

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV BOARD OF SOCIAL WORK EXAMINERS TITLE NUMBER: 25
RULE TYPE: LEGISLATIVE; CITE AUTHORITY WV Code 30-30-(3) (d), (3) (e) (1); (3) (e) (4); (3) (e) (5); (3) (e) (6); 30-30-(7) (6); 30-30-(9)
AMENDMENT TO AN EXISTING RULE: YES NO
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: _____
Qualifications For Licensure As A Social Worker

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

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 18, 1997 AT 5:00 P.M.
ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

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

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Margaret P. Bishop
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Summary of Amendments To:
25-CSR-1, TITLE 25, LEGISLATIVE RULES
WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS
SERIES 1, QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

The amendments are as follows:

- Throughout: Clarify ambiguous language, incorporate the Independent Clinical license where indicated, incorporate Board policy decisions since the last revision of these rules in 1993, incorporate applicable revisions to W.Va. Code 30-1 (which are applicable to all licensing boards established under Chapter 30) and cross-reference items involving professional conduct or disciplinary action.
- 25-1-2.2.1: Allow a temporary permit to be referred to simply as a "permit".
- 25-1-2.4.1: Change the term "approved" provider of continuing social work education to "certified" provider and establish conditions for recertification in 25-1-6 and incorporate the new term in 25-1-9.
- 25-1-6: Increase application and renewal fees by five dollars (\$5.00) in order to assure the Board has sufficient funds to operate and to investigate and pursue complaints of unprofessional conduct.
- 25-1-9: Update and clarify the continuing education requirements, including mandatory ethics hours for all licensees whenever the Code of Ethics is revised (25-1-9.1.1) and returning the ethics requirement for temporary licensees to eight (8) hours from the previous five (5) hours (25-1-9.1.2).
- 25-1-11: Updating and clarifying the disciplinary action procedures, including mandatory reporting and immunity (25-1-11.1.10/.1/.2) and incorporating the 1996 revisions to West Virginia Code 30-1 pertaining to the disciplinary action authorities of all boards established under Chapter 30.
- 25-1-11.4.2: Allowing the Board Chair to appoint three members of the Board to a disciplinary action committee, or to hire a complaint investigator to assist the Board in investigating complaints of professional misconduct.
- 25-1-11.4.6(e): Allowing the Board to enter into a consent agreement to settle a complaint of unprofessional conduct, rather than hold a hearing, when there is admission of guilt and an agreement can be reached concerning professional sanctions and conditions.
- 25.1.11.6.4 - 11.6.10: Related to sanctions which the Board may impose.
- 25.1.12: A new section allowing the Board to revoke or suspend a license when required by law based on non-compliance with a child support order.
- 25-1-13: A new section which prevents the entire rules to be stricken if one section is stricken by a court or other action of law.

Comments are accepted in writing only and until 5:00 pm on Friday, July 18, 1997. Please mail comments to:

WV BOARD OF SOCIAL WORK EXAMINERS
PO BOX 5459
CHARLESTON, WV 25361

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 PO Box 5459
Charleston, WV 25361

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 5,000	\$	\$ NONE	\$ NONE	\$ 5,000
PERSONAL SERVICES					
CURRENT EXPENSE					5,000
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

WE DO NOT EXPECT ANY SIGNIFICANT INCREASE IN REVENUE DUE TO THE FACT THAT THE REQUESTED INCREASE WILL MERELY OFFSET THE REDUCTION IN REVENUE FROM THE DECREASE IN ISSUANCE OF TEMPORARY LICENSES. AN INCREASE IS NEEDED TO ADJUST FOR THE INCREASE IN CURRENT EXPENSES AND REDUCTION IN ISSUANCE OF LICENSES.

3. Objectives of these rules:

TO ALLOW THE BOARD TO ADEQUATELY INVESTIGATE A GROWING NUMBER OF ALLEGATIONS OF PROFESSIONAL MISCONDUCT IN AN APPROACHING PERIOD OF MODEST DECLINE IN THE NUMBER OF LICENSEES.

Rule Title: QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

4. **Explanation of Overall Economic Impact of Proposed Rule.**

A. **Economic Impact on State Government.**
LITTLE OR NO IMPACT

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

SOCIAL WORKERS WILL PAY AN ADDITIONAL FIVE DOLLARS (\$5.00) WHEN APPLYING FOR OR RENEWING A LICENSE. THE LAST AND ONLY INCREASE WAS JULY 1, 1993.

C. **Economic Impact on Citizens/Public at Large.**
THE BOARD WILL HAVE SUFFICIENT RESOURCES TO INVESTIGATE ALLEGATIONS OF PROFESSIONAL MISCONDUCT AND WILL BETTER SERVE AND PROTECT THE GENERAL PUBLIC.

Date: 06/18/97

Signature of Agency Head or Authorized Representative


BOARD CHAIR

DATE: 06/18/97

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV BOARD OF SOCIAL WORK EXAMINERS

LEGISLATIVE RULE TITLE: QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

1. Authorizing statute(s) citation 30-30-(3) (2); (3) (E) (1); (3) (E) (4); (3) (E) (5); (3) (E) (6); 30-30-(7) (6); 30-30- (9)

2. a. Date filed in State Register with Notice of Hearing

JUNE 18, 1997

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

PRESS RELEASES TO MAJOR STATE NEWSPAPERS AND RELEVANT PROFESSIONAL NEWSLETTERS
COPIES TO SELECTED AFFECTED STATE AGENCIES AND PRIVATE CONSTITUANTS
(APPROXIMATELY 2,000 COPIES DISTRIBUTED)

c. Date of Hearing(s) N/A (COMMENT PERIOD)

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

Attached No comments received

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

f. Name and phone number(s) of agency person(s) to contact for additional information:

JUDITH K. WILLIAMS, ADMINISTRATIVE DIRECTOR

558-8816 FAX 558-4189

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.

NOTICE OF "COMMENT PERIOD" FILED WITH SECRETARY OF STATE 06/18/97

b. Date of hearing: _____

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 _____

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JUN 18 2 08 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

25-CSR-1

TITLE 25

LEGISLATIVE RULES

BOARD OF SOCIAL WORK EXAMINERS

SERIES 1

QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

§25-1-(1). General.

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

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

1.3. Filing date.--

1.4. Effective Date.--

§25-1-(2). Definitions.

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

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

2.2.1. "Permit" means a Temporary Permit.

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

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

2.4.1. "Approved Certified provider" means an agency, organization, or institution which has made application and become approved by the Board to provide programs of continuing social work education under the auspices of the agency, organization, or institution, and remains certified by complying with the provisions of §25-1-9 of these rules.

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

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

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

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

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

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

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

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

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

2.13. "Professional misconduct" means any conduct which is cited in the West Virginia Code, Section §30-30-7, other conduct described in these rules as promulgated in accordance with W.Va. Code §30-1-(8)(a), (8)(b), (8)(c), (8)(d), (8)(e), and conduct which is not in compliance with the Code of Ethics of the National Association of Social Workers.

2.13.1. "Unprofessional conduct" " means professional misconduct..

§25-1-3. Qualifications for license.

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

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

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

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

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

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

3.2.3. That all other requirements for licensure are met.

3.3. Temporary license. -- The Board shall grant a temporary license to applicants according to the provisions of W.Va. Code §30-30-(5)(d)(4) ~~(a)(5), 30-30-5(b)(4) and §30-30-(3)(e)(6)~~. Each applicant shall demonstrate a proficient knowledge of social work by providing an official transcript showing an earned four-year academic degree from a recognized, academically accredited college or university in a field related to social work as established by the Board, except that persons who receive a degree after July 1, 1998 shall not be eligible for a temporary license. Additionally, the Board shall grant a temporary license to applicants according to the provisions of W.Va. Code §30-30-6(4).

3.3.1. The applicant shall obtain the approval of the Board to a specific plan for meeting the requirements of temporary licensure prior to the issuance of a license, including but not limited to the promise of employment in a position requiring a social work license and the agreement of an eligible supervisor to provide supervision.

(a). The Board may require an employer or prospective employer of an applicant for temporary licensee to demonstrate reasonable effort to recruit and hire a person eligible for licensure as a social worker, graduate social worker, certified social worker or independent clinical social worker prior to acting upon an application for temporary license from an otherwise eligible applicant.

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

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

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

(a). That they are licensed in West Virginia as a graduate social worker, certified social worker, or independent clinical social worker;

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

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

3.3.5. 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.

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

3.5. Inactive status -- The Board shall grant inactive status and exempt from the responsibilities of licensees a licensee who provides a sworn statement that he or she is no longer employed as a social worker in the State of West Virginia and does not provide social work services within the borders of or to citizens of the State of West Virginia -- W.Va. Code §30-30-(3)(e)(5), (3)(e)(6).

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

3.7. Emeritus status -- The Board shall grant emeritus status and exempt from continuing social work educational requirements a licensee who has been employed in the practice of social work for a minimum of twenty (20) years and who has retired from the active practice of social work -- -- W.Va. Code §30-30-3(e)(5), (e)(6). Upon receipt of Board approval in writing, emeritus status licensees may continue in the active practice of social work, including supervision of licensees, for up to twenty (20) hours per week.

§25-1-4. Code of Ethics.

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

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

§25-1-5. Application.

5.1. Application for social work licensure or examination or for providers of continuing social work education shall be made on the forms promulgated by the Board. Application forms may be obtained by writing to: Board of Social Work Examiners, PO Box 5459, Charleston, WV 25361.

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

6.1 Licenses.

- 6.1.1. There is no fee required for the issuance of the initial license certificate.
- 6.1.2. The fee for biennial license renewal is ~~forty~~ forty-five dollars (\$45.00).
- 6.1.3. The fee for a temporary license is ~~forty~~ fifty-five dollars (\$55.00).
- 6.1.4. The fee for replacement of a lost license is ~~ten~~ fifteen dollars (\$15.00).
- 6.1.5. The fee for biennial renewal of an emeritus status license is twenty dollars (\$20).

6.2. Examinations.

- 6.2.1. The fee for the examination approved by the Board for certification purposes is established by and payable to the testing agency approved by the Board to offer the examination.
- 6.2.2. The fee for screening for waiver of examination is ~~forty~~ fifty-five dollars (\$55).
- 6.2.3. The fee for all services other than examination are payable to the Board.

6.3. Applications.

- 6.3.1. The application fee for a temporary permit is ~~twenty-five~~ thirty dollars (\$30.00).
- 6.3.2. The application fee for removal of inactive status is ~~forty~~ fifty-five dollars (\$55).
- 6.3.3. The fees paid to the Board are not refundable - W.Va. Code §30-30-(11).

6.4. Applications for Continuing Education Providers and Programs.

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

6.4.2. The fee for the processing of an application by an individual, agency, institution, or organization to become an individually approved provider of continuing social work education is ~~twenty-five~~ thirty dollars (\$30.00).

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

6.4.4. The fee for recertification as a certified provider is one hundred dollars (\$100) and shall be paid only after the Board has notified the agency, institution or organization that, based on the

Board's review, it is eligible for recertification as a certified provider of continuing social work education.

(a) Each certified provider shall remain certified for a period of two years and shall be required to renew certification by paying a fee of one hundred dollars (\$100) to the Board.

(b) A certified provider which does not pay the recertification fee shall, after the expiration of the period of certification, no longer be recognized as a certified provider by the Board and shall no longer provide continuing social work education programs as a certified provider, provided that no certified provider shall lose their certification due to failure of the Board to conduct a review or invoice a fee when a review would reasonably be construed to lead to the provider's eventual recertification.

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

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

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

§25-1-8. Responsibilities of Licensees

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

8.2. All licensees shall report any reasonable belief of professional misconduct by any other licensee to the Board - W.Va. Code §30-30-(8a)(a), (8a)(b), (8a)(c), (8a)(d), (8a)(e).

8.3. All licensees shall abide by the provisions of the Code of Ethics of the National Association of Social Workers - W.Va. Code §30-30-(3)e)(5), §30-30-(7)(a)(3).

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

8.5. All licensees shall pay the established fee for an application, license, renewal, or other service as a condition of their request for an application, license, renewal, or other service - W.Va. Code §30-30-(10), §30-30-(11).

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

8.6.1. Submit satisfactory evidence that he or she has completed the continuing social work educational requirement specified by the Board during the tenure of his or her license - W.Va. Code §30-30-(3)(e)(5), §30-30-(10). The requirements for completion of continuing social work education are specified in §25-1-8 of these legislative rules.

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

8.7. No license or certificate granted or issued by the Board under the provisions of this chapter may be assigned.

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

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

9.1.1. Whenever the Code of Ethics is revised all licensees shall earn, within twenty-four months of the effective date of the revised Code of Ethics, at least three (3) continuing education contact hours through formal workshop or conference settings provided by certified providers of continuing social work education and in topics specifically selected to enhance professional knowledge and application of the revised Code of Ethics.

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

(a) All temporary licensees shall earn five ~~eight~~ (8) contact hours of social work ethics and twenty (20) contact hours of social work methods of practice offered by certified or individually approved providers during each biennial license renewal period;

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

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

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

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

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

(a) Time spent outside of the program for study, assigned reading, writing assignments or other related activities required for completion of the program, travel time, meeting time devoted to business or committee activity, entertainment, or social activities such as refreshment breaks and meals shall not be counted as part of a contact or instructional hour. Meals or a portion thereof may be included in the computation time only when occurring during an integral part of the educational program.

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

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

(b) All licensees shall submit to the Board, upon request, additional evidence of completion of continuing social work education programs for the purpose of monitoring the quality of

programs and accuracy of reports. Receipts, program notes, certificates, sworn statements of provider representatives, or other proof of program attendance may be accepted.

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

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

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

(e) Incomplete written records may be returned to a licensee for completion and resubmission.

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

9.3.1. Professional meetings and other formally organized learning programs.

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

(b) Programs in this category shall, upon documentation of completion and presentation in writing to the Board, be accepted as a licensee's earned continuing social work education contact hours, provided, that the Board may require additional reasonable proofs of completion upon request.

(c) A minimum of thirty (30) contact hours ~~may~~ shall be earned as professional meetings and other formally organized learning programs, except that temporary licensees shall earn a minimum of fifty (50) contact hours in these categories.

9.3.2. Individual professional activities.

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

(b) Individual professional activities may be self-directed, professional social work study activities designed to improve the social work skills, values, knowledge, or ethical considerations of the licensee within his or her practice setting, including: writing for professional publication or presentation; reading professional literature; professional social work teaching or training assignments if not part of primary job duties; independent study, research, or tutorial projects of a professional social work nature; programs or presentations on professional social work issues; preparation for initial

consultation if not employed or under contract; professional meetings and formally organized educational programs not approved by the Board which increase the social work skills, values, knowledge, or ethical considerations of the licensee in his or her practice setting.

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

9.3.4. A list of approved providers ~~is~~ shall be made available ~~from~~ by the Board.

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

10.1. Continuing social work education providers ~~providing~~ offering continuing social work education programs shall be approved by the Board and shall be known as certified providers or individually approved providers ~~or individually approved provider.~~

10.1.1. ~~Approved~~ Certified providers shall receive ~~an approved~~ a certified provider number issued by the Board before providing continuing social work educational programs

10.1.2. Individually approved providers shall apply to and receive approval from the Board prior to holding continuing education events which offer contact hours and shall upon approval be authorized to use the provider number assigned by the Board to individually approved providers.

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

10.1.4. Professional meetings offered to licensees by certified providers shall involve presentations, facilitated discussions or other focused learning activities related to topics or issues which stimulate, promote, increase, or impart professional knowledge, experiences or opinions in the practice of social work or concerning social work values, skills, knowledge, and ethical considerations.

(a). Individually approved providers shall not be approved to hold professional meetings unless such meetings are an integral part of a provider's larger formally organized learning event.

10.1.5.2. Individually approved providers may must make application ~~apply~~ to and receive the approval of the Board before providing continuing social work educational programs.

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

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

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

shall not be required to be in addition to the requirement of §25-1-9.1 above.

10.4. All applications shall document the following:

10.4.1. A system for maintaining records;

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

10.4.3. Participant performance requirements, if any; and,

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

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

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

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

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

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

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

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

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

10.5.7. Be made available to the Board upon request.

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

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

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

10.9. The Board chair shall appoint a continuing education committee to coordinate continuing education activities and make recommendations to the Board concerning continuing education policies.

§25-1-11. Disciplinary Proceedings-- W.Va. Code §30-30-(4), §30-30-(3)(e)(2), §30-30-(7).

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

11.1.1. Conviction of a felony.

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

11.1.3. Gross negligence in the practice of social work.

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

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

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

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

11.1.8. Noncompliance with the ~~West Virginia Social Work Code of Ethics of the National Association of Social Workers recognized by the Board.~~

11.1.9. A finding by the Board that the licensee is guilty of unprofessional conduct in accordance with these rules and regulations.

11.1.10. A finding by the Board that the licensee has knowingly failed to report knowledge of any conduct by a licensed social worker constituting grounds for disciplinary action - W.Va. Code §30-30-(8a).

(a). A licensee who reports or provides evidence to the Board of the negligence, impairment, or incompetence of another licensee or who otherwise attempts to comply with the provisions of W.Va. Code §30-30-(8a) shall be immune from any civil or criminal liability which may result by reason of such action or actions if made without actual malice and in the reasonable belief that such action is warranted by the facts known to him or her at the time - W.Va. Code §30-30-(8a), §30-1-(5)(b).

11.1.11. Presentation to the Board of a court order requiring the Board to not renew or to suspend, revoke or restrict a license in accordance with W.Va. Code §48A-5A-5 concerning delinquent child support payments, or similar requirements as may be established by W.Va. Code.

11.1.12. A finding by the Board that a licensee's continuation in the practice of social work constitutes and immediate danger to the public - W.Va. Code §30-1-(8)(b).

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

11.3. Acknowledgment of a complaint.

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

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

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

11.4. Upon finding that there is a reasonable basis for the complaint, the Board shall conduct an investigation to determine if there is sufficient evidence of a violation of the regulations herein, as established in the W.Va. Code §30-30, et seq., or in W.Va. Code §30-1-(5)(c) to merit a hearing, negotiation of a consent agreement, application to a circuit court for an injunction and/or restraining order or similar action of the Board involving disciplinary action. The investigation shall be conducted as follows:

11.4.1. The Chairperson shall appoint one member of the Board to act as investigator except that the Chairperson may instead appoint or employ a special investigator if one is available to the Board.

11.4.2 The Chairperson shall appoint three members of the Board to act as a disciplinary action committee to discuss the findings of an investigation and make recommendations to the Board regarding the complaint, the investigation and the possible disciplinary actions of the Board.

11.4.2 3. The investigator shall cause to be forwarded by registered or certified mail, return receipt requested, a copy of the complaint to the respondent and request that respondent submit, within fifteen (15) days, a reply to the complaint, except that when the Board acts in accordance with W.Va. Code §30-1-(5)(c) it shall not be required to await the respondent's reply prior to applying to a circuit court for an injunction or restraining order to enjoin the respondent from engaging in any act which constitutes or will constitute a violation of the provision of these rules or W.Va. Code §30-30, et seq.

11.4.3 4. The investigator, special investigator, or disciplinary action committee shall prepare a report summarizing information gathered from complainant, respondent, and other witnesses: said report shall be submitted to the Board along with the recommendation of the investigator or committee.

11.4.4 5. The Board, after review of the report, shall determine the existence of probable cause by majority vote of all present, except the investigator and disciplinary action committee shall be disqualified from voting in all proceedings arising from the complaint investigated.

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

- (a) That respondent's license shall be suspended or revoked thirty (30) days from the date of notice unless an administrative hearing has been requested;
- (b) That the respondent has the right to a hearing;
- (c) That respondent has the right to subpoena and present witnesses and documents in his or her behalf; and,
- (d) That respondent has the right to be represented by a retained counsel and to cross-examine witnesses.

(e) That a hearing may be avoided only 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.

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

11.6. The Board may impose any of the following sanctions, singly or in combination, upon finding that a licensee has engaged in professional misconduct - W.Va. Code §30-30-(7)(a):

11.6.1. Refuse to renew a license.

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

11.6.3. Revoke an existing license.

11.6.4. Enter into a consent decree, consent agreement, agreed settlement, default or stipulation or other informal disposition of any contested case - W.Va. Code §30-1-(8)(a), (8)(d).

11.6.5. Issue a public reprimand - W.Va. Code §30-1-(8)(a), (8)(d).

11.6.6. Impose a period of probation, including requirements for the lifting of probation which may include the imposition of continuing education requirements, mandatory supervision by a licensed social worker, peer or professional counseling, medical or psychological or clinical social work evaluation, or other reasonable requirements imposed singly or in combination, as the Board may deem sufficient to protect the public - W.Va. Code §30-1-(8)(a), (8)(d).

11.6.7. Levy fines, not to exceed one thousand dollars (\$1,000) per day per offense, which, following receipt by the Board, shall be transferred to the general revenue fund of the State of West Virginia - W.Va. Code §30-1-(8)(a).

11.6.8. Assess fees to recover the administrative costs incurred by the Board due to the disciplinary actions taken - W.Va. Code §30-1-(8)(a).

11.6.9. The Board may revoke a license prior to hearing only when the continued practice of a licensed individual constitutes an immediate danger to the public as evidenced by conduct or practice which constitutes professional negligence, a willful departure from accepted standards of professional social work conduct or which may render an individual unqualified or unfit for licensure; such conduct or practices shall include - W.Va. Code §30-1-(8)(a), (8)(b):

(a). Acknowledged perpetration of or conviction of a felony during the professional practice of social work

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

(c). An indictment, admission or establishment of guilt of an act of criminal assault against a client or patient, the client or patient of a licensed professional or against a licensed professional.

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

11.6.10. The Board shall, prior to revoking any license prior to hearing, send the licensee a notice of a hearing by registered or certified mail, return receipt requested; such hearing to be scheduled within days of the date of the notice.

11.7. A person representing her or himself as a social worker who does not have a license, or a person engaged in the private, independent practice of social work without a license is guilty of a misdemeanor and shall be subject to penalties pursuant to W.Va. Code §30-30-(4)(a), (4)(b), (4)(c), (4)(d).

11.8. After finding that a social worker has engaged in professional misconduct and after the expiration of the period of appeals, the Board may share its findings with the Disciplinary Action Reporting System (DARS) or any other recognized national disciplinary action reporting organization, any other licensing agency, the American Association of State Social Work Boards, the National Association of Social Workers, community organizations, employers of social workers, the public, and other agencies, institutions, and organizations.

11.9. The Board shall comply with the provisions of W.Va. Code §30-1-(5) (b) concerning its duty to investigate and resolve complaints in a timely manner, provide public access to records and report violations to other board.

11.10. The Board shall comply with the provisions of W.Va. Code §30-1-(5) (c) concerning the Board's ability to apply to the circuit court for an order enjoining any licensee 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 this chapter which are administered and enforced by the Board.

11.11. The Board shall comply with the provisions of W.Va. Code §30-1-(8)(a), (8)(b), (8)(c), (8)(d), (8)(e), (8)(f) and (8)(g) concerning suspension or revocation of a license due to felony conviction, the Board's authority to enter into a consent decree or consent agreement, to reprimand a licensee, enter into probation orders involving a licensee and/or to levy fines not to exceed one thousand dollars per day per violation, and access administrative costs to be paid by a licensee. Any costs which are assessed shall be placed in the special account of the Board. Any fine which is levied shall be placed in the state treasury's general revenue fund.

11.8.1. The intent of this rule is to protect the public from the unprofessional or unqualified practice of the profession of social work.

§25-1-12. Compliance with provisions of W.Va. Code concerning professionals licenses and child support enforcement orders or conviction of criminal charges of driving while intoxicated--

12.1. The Board shall comply with any provision of the W.Va. Code which requires it to deny, revoke or suspend a license on the basis of a declaration of contempt, misdemeanor or felony conviction involving non-compliance with a child support enforcement order or criminal driving while intoxicated.

12.1.1. The Board shall immediately revoke or suspend a current license, or deny application for license, upon verification that a licensee or applicant is not complying with a court order to provide child support or has been convicted of a criminal charge of driving while intoxicated.

§25-1-13. Severability--

13.1. If for any reason any specific section or portion of these rules is found to unconstitutional or illegal according to the laws of the State of West Virginia or the United States of America, such ruling shall in no way be construed to imply that any other specific section or portion of these rules is also unconstitutional or illegal.