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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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

CITE AUTHORITY W.VA. CODE 30-30-(3)(A), (3)(E)(1), (3)(E)(4), (3)(E)(5), (3)(E)(6),
30-30-9, 30-1-(8)(A), 30-1-(15)(E).

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: _____

QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

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

TITLE OF RULE BEING PROPOSED: _____

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


BOARD CHAIR

25-CSR-1

FILED

JAN 8 11 56 AM '98

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.--This rule specifies 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), (3)(e)(6), §30-30-9, 30-1-(8)(a), 30-1-(15)(e).

1.3. Filing date.--

1.4. Effective Date.--

1.5. Repeal and Replace.-- This rule repeals and replaces Board of Social Work Examiners rule, Qualifications for Licensure as a Social Worker, 25CSR1 -- July 1, 1993.

§25-1-(2). Definitions.

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

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

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

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

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

2.6. "Continuing social work education" means a program promoting social work skills, values, knowledge, and/or ethical considerations in the practice of social work, including, but not limited to, educational programs in the following areas: theoretical concepts; intervention techniques; functional skills; methods of social work practice; management, supervision, and administration in social work practice and human service programs; methods of social research; aspects of human behavior, growth and development;

aspects of social change and social action; aspects of social and organizational planning and development; social and public policy development and implementation; social work education; restoration of the capacity for social functioning; controlling social problems, and altering societal conditions as a means toward enabling people to attain their maximum potential.

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

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

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

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

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

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

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

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

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

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

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

2.18. "Supervisor" means a graduate social worker, certified social worker, or independent clinical social worker who has agreed to provide supervision to a temporary licensee to assist in the integration of

social work skills, values, knowledge, and ethical considerations gained through continuing social work education programs and through the social work practice experience.

§25-1-3. Qualifications for license.

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

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

3.1.2. A licensed social worker may receive an emeritus status license by formally requesting and receiving the approval of the Board. An emeritus status license requires twenty (20) years of social work practice experience and retirement from the active practice of social work. An emeritus licensee is not required to comply with the continuing social work education requirements in Section 9 of this rule. Upon receipt of the Board's approval in writing, an emeritus status licensee may engage in the active practice of the profession of social work, including supervision, for up to twenty (20) hours per week.

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

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

3.3. An applicant may learn if he or she is eligible for a temporary license by completing an application provided by the Board. To meet the educational requirement for a temporary license, an applicant shall have earned a four-year academic degree prior to July 1, 1998 from a recognized, academically accredited college in a field related to social work. Related fields include sociology, psychology, counseling, interpersonal communication, human services, elementary education, secondary education, special education or other related fields as determined by the Board. The Board shall issue a temporary license certificate only after it has determined an applicant's eligibility and received written evidence of qualified supervision and employment in a position requiring a social work license.

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

(a). An official transcript showing the applicant completed a four-year academic degree from a recognized, academically accredited college prior to July 1, 1998 in a field related to social work as determined by the Board;

(b). A specific plan for meeting the requirements to maintain a temporary license, including the promise of paid employment in a position requiring a social work license and the agreement of an eligible licensed social worker to provide supervision; and,

(c). Three professional references and documentation that the applicant is of good moral character and has never been convicted of a felony.

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

(a). Pass an examination approved by the Board;

(b). Document four years of continuous, supervised employment in the field of social work;

(c). Earn continuing social work education contact hours totaling at least eighty (80) hours every two years. Of these, at least eight (8) contact hours shall be in subjects related to professional social work values and ethics, including the code of ethics, earned in formal workshop or conference settings, and no more than twenty (20) contact hours may be earned in individual professional activities; and

(d). Provide a sworn statement to the Board in six month intervals to indicate he or she is complying with a written plan and meeting all other requirements to maintain the temporary license.

3.3.3. An employer or prospective employer of a temporary license applicant shall provide the Board, upon request, a statement of whether the temporary license holder has satisfactorily performed the duties of a social worker while under his or her employ.

(a). An employer may be required to document to the Board, upon request, that he or she has engaged in a reasonable effort to recruit and hire a licensed social worker, graduate social worker, certified social worker or independent clinical social worker prior to the issuance of a temporary license for a prospective employee.

3.3.4. The supervisor of a temporary licensee shall provide upon request a sworn statement to the Board indicating:

(a). The supervisor is licensed in West Virginia as a graduate social worker, certified social worker, or independent clinical social worker;

(b). The supervisor has engaged in face-to-face supervision with a specific temporary licensee in an amount not less than the equivalent of one hour per month on at least a quarterly basis; and

(c). The temporary licensee has satisfactorily performed the duties of a social worker while under his or her supervision.

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.

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

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

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

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

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

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

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

§25-1-4. Code of Ethics.

4.1. The Board adopts the National Association of Social Workers Code of Ethics, in the version effective January 1, 1997, and incorporates it by reference.

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

§25-1-5. Applications.

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

§25-1-6. Fee Schedule.

6.1 Fees paid to the Board are not refundable.

6.1.1. All fees, with the exception of those for examination, are payable to the West Virginia Board of Social Work Examiners (WVBSWE).

6.1.2. The fee for the late payment of any required fee is fifteen dollars (\$15) in addition to the amount of the required fee. The Board applies a late payment fee when a payment is more than thirty-days (30) delinquent, based on the date of receipt of an application, expiration date of a license or permit, or other recognizable date of transaction.

6.1.3. The fee for a payment made by a check returned due to insufficient funds, denial of a credit card charge or similar failure to negotiate payment is the lesser of twenty-dollars (\$25) or the actual amount charged to the Board for the transaction by its designated agent.

6.2. License fees.

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

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

6.2.3. The fee for a temporary license is fifty-five dollars (\$55.00).

6.2.4. The fee for replacement of a lost license is twenty-five dollars (\$25.00).

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

6.2.6. The fee for activation of an inactive status license is fifty-five dollars (\$55).

6.3. Examination fees.

6.3.1. The fee for the examination required by the Board is established by and payable to the American Association of State Social Work Boards (AASSWB) or its designee.

6.3.2. The fee for screening for waiver of an examination is fifty-five dollars (\$55).

6.4. Application fees.

6.4.1. The application fee for a social work permit is thirty dollars (\$30.00).

6.4.2. The application fee to become a certified provider of continuing social work education is one hundred dollars (\$100.00).

6.4.3. The application fee to become an individually approved provider of continuing social work education is thirty dollars (\$30.00).

6.5. Other fees.

6.5.1. The fee to monitor the continuing education records and activities of a certified or individually approved provider for the purpose of quality assurance is twenty-five dollars (\$25.00) for one event in each biennial and fifty dollars (\$50) for more than one event in each biennial.

6.5.2. The biennial fee to recertify as a certified provider is one hundred dollars (\$100), payable only after the Board has notified the provider that it is eligible to recertify.

(a) A certified provider who does not pay a fee to recertify within thirty (30) days of notice forfeits all rights and privileges of the certified provider, provided that no certified provider will fail to be recertified if the Board fails to conduct a review or to invoice for payment when a review would reasonably be construed to lead to the recertification.

6.5.3. The fee for filling a request for public information, print or electronic data, and/or other services relating to the Board, its members, or licensed social workers, is calculated based on the actual cost of materials, employee time, and/or services required to comply with the request.

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

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

§25-1-8. Responsibilities of Licensees

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

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

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

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

8.5. A licensee or permittee or prospective licensee or permittee shall make application for a license, renewal of a license, or similar service on forms provided by the Board.

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

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

8.7.1. Written evidence of completion of mandatory continuing social work education during the tenure of the license or permit as specified in Section 9 of this rule; and

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

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

§25-1-9. Continuing social work education requirements for licensees.

9.1. A licensee shall obtain, as a condition of renewal of license, at least fifty (50) contact hours (the equivalent of five CEU's) of continuing social work education within each two (2) year license period, except:

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

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

9.1.3. A licensee may earn the balance of contact hours through individual professional activities, described in Section 9.4.4.2.

9.2. A temporary licensee shall obtain eighty (80) contact hours (the equivalent of eight CEU's) of continuing social work education within each two (2) year license period, except:

9.2.1. Of these eighty (80) contact hours, at least sixty (60) contact hours shall be earned by attending formally organized learning events and/or professional meetings as described in Section

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

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

9.2.4. Of these sixty (60) contact hours, a temporary licensee may earn up to twenty (20) contact hours through individual professional activities as specified in Section 9.4.4.2.

9.3. An inactive or emeritus licensee shall not be required to earn continuing social work education contact hours.

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

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

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

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

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

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

9.4.4.2 Individual professional activities that enhance the licensee's knowledge of professional social work issues or which relate specifically to his or her particular social work practice setting. These individual professional activities are self-directed, professional social work study activities including, but not necessarily limited to, formally organized learning events not officially recognized by the

Board, college courses taken outside an accredited social work program, writing for professional social work publications, preparing and presenting certified or approved continuing social work education contact hours, reading professional literature; social work teaching or training assignments if not part of the primary job duties; independent study, research, or tutoring of a professional social work nature; making presentations on professional social work issues; preparation of initial consultation if not employed or under contract and professional meetings.

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

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

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

(a). The nature of the activity;

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

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

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

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

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

9.5.4. The licensee or temporary licensee shall submit the written information regarding individual professional activities specified in Section 9.5.2.(a) - (e) upon request.

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

9.6.1. The licensee or temporary licensee shall submit the record of continuing education activities on forms provided by the Board or the continuing social work education provider.

9.6.2. The licensee shall deliver the continuing education record forms to the Board no later than the November 15th prior to expiration of a license on January 1. In all other cases reports are due no later than forty-five (45) days prior to expiration of a license.

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

9.6.4. The Board may require a licensee or temporary licensee to submit additional evidence of completion of contact hours, programs or activities for the purpose of monitoring the quality of providers and the accuracy of reports. Additional evidence includes, but is not limited to, payment receipts, program notes, certificates of attendance, a sworn statement from a provider representatives, and/or other proof of program attendance.

9.7. When a licensee or temporary licensee earns the required number of contact hours by the due date and earns additional contact hours after the due date, he or she may apply the contact hours earned

after the due date to the calculation of contact hours required for the two-year licensing period immediately following the due date.

9.8. A licensee or temporary licensee who does not earn the required number of contact hours may, no later than the due date specified in Section 9.6.2., petition the Board in writing to extend the time necessary to earn the required number of contact hours. Each petition shall indicate:

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

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

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

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

9.11. A list of certified continuing education providers is available from the Board.

§25-1-10. Continuing social work education requirements for providers.

10.1. Providers of continuing social work education are classified either as certified providers or individually approved providers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.3.5. Any prerequisites a participant must meet to enter or successfully complete the program;

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

10.3.7. The method utilized to assure the selection of qualified instructors, teachers or presenters;

10.3.8. The method utilized to evaluate program content, instructor performance and participant satisfaction;

10.3.9. The method utilized to assure that programs will be made available to license holders who work outside the bounds of the provider organization;

10.3.10. The program agenda, clearly listing the time and date of the program, including starting and ending times and refreshment and meal breaks;

10.3.11. The calculated number of contact hours offered; and,

10.3.12. That facilities selected as program sites shall be accessible under the provisions of the American's With Disabilities Act;

10.4. A certified provider receives a unique provider number issued by the Board and may initiate a program of continuing social work educational without the prior written consent of the Board.

10.4.1. An organization may apply to become a certified provider only after providing at least thirty (30) hours of formally organized learning events as an individually approved provider .

10.4.2. A certified provider shall offer at least fifteen (15) hours of formally organized learning events per year to maintain certified provider status.

10.4.3. Certified providers shall pay a fee and provide documentation of satisfactory performance as a certified provider every two (2) years to maintain certification.

10.5. An individually approved provider shall apply to and receive written approval from the Board for each program of continuing social work educational offered.

10.5.1. An organization or individual shall apply for approval as an individually approved provider at least three (3) months prior to the first scheduled program.

10.5.2. An individually approved provider may offer an approved program only up to three times prior to reapplying to the Board for approval.

10.5.3. An organization or individual shall reapply to the Board when a previously approved program undergoes substantive changes, including a change in the instructor or to one or more learning modules or components of the program.

10.6. A certified or individually approved provider shall offer formally organized learning events in a formal, structured learning environment involving face-to-face instructional methods or educational technologies that allow true interaction between the instructor and participant.

10.6.1. A professional meeting is recognized as a formally organized learning event when offered by a certified provider in the form of a facilitated discussion or similar focused learning activity related to topics and issues that stimulate, promote, increase, or impart professional knowledge, experiences and/or opinions in the practice of social work, or that concern social work values, skills, knowledge, and/or ethical considerations.

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

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

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

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

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

§25-1-11. Disciplinary Proceedings

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

11.1.1. Conviction of a felony;

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

11.1.3. Gross negligence in the practice of social work;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.6. The Board may impose any of the following sanctions, singly or in combination, after finding that a license holder has engaged in professional misconduct:

11.6.1. Refuse to renew a license;

11.6.2. Suspend an existing license for a set period of time and/or impose requirements for reinstatement or renewal of a license;

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;

11.6.5. Issue a public reprimand;

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

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

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

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

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

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

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

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

11.8. The Board may apply to the circuit court for an order enjoining a licensee from the practice of social work when he or she has engaged in, is engaging in, or is about to engage in any act which constitutes or will constitute a violation of the provisions of law under its authority.

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

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

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

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

§25-1-12. Violations of child support orders.

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

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