provisions of the temporary license while under his or her supervision in an annual report to the Board prior to the end of each of the two years. The license supervisor is also responsible to inform the Board in writing at the time he or she withdraws supervision for any reason.

(c). A licensing supervisor may supervise no more than five (5) temporary licensees at the same time.

~~3.3.6. A supervisor may supervise no more than fifteen (15) temporary licensees unless a written waiver has been granted by the Board allowing the supervisor to exceed this number.~~

3.6. 3.4 An applicant may make up to four (4) attempts to pass the examination recognized by the Board. An applicant who fails to pass the examination after four (4) attempts shall petition the Board in writing prior to attempting the examination an additional time. The Board may approve, approve with conditions, or deny a petition.

3.7. 3.5 An applicant for licensure as a social worker, graduate social worker, certified social worker or independent clinical social worker may receive a license with waiver of the requirement for passage of an examination if the applicant:

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

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

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

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

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

#### **§25-1-4. Code of Ethics.**

4.1. The Board adopts the National Association of Social Workers Code of Ethics, in the version effective January 1, 19971999, and incorporates it by reference.

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

#### **§25-1-5. Applications.**

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

#### **§25-1-6. Contested Case Hearing Procedures.**

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

#### **§25-1-7. Responsibilities of Licensees**

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

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

7.3. A licensee or permittee shall abide by the provisions of the Code of Ethics of the National Association of Social Workers, which became effective on January 1, ~~1997~~ 1999.

7.4. Allegations of professional misconduct occurring prior to January 1, ~~1997~~ 1999 are judged against the version of the Code of Ethics in effect at the time of the alleged or proven professional misconduct.

7.5. ~~A licensee or permittee or prospective licensee or permittee shall make application for a license, renewal of a license, or similar service on~~ Application and appropriate renewal or education reporting forms are provided by the Board.

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

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

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

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

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

#### **§25-1-8. Continuing Social Work Education Requirements for Licensees.**

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

8.1.1. Of these fifty (50) contact hours, at least thirty (30) contact hours shall be earned by attending formally organized learning events or professional meetings;

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

~~8.1.3~~ 8.1.2 A regular licensee may earn the balance of contact hours through individual professional activities, described in paragraph 9.4.4.2. of this rule.

8.2. A temporary licensee shall obtain ~~eighty (80)~~ twenty (20) contact hours of continuing social work education within ~~each the two (2) year license period, except: in addition to completion of twelve (12) semester hours of CSWE accredited and Board approved coursework.~~

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(a). The nature of the activity;

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

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

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

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

8.5.3. The licensee or temporary licensee shall maintain records of all continuing education activities for a period of not less than three (3) years.

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

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

8.6.1. The licensee or temporary licensee shall submit the record of continuing education activities on forms provided by the Board or the continuing social work education provider. A temporary licensee shall produce evidence of CSWE accredited courses description and completion from the social work department of the college or university registrar or other authorized person from the school.

8.6.2. The licensee shall deliver the continuing education record forms, license renewal application and appropriate fee to the Board ~~no later than the November 15th~~ prior to expiration of a license, ~~on January 1. In all other cases reports are due no later than forty five (45) days prior to expiration of a license.~~

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

8.6.4. The Board may require a licensee or temporary licensee to submit additional evidence of completion of contact hours, programs or activities for the purpose of monitoring the quality of providers

and the accuracy of reports. Additional evidence includes, but is not limited to, payment receipts, program notes, certificates of attendance, a sworn statement from a provider representative, or other proof of program attendance.

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

8.8. A regular license shall be renewed within sixty (60) days after the expiration date as set forth in the W. Va. Code §30-30-10. A license that is not renewed within this legal extension period will not be eligible for renewal. A licensee or temporary licensee who does not earn the required number of contact hours may, no later than the due date specified in Subsection 8.6.2. of this rule, petition the Board in writing to extend the time necessary to earn the required number of contact hours. Each petition shall indicate:

- ~~(a). The number of contact hours earned to date or of failure to earn contact hours;~~
- ~~(b). The licensee's detailed plan to insure he or she shall, if granted the opportunity by the Board, earn the remainder of the mandatory contact hours in a timely manner;~~
- ~~(c). The nature of any extenuating circumstances which may have prevented the licensee from earning the required contact hours during the current or previous two (2) year license period;~~
- ~~(d). Written supportive documentation to any claim of extenuating circumstances, including but not limited to, a statement by an employer or health practitioner as may be requested by the Board; and~~
- ~~(e). Written approval of the licensing supervisor in support of the temporary licensee's request for an extension.~~

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

~~8.9.1. The Board may not extend this requirement beyond the next license period without cause.~~

~~8.10~~ 8.9 Training related to the policies and procedures of an agency, organization or system for which the licensee is an employee shall not fulfill any continuing social work education requirement.

~~8.11~~ 8.10 A list of certified continuing education providers is available from the Board.

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

9.1. Providers of continuing social work education are classified either as certified providers or individually approved providers. An individually approved provider is a qualified individual, agency, or organization that has applied to the Board and received approval for a single program of continuing social work education. A certified provider is a qualified individual, agency, or organization that has applied to and received approval from the Board to provide continuing social work programs under its own auspices and is issued a unique provider number by the Board. A certified provider maintains this status by complying with the re-certification provision of Subsection 9.4.3. of this of this Section.

9.1.1. An organization or individual shall apply, remit a fee, and receive approval from the Board or its designee to become a certified or individually approved provider.

9.1.2. No organization or individual may provide a program of continuing social work education without becoming a certified or individually approved provider.

9.1.3. A certified or individually approved provider shall make its program records available to the Board upon request.

9.1.4. A certified or individually approved provider shall inform the Board within thirty (30) days of a change of name, address or phone number for the provider or a licensed social worker who is responsible for assuring a program's professional relevancy on behalf of the provider.

9.2. In an application to become a certified provider, an organization shall document to the satisfaction of the Board:

9.2.1. The name, address, phone number and license number of the licensed social worker with a degree in social work from a college or university accredited by the Council on Social Work Education who shall substantially participate in the coordination and planning of any program developed by the organization to assure the program's professional relevancy and adherence to social work values, knowledge, practice or ethical considerations;

9.2.2. A system of maintaining program records for at least five (5) years, including attendance rosters, participant evaluations, written handouts and publicity materials;

9.2.3. Methods to assure the selection of qualified instructors, teachers or presenters;

9.2.4. Methods to evaluate program content, instructor performance and participant satisfaction;

9.2.5. Methods to assure that programs will be made available to license holders who work outside the bounds of the provider organization;

9.2.6. That facilities selected as program sites are accessible under the provisions of the American's With Disabilities Act; and,

9.2.7. Copies of successful applications made by the organization as an individually approved provider that document the provision of at least thirty (30) hours of programs within the previous two years.

9.3. In an application to become an individually approved provider, an organization or individual shall document to the satisfaction of the Board:

9.3.1. That a licensed social worker with a degree in social work from a college or university accredited by the Council on Social Work Education has substantially participated in the coordination and planning of the program to assure its professional relevancy and adherence to social work values, knowledge, practice and/or ethical considerations;

9.3.2. The relevancy of the program to social work practice, values, skills, knowledge, or ethical considerations;

9.3.3. The learning objectives of the program and the relationship between the program content, delivery methods and objectives;

9.3.4. The license level for which the program is optimally designed;

- 9.3.5. Any prerequisites a participant must meet to enter or successfully complete the program;
- 9.3.6. A system of maintaining program records for at least five (5) years, including attendance rosters, participant evaluations, written handouts and publicity materials;
- 9.3.7. The method used to assure the selection of qualified instructors, teachers or presenters;
- 9.3.8. The method used to evaluate program content, instructor performance and participant satisfaction;
- 9.3.9. The method used to assure that programs will be made available to license holders who work outside the bounds of the provider organization;
- 9.3.10. The program agenda, clearly listing the time and date of the program, including starting and ending times and refreshment and meal breaks;
- 9.3.11.. The calculated number of contact hours offered; and,
- 9.3.12. That facilities selected as program site are accessible under the provisions of the American's With Disabilities Act;
- 9.4. A certified provider receives a unique provider number issued by the Board and may initiate a program of continuing social work educational without the prior written consent of the Board.
- 9.4.1. An organization may apply to become a certified provider only after providing at least thirty (30) hours of formally organized learning events as an individually approved provider.
- 9.4.2. A certified provider shall offer at least fifteen (15) hours of formally organized learning events per year to maintain certified provider status.
- 9.4.3. Certified providers shall pay the fee set forth in the Board's rule, Fee Schedule, 25CSR3 and provide documentation of satisfactory performance as a certified provider every two (2) years to maintain certification.
- 9.5. An individually approved provider shall apply to and receive written approval from the Board for each program of continuing social work educational offered.
- 9.5.1. An organization or individual shall apply for approval as an individually approved provider at least three (3) months prior to the first scheduled program.
- 9.5.2. An individually approved provider may offer an approved program only up to three times prior to reapplying to the Board for approval.
- 9.5.3. An organization or individual shall reapply to the Board when a previously approved program undergoes substantive changes, including a change in the instructor or to one or more learning modules or components of the program.
- 9.6. A certified or individually approved provider shall offer formally organized learning events in a formal, structured learning environment involving face-to-face instructional methods or educational technologies that allow true interaction between the instructor and participant.
- 9.6.1. A professional meeting is recognized as a formally organized learning event when offered by a certified provider in the form of a facilitated discussion or similar focused learning activity related to

topics and issues that stimulate, promote, increase, or impart professional knowledge, experiences and/or opinions in the practice of social work, or that concern social work values, skills, knowledge, or ethical considerations.

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

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

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

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

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

#### **§25-1-10. Disciplinary Proceedings.**

10.1. Professional misconduct is conduct by a license holder that includes, but is not limited to:

10.1.1 Conviction of a felony;

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

10.1.3. Gross negligence in the practice of social work;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.4.4. After reviewing the report the Board shall determine the existence of probable cause by a majority vote of all present. The investigator shall abstain from voting in proceedings arising from a complaint he or she has investigated.

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

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

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

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

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

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

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

10.6. The Board may impose any of the following sanctions, singly or in combination, after finding that a license holder 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 and/or impose requirements for reinstatement or renewal of a license;

10.6.3. Revoke an existing license;

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

10.6.5. Issue a public reprimand;

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

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

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

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

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

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

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

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

10.8. The Board may apply to the circuit court for an order enjoining a licensee from the practice of social work when he or she has engaged in, is engaging in, or is about to engage in any act which

constitutes or will constitute a violation of the provisions of law under its authority.

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

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

10.11. After finding that a social worker has engaged in professional misconduct, and after the expiration of a period of appeals, the Board may report its findings to the Disciplinary Action Reporting System (DARS) or other recognized national and state disciplinary action reporting organization, licensing agency, professional association or society, community organization, employers of social workers, the public, or other agencies, institutions, and organizations.

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

#### **§25-1-11. Violations of Child Support Orders.**

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

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



## WV Board of Social Work Examiners

### ATTACHMENT TO JULY 30, 2010 LRMRC FILING

#### Public Comments

#### Summary and Attachments

**How did this revision come about?** A number of West Virginia employment organizations entered into discussions on how to increase the number of eligible applicants for employment in entry level social work. Representatives from WV university social work departments were included as well and a member of the Board. From the looks of the comments received, the employers are not coming together and a great many people appear to think the Board is introducing Temporary Social Work License as an alternative process to achieve a full license without having to have a Social Work education/degree. This is nothing new and has been going on since 86-87.

#### Primary Concern:

- (1) Supervision as it has been is not "on the job" or even in the same city most often. The Board is concerned about the continuing lack of reporting of ethical violations and intends to make the "supervisor" responsible for doing so.
- (2) Professional Education: Set forth in WV Code 30-30-5-(d): The Board wants to enforce this section of the Code that grants the Board this authority (social work coursework requirements in addition to bachelor degree).
- (3) Ohio and Kentucky have a very different approach but both require related bachelor degree in addition to accredited social work course completion prior to testing for full license. The Board would like to create a license reciprocal agreement with one or both of these states that can only occur when education provisions are the same.

*We received twelve (12) comments from persons who were led to believe that this is a new way of earning licensure. The response to each was identical explaining the 24-year history of this alternative process in WV. A single sample is enclosed and is similar to the others.*

Attached please find the other comments. The DHHR provision in the existing Rule was a Legislative decision in 1998 and not a Board recommendation. However, if the provision remains, the language should specify the **WV DHHR BUREAU FOR CHILDREN AND FAMILIES** only. The BCF worked very hard on making presentations to the Legislature in 1998. No other DHHR Division was involved.

End of Summary of Complaints **SEVENTEEN (17)**

July 21, 2010

West Virginia Board of Social Work Examiners  
PO Box 5459  
Charleston, WV 25361

To Whom It May Concern:

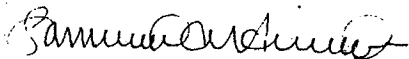
We wish to offer the following comments and recommendations regarding proposed rule Series 1, §25-1.

The proposed rule seeks to enact recommendations regarding the Board's temporary license process that brought forward by a broad task force in which our organization participated. As such, our support for the rule is durable only insofar as the major concepts agreed to by this task force remain in the rule. These concepts include requiring a specific related bachelor degree for eligibility, requiring academic course work for continuing competency, direct supervision, and demonstration of employer hiring preferences for professional social workers. We will continually evaluate the rule as it makes its way through the rule-making process.

Should the public comment period result in substantial negative input and/or calls for major revisions that alter its core concepts, we encourage the Board to assemble stakeholders to discuss acceptable revisions. If attempts to reach agreement prove unsuccessful, likely resulting in uncertain and expedient compromises as the rule-making process moves forward, we recommend that the Board retract the proposed rule in favor of putting forward a more agreeable version for future consideration.

Thank you for your hard work on this document, and for your review and consideration of these comments.

Sincerely,



Samuel A. Hickman, ACSW, LCSW  
Chief Executive Officer

## Summary of Comments and Suggestions by the National Association of Social Workers, West Virginia Chapter

### General Comments:

The version of the NASW Code of Ethics that became effective on January 1, 2009 should be referenced throughout the rule. This is the most recently approved version.

Employers should be allowed to assign a regular or contracted employee to provide qualified supervision to a temporary licensee.

Regarding the two-year temporary license period of eligibility and the requirement of qualified supervision: Section 30-30-5(d)(4) of the law governing the licensure as a social worker specifies "*four years of continuous employment as a social worker under the supervision of a certified social worker.*" This is the reason the current temporary license process requires four years. The Board should seek legal counsel regarding its proposals to reduce the temporary license period to two years and allow required supervision to be performed by individuals with other types of license.

Eligible employers should be officially certified by the Board prior to being approved to hire a temporary license social worker. Certification should be restricted to employers that have a strong social work tradition or mission that also have professional social workers on staff or under contract. Hiring should be restricted to essential entry level and intermediate positions that can be documented as being hard-to-fill and/or high turnover positions.

Certified proof of a commitment to complete academic coursework, and of enrollment in and completion coursework, should be required such as a sworn legal statement, written institutional verification of enrollment and official transcript indicating successful course completion.

The Board should not extend a temporary license for more than one additional two-year period of eligibility however an applicant could be allowed to petition the Board to apply for a new temporary license.

Regarding the proposal to require 20 hours of professional continuing education in addition to academic coursework, taking a CSWE-accredited social work course has always been an acceptable method of earning approved continuing education hours. For example, a licensed social worker who completes a 3-hour social work course as part of the MSW degree program can submit this as proof that they earned 45 approved CE hours toward the renewal of their license. This section should be clarified so the temporary license holder will understand whether they must attend CE courses in addition to taking CSWE accredited coursework for academic credit or if, for example, taking 14 semester hours would satisfy this requirement.

There is likely to be considerable 'lag time' as social work programs gear up to offer courses to non-social work majors on an elective, distance learning, and/or part-time

basis. A process should be developed to grant time-limited exceptions, general exemptions or substitutions to assure that the temporary licensee can complete the academic coursework / continuing education requirement, or if they have reasonably demonstrated sufficient difficulty in finding and enrolling in CSWE-accredited courses. Perhaps the petition process for a two-year extension is sufficient.

The opportunity to become a certified provider of continuing social work education should be restricted to organizations that can establish themselves as having a primary social work mission or setting.

**Specific Suggestions:**

**§25-1-2. Definitions.**

**New Definition Recommended:**

2.14. "Scope of Practice" means the specific and differential Board-authorized practice parameters and privileges that may be performed by an independent clinical social worker; certified social worker, graduate social worker, social worker, or temporary social worker, or a social worker with a permit or with status as an emeritus or inactive license social worker.

**Suggested Revision:**

2.18 & 19. "Temporary License Supervisor" means a licensed social worker that is approved by the Board and assigned by the employer to supervise a temporary licensee to assure and attest to the satisfactory integration of professional social work skills, values, knowledge, and ethical considerations gained through social work education social work practice experience.

**§25-1-3. Qualifications for License.**

**Suggested Revision:**

3.1. An applicant qualified under the provisions of W.Va. Code §30-30-1, et. seq. may receive one of the following types of license from the Board *provided that* a temporary licensee is not eligible for a social work permit, inactive or emeritus status license.

- (a). Independent clinical social worker;
- (b). Certified social worker;
- (c). Graduate Social Worker;
- (d). Social Worker;
- (e). Inactive status;
- (f). Emeritus status;
- (g). Permit;
- (h). Temporary.

*End*

## RESPONSE

This is not a new process. It appears that someone has led you to believe this is a new process to "open up" licensure to other education areas. I have received multiple emails from the same area exhibiting the same response. This has been on the law books since 1986 and as yet, has been very weak and broad with no requirement for specific social work degree or at minimum, CSWE courses that may hopefully lead the person to complete the social work degree.

This is the strongest Rule to amend the original work ever being sent to the Legislature.

Tell your State Senator and Delegate to support the Board or vote to eliminate the temporary license process since it has continued for twenty four years and counting without much success. Although, there have been over two thousand people licensed via this process, many of which no longer hold licensure (expiration is permanent and they cannot obtain multiple temporary or apply for full license after expiration under ANY circumstances).

If I can help fill in some blank areas of history, etc. feel free to write out your questions and send to the Director and Custodian of Records.  
Thank you.

---

**From:** Judy Williams [mailto:bswe2@suddenlink.net]  
**Sent:** Monday, July 12, 2010 8:41 AM  
**To:** Judi Kay Office  
**Subject:** FW: Social work license

-----Original Message-----

**From:** Molly [mailto:Rosalie.Jarvis@msucougar.org]  
**Sent:** Saturday, July 10, 2010 12:48 AM  
**To:** jwilliams@wvsocialworkboard.org; Bswe2@suddenlink.net  
**Subject:** Social work license

## The West Virginia Board of Social Work Examiners

July 10, 2010

I am very disappointed after being informed of the proposed changes to the social work licensing of social workers. The changes will not benefit social workers or their earnings. Also, the changes will affect the clients.

It takes four years to become a professionally trained social worker. Therefore it is unfair to us students who work and study hard, and sacrifice to achieve our goal of being a social worker. The students who major in social work are taught the social work values and are trained how to apply them.

If the students from the other programs want to be licensed as social workers then let them change their major to social work, and take all the social work classes, not just a few short hours.

Social workers must have a desire to help individuals, and families.

*SAMPLE  
People who think  
this is a New  
Process  
to Achieve  
LSW  
Many more  
Similar*

*One of 12*

See John Law's  
attached

Commissioner BCF JASON T.

COMMENTS  
RULE CHANGE TO SOCIAL WORK LICENSURE  
SUBMITTED ON JULY 23, 2010

The Department of Health and Human Resources, Bureau for Children and Families, appreciates the opportunity to comment on the recommended changes to the Social Work Licensing Rule and offers the following:

While the bureau supports changes in the rule that would strengthen the profession of social work, it cannot do so at the expense of losing the ability to provide legislatively mandated services to the citizens of West Virginia. A great deal of that ability rests in the bureau's ability to keep its workforce at the allocated level of filled positions.

The bureau participated in discussions about licensing rules over the past year with many interested parties and gave support to certain changes that we felt would improve the process. This final proposal does not represent the package that was agreed upon and, therefore, does not have the bureau's support.

**WVCSR §25-1-3.3.**

The bureau could not support any changes that would severely limit our ability to fill our vacant social work positions that require licensing. A report completed last year on our existing work force revealed that out of 949 licensed staff, 52 had a master's degree in social work, 181 had a bachelor's degree in social work, 239 had a temporary license, and 477 had licenses based upon related degrees. Although we indicated when and where education degrees did not make up a major portion of the related degrees, this proposal seems to remove more than education degrees from the ability to qualify for a license and does not specify criminal justice as a degree making one licensure-eligible. Certain continuing education requirements we discussed that would facilitate licensure do not appear to be in the proposed rule.

**WVCSR §25-1-8.2**

The Bureau for Health and Health Facilities agrees with requiring continuing education for temporary licensees to be specific to 12 semester hours of approved social work courses. It would ensure that the continuing education was relevant to the job as well as be an incentive for these individuals to obtain a social work degree. On a more practical level, however, the reduction to a two-year completion date, in conjunction with 20 additional hours of continuing education, and the Department's requirement of 12 weeks of new worker training while maintaining a full time job that already requires many hours of overtime and untraditional hours, seems to be an unreasonable expectation and will in our view discourage individuals from seeking employment with the Department.

**WVCSR §25-1-3.3.4**

While the new rule on supervision has the potential of helping the bureau in providing required supervision to temporary licensees, I am unsure if all offices in the state could meet this requirement for onsite supervision.

RESPONSE TO CORRECTED COMMENTS BY WVDHHR BCF

by BCF Commissioner

Mr. Law:

As you see the term "and other related degrees as determined by the Board" will continue to stay in the Rule as it was in the past rules. The Board has indicated that they will continue to accept Criminal Justice as a degree major under this same section. Please share this with the BCF Commissioner and Deputy Commissioner. Thank you for taking the time to respond with the comments and amended version. We will file both sets with LRMRC unless you instruct me to do otherwise.

Thank you.

Judith Williams'  
Custodian of Records/Director  
CC: Summary/LRMRC

-----Original Message-----

**From:** Law, John D [mailto:John.D.Law@wv.gov]  
**Sent:** Friday, July 23, 2010 4:40 PM  
**To:** Brooks, Brenda K; jwilliams@wvsocialworkboard.org; bswe2@suddenlink.net; amypolen@wvsocialworkboard.org  
**Cc:** El Sheikh, Sherri E; Najmulski, Jason J  
**Subject:** RE: Comments on Social Work Licensure Rule Change

7/23/2010 4:39 PM

Brenda,

I've made a few edits that make things clearer. You may want to consider filing this as an amendment version.

John D. Law, Assistant Secretary

West Virginia Department of Health and Human Resources  
Office of Communications and Legislative Affairs  
Telephone: (304) 558-7899

---

**From:** Brooks, Brenda K  
**Sent:** Friday, July 23, 2010 3:30 PM  
**To:** jwilliams@wvsocialworkboard.org; bswe2@suddenlink.net; amypolen@wvsocialworkboard.org  
**Cc:** Law, John D; El Sheikh, Sherri E; Najmulski, Jason J  
**Subject:** Comments on Social Work Licensure Rule Change

Attached please find comments from John Najmulski, Commissioner of the Bureau for Children and Families, regarding rule changes for Social Work Licensure. Please feel free to call at the number below if you have questions.

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**COMMENTS**  
**RULE CHANGE TO SOCIAL WORK LICENSURE**  
**SUBMITTED ON JULY 23, 2010**

The Department of Health and Human Resources, Bureau for Children and Families, appreciates the opportunity to comment on the recommended changes to the Social Work Licensing Rule and offers the following:

While the bureau supports changes in the rule that would strengthen the profession of social work, it cannot do so at the expense of losing the ability to provide legislatively mandated services to the citizens of West Virginia. A great deal of that ability rests in the bureau's ability to keep its workforce at the allocated level of filled positions.

The bureau participated in discussions about licensing rules over the past year with many interested parties and gave support to certain changes that we felt would improve the process. This final proposal does not represent the package that was agreed upon and, therefore, does not have the bureau's support.

**WVCSR §25-1-3.3**

The bureau could not support any changes that would severely limit our ability to fill our vacant social work positions that require licensing. A report completed last year on our existing work force revealed that out of 949 licensed staff, 52 had a master's degree in social work, 181 had a bachelor's degree in social work, 239 had a temporary license, and 477 had licenses based upon related degrees. Although we indicated ~~when and where~~ during our meeting with various interested groups that education degrees did not make up a major portion of the related degrees, this proposal seems to remove more than education degrees from the ability to qualify for a license and does not specify criminal justice as a degree making one licensure-eligible. Certain continuing education requirements we discussed that would facilitate licensure do not appear to be in the proposed rule.

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**WVCSR §25-1-8.2**

The Bureau for ~~Health and Health Facilities~~ Children and Families agrees with requiring continuing education for temporary licensees to be specific to 12 semester hours of approved social work courses. It would ensure that the continuing education was relevant to the job as well as be an incentive for these individuals to obtain a social work degree. On a more practical level, however, the reduction to a two-year completion date, in conjunction with 20 additional hours of continuing education, and the Department's requirement of 12 weeks of new worker training while maintaining a full time job that already requires many hours of overtime and untraditional hours, seems to be an unreasonable expectation and will in our view discourage individuals from seeking employment with the Department.

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**WVCSR §25-1-3.3.4**

While the new rule on supervision has the potential of helping the bureau in providing required supervision to temporary licensees, I am unsure if all offices in the state could meet this requirement for onsite supervision.



**Judy Williams**

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**From:** Judy Williams [bswe2@suddenlink.net]  
**Sent:** Friday, July 16, 2010 12:37 PM  
**To:** 'Dennis Sparks'  
**Subject:** RE: New Regulations For Social Workers

RESPONSE

We appreciate a positive response. We are trying to follow the Ohio process for ideas and procedures since we share a number of social workers often dually licensed in both states.

Thank you!

-----Original Message-----

**From:** Dennis Sparks [mailto:d.rsparks@yahoo.com]  
**Sent:** Monday, July 12, 2010 8:28 PM  
**To:** bswe2@suddenlink.net  
**Subject:** New Regulations For Social Workers

COMMENT

I agree with the proposed changes in the rules and regulations for licensed social workers. I graduated from Ohio State University in School of Social Work in 1971, I agree that the core course should be base on an accredited school of social work.  
Thank you for your time and interest in this matter. Rebecca Sparks,LSW

7/16/2010

# RESPONSE

Yes, earning a degree or paying for courses is costly. The Board has been in conversations with various employers and educators for the past two years over this issue. Being an MSW you are well aware of such costs. It's the price of a professional license.

You have a good point as one who works with the licensees in this area. But it isn't up to me of course.

I will pass on all comments to the Legislature and the Board to consider.

Thank you very much.

CC: LRMRC/Comment Summary BSWE

-----Original Message-----

**From:** Mark Drennan [mailto:mark.drennan@childhswv.org]

**Sent:** Monday, July 12, 2010 9:18 AM

**To:** bswe2@suddenlink.net

**Subject:** Additional CEUs

Comment

Hello Judy,

I would like to further comment on the licensure rules. While I am excited and welcome this change, I do not favor the additional 20 hours of CEUs for the temporary licensees. Since the licensees will be taking 12 hours of college credit, then they will be receiving 180 hrs of CEUs at the current formula. ~~That is a large financial and time commitment for the employee and employer.~~

Thanks,  
Mark Drennan

**Continuing Social Work Education:** Complete twenty (20) contact hours of WVBSWE approved provider workshops or conferences in addition to the **social work courses that are accredited by the Council on Social Work Education (CSWE)** as set forth in the education §§3.3.1 (C) in the two-year temporary license period.

Mark A. Drennan, MSW, ACSW  
Administrative Project Specialist  
~~Children's Home Society of West Virginia~~  
1422 Kanawha Blvd., East  
Charleston, WV 25301  
wk: 304-346-0795  
mobile: 304-545-5290  
email: [mark.drennan@childhswv.org](mailto:mark.drennan@childhswv.org)  
CHS Job Openings: [http://www.childhswv.org/staff/jemploy\\_jobpostings.htm](http://www.childhswv.org/staff/jemploy_jobpostings.htm)

## RESPONSE TO KELLIE STAFFORD

Kellie;

I will be most happy to especially share your comments. Yes, there has been a good deal of negative comments and positive mostly from those who obtained licensure because of this process in WV.

The "other related degrees" as determined by the Board is exactly that and nothing new. The Board expects NO changes in that area.

As far as supervision, the other states that allow related degree testing have NO supervision requirement. This is a WV only provision from the 80s'. Some parts of the rule may get passed while other pieces change. It's up to the Legislature.

Congratulations on your work towards MSW. We appreciate anyone who STAYS in West Virginia, does a good job, and complies with all standards of Ethical social work and professional practice.

**Thank you.**

---

**From:** Stafford, Kellie A [mailto:Kellie.A.Stafford@wv.gov]  
**Sent:** Tuesday, July 20, 2010 9:41 AM  
**To:** jwilliams@wvsocialworkboard.org  
**Subject:** social work license changes

I am writing in response to the proposed changes. I have read some letters from outraged individuals across the state. I am currently a licensed individual who obtained this licensure through being a temporary licensee with DHHR. I value my job and what I do. I agree with the proposed changes. I know that there are five of us that were temporary licensees and we are all now regularly licensed after going through four years of continuing education. We struggled to keep an individual to supervise us. Those with a clinical licensee either wanted an arm and leg to supervise or they would not do it period. Thankfully we found someone willing to work with us and our demanding schedules. After two years we were all ready to be licensed. I never quite understood why DHHR was the only available outlet for temporary social work licensees. The main position that you can receive with DHHR is Child Protective Services(CPS). And during my six years of being within social work within WV and NC I have discovered there are many individuals that do not understand CPS that have a social work license and some even have a Master's Degree. So I was a bit bewildered that there were people providing social work level services to families that were not required to have a license. And recently I have listened to those that are outraged and feel that these changes are lessening our profession. That classes within psychology, counseling or sociology are not worthy of the social work profession. I was offended by this my degree is exactly all of that. I have yet to receive a formal complaint and have excelled at my job as a court worker for Child Protective Services. And I am currently nursing my Master's degree in social work. Often people start to live in a bubble and forget and do not realize the reality of things. People may not chose the right path in life and find the right path such as social work. And may not have the opportunity of going back to school for four years to get that degree of social work. A good friend who is in the Master's program with me, has several degrees unrelated to social work. But yet she was working at a social worker level for a business providing services to individuals in home and she is an excellent social worker. There are many individuals that have become regularly licensed social workers who are more of a social worker than some who have been a social worker for years.

I am concerned about the statement of "other related degrees". What other related degrees?

Pg 1 of 2  
STAFFORD

And is three years a sufficient amount of time to supervise another? Maybe those that are going to supervise temporary licensees should have some training? A class or two that can be offered to ensure that they are teaching the right things.

As I stated I had several individuals supervise me during my temporary period and at times some of the meetings seemed a waste of time.

But those are just my thoughts on the issue. And I felt that someone that has walked in the steps of being a temporary licensee needed to speak because all that I have heard from are those who have been in the field for many years and are for the most part removed from full practice.

*Kellie Stafford, CPS*

*407 Neville St.*

*Beckley, WV 25801*

*256-6930 x78939*

*Kellie.A.Stafford@wv.gov*

PG- 2 of 2  
STAFFORD

**Judy Williams**

---

**From:** Wilson, Deborah L [Deborah.L.Wilson@wv.gov]  
**Sent:** Tuesday, July 06, 2010 6:39 AM  
**To:** bswe2@suddenlink.net  
**Subject:** Response to Proposed WV Social Work Licensing Changes

Judy,

As a one of the first wave to earn (not be grandfathered in) WV SW licensure and current MMBH Social Work Service Department Director, I generally applaud the changes proposed for licensure. I had the following perspectives:

1. The allowance for related-degreed individuals to earn a SW license **regardless of the year of graduation** may provide a wider pool of candidates from which to hire in specialty areas such as mental health.
2. The suggested licensure supervision changes for a 3 year-licensed Social Worker rather than Master-degree Social Workers only also provides relief as to the provision of supervision for temp licensees; however, I am not clear as to why the supervising Social Worker is required to be an employee of the agency for whom the temp licensee is employed. This again limits the scope/range of long- and good-standing licensed Social Workers to influence/oversee/protect the integrity of the provision of Social Work services as the State of WV outlines and requires, regardless the employer.
3. While the revision includes an opportunity for an individual to reduce the amount of time it takes to earn a permanent license by taking university course work (from 4 years to 2 years with 20 CEUs/year), why not also continue the original option of 4 years and 80 hours/2 years with the ethics requirement also? Some individuals may not be able to financially afford university academic credits but would be able to accumulate the knowledge base from approved CEU providers and practice service skills in their day-to-day responsibilities under licensure supervision at considerable cost reduction.

I thank you and the Board for the opportunity to provide feedback on the proposed licensure changes. And I again thank you, Judy, for all the hard work and unwavering dedication you've personally given since the inception of this licensure process. I am very appreciative of the care, support and reliability you provide, and it, in turn, allows us to provide the much-needed services to our patients and clients. I will forward your original notice to the Social Work staff here at MMBH in hopes they take the opportunity to review and respond to the proposed changes.

~Deborah

Deborah L. Wilson, M.A.  
 Director, Social Work Service  
 Mildred Mitchell-Bateman Hospital  
 Telephone: 304-525-7801 Ext. 280  
 Fax: 304-697-1117

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7/6/2010

# RESPONSE

Dear Mr. Wolfe,

The Board appreciates your positive comments regarding proposed changes. I would point out that social work courses and degrees must be earned from colleges and universities accredited by the Council on Social Work Education (CSWE) which is the national accreditation accepted and required by every social work board in the country. I say this because you used the word "nationally accredited" and want to be quite clear that there is only one social work accrediting body recognized by any social work board. Take care and..

Thank you!

---

**From:** Wolfe, Lewis C [mailto:Lewis.C.Wolfe@wv.gov]  
**Sent:** Tuesday, July 06, 2010 3:19 PM  
**To:** jwilliams@wvsocialworkboard.org  
**Cc:** Barno, Laura S  
**Subject:** New proposed rules

COMMENT

I have had a chance to look at the proposed rule changes and find, for the most part, that they make sense and will in the long-run improve the status of social work in WV. The rules level the playing field for public/private providers to use the temporary social worker and limits the eligible degrees to related fields that make sense. Decreasing the required length of supervision for temporary licensees and at the same time requiring that temporary licensees attain 12 credit hours of social work education at a nationally accredited school program is both common-sense and sets a minimum standard for all persons wishing to become social workers.

Supervision under a holder of the LSW with three years of experience also should help both private and public agency locate qualified supervisors of temporary licensees. Limiting supervision to 5 per supervisor should also help to ensure both the quality of the supervision and the level of skill attainment by the licensee.

The continuing education requirements are also more realistic during that two year temporary license period.

I believe that these are fair proposed rules and sensible for all parties who will be affected by them.

Lewis Wolfe  
West Virginia Department of Health and Human Resources  
400 Fifth Street, PO Box 1547  
Parkersburg, West Virginia 26102  
304.420.2560 Ext. 2060 (w)  
304.210.8607 (cell)  
Lewis.C.Wolfe@wv.gov

July 19, 2010

West Virginia Board of Social Work Examiners  
PO Box 5459  
Charleston, WV 25361

Re: Proposed Rule Changes

Dear Board Members;

The first thing I must start off with is my absolute dissatisfaction with the proposed changes in the licensing law. The Social Work Profession is about to take several giant steps in a negative direction. I cannot think of any other profession willing to make concessions in order to create a hiring pool. If there are - I would like to know. I have heard the complaints of "can't find enough qualified people" and that the licensing law itself will be challenged in order to get rid of bachelor level licensing. This is the same bullying tactics that companies have used on their employees - "We will just shut down and reopen elsewhere". People can choose to pursue a degree in Social Work and we should encourage that not reward choices in other areas. It is not the concern of the Social Work Profession if other professions choose not to create a bachelor level license. It is the concern of the Social Work Profession to attempt to meet the needs of clients, employers, society and the profession itself. Having been a Social Worker for 21 years and having served as a license supervisor, I remember the start of the licensing law when other related fields were allowed in. The license was only a means to an end (job). Most complained that they shouldn't have to have the license and get continuing education or supervision.

That being said - If indeed this is inevitable, my concerns about the law changes are as follows:

1. What does "other related degrees as determined by the board" mean - I believe the eligibility should be narrowed - only psychology, counseling and maybe the sociology degrees.
2. Within the continuing education requirements - Set ethics hours need to be added back in. I am sure the intent is that ethics will be gained through the college courses - but I still think that a focused, structured course should be a requirement.

3. I am not happy with the licensing supervisor being a LSW with three years experience. My preference is that the minimum should be a LGSW. Again - If a LSW is going to be allowed to supervise - then they should be a degreed Social Worker with three years of work experience.
4. On section 3.3.3a What evidence does an agency have to show that they tried to hire a degreed Social Worker? I am sure there are some agencies that attempt to hire needed employees - others hire to fill the positions. Changing this law does not speak to the way an agency is viewed by prospective Social Workers. It also does not address the many times less than adequate wages that are offered.
5. Finally, I see no time limitation on the above changes. This should never be left open ended. To use an example - This may well prove to be a "quick fix" in the sense of putting a band aid over a wound that needs sutures

I am not in favor of the proposed changes and I hope that I have communicated my reasons clearly. My intent is not to attack Board members on a personal level - I know that you work hard on licensing issues and regulations and I am appreciative that in the past positive changes have been made. As I stated before I have been a Professional Social Worker for 21 years and it sickens me that we are going down this path. I am not naïve enough to think that there are not problems with getting people to fill needed positions - but before we jump to the easy solution - maybe some exploration of why people are not applying for positions and why they are not retaining positions should be studied. We made concessions for people going to work for DHHR to get a license through the temporary process and still that is not enough. Where does it stop? Thank you for considering my concerns.

Sincerely,

*Robbin Durham MSW, LICSW*

Robbin Durham A.C.S.W., B.C.D.

Licensed Independent Clinical Social Worker

Raleigh Psychiatric Services

28 Mallard Court

Beckley, WV 25801

304-252-8409

ralpsy@suddenlinkmail.com



June 29, 2010

West Virginia Board of Social Work Examiners  
PO Box 5459  
Charleston, West Virginia 25361

RE: Proposed license change proposal

To Whom It May Concern:

As a professional, I would like to commend the efforts to incorporate social work study as a requirement to temporary licensure. In my experience I have seen temporary licensed social workers who have no knowledge of what social work is all about and the bio-psycho-social model used in social work practice. Oftentimes, social workers are reactive to an identified problem, but put no effort in identifying and addressing the underlying cause to prevent re-occurrence in the future.

In regards to the proposed changes in licensure rules, I am in agreement. I strongly advocate for social work classes as being mandatory and I feel opening the process up to agencies other than the DHHR will allow people the opportunity to see other areas of social work. It is the belief of many in the field that Child Protective Services is not true social work; although, at this point all temporary licensed social workers, who will eventually become permanent, are CPS workers with CPS views.

**My question is, does this become retro-active?** *-TW Answered "NO-NEVER"*

**Why do I ask?**

Because my undergraduate degree was Sociology with a double minor in Social Work and Psychology obtained from Concord University in 2005. I worked for WV DHHR from October 2006 to April 2009 (2 ½ years). During that time I was promoted to back-up supervisor. I took my Bachelor level social work examination and **passed with a 76 percent**. I left DHHR to take a management position with the Division of Juvenile Services where I directly supervise all treatment staff in a facility. I am currently in my last phase of my Masters in Social Work at WVU and graduate in May 2011 (4 classes remaining.) I am interested in obtaining my LSW, so I am not under so much pressure when taking my LGSW next summer. I almost rejected the opportunity to advance in my social work career due to the fact of losing my social work license I had worked so hard to maintain and personal payment to sit for the exam while at the DHHR.

Thanks so much for taking the time to read my thoughts and consider circumstances, such as my own. I look forward to my social work career and the mandate which requires temporary

licensees to study at least four college courses in social work to better understand the concepts of social work.

Sincerely,

Olivia Honaker, BA, MSW Intern

236 Beech Bottom Road

Oak Hill, West Virginia 25901

(304) 663-8764

Michelle R. Tenney:

Response

Question #1: Anyone under a temporary social work license on or before a final Bill is approved and signed into law is not subject to any of the amendments.

#2: The board has no authority in demanding employers pay for education expenses but many employers currently provide continuing social work education to staff and other interested social workers which is costly. The decision to contribute to or pay for social work course costs would be determined by the employer.

Yes, this will open up the hiring of degree qualified individuals to all employers providing services to children, families and aged populations. The Board has received continuous and multiple requests by West Virginia employers to consider this action.

Thank you for your kind attention to the goals set forth by the Social Work Board in WV.

Judith Williams

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**From:** Judy Williams [mailto:bswe2@suddenlink.net]  
**Sent:** Sunday, June 27, 2010 6:40 PM  
**To:** Judi Kay Office  
**Subject:** FW: proposes rule changes for TLSW

-----Original Message-----

**From:** Amy S. Polen [mailto:AmyPolen@wvsocialworkboard.org]  
**Sent:** Friday, June 25, 2010 4:38 PM  
**To:** BSWE2  
**Subject:** FW: proposes rule changes for TLSW

*Amy S. Polen, Administrative Assistant  
WV Board of Social Work Examiners  
P.O. Box 5459  
Charleston, WV 25361  
(304) 558-8816  
(304) 558-4189 Fax*

---

**From:** Tenney, Michelle R [mailto:Michelle.R.Tenney@wv.gov]  
**Sent:** Thursday, June 24, 2010 10:44 AM  
**To:** amypolen@wvsocialworkboard.org  
**Subject:** proposes rule changes for TLSW

Comment

How will this affect the TLSW working in the field who have not yet taken the SW test and have less than the two years left on their TLSW? Will the employer whom you are working be required to reimburse the TLSW for the fees involved in taking the 12 semester hours required by the proposed rule changes? I think this will open TLSW to agency's other than the DHHR without regard to the year of graduation and help to relieve the need for social workers.

*Comment*

Dear Ms. Williams,

I would like to take a moment to express my approval of the proposed change to licensing. I know and have had the pleasure to have worked with many young caring people that do not have a social work degree that would make excellent social workers. The way I read you proposed changes they now could enter the TLSW tract and become licensed. Also I am delighted to see that that tract has been shortened in duration. This is the path I took to gain my license and found that four years made it a long process. I hope that your path to approval is swift and free of pitfalls.

Sincerely

Leonard R. Posey

Social Worker 3  
William R. Sharpe, Jr. Hospital  
936 Sharpe Hospital Road  
Weston, WV 26452-8550  
Phone: 269-1210 Ext. 579  
Fax: 269-0502

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Response

Mr. Posey;

Nothing has changed yet and won't until after passage into law and signed by the Governor (after March 2011). I am not sure what you mean about the TLSW tract? As of now and anyone with a temporary issued before law is changed they will follow the steps and provisions that are called for under existing Rules. Changes would affect only those issued a temporary license AFTER the approval of new law.

In any event, it's pleasant to hear a kind comment. For the record; no other state that allows related degree candidates to test for full license even have a temporary license process. They are required to do additional social work coursework and pass the exam for LSW or equivalent license title. We looked at Ohio and Ky procedures long and hard and drew from that. There is no supervision or period of employment requirement in those states but as with Ohio, one had to earn a related bachelor's degree by or before 1992 to be considered. They eliminated related degree acceptance for anyone that graduated after 1992 and since have required all applicants to possess either a CSWE BSW or MSW degree.

WV attempted to put an end date to this in 1998 but the Rule was defeated. This is just a bit of history to explain the why and wherefore of it all.

Thank you.

Judith K. Williams

Director, WVBSWE-Remote Office-After Hours

-----Original Message-----

**From:** Posey, Leonard R [mailto:Leonard.R.Posey@wv.gov]

**Sent:** Tuesday, June 29, 2010 2:13 PM

**To:** bswe2@suddenlink.net

**Subject:** Proposed WV Social Work Licensing Changes



## RESPONSE TO VICKI JAMES

- 1) The Board may well limit LSW to those with a BSW or MSW degree and they must have been LICENSED for a minimum of three years plus a variety of other provisions yet to be determined in the individual application to supervise.
- 2) That is old language and comes straight from the law; three professional recommendations have always been required. We plan to revise the existing long-used form.
- 3) The Board will consider this and plans to especially design a CSWE course that covers all provisions of Ethics. This is a very valid recommendation and will be forwarded to the Board for further consideration.
- 4) The Board considered neighbor jurisdictions of Ohio and Kentucky. One is not required to do supervision or employment but must complete specific CSWE course requirements in addition to their Bachelor's related degree. Upon filing an application that is approved, they are then allowed to test for LSW. To fulfill the Purpose of licensure you have to have serious people. We receive at least a dozen temporary applications per week in addition to permit applications and people with MSW or BSW transferring into WV from out of state. The language as it is may well be revised as it enters into the hands of the LRMRC this week. It is not a perfect document by any means. There is still a great deal of work to do.

Thank you for your concerns.

Judy Williams

CC: LRMR/SOS-Comment Summary Report

CC: WVBSWE

-----Original Message-----

**From:** James, Vickie L [mailto:Vickie.L.James@wv.gov]

**Sent:** Friday, July 23, 2010 10:30 AM

**To:** jwilliams@wvsocialworkboard.org

**Cc:** bswe2@suddenlink.net

**Subject:** Comments on Proposed Social Work Licensure Changes

Judy,

Thank you for the opportunity to review the proposed rule changes.

Overall, I think that changes to the licensure law will ensure more individuals make a commitment to the social work profession while protecting the public. However I make the following comments on the rule changes which are currently out for comment:

- 1) 3.3.4 a: I am not in favor of the loosened supervision requirements as written. The inclusion of the LSW will also allow former temporary licensed social workers without a degree in social work to supervise temporary licensees. Moreover, I think that the responsibilities outlined in 2.18 merits at a minimum someone with a social work education perform these activities. I think, if the Board wants to make supervision onsite accessible, the LSW level of supervision should require that individual have a masters in social work or minimally an undergraduate degree in social work.

Additionally, while I welcome the additional supervision requirements, I wonder if by requiring only onsite supervision with someone with 3 years of experience would hinder the ability of some agencies or county offices within the Department to meet this expectation.

- 2) Also, I am wondering about the requirement in 3.3.1 requiring 3 professional references, which, in the absence of a definition of "professional " (does the Board include only social work related individuals or are we looking at other "professions" such as your minister, volunteer experiences ,etc) seems excessive-for new grads, this amounts to professors, which I am not sure is really helpful (who may not even know if they are standup folks of good moral character), and what defines a professional? I could see if at least one is a professional reference, but 3 seem excessive.
- 3) The deletion of the ethics requirement disturbs me as not being sure of the course sequencing that will be offered; an individual could practice for a bit before being introduced to the code that defines his/her practice. I believe at a minimum 3 hours of ethics should be required in the first year of practice.
- 4) 3.3.2 I believe the expectation implicit in section b is absolutely unrealistic as well as unclear. I am not sure if the expectation is that these individuals will complete the requirements in two years (as there is a reference later for four years) or that they have the option of taking the test and becoming fully licensed in two years. However there are other sections in the rule, including Section 3.3.1 c and 8.2 which references the 2 year period expectation of meeting the 12 hours. That provision alone could undo a lot of the faith and commitment of the various parties who have been working on this initiative for the past two years, particularly when it is unclear as to what provisions or accommodations the schools of Social Work are willing to make to ensure this education is accessible to eligible candidates. Moreover, If the expectation is that temporary licensees will complete 12 hours in 2 years, then I am sure this rule will meet stiff opposition during the rulemaking process, as it is unrealistic and will only hinder employment opportunities, particularly in the DHHR.

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## RESPONSE TO: GEORGE JAMES

- 1) Supervision: In most cases the Board has found that most supervision of license occurs "from a distance" and many MSW supervisors complain of having no effort or communication from the other party. Staff is constantly trying to chase down records and reports which is the responsibility of the two parties. The Board would closely scrutinize the history, qualifications, education, past actions of anyone that "applies" to serve as a "temporary supervisor." The greatest issue is not having on site actual supervision where proper ethically required reporting is carried out. This will be the responsibility of not only the agency but the supervisor. We seldom are informed (by seldom I mean rarely ever) by anyone when a temporary resigns or is terminated. The Board learns of ethical violations usually through another means. The primary purpose of the Board is to "protect" and serve the public by assuring that persons with strong moral and ethical beliefs are providing services to the general public. There is no way to guarantee a perfect process but it can be strengthened.
- 2) The provisions for professional reference comes straight from the WV Code and none of the recommendations should come from relatives but only learned professionals that can attest to the applicants moral character and potential. Nothing was changed here and the WV Code is not being considered for revisions, this is a complete other issue.
- 3) Good thought shared by many and the Board will definitely consider this. They would include the right to first review the program content and objectives in detail to make sure it clearly addresses the NASW Code of Ethics and WV Code §30-30-7. Thank you. We've heard this from several.
- 4) No changes that occur will have any affect on current temporary candidates or those who apply for a temporary before any legislation becomes law. This is the way it works in legislative revisions. An effective date means on and after XXX date this is how it will be. The Legislature never pre-dates regulations. I am aware that we have gotten some very good folks through the temporary process and as for the language you speak of, it will be cleaned up in the next and future legislative procedures.

Thank you.

-----Original Message-----

**From:** George James [mailto:gjames@childhswv.org]  
**Sent:** Friday, July 23, 2010 4:34 PM  
**To:** Judy Williams  
**Subject:** Proposed Social Work Lisensure Changes

Judy,

I make the following comments on the rule changes which are currently out for comment:

- 1) 3.3.4 a: I oppose the loosened supervision requirements as written. The inclusion of the LSW will greatly weaken the profession. The responsibilities outlined in 2.18 merits at a minimum someone with a social work education perform these activities. The Board needs to have a level playing field and stop giving all the breaks to the department.
- 2) I believe that the reference requirement for 3.3.1 should be changed to one reference from a licensed social worker who is a non-relative and 2 other references from any non-relative.



- 3) The deletion of the ethics requirement continues to delude the social work profession. I believe at a minimum 8 hours of ethics should be required in the first year of practice.
- 4) There appears to be some ambiguity with 3.3.2. This provision could destroy a lot of hard work by a number of parties who have dealt with this for two years. This section needs to reflect their hard work and commitment to enhance employment for social workers in West Virginia.

George James  
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RESPONSE:

MELISSA LEWIS

No doubt the LRMRC will catch the grammatical errors among other issues. The Board will seriously considering all concerns while going forth.

Yes, ASWB is the Association of Social Work Boards. The old title was changed when the first non US member joined ASWB (Canadian provinces). See a list of Member boards at: [aswb.org](http://aswb.org) and go to Member Jurisdictions.

Your comments will be forwarded to the LRMRC.

Thank you so much.

Judy Williams

Director

CC: LRMRC Comment: Summary and Reports

BSWE August session

-----Original Message-----

**From:** Amy S. Polen [mailto: AmyPolen@wvsocialworkboard.org]

**Sent:** Friday, July 23, 2010 5:29 PM

**To:** BSWE2

**Subject:** FW: RULE COMMENT

**Importance:** High

*Amy S. Polen, Administrative Assistant*

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3/1/10

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**From:** Lewis, Melissa S [mailto:Melissa.Lewis@va.gov]

**Sent:** Friday, July 23, 2010 3:32 PM

**To:** [jwilliams@wvsocialworkboard.org](mailto:jwilliams@wvsocialworkboard.org)

**Cc:** [amypolen@wvsocialworkboard.org](mailto:amypolen@wvsocialworkboard.org)

**Subject:** RULE COMMENT

**Importance:** High

Good afternoon:

Following are comments and grammatical corrections to the Proposed Legislative Rule/Proposed Rule Changes

1. Title 25 paragraph 25.2.2 "Clinical Supervisor"

The terms licensed clinical psychologist or licensed, board eligible psychiatrist should be deleted because it is not in compliance with NASW guidelines which state s that supervision by licensed clinical psychologists or licensed, board eligible psychiatrists is not permitted following 1977. If we

are to abide by NASW in some areas, it should be in all. In my research, there are no other surrounding states that permit such. In my experience, there has not been a psychologist or psychiatrist that has knowledge of SW practice, SW ethical standards or hold the same values as do social workers.

Psychologist and Psychiatrists do not seem to have the time to attend to weekly supervision. However, I will say there is some benefit to the learning that a clinical SW could attain in the areas of diagnosing in accordance with the DSM and psychopharmacological treatment . IF 'blanket' permission is granted for psychologists and psychiatrists to provide clinical supervision, there should be a time-limited focused and well-defined guideline, such as 6 months to one year with the second year exclusively with a LICSW.

**2. Title 25 paragraph 2.9 Examination**

**Is the title of the examination board named Association of State Social Work Boards?**

**3. Title 25 paragraph 2.12 Professional misconduct**

**(grammatical) delete the word the prior to Section 11**

**4. Title 25 paragraph 2.18 Temporary License Supervisor**

**Due to the nature of individuals expertise and or degree, it is imperative that they be supervised by a graduate SW, certified SW or clinical SW and if possible, not by anyone assigned by the employer. (I discussed this with the TLSW's and they are not in agreement with this either, particularly for HIPAA purposes and other reasons). My reasoning that a 'same agency' LSW should not supervise the TLSW is because many of the LSW persons in the agencies were: (1) grandfathered at high school level;**

**(2) some have never completed any SW coursework; and ,**

**(3) the SW**

**knowledge/value base is necessary.**

**Deleting master's level SWs is quite dangerous and could create some liability for agencies.**

**5. 3.3.3 (b) and (c)**

**(grammatical)**

**6. 3.3.4**

**Addressed in item 4 above**

**7. Title 25-1-8 (page 7) Continuing SW Education Requirements for Licensees**

**The TLSW candidates and I really like the reduction in CSWE, license period and coursework requirements. My only comment here is that CSWE requirements should be 40 hours instead of 20 hours.**

**I dearly love the field of SW and value the profession very highly. I have experienced first-hand the detrimental impact 'watering down' our profession has become over the years through thoughtless decision-making. I hope some of the comments made above will be taken into consideration. We can't provide supervision to nurses, psychologists, psychiatrists in pursuit of their licenses, why should we get into the habit of 'disqualifying' our own in such a way that it appears we have limited knowledge and expertise.**

**Thank you so very kindly.**

**Melissa S. Lewis, MSW, LICSW  
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Charleston, WV 25302**

**or,**

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Charleston, WV 25339  
304-553-6846**

COLLIER

Judy Williams

**From:** Judy Williams [jwilliams@wvsocialworkboard.org]  
**Sent:** Tuesday, June 29, 2010 6:06 PM  
**To:** 'Sally Collier'  
**Subject:** RE: Comment on Proposed Changes for Social Work Degrees

RESPONSE

Dear Ms. Collier:  
Thank you for reviewing suggested revisions to the WV alternative temporary license process.

The Board does not agree that professional education in Social Work would in any way replicate coursework in related fields. Politics and fine arts are not applicable to a professional social work education in the opinion of any US or Canadian social work jurisdiction. Only five states in the US allow related degree candidates to test for licensure as a social worker. WV is one of the five. (See aswb.org "member boards/jurisdictions").

Thank you  
-----Original Message-----

\* From: Sally Collier [mailto:colliersally@gmail.com]  
Sent: Tuesday, June 29, 2010 7:22 AM  
To: jwilliams@wvsocialworkboard.org; Bswe2@suddenlink.net; amypolen@wvsocialworkboard.org  
Subject: Comment on Proposed Changes for Social Work Degrees

COMMENT

Thank you for asking for comments. I have one.

Section 3.3

Why limit a person's undergraduate education to a field that will be somewhat replicated in graduate school? Let's have social workers with a broad interest and some knowledge in politics, the arts, math and biology; i.e. a liberal education.

Sally Collier

Sets us back  
15 years or more  
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