

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

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JUL 25 4 30 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #3

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

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

CITE AUTHORITY WVa. 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: _____

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.

Margaret P. Bishop
Authorized Signature

\$10.40

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

Margaret P. Bishop
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 X No comments received

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

JULY 25, 1997

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

JUDITH K. WILLIAMS, ADMINISTRATIVE DIRECTOR

558-8815 FAX 558-4189

SAMUEL HICKMAN, BOARD SECRETARY 345-6279

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 05/18/97

b. Date of hearing: COMMENT PERIOD 06/18/97 - 07/18/97

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

07/25/97

d. Attach findings and determinations and reasons:

Attached X

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

West Virginia Board of Social Work Examiners

PO Box 5459, Charleston, WV 25361 Phone: (304) 558-8816 Fax: (304) 558-4189

Statement of Circumstances Which Require this Rule Proposed Legislative Rule 25-CSR-1

Title 25 Proposed Legislative Rules Board of Social Work Examiners Series 1 Qualifications for Licensure as a Social Worker

The following circumstances have brought the West Virginia Board of Social Work Examiners to seek to revise this Legislative Rule:

Revisions to W.Va. Code §30-1 affecting all professional licensing boards were enacted in 1996. This proposed rule seeks to bring the Board in to compliance with these revisions.

The Board has made several policy decisions which may affect qualifications and application procedures for licensure. This proposed rule seeks to update and codify the policies of the Board

Federal and state law now require professional licensing boards to comply with a circuit court order to revoke or suspend a license based on a violation of a child support order. This proposed rule seeks to clearly authorize the Board to comply with such circuit court orders.

The Board has experienced an increase in the number and seriousness of complaints and allegations of professional misconduct among licensed social workers. This proposed rule seeks a modest increase in application and renewal fees to ensure that the Board has adequate income to effectively adjudicate allegations of professional misconduct. Further, professional licensing boards are required by W.Va. Code §30-1 to set fees at levels which are adequate to provide the necessary income to operate the board effectively in the public interest.

Revisions to W.Va. Code §30-30, concerning the West Virginia Board of Social Work Examiners, were enacted in 1993. This rule seeks to update the Board's Legislative Rule to appropriately reflect changes to the law made at that time, including referencing throughout the category of Licensed Independent Clinical Social Worker.

end of report of circumstances
July 25, 1997

25-CSR-1

FILED
JUL 25 4 31 PM '97
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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), §30-1-(8)(a), §30-1-(15)(e).

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"~~ "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 license 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 ~~fifty~~ 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 ~~fifty~~ 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 ~~fifty~~ 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~~ a 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~~ as 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, in the opinion of the Board, substantially revised, all licensees shall immediately be notified and required to earn, within twenty-four months of the effective date of the revision, at least three (3) continuing education contact hours through formal workshops or conferences provided by Board certified providers and in topics specifically selected to enhance professional knowledge and application of the revised Code of Ethics.

9.1.2. 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~~ These hours shall include 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 their earned continuing education contact hours earned 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~~ 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 from~~ 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 obtain 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) - except that,

(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 that the Board not to 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 an 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 that 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 the respondent has the right to subpoena and present witnesses and documents in his or her behalf; and,

(d) That the 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 a 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 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). An 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 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 a 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 assess 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.

11-8-12 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 actions against a professional license as a result of a circuit court order regarding violations of child support orders --

12.1. The Board shall immediately revoke, suspend or impose other authorized sanctions against a current licensee, or deny application for license or license renewal, upon receipt of a valid circuit court order requiring the Board to suspend, revoke or impose other sanctions upon any licensee.

12.2. The Board shall immediately reinstate, remove other authorized sanctions or allow renewal of a license upon receipt of a valid circuit court order requiring the Board to reinstate or allow renewal of a license previously suspended, revoked or otherwise acted against as a result of a valid circuit court order.

§25-1-13. Severability--

13.1. If, for any reason, any specific chapter, 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 chapter, section or portion of these rules is also unconstitutional or illegal.

West Virginia Board of Social Work Examiners

PO Box 5459, Charleston, WV 25361 Phone: (304) 558-8816 Fax: (304) 558-4189

Agency response to comments received during the comment period regarding Proposed Legislative Rule 25-CSR-1

Title 25 Proposed Legislative Rules Board of Social Work Examiners Series 1 Qualifications for Licensure as a Social Worker

The Board received comments from eleven individuals prior to the expiration of the 30-day comment period.

Commentator #1: JoAnn Johnson, MSW, Licensed Certified Social Worker and continuing education and training specialist for the WV Department of Health and Human Resources.

Comment concerning 25-1-10.3 regarding the rule that approved continuing social work education programs on the topic of social work ethics shall incorporate at least one hour of presentation on the Code of Ethics of the National Association of Social Workers.

Specific comment: *"What if the presentation is an hour or two long? What percentage should be devoted to the social workers' Code?"*

Response: Section 25-1-10.3 is unchanged from the previous edition of these rules. The rule is intended to require that a minimum of one hour of content instruction concerning the NASW Code of Ethics be included in any approved continuing social work education program offered in West Virginia. Additional content instruction would be welcome, and the Board has proposed that additional instruction be obtained by each licensed social worker due to a recent revision in the Code. The NASW Code of Ethics is recognized by the Board as binding upon all licensed social workers in West Virginia. We do not believe a change to this rule is required in response to this comment.

The remainder of Ms. Johnson's comments are grammatical in nature and do not substantively affect these rules.

Commentator #2: Nancy Brailier, MSW, Licensed Independent Clinical Social Worker employed by Process Strategies Institute, Charleston, WV.

Comment concerning 25-1-3.2.1, concerning the granting of a permit to a social work student enrolled in the final semester of course work leading to an accredited degree in social work.

Specific comment: *"Are you talking about 'graduates' by a specific date or 'matriculating' as to enroll in the final semester of course work leading to graduation or simply be enrolled in a social work (BSW/MSW) program without a stated degree deadline?"*

Response: Section 25-1-3.2.1 is unchanged from the previous version of these rules. We believe the section is clear as written. It provides a safeguard for the Board in that it requires the applicant's social work program dean or director to provide a letter to the Board stating that the applicant is expected to complete course work and be conferred an accredited social work degree. We do not believe a change to this rule is required in response to this comment.

Comment concerning 25-1-11.1.2 concerning inability to perform professional functions by reasons of alcohol or drug abuse, mental or physical illness or other infirmity or impairment.

Specific comment: *"How and by whom is this decided? How long must (a) social worker*

be 'sober', 'clean' or 'healthy'? This is a particularly hot issue with social work professionals."

Response: Section 25-1-11.1.2 is unchanged from the previous version of these rules and is a direct reference to language contained in the Chapter 30, Article 30 of the Code of West Virginia pertaining to the licensure of social workers. No licenses have yet been revoked or suspended due to professional misconduct involving alcohol or drug abuse, mental or physical illness or other infirmity or impairment. However, applications in which an applicant has indicated such an impairment have been scrutinized by the Board. Typically, the Board requests information from the applicant, their colleagues and licensed health practitioners who may have treated the applicant to determine whether the applicant has actively engaged in a professional and or personal treatment or recovery regimen. We do not believe a change to this rule is required in response to this comment.

Comment concerning 25-1-11.1.10.(a) concerning a licensed social worker's immunity from civil or criminal liability for reporting evidence of misconduct by a licensed social worker to the Board without malice.

Specific Comment: *"How is this to be proven?"*

Response: We believe that the threat of personal liability is a strong deterrent to falsification of allegations of misconduct. Further, the Board investigates each allegation prior to initiating formal charges of misconduct. Finally, a hearing before the Board offers the opportunity to provide evidentiary information and witness testimony. We believe that having such checks and balances in place greatly reduces the possibility of a false and willfully malicious allegation of professional misconduct from wrongly punishing a licensed social worker. Further, these same protections increase the likelihood of exposing an allegation made with willful malice. Finally, this rule adopts its language from the Board's authorizing provisions contained in the Code of West Virginia. We do not believe that a change to this rule is required in response to this comment.

The remainder of Ms. Brallier's comments are grammatical in nature and do not substantively affect these rules.

Commentator #3: James M. Morrison, Licensed Certified Social Worker, Chief, Social Work Service, Department of Veterans Affairs Medical Center, Huntington, WV.

Comment concerning 25-1-6.4.3 regarding the Board's ability to charge monitoring fees to providers of continuing social work education.

Specific comment (paraphrased): *"(Our) Department...(gives) staff time, cost of materials, as well as the cost of the staff receiving the training in order to insure that quality training is provided. The DVA does not charge... for its staff or other staff to attend those trainings. ...the requirement for the provider to pay a 'training (monitoring) fee' is not justifiable as the administrative cost of overseeing the training is paid through the individual license fee of the practitioners."*

Response: Section 25-1-6.4.3 is unchanged from the previous version of these rules. The commentator acknowledges that application and rectification fees for gaining and maintaining a continuing social work education provider number are necessary and appropriate. He disagrees with the imposition of a monitoring fee based on the number of continuing education events sponsored by the provider. In practice, the Board has chosen not to enforce the monitoring fee and has, instead, placed more emphasis on the application process. This practice is in response to the vast number of continuing education events which come under the Board's oversight... it is simply outside the capacity of the Board to effectively monitor events after-the-fact, therefore we have placed more emphasis on scrutiny of applicants for provider status. In these proposed rules we seek to further strengthen scrutiny of professional continuing social work education during the application phase by requiring provider rectification every two years. We do not believe that a change to this rule is required in response to this comment. The ability to impose a monitoring fee could become an important tool in the Board's oversight capacities in the future.

Commentator #4: Kathy Jackson, BSW, Licensed Social Worker.

Comment concerning the entire rule, and specifically 25-1-3.3 regarding limitation of eligibility for temporary license.

Specific comment (in brief): *"...I am particularly satisfied to see our Board has taken action to ensure that only ...individuals with degrees from accredited Social Work programs will be able to pursue a Social Work license, after July 1, 1998. I also plan to write letters of my support ...to the representatives from my county, and I am encouraging my colleagues to do the same. I also want to ...thank the ...Board ...for their time and effort in preparing and submitting (these rules)."*

Response: The Board appreciates Ms. Jackson's comments. No changes in these rules are suggested through these comments.

Commentator #5: Ray Thompson, MSW, Licensed Certified Social Worker, Co-Owner of Braley & Thompson, Inc., St. Albans, WV.

Comment concerning 25-1-9.1.1 regarding mandatory continuing social work education course as a result of revisions to the Code of Ethics recognized by the Board.

Specific comment: *"Mandatory three hours of training specifically on revision in the Code of Ethics could be overkill. What happens if the revision is only minor? By adding or deleting a sentence or even correcting an error? I suggest that we keep our options open by saying that when a revision is made the Board will define what, who and how much training is needed. Have a nice and ethical day."*

Response: Mr. Thompson's concerns are valid. Although the Code of Ethics of the National Association of Social Workers, the ethical code recognized by the Board, has only been revised three times in the past thirty-five years, and revisions to the Code may only be made at three-year intervals with the approval of the triennial NASW Delegate Assembly, it is appropriate for the Board to reserve the right to judge whether a revision of the Code is substantial enough to mandate that continuing education contact hours be gained by every licensee. We have inserted clear language in the rule to allow the Board to mandate this requirement only after it declares a revised edition of the Code to be, in its opinion, "substantial" in nature. Further, prior to enforcing this requirement the Board must inform licensees of its decision and the mandate to earn continuing education hours on the Code of Ethics.

Commentator #6: Vicki C. Smith, BSW, Licensed Social Worker, medical social worker, apparently at Putnam County Hospital.

Comment concerning the entire rule, and specifically 25-1-3.3 regarding limitation of eligibility for temporary license.

Specific comment: *"That any non-degrade person could be given license to practice social work is of great concern. Clients are already at risk, otherwise they would not seek out or be referred to us for services. The skill to help guide these people to or back to independence is very explicit, and not every discipline possesses such (skill). I whole-heartedly applaud this change."*

Response: The Board appreciates Ms. Smith's comments. No changes in these rules are suggested through these comments.

Commentator #7: Johanna G. Mansuetto of Parsons, WV.

Comment concerning: 25-1-11.1.2 regarding the possibility of a charge of professional misconduct due to alcohol or drug abuse or physical or mental impairment.

Specific comment: *"... I interpret it as though I would be charged with professional misconduct if I were in a car accident and badly injured, or was afflicted with a terminal illness... I agree that I probably could no longer effectively perform my social work duties, but I hardly think this is a cause for a professional misconduct charge."*

Response: The language in this section of the proposed rule is taken from the authorizing section of the W.Va. Code. The operative phrase in 25-1-11.1.2 is "inability to perform the functions of his or her professional duty..." We believe that sufficient safeguards exist in the Board's approach to allegations of misconduct or unethical behavior to prevent the imposition of sanctions without due process. Additionally, the Board routinely seeks reports from licensees, their colleagues and from health professionals who may have treated the licensee for the alleged impairment, regarding his or her progression in the treatment and/or recovery process. Such information helps the Board evaluate the ability of a licensee to perform the functions of their professional duties as defined by law. We do not believe that a change to this rule is required in response to this comment.

Commentator #8: William E. "Bill" Coy, Licensed Social Worker, Director/Social Work Service, Pincrest Hospital, Beckley, WV.

Comment regarding 25-1-6.1.2 concerning the fee for biennial renewal of license.

Specific comment: *"... I do resent the proposed fee increases for licensure renewal. I have a four year degree, am required to obtain a minimum of 50 continuing education contact hours every two years (sometimes at a tremendous cost in time and money to me and my employer), I have 16+ years as a practicing social worker, and yet, despite these facts, there are other professionals (ie., RNs, with to year degrees, graduates from three year nursing programs, and four year degrees) whose starting salaries exceed what I make after 16+ years of practice and these professionals do not have to have the "continuing education" requirements that social workers do.*

My meager salary makes it difficult at times to meet the financial obligations of an individual with a family, and any additional cost, small though it may seem to you, just creates more of a financial hardship on me and my family. If the Board wishes to propose some legislative changes, why not "actively" lobby for social workers to receive salaries comparable to those of other professionals with similar degree and educational requirements.

Thank you for the opportunity to express my opinion, although I have no doubt that the only positive outcome from this letter is to ventilate my personal frustrations."

Response: The Board has raised its application fees only once since 1985. The fee for biennial renewal of license has moved from \$25, to \$40 (1993) and is now proposed to increase to \$45. We believe that the proposed fee increase is essential to the ability of the Board to keep pace with spending for the next several years. This is primarily due to two fiscal assumptions: 1. That the Board will receive fewer applications for temporary license beginning in July, 1998, resulting in a long-term reduction of income from temporary license applications and renewals, and; 2. That the cost of investigating and adjudicating allegations of ethical misconduct will continue to rise, and that report of misconduct will increase steadily in the coming years.

Regarding "other professions", licensing boards authorized under W.Va. Code Chapter 30 are now required to promulgate rules and regulations on mandatory continuing education. It is, or soon will be, inaccurate to say that related professionals are not mandated to earn professional continuing education as a condition of license renewal.

Finally, as much as the Board may agree with Mr. Coy concerning meager salaries in our profession, we are created at the will and pleasure of the Legislature to protect the public, not to advocate for professional salaries.

We do not believe that a change to this rule is required in response to this comment, but we are happy to have given Mr. Coy a chance to ventilate his frustrations.

Commentator #9: Susan Holsclaw, MA, Licensed Social Worker, Charleston, WV.

Comment regarding 25-1-3.3 concerning limitations on applications for temporary license after July 1, 1998.

Specific comment: *"...I firmly believe that persons holding a four year degree in a field related so social work should be eligible and encouraged to pursue a social work license. I hold a*

BA in Sociology, BS in Secondary Education and MA in Counseling and am employed as a social worker. The change the Board is proposing will deny persons who are quite well qualified and dedicated to the field of Social Work from having the opportunity to pursue a career in Social Work. In my opinion, there is nothing to gain and a lot to lose by denying those interested in pursuing a career in Social Work the opportunity to do so..."

Response: Although the primary educational qualifier for a social work license is a degree in social work from a college or university social work program which is accredited by the Council on Social Work Education (CSWE), since 1985 the Board has allowed approximately 3,000 individuals without such a degree to obtain a social work license. These licenses were granted either through a 24-month "grandfathering" period beginning in 1985, or through the granting of temporary licenses since 1987. The temporary license process implements an alternative licensing provision contained in the Board's authorizing section of the W.Va. Code. Most professional licensing statutes allow a defined period of grandfathering, but the Social Work Code is somewhat unique in allowing an alternative qualifying mechanism.

The changes offered in these proposed rules simply apply greater limits to the temporary licensing process. They do not affect the underlying alternative licensing qualifications written in the W.Va. Code. To this degree, the Board is bringing its practices more in line with its interpretation of the W.Va. Code, while leaving in place the alternative licensing mechanism of the original authorizing legislation. No greater barriers to licensure are placed on interested applicants than were intended by law.

This said, the profession of Social Work is recognized by law in West Virginia as a having a unique knowledge base and a specific set of skills, values and ethical constraints. Its specific areas of practice are defined by law. Most, if not all, professional licenses in this category require a specific advanced degree(s) in the field of practice recognized by the licensed profession as the degree indicative of minimum preparation for practice and licensure. The social work profession would recognize these is the CSWE-accredited BSW and/or MSW degrees.

The Board would ultimately recommend that an accredited degree in social work become the only educational qualifier for a social work license. We hope to move toward this goal over the course of time, through incremental change, allowing employers and practitioners an opportunity to gradually adjust to changes.

Commentator #10: Lisa A. Lewandowski, MSW, ACSW, President, West Virginia Chapter, Society for Social Work Administrators in Health Care.

Comment regarding 25-1-2.10 concerning the inclusion of licensed graduate social workers as qualified supervisors of temporary licensees.

Specific Comment: *"I agree that a graduate social worker could be included in this category, but I feel it should only be with two years of experience. I do not believe recent graduate social workers, who have no experience, should be put in a supervisory capacity."*

Response: The Board requires that each temporary licensee obtain a supervisor who is licensed by the Board and who holds a masters degree in social work from a CSWE-accredited social work program. The supervisor of the temporary licensee is not required to be employed in the supervisee's place of work because worksite supervision is not the goal of the supervisory relationship. Rather, the Board seeks to socialize the temporary licensee (who does not have a formal degree in social work) to the profession of social work, monitor the licensee's adherence to the intricacies of the four-year temporary license process leading to a regular license, and help the temporary licensee integrate academic knowledge with practice realities. As such, the Board feels that its supervisor requirements create a pool of supervisors who have sufficient mastery of social work values, skills, academic knowledge and ethical considerations to adequately offer supervision to a temporary licensee for the purposes outlined above. Additionally, there are relatively few licensed graduate social workers with less than two years of post-MSW experience because only about eighty students receive their MSW degrees each year in West Virginia. Not all of these graduates go on to seek licensure in the state, further minimizing the pool of LGSW

supervisors. We do not believe that a change to this rule is required in response to this comment.

Comment concerning 25-1-3.3 regarding limiting the temporary license after July 1, 1998.

Specific comment: *"It seems... that anyone who has not applied for a temporary license by this time would not be eligible. I hope this is how it stands, and I... will support this measure... I further recommend that anyone who has been offered a social work license through the 'grandfather' or temporary licensing category, who did not complete formal social work education, should have a different color license or something to denote the difference."*

Response: Ms. Lewandowski is incorrect in her assumption that, after July 1, 1998, anyone who has not applied for a temporary license will be ineligible. The rule intends that anyone who would have qualified prior to July 1, 1998 would continue to be eligible to apply for a temporary license after July 1, 1998. This is designed to cushion the impact on employers of a foreseeable reduction in the number of persons available to accept employment in social work. We do not believe that a change to this rule is required in response to this comment.

Regarding Ms. Lewandowski's related comment about differentiating licenses, the Board is authorized by law to offer certain social work licenses. There are no provisions for differentiating between licensees who hold the same type of license certificate. The Board is authorized to develop scope of practice parameters which differentiate between types of license. Those person who obtained a license through the formal grandfathering period (24-months following January 1, 1985) must, by law, receive the appropriate license type for which they qualify. This is the nature and intent of such grandfathering provisions. Those persons who enter the temporary license process must complete four-years of concurrent supervision, employment and continuing education, and pass an examination required by the Board to be eligible to complete the process and obtain a Licensed Social Worker (LSW) license. The examination required by the Board is the same required of qualified LSW candidates. The LSW license is consistent with entry level practice at the baccalaureate level. To this degree, the Board has limited the practice abilities of persons who earn licensure via the temporary license process to a level of practice which normally required direct oversight by a member of the employer's management/supervisory team. We do not believe that a change to this rule is required in response to this comment.

Comment concerning 25-1-6.4.3 regarding the charging of a monitoring fee for approved continuing social work education events.

Specific comment: *"I recommend that this should either be put into the application fee or recertification fee. Some people have extraordinary financial red tape, and it is difficult to get a check or reimbursement. Please consider... (this) or elimination (of the monitoring fee)."*

Response: We have responded to this question in part above. Ms. Lewandowski's concerns are shared by the Board and we have, in practice, provided the relief she seeks by requiring all relevant information in the application phase and by proposing to implement a recertification process for approved providers through these rules. We do not believe that a change to this rule is required in response to this comment.

Commentator #11: R. Kay Cottrill of Bridgeport, WV.

Comment concerning: 25-1-9.1.1 regarding mandatory continuing education following any revision to the Code of Ethics.

Specific comment: *"I do not feel that mandatory training should be required when the Code of Ethics changed... if mandatory course work is required, I feel it could be in an area of more technical material... I have just completed a three-hour Master's level course on ethical dilemmas in public service. I do not feel it is worth my time or money to attend another course to interpret a Code of Ethics."*

Response: We have responded to this comment in part above. Additionally, the Board

sees no substitute to course work on the specific topic of the Code of Ethics recognized by the Board as binding on the professional ethical behavior of all licensed social workers in West Virginia. There are certainly other ethical considerations and viewpoints which professionals encounter on a daily basis. However, the NASW Code of Ethics is binding on the ethical practice and behavior of each licensed social worker in the state. Mandatory continuing social work education on the Code of Ethics could very well prevent unethical behavior and limit the occurrence of professional misconduct, thereby assisting the Board in its primary mission to protect the public. At the very least, mandated course work places the licensed social worker on notice that standards of behavior exist and will be monitored. We do not believe that a change to this rule is required in response to this comment.

Comment concerning 25.1.3.3 regarding limiting temporary licenses after July 1, 1998.

Specific comment: *"I... feel that since the (Board) continues to increase the requirements for a temporary license that they should either consider discontinuing (it) or allow a temporary license until the time of the next licensure exam."*

Response: We have already responded to several comments concerning limitation of temporary licenses. Additionally, there is no correlation between the temporary license and the license exam schedule. Examination is now possible on a weekly basis in several cities around the state. This fact would not necessarily be known to a person who became licensed some years ago. We do not believe that a change to this rule is required in response to this comment.

Other:

Revision concerning §25-1-12, regarding violation of a child support order.

On the advice of council, we have revised §25-1-12 to clarify that the Board may only take action on a license as a result of a violation of a child support order when it receives a valid circuit court order.

End of comments and responses
July 25, 1997



A Full Service Mental Health Practice

ONE PLAYERS CLUB DR.
P.O. BOX 3146
CHARLESTON, WV 25331
(304) 345-0880
FAX (304) 345-3312

RECEIVED JUL 17 1997

FAX COVER SHEET

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David A. Clayman, Ph.D.
Steven F. Dreyer, Ph.D.

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Donna McBrayer, M.A.
Lemore V. Ratchiff, MSSW
Rhonda McCloud, M.A.

Psychiatric Services
Provided By
PSYCARE, INC. P.C.
Daniel Thistlethwaite, M.D., Pres.
Russ Voitin, M.D., Vice Pres.
Esther McMahon, M.D.
Mark Casdorff, D.O.
Timothy Thistlethwaite, M.D.
Isabel Buizer, R.N.
Peggy Casdorff, R.N., C.D., M.A.

Texas Valley Office
301-S Texas Shopping Center
Scott Depot, WV 25580
(304) 757-8933

DATE: July 17, 1997

TO: W. P. Williams

COMPANY: WV Bd of Social Work Examiners

FAX #: (304) 558-4189

OFFICE #: (304) 558-8816

FROM: Nancy Brallier, MSW

COMPANY: Process Strategies Institute

FAX #: (304) 345-3312; OFFICE #: (304) 345-0880

NUMBER PAGES (INCLUDING COVER SHEET) 5

MESSAGE: A few remarks and questions are attached.

Please re-check the proposal for typos and misspellings
before submission.

The information contained in this FAX message is intended for the personal and confidential use of the designated recipient(s) named above. This message may be a mental health professional/client communication and, as such, is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error, and that any review, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the message to us by mail. THANK YOU.

§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: *Are you talking about "graduating" by a specific date or "matriculating" as to*

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: *enroll in the final*

3.2.3. That all other requirements for licensure are met. *semester's coursework leading*

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) ~~(e)(5)~~, ~~30-30-6(e)(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). *to graduate or simply be enrolled in a social work (BSW, MS) program without a stated degree deadline*

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.

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.

(10) How and by whom is this decided? How long must social worker be "sober", "clean", or "healthy"? This is a particularly hot issue with social work discipline.

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)

*How
is it
to be
proven*

(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.

*Is this supposed to be "excess" or "excessive" or is this who
better awkwardly stated?*

R. KAY COTTRILL
ROUTE 3 BOX 246E
BRIDGEPORT, WV 26330

RECEIVED JUL 07 1997

July 3, 1997

WV Board of Social Work Examiner's
P. O. Box 5459
Charleston, WV 25361

Dear Ms. Bishop:

I am writing in response to the proposed legislative rule changes for the Social Work Board.

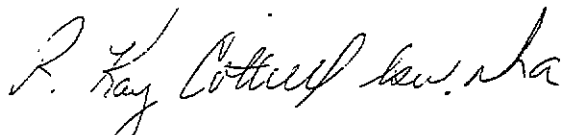
I have two comments to make regarding these changes. Please consider these as possible revisions.

First, I do not feel that mandatory training should be required when the Code of Ethics changes.

Any licensed social worker can easily read, digest, and apply a code of ethics as it applies to their job responsibilities. As you know, the social work board already has very stringent criteria under which it approves programs for approved CEU's and this only adds to the cost and burden of finding such courses. Additionally, if mandatory course work is required, I feel it could be in an area of more technical material than the code of ethics. I have just completed a three hour Master's level course on ethical dilemmas in public service. I do not feel it is worth my time or money to attend another course to interpret a Code of Ethics.

I also feel that since the social work board continues to increase the requirements for a temporary license that they should either consider discontinuing all temporary licenses or allow a temporary license until the time of the next licensure exam.

Sincerely,



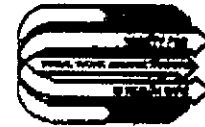
R. Kay Cottrill

10-30 10-MON GEN HUSP SDC SDC TEL NO: 304 598 1386 #840 P02

**society for
social work administrators
in health care**

WEST VIRGINIA CHAPTER

**of the american
hospital association**



July 18, 1997

Margaret Bishop, LCSW
Chairperson
West Virginia Board of Social Work Examiners

Dear Ms. Bishop:

This letter is in response to the Legislative Rule of the West Virginia Board of Social Work Examiners. I received notification of this from a social work colleague. I was surprised, being a member of the national NASW, as well as the West Virginia NASW, that I was not notified earlier, nor directly. After review, I have several concerns and comments to make regarding the qualifications for licensure as a social worker in the State of West Virginia.

My first comment is regarding page 2, section 2.10, where it changes the qualifications for a supervisor to include a graduate social worker. I agree that a graduate social worker could be included in this category, but I feel it should only be with two (2) years of experience. I do not believe recent graduate social workers, who have no experience, should be put in a supervisory capacity.

My second comment is on page 3, section 3.3, where it discusses the temporary license, to which I have been long opposed. The "grandfather period" should have ended after licensure was made mandatory in the State of West Virginia back in the mid-1980's. It seems, by this statement that on July 1, 1998, anyone who has not applied for a temporary license by this time would not be eligible. I hope this is how it stands, and I will be glad to help support this measure. I further recommend that anyone who has been offered a social work license through the "grandfather" or "temporary licensing" category, who did not complete formal social work education, should have a different color license or something to denote the difference.

The last comment I have is regarding the applications for Continuing Education Providers and Programs. Section 6.4.3 discusses an extra fee that is charged for monitoring of Continuing Social Work Education Programs. This is a fee of \$25 for one event or \$50 for more than one event. I recommend that this should either be put into the application fee or recertification fee. Some people have extraordinary financial red tape, and it is difficult to get a check or reimbursement. Please consider building in the cost to the initial fee or elimination.

This concludes my list of comments regarding the qualifications for licensure as a social worker. I am very interested in this subject, and I have spoken with Sam Hickman, LCSW, the secretary of your committee, on many occasions regarding these matters. If I can be of help in the future, please feel free to contact me. I would also like to be contacted on the outcome of this rule. Hopefully, in the future, all members of the WV NASW will receive personal notification of such matters.

Sincerely,

Lisa A. Lewandowski, MSW, ACSW
President, West Virginia Chapter
Social for Social Work Administrators in Health Care

LAL/rad
Enclosure

RECEIVED JUL 0 2 1997

Susan Holsclaw, M.A.
1409 Summit Lane
Charleston, WV 25301

June 26, 1997

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

Dear Sir or Madam:

I am writing to comment on the proposed legislative rule which I received on June 26, 1997.

My main concern is with article 3.3 under Qualification for License. I firmly believe that persons holding a four year degree in a field related to Social Work should be eligible and encouraged to pursue a Social Work license. I hold a B.A. in Sociology, B.S. in Secondary Education and M.A. in Counseling and am employed as a social worker. The change the board is proposing will deny persons who are quite well qualified and dedicated to the field of Social Work from having the opportunity to pursue a career in Social Work. In my opinion, there is nothing to gain and a lot to lose by denying those interested in pursuing a career in Social Work the opportunity to do so.

Please reconsider and allow others, like myself, the chance to participate in the field of Social Work.

Thank you for your consideration.

Sincerely,

Susan Holsclaw

Susan Holsclaw, M.A., L.S.W.

SH:em

RECEIVED JUN 30 1997

WILLIAM E. "BILL" COY
Route 1, Box 769 - Wingrove Hill
Scarbrough, West Virginia 25917
PH: 304/469-6313 [Home-Both]
304/256-6619 [Work-Bill]

June 27, 1997

WV Board of Social Work Examiners
P. O. Box 5459
Charleston, West Virginia 25361

RE: PROPOSED LEGISLATIVE RULE

To Whom It May Concern:

I have received my copy of the Board's "Proposed Legislative Rule" changes regarding social work licensure. I have read your proposed changes, and basically, I have very few areas of contention and/or problems with them, except the following:

§25-1-6. Fee schedule. - §30-30-(3)(e) (4). §30-30-(10). §30-30-(11)
6.1 Licenses.

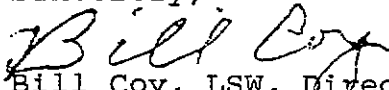
6.1.2. The fee for biennial renewal is forty forty-five dollars (\$45.00).

I regret that my area of contention deals with "money matters", however, I do resent the proposed fee increases for licensure renewal. I have a four year degree, am required to obtain a minimum of 50 Continuing Education Contact Hours every two years (sometimes at a tremendous cost in time and money to me and my employer), I have 16+ years as a practicing social worker, and yet, despite these facts, there are other professionals (i.e., RNs, with two year degrees, graduates from three year nursing programs, and four year degrees) whose starting salaries exceed what I make after 16+ years of practice and these professionals do not have the "continuing education" requirements that social workers do.

My meager salary makes it difficult at times to meet the financial obligations of an individual with a family, and any additional costs, small though it may seem to you, just creates more of a financial hardship on me and my family. If the Board wishes to propose some legislative changes, why not "actively" lobby for social workers to receive salaries comparable to those of other professions with similar degree and educational requirements.

Thank you for the opportunity to express my opinion, although I have no doubt that the only positive outcome from this letter is to ventilate my personal frustrations.

Sincerely,



Bill Coy, LSW, Director/Social Work Services

Pinecrest Hospital - 105 S. Eisenhower Drive - Beckley, WV 25801

Johnna G. Mansuetto
125 Pennsylvania Avenue
Parsons, WV 26287

RECEIVED JUL 18 1997

July 10, 1997

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

To whom it may concern:

I am writing in response to the by-laws review. I would like to discuss Section 25-1-11, specifically 11.1.2. My concern is, when I read this, I interpret it as though I would be charged with professional misconduct if I were in a car accident and badly injured, or was afflicted with a terminal illness. This to me is a physical illness, infirmity or impairment. I agree that I probably could no longer effectively perform my social work duties, but I hardly think this is a cause for a professional misconduct charge.

Thank you for considering my comments.

Sincerely,



Dear Board Members:

RECEIVED JUL 16 1997

This letter comes in support of your request for new legislation for Social Work Licensure in West Virginia, especially with regards to Temporary Licensure.

That any non-degreed person could be given license to practice social work is of great concern. Clients are already at risk, otherwise they would not seek out or be referred to us for services. The skill to help guide these people to or back to independence is very explicit, and not every discipline possesses such. I whole-heartedly applaud this change.

Wishing you empowerment through legislative process.

Sincerely,



Vicki C. Smith, BSW, LSW
Medical Social Worker

RECEIVED JUN 30 1997

Braley & Thompson, Inc.
Memorandum

To: WV Board of Social Work Examiners
From: Ray Thompson *Ray*
Re: Proposed changes - social work licensure
Date: June 30, 1997

Pg. 7, Paragraph 9.1.1

Mandatory three hours of training specifically on revisions in the Code of Ethics could be overkill. What happens if the revision is only minor? By adding or deleting a sentence or even correcting an error?

I suggest that we keep our options open by saying that when a revision is made, the board will define what, who and how much training is needed.

Have a nice and ethical day.

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To WV Bd of Soc. Wk	From Ray Thompson	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

RECEIVED JUL 18 1997

West Virginia Board of Social Work Examiners
P. O. Box 5459
Charleston, West Virginia 25361

Dear Ms. Bishop:

I would like to take this means of showing my support for the legislative rules the Board filed with the Secretary of State. Although my support is for the entire rule, I am particularly satisfied to see our Board has taken action to ensure that only those individuals with degrees from accredited Social Work programs will be able to pursue a Social Work license, after July, 1998. I also plan to write letters of my support for this legislation to the representatives from my county, and I am encouraging my colleagues to do the same.

I also want to take this opportunity to thank the Social Work Board of Examiners for their time and effort in preparing and submitting this important piece of legislation.

Sincerely,

Kathy Jackson, BSW, LSW

Kathy Jackson, BSW, LSW



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
1540 Spring Valley Drive
Huntington WV 25704

July 9, 1997

In Reply Refer To: 581/122

• West Virginia Board of Social Work Examiners
P. O. Box 5459
Charleston, West Virginia 25361


To Whom it May Concern:

In review of the proposed legislative rule which has been filed with the office of the Secretary of State by the West Virginia Board of Social Work Examiners, 25-CSR-1, Title 25, I have the following comments.

Although it is realized that the implementation of fees for the provider is necessary in order to defray administrative costs for the licensing process, I do not agree with the fee for the actual provision of training. That is the \$25 for one event or \$50 for two or more. In providing training as a provider, the Department of Veterans Affairs (DVA) is giving staff time, cost of materials, as well as the cost of the staff receiving the training in order to insure that quality training is provided. The DVA does not charge a fee for its staff or other staff to attend those trainings. It is felt that the requirement for the provider to pay a "training fee" is not justifiable as the administrative cost of overseeing the training is paid for through the individual license fee of the practitioners.

To reiterate. I am not disagreeing with the fee for the provider number, but rather with the fee for the provision of the training by the provider.

Sincerely,


JAMES M. MORRISON, LCSW
Chief, Social Work Service
DVA Medical Center
Huntington, WV