

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

Form #3

Do Not Mark In This Box

2012 AUG 31 AM 11:26

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

AGENCY: WV BOARD OF SOCIAL WORK TITLE NUMBER: 25

CITE AUTHORITY: 30-30-5(b)(17); 30-30-6

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

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

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

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

**QUESTIONNAIRE**

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

DATE: August 31, 2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No ) WV Board of Social Work  
Capitol Complex-Bldg. 1-Room WB9  
Interdepartmental  
Public Mail: PO Box 5459  
Charleston WV 25361 304-558-2988 or 558-8816

LEGISLATIVE RULE TITLE: Qualifications for Licensure As A Social Worker

1. Authorizing statute(s) citation 30-30-5 (b) (17); 30-30-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
July 23, 2012 Public Comment Period

b. What other notice, including advertising, did you give of the hearing?  
Mailed notices to individuals and supervisors  
Mailed and emailed notice and attached summary to individual and social work agencies and organizations including WVU School of Social Work and the WV NASW social work association; copied notice and summary as inserts to out-going mailed items; FYI: WVU and the NASW of WV circulated notice of proposals and summary to multiple businesses, schools, and individuals

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
Comment Period ended August 23, 2012

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)

August 31, 2012

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

Judith Williams Director-Capitol Office MB9; Phone 558-2988; Fax 558-4189

jwilliams@wvsocialworkboard.org

Amy Polen Administrative Asst. Same location and phone

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amypolen@wvsocialworkboard.org

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

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

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

N/A

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b. Date of hearing or comment period:

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

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d. Attach findings and determinations and reasons:

Attached 

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**WV Board of Social Work (Name Changed by 2011 WV Code §30-30)**  
State Capitol Complex-Main Building-West Basement Room WB9  
304-558-8816 or 304-558-2988      Contact: Judith Williams

**Brief Summary of Revision**

Rule Title: **QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER**

**Title 25 Series 1**

*To amend, add, repeal language in existing Rules pursuant to Board authority granted under the WV Code §§30-30 effective March 18, 2011. Specific detail is included as well as Code changes.*

We added specific language that qualifies a Licensed Independent Clinical Social Worker for approval to serve as an indirect clinical supervisor of a Graduate or Certified license candidate pursuing eligibility for a clinical level license (LICSW).

We added qualifications for an LSW to be approved to serve as a “licensing supervisor” of a **provisional licensee**. Prior to this change, only upper level MSW social workers could fill this need.

**§30-30-16: Provisional licensing** (previously known as the temporary social work license): The candidate must have a degree major **related to social work**. Specifically recognized are and will be a four-year degree major in Counseling, Psychology or Sociology AND “other related degree majors as determined by the Board.” This process allows a person without a formal social work education to make his or her way towards eligibility for full license as a Social Worker (LSW).

**30-30-16(b)(2):** A provisional license issued on or after this article is effective shall complete and earn a passing grade in twelve (12) semester hours of core social work study from programs accredited by the Council on Social Work Education. This revision sets forth details of the courses and other continuing social work education requirements.

The addition of a pre-approved LSW to assume licensing supervision appears in this section as well.

**Employers Responsibilities Provisional Licensees:** Definition and clarity is given to the responsibilities to employers for communicating resignation/termination of employee to the Board. Also added is stronger language for the employer to obtain approval from the Board to hire a provisional license candidate as opposed to one with a social work education or full license.

**Fully Licensed Social Workers:** The section regarding “regular” license renewal was revised to comply with the Code §30-30-19 and strengthened language regarding unlicensed practice which occurs too often due to late renewal submission.

Continuing Education Requirements: For fully licensed social workers only are reduced from fifty (50) total hours over a two-year period to forty (40) total hours over a two-year period. Of the forty hours, twenty (20) hours may still be used for professional self-directed or other related social work education as in the past. This should help reduce expense and allow more private time from home setting to find reputable references to improve knowledge and ability in social work practice, and ethics.

§30-30-24 through 30-30-29: Discipline and legal procedures. This area of the Rule was revised according to notes and suggestions by the Board's legal counsel.

#### **CHANGES OF TITLE/NAME**

##### **Within the 2011 Code**

**The name of the agency was changed to WV BOARD OF SOCIAL WORK by dropping the word "Examiners."**

The former temporary social work license was changed to the **PROVISIONAL social worker.**

The formerly known provisional social work permit was changed to the: **TEMPORARY PERMIT** and is only for pending or new graduates of a CSWE (social work education council) accredited social work program with a BSW or MSW degree major.

End of Summary

WV BOARD OF SOCIAL WORK  
Contact: Judy Williams  
Phone: 304-558-2988  
Email: [jwilliams@wvsocialworkboard.org](mailto:jwilliams@wvsocialworkboard.org)

**Legislative Rule Revision: Title 25 Series 1 “Qualifications for Licensure as a Social Worker.”**

**STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THIS RULE**

To include and revise provisions set forth in the newer edition of the WV Code §30-30 that require detail and authority to be included in legislative Rules.

These actions follow several years of communication and meetings with representatives of major West Virginia employers of social service workers; members of the Board and social work educators from WV social work departments. The major interest of the public and employers is the section relevant to Provisional licensing of individuals with a Board recognized degree related to social work.

End of Circumstance Statement

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV BOARD OF SOCIAL WORK *CONTACT: JUDY WILLIAMS*

Address: PHYSICAL: 1900 KANAWHA BLVD., EAST-BUILDING 1-ROOM WB9  
PUBLIC MAILING: PO BOX 5459-CHARLESTON WV 25361

Phone Number: 304-558-8816 Email: [jwilliams@wvsocialworkboard.org](mailto:jwilliams@wvsocialworkboard.org)

**Fiscal Note Summary**

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

To incorporate detail to procedures and licensing provisions pursuant to WV Code revision/repealed and amended language effective March 18, 2011. This Rule in itself is not expected to have impact on revenue.

**Fiscal Note Detail**

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

| FISCAL YEAR                 |                                     |                                  |  |
|-----------------------------|-------------------------------------|----------------------------------|--|
| Effect of Proposal          | Current Increase/Decrease (use "-") | Next Increase/Decrease (use "-") | Fiscal Year (Upon Full Implementation) |
| 1. Estimated Total Cost     | 0.00                                | 0.00                             | 0.00                                   |
| Personal Services           | 0.00                                | 0.00                             | 0.00                                   |
| Current Expenses            | 0.00                                | 0.00                             | 0.00                                   |
| Repairs & Alterations       | 0.00                                | 0.00                             | 0.00                                   |
| Assets                      |                                     |                                  |  |
| Other                       | 0.00                                | 0.00                             | 0.00                                   |
| 2. Estimated Total Revenues | 0.00                                | 0.00                             | 0.00                                   |

QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

Rule Title: \_\_\_\_\_



Rule Title: \_\_\_\_\_

- 3. Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

NONE EXPECTED

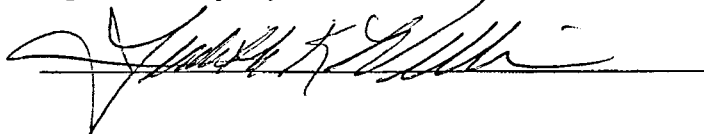
**MEMORANDUM**

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

This rule will add dimension and clarity to procedures and details of the licensed social worker procedures and specifically the Provisional licensee pursuant to authority granted to the Board within the 2011 Code revision and repeal.

Date: July 20, 2012

Signature of Agency Head or Authorized Representative



TITLE 25  
LEGISLATIVE RULE  
BOARD OF SOCIAL WORK EXAMINERS

SERIES 1  
QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER - THE PROFESSION OF  
SOCIAL WORK

**§25-1-1. General.**

1.1. Scope. -- This rule specifies the qualifications, ethics, application and responsibilities for licensing as a social worker, alternative license candidates, continuing education criteria and disciplinary procedures.

1.2. Authority. -- W. Va. Code §30-30 approved as of March 18, 2011 specifically §§30-30-6, 30-30-8, 10, 12, 14, 16, 19, 20, 22 and 26. (3)(a), (3)(e)(1), (3)(e)(5), (3)(e)(6), 30-30-9, 30-1(8)(a), 30-1(15)(e).

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

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

**§25-1-2. Definitions.**

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

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

2.3. "Certified provider" means an agency, organization, or institution which has applied to and received approval by the Board to provide programs of continuing social work education under its own auspices, and which remains certified by complying with the provisions of ~~Section 10 of~~ as set forth within 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.~~2009

2.5. "Complainant" means the person or agency 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 after the receipt and approval of an application the Board to be inactive. During this time the licensee is barred from the practice of the profession social work during which he or she is exempt from continuing education provisions.

2.11. "Individually approved provider" means an individual, agency, institution, or organization which has applied to the Board and received approval to ~~provide~~ present a specific program of continuing social work education on a date, time, and location included in the application.

2.12. "Professional misconduct" or "unprofessional conduct" means any conduct by a licensed social worker ~~cited in the Section 11 W.Va. Code § 30-30 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~~ defined 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. "Temporary Social work permit" means a ~~temporary~~ six-month ~~permit~~ certificate granted by the Board to an applicant qualified by education with an earned bachelor or masters degree in social work accredited by the Council on Social Work 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 Provisional license" means a ~~provisional~~ restricted license certificate granted to an applicant qualified through alternative ~~licensing~~ education provisions of W.Va. Code ~~§30-30-(5)-30-30-16~~ and specified within this Rule. A provisional social worker is not a licensed social worker and may not use any initials suggesting he or she is an LSW, LGSW, LCSW, or LICSW.

2.18. Provisional licensing "Supervisor" means a ~~graduate~~ qualified licensed social worker, certified social worker, or independent clinical social worker who has agreed to provide supervision to a ~~temporary~~ provisional 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 and who will evaluate progress towards satisfaction of coursework and other provisions during the four-year period of continuous employment.

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

3.1. An applicant qualified under the provisions of W.Va. Code §30-30-4, et. seq. may receive a social work permit license 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~~ provisional licensee is not eligible for a temporary social work permit, inactive or emeritus status license.

3.1.1. A licensed social worker may apply to place a their license on inactive status by making a formal application to the Board, formally requesting and Upon receiving the approval of the Board and the inactive licensee shall not perform the duties of a social worker and is exempt in earning continuing education during this period.

3.1.1.(a) 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

3.1.2. A licensed social worker may receive an emeritus status license by making a formal application to the Board and providing documentation of ~~formally requesting and receiving the approval of the Board.~~ An emeritus status license requires twenty (20) years of social work practice experience and retirement from the active practice of social work. An emeritus licensee is not required to comply with the continuing social work education requirements ~~in Section 8 of this rule.~~ Upon receipt of the Board's approval in writing, an emeritus status licensee may engage in the active practice of the profession of social work, including supervision, for up to twenty (20) hours per week.

3.2. An applicant may receive a temporary social work permit by making a formal application formally requesting and receiving the approval of the Board. An eligible applicant for a temporary permit may include:

~~— 3.2.1. A social work degree candidate enrolled in an undergraduate, or graduate or doctoral social work program at a college or university accredited by the Council on Social Work Education may receive a temporary 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.~~

(a) A candidate who has earned either an undergraduate or graduate social work degree from a college or university accredited by the Council on Social Work Education that has not yet passed an examination approved by the Board;

(b) A candidate enrolled in their final semester of either an undergraduate or graduate social work program from a college or university accredited by the Council on Social Work Education provided that the social work program director provide a written statement to the Board that the applicant is expected to matriculate.

3.2.2. Once an applicant has received a Temporary Permit from the Board, the applicant may register for and take the examination at any point during that six month permit period.

3.2.3. The degree candidate not receive a social work license until an official college transcript is

provided to the Board indicating that the undergraduate or graduate social work 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 provisional license by completing an application provided by the Board. To meet the educational requirement for a temporary provisional license, an applicant ~~with the exception of employees of the Department of Health and Human Resources,~~ shall have earned a four-year academic degree prior to July 1, 2000 from a recognized, academically accredited college in a field related to social work. Related fields include sociology, psychology, counseling, ~~interpersonal communication, human services, elementary education, secondary education, special education~~ or other related fields as determined by the Board. The Board shall ~~issue a temporary~~ send an invoice for the provisional 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 eligibility to pursue a temporary provisional license, an applicant shall submit to the Board:

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

(b). Has met other requirements as defined in §W.Va. Code 30-30-16.

~~(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,~~

~~(e). 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 the issuance of a provisional license to perform social work within the legal scope of practice the applicant must submit a board provided provisional license agreement contract that shows evidence of full time social work employment and provisional license supervisor and employment supervisor in a position that legally requires and accepts this form of restricted certification.

3.3.3. Upon approval of the provisional license agreement contract and other provisions have been met, the Board will issue a provisional license certificate for a two year period. The provisional licensee must meet all provisions and requirements as set forth in WV Code 30-30-16 and within this article 3.3. If all guidelines are met, the provisional licensee will renew their provisional license for a final two year period, upon which time the provisional licensee will apply for conversion of their provisional to a formal license as a fully licensed social worker.

3.3.4. As defined in §W.Va. Code 30-30-16(b)(2) a Provisional licensee must complete twelve credit hours of core social work study from a program accredited by the council on social work education (CSWE), specifically post Bachelor classes in conjunction with the school, within the four-year provisional license period. A passing grade shall be earned in order for provisional licensee to remain in compliance with this criteria.

(a). A provisional licensee will be granted a six month time limit on which they must enroll in a Board approved CSWE social work program once they have been issued a provisional license certificate. The obligation of enrollment is solely the responsibility of the provisional licensee.

(b). The provisional licensee must successfully complete all 12 credit hours of the required coursework. Successful completion means receiving a passing grade. The provisional licensee must successfully complete a minimum of 3 credit hours of the required coursework per year.

(c). The only exception to the core social work courses is if a provisional licensee is enrolled in a CSWE accredited Bachelor or Master of Social Work Program.

(d). If a provisional licensee fails to enroll in a CSWE approved social work course or a CSWE approved Bachelor or Master Social Work Program, the provisional licensee will be out of compliance of their provisional license and will no longer be an eligible, active provisional licensee. The licensee must resign their full time social work position immediately and send their certificate back to the Board. If this should occur, then under §W.Va. Code 30-30-16 (c) the provisional licensee will no longer be eligible for a provisional license without first having earned a CSWE accredited Bachelor or Master of Social Work degree.

3.3.5. In addition to the twelve required hours of approved core social work courses, the provisional licensee will be responsible for earning an additional twenty (20) hours of Board approved continuing social work education per two years. A provisional licensee may earn up to ten (10) of the twenty (20) hours through Board approved online education hours.

3.3.6. A provisional licensee must provide a sworn statement to the Board annually to indicate he or she is complying with all requirements to maintain the provisional license, required social work continuing education, quarterly face to face supervision sessions, and documentation, by way of school transcript, of the required social work courses taken.

~~3.3.2.~~ 3.3.7 Prior to conversion of a temporary provisional license to a formal license as a social worker, an applicant shall: the provisional licensee must provide final documentation that all requirements, as outlined in §W.Va. Code 30-30-16 and in section 3.3 of this rule have been met. The provisional licensee shall show documented proof that he or she has:

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

(b). Document Completed and has documentation of four years of continuous, supervised employment in the field of social work in the form of an official letter from the employer(s) during the tenure of the provisional license;

~~(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~~

(c). Has documentation by way of a college transcript that the provisional licensee has met the requirements of attendance and passage of twelve (12) hours of core social work classes through a CSWE approved social work program;

(d). Provide documentation that the provisional licensee has earned continuing social work education contact hours totaling at least twenty (20) hours every two years.

~~(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.~~

3.3.8. An employer or prospective employer shall make application to the Board for approval to hire provisional licensees. The application shall include:

(a). ~~An employer may be required to Written documentation 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 was made prior to the employ of a issuance of a temporary license for a prospective provisional licensee, employee.~~

(b). Written evidence of the critical need to hire the provisional applicant.

3.3.9. An employer of a provisional licensee shall annually provide the Board a statement of whether the provisional licensee has satisfactorily performed the duties of a social worker while under the employment of the agency.

3.3.10. An employer is responsible for reporting the resignation or termination of any provisional license employee within no more than thirty (30) days of the action.

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

3.3.11. A provisional licensing supervisor may be a licensed social worker, licensed graduate social worker, licensed certified social worker or licensed independent clinical social worker licensed in good standing in the State of West Virginia, provided that the licensed social worker:

(a). Has made application and received Board approval to become a provisional licensing supervisor;

(b) Has earned a council on social work education accredited Bachelor of Social Work or Master of Social Work degree and has completed two years post graduate social work experience;

(c). Shall provide a resume with application that documents continuous employment in the social work field for no less than two years;

(d). Is of good moral character documented by three letters of professional recommendations to be included in the application;

(e). The Provisional Supervisor shall not have been a subject of disciplinary action from the WV Board of Social Work or any other licensing jurisdiction in any state;

(f). Shall provide any further documentation that may be required from the Board.

~~3.3.5.~~ 3.3.12. The supervisor of a temporary provisional licensee shall provide upon request annually 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). (a). The supervisor has engaged in face-to-face supervision with a specific temporary provisional licensee in an amount not less than the equivalent of one hour per month on at least a quarterly basis; one time every three months following license issue and whenever make-up sessions are held; and~~

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

3.3.6. A seasoned supervisor may supervise no more than fifteen (15) temporary provisional licensees unless a written waiver has been granted by the Board allowing the supervisor to exceed this number. An LSW licensing supervisor that is new to this privilege shall limit the number of persons to five (5) until determined otherwise by the Board.

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. (this item was moved to other special status items 3.1.1.)~~

~~3.8.1.3.8~~ 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.

3.9 As referenced in the WV Code §30-30-8; A Licensed Independent Clinical Social Worker may apply social work theory, methods, assessment, ethics and the professional use of self to the diagnosis, treatment and prevention of psychological dysfunction or disability including emotional and mental disorders.

3.9.1 Clinical Supervisor: is a Board approved WV licensed independent clinical social worker or a licensed clinical social worker from another jurisdiction who has completed no less than two additional years of clinical practice since the initial issue of the clinical license;



3.9.2. Submits a clinical supervision contract provided by the Board which identifies both parties including employment and duties of the supervisee. The contract must include evidence of good standing specifically for out of state supervisors.

3.9.2 Records of supervision will be maintained and initialed by both the supervisor and supervisee during each session for up to one-hundred (100) total hours for the duration of practice period of two full years or three-thousand hours part time. A reasonable portion of the one-hundred hours may be conducted by other technical means where confidentiality is guaranteed and the communication is not open for view or comment by other parties. No more than thirty (30) of the one-hundred hours of supervision may occur in this manner.

#### **§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~~ 2009, 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, temporary permit, provisional 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 by mail, fax or email.

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

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

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

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

7.2. A licensee, provisional 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.

7.3. A licensee, provisional 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.

7.4. 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.

7.5. A licensee or provisional 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.

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

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

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

7.7.2 A sworn statement, on a ~~form~~ license renewal application 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 or misdemeanor.

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

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

8.1. A licensee shall obtain, as a condition of renewal of license, at least ~~fifty (50)~~ forty (40) contact hours of continuing social work education within each two (2) year license period, except:

8.1.1. Of these ~~fifty (50)~~ contact hours, at least ~~thirty (30)~~ twenty (20) contact hours shall be earned by attending ~~formally organized learning events or professional meetings; programs, conferences, workshops or professional meetings that are pre-approved by a WV authorized approved or certified provider; of these twenty (20) approved provider hours, no more than ten (10) hours may be used by technical means;~~

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

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

~~8.2. A temporary licensee shall obtain eighty (80) contact hours of continuing social work education within each two (2) year license period, except:~~

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

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

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

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

8.3. An inactive, emeritus or temporary permit licensee is not required to earn continuing social work

education contact hours.

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

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

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

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

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

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

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

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

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

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

(a). The nature of the activity;

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

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

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

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

8.5.3. The licensee or temporary licensee shall maintain records of all continuing education activities

~~for a period of not less than three (3) years. of time that best suits the individual. Once the license is renewed the records are expunged by the Board office.~~

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

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

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

8.6.2. 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. on a regular basis during the two-year process in order for Board staff to keep an on-going tally to compare with that of the license, and to cause submission of a renewal application thirty to forty-five days prior to the date of expiration.~~

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

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

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

~~8.8. A licensee or temporary licensee who does not earn the required number of contact hours may, no later than the due date specified in Subsection 8.6.2. of this rule, petition the Board in writing to extend the time necessary to earn the required number of contact hours. Each petition shall indicate:~~

~~(a). The number of contact hours earned to date or of failure to earn contact hours;~~

~~(b). The licensee's detailed plan to insure he or she shall, if granted the opportunity by the Board, earn the remainder of the mandatory contact hours in a timely manner;~~

~~(c). The nature of any extenuating circumstances which may have prevented the licensee from earning the required contact hours during the current or previous two (2) year license period;~~

~~(d). Written supportive documentation to any claim of extenuating circumstances, including but not limited to, a statement by an employer or health practitioner as may be requested by the Board; and~~

~~(e). Written approval of the licensing supervisor in support of the temporary licensee's request for an extension.~~

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

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

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

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

8.12 A license renewal application, evidence of satisfaction of continuing social work education and required payment of fee is due in the Board office at least thirty (30) days before the day of certificate expiration. Failure to comply will result in automatic status change to delinquent the day follow certificate expiration and activate the initial late fee of \$50.00 in addition to the renewal fee. The license remains renewable provided the licensee has ceased to perform social work; satisfies the continuing education requirements; and pays all late fees which will accumulate monthly for a maximum period of thirty-six months (refer to WV Code §30-30-20). A licensee may not apply for special status inactive or emeritus if a license is delinquent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.3.6. A system of maintaining program records for at least ~~five (5)~~ two (2) years, including attendance rosters, participant evaluations, written handouts and publicity materials;

9.3.7. The method used to assure the selection of qualified instructors, teachers or presenters;

9.3.8. The method used to evaluate program content, instructor performance and participant satisfaction;

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

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

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

9.3.12. That facilities selected as program site are accessible under the provisions of the American's With Disabilities Act;

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

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

9.4.2. A certified provider shall offer at least fifteen (15) hours of formally organized learning events per year to maintain certified provider status. Any education conducted via technical means that allows true interaction between presenter and audience shall be documented on the activity report to the Board and be limited to no more than half the total hours required over a two year re-certification period.

9.4.3. Certified providers shall pay the fee set forth in the Board's rule, Fee Schedule, 25CSR3 and provide documentation of satisfactory performance as a certified provider every two (2) years to maintain certification.

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

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

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

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

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

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

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

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

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

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

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

applications and re-certification.

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

10.1. Professional misconduct ~~is conduct~~ by a license holder is defined by W.Va. Code § 30-30-26(g)(1-7) that includes, but is not limited to:

~~10.1.1 Conviction of a felony;~~

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

~~10.1.3. Gross negligence in the practice of social work;~~

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

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

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

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

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

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

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

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

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

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

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

10.3.1. 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 30 days.



10.3.2. Should the Board not receive a written response to the allegations within this period, the matter will proceed to investigation and hearing thereafter.

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

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

10.4. The Board is not required to await a reply prior to applying to a circuit court for an injunction or restraining order to enjoin the respondent from engaging in an act which constitutes or will constitute an immediate danger to the public.

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

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

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

~~10.4.4. 10.4.2. After reviewing the report considering the recommendation of the Investigator, the Board shall determine the existence of if probable cause by a majority vote of all present, exists that the licensee or permittee has violated subsection §30-30-26 or any rules promulgated pursuant to this article. The investigator shall abstain from voting in proceedings arising from a complaint he or she has investigated.~~

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

10.4.4. A notice forwarded to the respondent shall include the following information:

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

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

~~(c). (b). That the respondent has the right to subpoena and present witnesses and documents~~

on his or her behalf;

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

~~(e).~~ (d). 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 and order offered to the respondent and subsequently entered into by the respondent and the Board.

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

~~10.6.~~ 10.5. The Board may impose any of the following sanctions, singly or in combination, after finding that a license holder has ~~engaged in professional misconduct; violated a Board regulation and/or statute;~~

10.6.1. Refuse to renew a license;

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

10.6.3. Revoke an existing license;

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

~~10.6.5.~~ 10.6.4. Issue a public reprimand;

~~10.6.6.~~ 5. Impose a period of probation and requirements for the lifting of probation, including meeting continuing education requirements, mandatory supervision by a licensed social worker, peer or professional counseling, a medical, psychological or clinical social work evaluation, or other reasonable requirement, singly or in combination, that the Board considers sufficient to protect the public;

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

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

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

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

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

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

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

~~10.8. 7. 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. issue a notice to the licensee or permittee to cease and desist.~~

~~10.9. 8. Prior to revoking any license prior~~ Prior to a hearing, the Board shall send the licensee a notice of a hearing, to take place within thirty (30) days, by registered or certified mail, return receipt requested.

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

10.11. After finding that a social worker has violated regulations and/or statute processes and disciplinary action is proposed the Board shall 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) who in turn is the agent for West Virginia in reporting matters to the Health Integrity Practitioner's Data Bank (HIPDB) as set forth by Federal Law; or other recognized national and state disciplinary action reporting organization, licensing agency, professional association or society, community organization, employers of social workers, the public, or other agencies, institutions, and organizations.

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

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

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

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

## Board of Social Work –Legislative Rule Comments

These rule changes in the WV Code covering Social Work licensure are the result of 3+ years of discussion and the development of a consensus on the need to change the old Temporary Licensed Social Worker and the blanket exemption of DHHR from these rules.

- It lowers the number of hours required for regularly licensed Social Workers to renew their licenses every two years.
- It creates some changes in supervision for the new provisionally licensed social workers, which should not affect us.
- The Provisional Licensee would be a hiring option for us under these rules, particularly as it relates to our Casework contract. We should easily be able to document repeated attempts to fill positions in the Region without being able to find viable licensed candidates. *We should immediately seek permission from the Board to be able to do this.*

The requirements for the Provisional Licensee is that the licensee has a related degree and is willing to enroll in courses to take and pass 12 credit hours of core Social Work course study over a two year period. In addition, they have to participate in 20 hours of other continuing education. This enrollment is not a cost to the employer.

The one comment I would suggest is that the Social Work Education Consortium {SWEC} (made up of all of the CSWE accredited programs in the state) should work with private and public employers to make these core courses available at times and in formats that would be helpful for these provisional licensees. Cost of the courses is a separate question and one that each institution would need to answer.

Locally, Bethany, Ohio University East, and Franciscan University offer core Social Work classes in accredited programs. West Liberty University is seeking accreditation, but does not have it. An additional question would be whether West Virginia Northern Community College which has 2+2 agreements with WVU and Franciscan University social work programs can deliver some of these classes.

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

From: Judy Williams [mailto:bswe2@suddenlink.net]  
Sent: Tuesday, August 21, 2012 4:35 PM  
To: Judi Kay Office  
Subject: FW: Attn: Rule Comment

Elisa Hickman  
Youth Services System  
Response to Comments

After the Rule is passed by the Legislature and based upon the language therein, the Board will have prepared a format under which an agency or organization explains the efforts made to recruit Licensed Social Workers or those who have earned a formal CSWE accredited degree in Social Work with a Temporary Permit. This would accompany the request to seek eligible potential provisional licensee candidates. This action is not to begin prior to Legislative passage of the Bill.

SWEC comment: Members of the Board have been working with this group to establish the best solutions possible based upon an array of factors.

CSWE Social Work Programs: Only college and university social work programs that are accredited by the Council on Social Work Education will satisfy the provisional formal social work education requirements. This standard is customary among other social work board jurisdictions.

Thank you for your comments and observations.  
Judith Williams  
Director

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

From: ehickman@stratuswave.net [mailto:ehickman@stratuswave.net]  
Sent: Tuesday, August 21, 2012 11:45 AM  
To: bswe2@suddenlink.net  
Subject: Attn: Rule Comment

Our Agency reviewed these Legislative Rule changes. Attached you will find a few comments we wanted to pass along.

Thank you for your time in this matter.

Elisa Hickman  
Youth Services System, Inc.  
Director of CQI  
304-218-2840

COMMENT PG 2  
YSS

## Board of Social Work –Legislative Rule Comments

I also understand that we may be able to hire a provisional license candidate as oppose to a regular license candidate. This is good news; however, they stated that we have to access approval first from the Social Work Board. I believe the author above is suggesting that they may give us some blanket approval or consideration merely on how long positions have been vacant and attempts made to fill. I doubt that they will do this. If it is on a case by case basis, is there a time frame that the Social Work Board will have to respond to us concerning hiring a person? Because, as it stands, they are difficult to get in touch with and typically will not give you an answer until a candidate has submitted all their application information and this takes weeks and sometimes longer which just slows down hiring process more.

Also, as an employer, if we hire a Provisional License person that has to take these Social Work courses to maintain their license at their expense, this would have to be made clear upon hiring. The deadline to complete courses would also have to be identified. We should also probably have the person sign something upon hiring that stated that they understood these expectations and will take classes by a certain date at their expense. Like the author above, I am concerned about availability and frequency of these social work classes I have had to already adhere to a person not being able to practice without a license. For instance, if a person seeking renewal, did not have their license renewed by expiration, they have had to be demoted to case aide status and pay during that time and unable to practice as a Social Worker until license is received by employer.

Not being able to supervise more than 5 individuals at a time just makes sense; therefore, I have no problem with that.

Reduction from 50 to 40 hours is good.

Ms. Hickman: Response to page two of comments/observations:

As for procedures currently. Being "hard to get a hold of" is due to a continuous massive number of calls daily. We hope to rectify much of this by putting more out on the soon to be new web site.

Agency Pre-Approval: There are still a couple months before final filing of Board approved rule. There are many details to work out between this two-member staff and the Board before effective date 2013. We will do our utmost to inform all larger agencies of the outcome. It is not my understanding that "blanket" approval is to be given but this is an issue yet to be detailed.

To show evidence of attempting to hire persons with a social work education (CSWE BSW or MSW) the Board can provide a database listing of current Temporary Permit individuals (who are required only to register and pass the exam under a permit early in the six month issue period) and we can also provide a data listing of all LSW, LGSW or higher active licensees in counties specified by the requesting party. We do not charge a fee for this service when it applies to attempting to hire staff.

Employer-Social Work Courses: A provisional licensee must currently sign a Provisional Agreement Contract that reflects each provision to satisfy and at what time this must occur. This document will be revised to include existing provisions after passage of the Rule. They will be required to show proof of enrollment in social work course(s) within no more than six months following issue of the original certificate; send annual Verification of Compliance with Provisions record that will also be revised to include specifics regarding social work course progress; and will require one to complete at least one course (three semester hours) each licensing year with no less than six (6) hours prior to expiration at the two-year renewal point. Upon renewal for the final two years, he or she will continue in this manner completing the remaining six (6) hours in addition to passage of exam, etc.

Post expiration practice: No one is to provide services to the public without being actively and duly licensed which is not a new Law.

There is much still to do and many revisions to make as well as to bring live a new web site that will serve everyone better that will perhaps help lower the calls.

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

From: Judy Williams [mailto:bswe2@suddenlink.net]  
Sent: Tuesday, August 21, 2012 4:35 PM  
To: Judi Kay Office  
Subject: FW: Attn: Rule Comment

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

From: ehickman@stratuswave.net [mailto:ehickman@stratuswave.net]  
Sent: Tuesday, August 21, 2012 11:45 AM  
To: bswe2@suddenlink.net  
Subject: Attn: Rule Comment

Our Agency reviewed these Legislative Rule changes. Attached you will find a few comments we wanted to pass along.

Judy Williams

COMMENTS

**From:** James, Vickie L [Vickie.L.James@wv.gov]  
**Sent:** Monday, August 20, 2012 3:38 PM  
**To:** Judy Williams; Amy Polen  
**Subject:** WV Board of SW Proposed Rule written comments

Dear Judy and Amy and Members of the Board of Social Work:

Thank you for the opportunity to provide comment on the Rule changes for WV Code 30-30. My comments are as follows:

**1) WV Code 30-30-15(B) LSW**

I do not know how clearly the supervisor responsibilities are currently articulated, but I hope specific guidance is provided on how this supervision is to be carried out in the new rules. As I recall discussions in the dialogue group, the recommendation to lower the credentials to a LSW with BSW or MSW was to allow more agency based supervision (whereas some areas, such as Kanawha DHHR, they must currently rely on outside supervisors) so that the practice element of supervisory meetings could be more clearly addressed in supervision while at the same time addressing the core concepts of social work.

**License renewal continuing education criteria**

2) I agree with the changes in terms of reducing the total hours and believe most social workers will also appreciate additional access to continuing education with the 10 hours that may be used via "other technical means." However, I think the Board should develop clearer guidelines on what types of programs it envisions is addressed with this terminology.

3) Without benefit of further explanation or definition, I have to disagree with the sentence that *'No education that is work/job related can be used for continuing education approved or non approved.'* What exactly does the Board include under the term 'work/job related'-any training required for the position, or policy or procedure training? For example, the Schools of Social Work, which include two members of the Board, provide continuing education within the context the their Title IV-E training agreement and a couple of those classes are required for new worker's jobs-Advanced Legal and Ethical Issues in Social Work, Basic Substance Abuse Issues in Child Welfare. Based on that sentence, are we to assume the Board will no longer recognize that as continuing education? Both of these workshops are consistent with the definition of continuing social work education identified in WV 25-1-2.7.

I do understand the Board's need to make a distinction about policy related classes-those workshops designed to discuss an agency process or protocol. However, if an agency identifies a need or deficiency in its workforce, and develops a workshop or arranges for a workshop to address that deficiency which additionally enhances social work skills, values, knowledge and/or ethical considerations in practice, then that training should count as continuing educations. It appears very biased to not allow that to count as social work continuing education, when said workshop could be provided at NASW Spring or Fall conferences and be counted as continuing education. I believe the merit of the program should be based on content not on what is required or where it is provided

**4) On page 3, under Employers of Provisional Licensees** If an employer must 'submit written evidence to the Board describing in detail the search for licensed social workers prior to hiring an eligible provisional,' the Board of Social Work is potentially ensuring a bottleneck in the hiring process for both the private and public sector unless you can ensure a quick turnaround In the approval process. Many of these jobs are critical need positions and it is necessary that an additional barrier or delay not be placed on the employer to fill those positions. For example, the DHHR cannot hire outside of those folks on a civil service register, so outside of trying to recruit individuals to the Department, they are limited in what they can do to satisfy that burden. Agencies that have a salary differential for BSW/MSWs and aggressively recruit

8/27/2012



should not have to justify each hire with the same information. I would think a better solution would be to require potential employers to annually report on their efforts to professionalize their workforce with social work educated employees rather than for each hire.

Thank you in advance of your attention to my concerns and recommendations, and please do not hesitate to contact me if you have any questions. Sincerely,

Vickie James, ACSW, LCSW  
Title IV E Training Coordinator  
Concord University Research & Development Corporation  
Bureau for Children and Families  
Division of Training  
350 Capitol Street, B-18 LL  
Charleston, WV 25301  
E-mail: [Vickie.L.James@wv.gov](mailto:Vickie.L.James@wv.gov)  
304.356.4641  
FAX 304.558.2059

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**Judy Williams**

*RESPONSE*

**From:** Judy Williams [jwilliams@wvsocialworkboard.org]  
**Sent:** Thursday, August 30, 2012 1:54 PM  
**To:** 'James, Vickie L'  
**Subject:** RE: WV Board of SW Proposed Rule written comments

Vickie James  
 DHHR

Dear Vickie

I will respond as best I can.

1) LSW "licensing supervisors" addition: The main purpose of the licensing supervisor is reduce the load currently shared by a handful of graduate, certified and even a few clinical licensed social workers and to more closely mentor and evaluate the progress of each licensee towards satisfaction of the terms set forth in the original agreement. The licensing supervisor is not usually an employment supervisor and they do not have to work for the same employer. With the addition of the social work courses, closer observation and review will be necessary to those issued certificates after passage of the Rules. For years now the same people have been doing licensing supervision while many have dropped out of this due to an array of factors. We intend to plan classes strictly for licensing supervisors and their responsibilities especially to those who will be doing this for the first time.

There are not enough upper level licensed social workers in all areas to accommodate the need and this Rule/Law will help to eliminate these difficulties. Much revision on all provisional paperwork is required. We hope to have training for licensing supervisors prior to the effective date of new provisions.

2) This is nothing new since many certified providers already offer a portion or select CE approved items via technical means. A licensed social worker will still be required to earn no less than ten face to face clock hours out of the 20 Board Certified Provider approved category I hours. A licensed social worker may use as many of the twenty hours of category II using technical or other self directed study procedures (no change to that).

3) This is not a new rule, it was a reminder which exists in current rules. Section **§25-1-8**; "**§8.10**. Training related to the policies & procedures of an agency, organization or system for which the licensee is an employee shall not fulfill any continuing social work education requirement." I meant to specify this for use under IPA in particular because a good many people are reporting this as Self-Directed professional study which it is not. Secondly the section of the Rules regarding Certified and Individually Approved Providers must make all programs for social work credit available outside of the provider agency (the approved provider). I ruffled many feathers with that because it wasn't a place to remind people of what is. This has no affect on programs jointly presented relevant to a specific practice area. Again, this is not a new item.

4) In the existing Rules there is a brief statement about showing evidence of hiring persons with a formal social work education but this language is stronger. The Board will do what they can to make the process as smooth and quick as possible. I don't think they will instruct Amy and I to hold an eligibility application pending their approval of the agency to hire. There will be more time to discuss items such as this prior to "Final Filing" and what you speak of is procedural which staff and Board will determine what is best for all. Feel free to discuss this in depth with members of the Board that you have contact with.

Thank you for taking the time and I apologize for the delay.

Judy Williams  
 Staff

: James, Vickie L [mailto:Vickie.L.James@wv.gov]  
**Sent:** Monday, August 20, 2012 3:38 PM  
**To:** Judy Williams; Amy Polen  
**Subject:** WV Board of SW Proposed Rule written comments

Dear Judy and Amy and Members of the Board of Social Work:

Thank you for the opportunity to provide comment on the Rule changes for WV Code 30-30. My comments are as follows:

8/30/2012

RESPONSE

We urge you to consider the technical allowance of ten hours of the twenty Category I approved provider hours. Many WV Certified Providers provide some amount of technical, web based or other, continuing education. However under Category I twenty hours no more than ten clock hours can be used via technical means and ten must be face to face. As for the twenty hours of other professional activities (Category II 490000) there is a vast number of free internet options available including self directed research into social issues and areas of practice. There are many ways to use this category that won't cost anything and can be done from home base.

The reduction is out of concern for those who must struggle to seek out Board certified provider events in their areas. Traveling to and from a program is something almost everyone has to do unless they are locally based where the event is being held.

We are glad to receive your positive response.

Judith Williams

Director

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**From:** Link, Tammy [mailto:tammy.link@weirtonmedical.com]

**Sent:** Thursday, August 23, 2012 8:29 AM

**To:** jwilliams@wvsocialworkboard.org

**Subject:** rules

COMMENT

I am certainly in favor of changes education hours from 50 to 40. Time off work is difficult to obtain and weekends are consumed with life needs. It is rare to have a conference local to those of us in the northern panhandle and travel time plus conference time is very hard to arrange.

Thank you.

Tammy M. Link, LSW

N/A

## BOARD RESPONSE

This is nothing new, it has always been the rule on continuing education. The definition of direct job related is anything that is "required by your employer such as mandatory in-services, specific job orientation training that is a requirement for one to remain employed." All continuing social work education is related in some degree to various areas of practice which is to be expected. Any and all certified and individually approved providers are required by WV Legislative Rules since 1995 to open up any and all formal continuing education programs to others outside of agency staff.

25-1-8. 8.10

After explaining the true definition, I hope this makes more sense to you. In any event, it has been part of legislative rules for years and years.

Thank you for taking the time to review the Rule Summary-we are very interested in the opinion of the public.

Judith Williams  
Director and Custodian of Records

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**From:** Cochran, Teresa D [mailto:Teresa.D.Cochran@wv.gov]  
**Sent:** Monday, July 30, 2012 9:59 AM  
**To:** jwilliams@wvsocialworkboard.org; bswe2@suddenlink.net; amypolen@wvsocialworkboard.org  
**Cc:** Bennett, Edwin C; Tabor, Cristal L; Bragg, Lorie L  
**Subject:** RULE SUMMARY-PUBLIC-NOTICE OF PUBLIC COMMENT PERIOD

*License Renewal continuing education criteria for Licensed social workers (LSW, LGSW, LCSW, and LICSW): The Board proposes a reduction in total continuing education hours from fifty (50) to forty (40). Twenty (20) must be earned from WV Board Certified or Individually Approved providers where at least ten (10 of the 20) hours are earned in a face to face organized setting and ten (10) hours may be used via other technical means; the remaining twenty (20) hours can be used as in the past history for Individual Professional Activities (including internet education) related to social work practice. No education that is work/job related can be used for continuing education approved or non-approved. (already in past Rules).*

I would like to comment on the above paragraph.

I do not believe we are servicing our social workers and their clients by requiring the social workers to take continuing education hours that are not related to their specific job. It is my understanding that requiring the continuing education hours assists the professionals and the clients with staying up to date on new practices and ways to improve their jobs thereby improving the lives of their clients. If we are required to take courses not related to our job, how is that benefiting our clients? This requirement will also put an undo hardship on the organizations that employ social workers as well as the social workers themselves. This is a very unfair requirement to all parties involved. I ask that you please reconsider this statement and allow any approved continuing education credit to count for the hours required to renew licensure.

August 8, 2012

SUMMARY OF NASW WV RECOMMENDATIONS:

Page 1, 25.1.2.1:

"Clinical supervisor" means a licensed independent clinical social worker ~~providing~~ which has applied to and received approval by the Board to provide supervision...

X

Re above: This may require language elsewhere that specifies how the clinical supervisor makes application and receives approval.

Page 4, 3.3.4:



3.3.4. As defined in §W.Va. Code 30-30-16(b)(2) during the provisional license period a provisional licensee must complete a minimum of three credit hours per year and a total of twelve credit hours of core social work study from a program accredited by the council on social work education (CSWE) specifically post Bachelor classes in conjunction with the school, within the four year provisional license period. A passing grade shall be earned in order for provisional licensee to remain in compliance with this criteria.

(a). Within six months of issuance of a provisional license certificate the provisional license certificate holder must enroll in for credit core social work course at a Board approved CSWE social work program. The obligation of enrollment is solely the responsibility of the provisional licensee.

Re above: Should the above not be within six months of employment rather than certificate issuance?

Page 5; 3.3.4.

(c). Enrollment and active participation in a CSWE accredited Bachelor or Master of Social Work Program shall be recognized as meeting the requirement to enroll in core social work courses.

(d). If a provisional licensee fails to enroll in a CSWE approved social work course or a CSWE accredited Bachelor or Master Social Work Program, the provisional licensee will be deemed as out of compliance for maintenance of their provisional license and will no longer be an eligible, active provisional licensee. ~~The licensee must resign their full time social work position immediately and send their certificate back to the Board.~~ In this instance the provisional licensee shall immediately relinquish their license and cease and desist from the practice of social work in West Virginia. If this should occur, then under §W.Va. Code 30-30-16 (c) the provisional licensee is no longer eligible for a provisional license without first having earned a CSWE accredited Bachelor or Master of Social Work degree or having obtaining authorization from the board to receive a provisional license.

Grammar - Language

Re above: Tried to reflect discussion at recent WVBSW meeting

3.3.5. In addition to the twelve required hours of approved core social work courses, the provisional licensee is responsible for earning an additional twenty (20) hours of Board approved professional

continuing social work education during each two year provisional licensing period. A provisional licensee may earn up to ten (10) of the twenty (20) hours through Board approved online education hours.

Page 5, 3.3.7

(c). Attended and successfully completed, as documented by a college transcript, ~~that the provisional licensee has met the requirements of attendance and passage successful completion of~~ twelve (12) hours of core social work classes through a CSWE approved social work program;

(d). ~~Provide documentation that the provisional licensee has e~~ Earned continuing social work education contact hours totaling at least twenty (20) hours every two years.

Re above: Technical clean up *N/A*

Page 6; 3.3.

3.3.10. An employer is responsible for reporting the resignation or termination of any provisional license employee within ~~no more than~~ thirty (30) days of the action. A pattern of failure to report shall constitute grounds for not issuing a provisional license for a position with the employer until the Board has been satisfied that the employer has the ability to comply.

Re above: Allow WVBSW to act if there is a pattern of failure to report on the part of an employer.

3.3.11. A provisional licensing supervisor may be a licensed social worker, licensed graduate social worker, licensed certified social worker or licensed independent clinical social worker licensed in good standing in the State of West Virginia, provided that the licensed social worker:

Re above: Technical clean up. *N/A*

(e). The Provisional Supervisor Shall not have been a subject of disciplinary action from the WV Board of Social Work or any other licensing jurisdiction in any state;

Re above: This language should also appear in the clinical supervisor section.

Page 7; 3.3.11

*★* (f). Shall complete a course of provisional licensee supervisor training approved by the Board;

Re above: Reflects discussion at recent WVBSW meeting to require provisional and clinical supervisors to complete a course of training on effective supervision and WVBSW requirements.

Page 7; 3.3.12

3.3.6. A ~~seasoned~~ provisional license supervisor who is a licensed graduate, certified or independent clinical social worker and who has two or more years of documented supervision experience may supervise no more than fifteen (15) ~~temporary~~ provisional licensees ~~unless a~~ without

written ~~permission waiver has been granted~~ by the Board allowing the supervisor to exceed this number. A licensed social worker licensing supervisor, ~~that is~~ and a licensed graduate, certified or independent clinical social worker supervisor new to ~~this privilege~~ supervision shall be limited ~~the number of persons~~ to five (5) provisional license supervisees until ~~determined otherwise~~ approved by the Board to exceed this number.

Re above: Technical clean up language. Hopefully reflects what you had in mind.

Page 8; 3.9.

3.9.1 Clinical Supervisor is supervision shall be performed by a Board approved WV licensed independent clinical social worker or a licensed clinical social worker from another jurisdiction who has completed a clinical supervision education course approved by the Board and has also completed ~~no less than~~ at least two additional years of clinical practice ~~since the initial issue of the following the initial issuance of the clinical license;~~

\* Re above: Would require clinical supervisors to complete a course of training approved by the WVBSW. Reflects discussion at recent WVBSW meeting.

3.9.2. The clinical supervisor and licensed independent clinical social worker candidate shall submit a clinical supervision contract provided by the Board which identifies both parties including employment and duties of the supervisor and supervisee. The contract must include evidence of current licensure in good standing ~~specifically for out of state supervisors.~~

3.9.3. Records of supervision ~~will~~ shall be maintained and initialed by both the supervisor and supervisee during each session ~~for~~ Successful completion of clinical supervision shall document ~~up to~~ a minimum of one-hundred (100) total supervision hours ~~for the duration of practice period of~~ earned over two full years or three-thousand hours part time. ~~A reasonable portion~~ Up to 30 of the one-hundred hours may be conducted by other ~~technical~~ technological means where confidentiality is guaranteed and the communication is not open for view or comment by other parties. ~~No more than~~

3.9.4. The clinical supervisor shall not have been a subject of disciplinary action from the WV Board of Social Work or any other licensing jurisdiction in any state;

Re above: Technical clean up. N/A

Page 9; 25.1.8

\* 8.1.1. Of ~~these fifty (50)~~ the forty (40) contact hours, at least thirty (30) ~~twenty (20)~~ fifteen (15) contact hours shall be earned by attending formally organized learning events or professional meetings; programs, conferences, workshops or professional meetings that are pre-approved by a WV authorized approved or certified provider; ~~of these the Twenty (20) approved provider hours, n~~ No more than ten (10) contact hours may be ~~used~~ earned by ~~technical~~ technological means for completing programs approved by the Board; Up to fifteen (15) contact hours may be earned through individual professional

NOT AGREED *[Signature]*

activities.

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

Re above: Makes slight adjustments to the required number of hours that must be earned through live, face-to-face continuing education, and with may be earned through online courses and/or individual professional activities.

Otherwise this is technical clean up that places all language about regular licensee CE hours in one paragraph.

Page 11; 8.6.1

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

8.6.2. 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.~~ on a regular basis during the two-year process in order for Board staff to keep an on-going tally to compare with that of the license, and to cause submission of a renewal application thirty to forty-five days prior to the date of expiration.

Re above: Technical clean up.

Page 14; 9.4.2

9.4.2. A certified provider shall offer at least fifteen (15) hours of formally organized learning events per year to maintain certified provider status. Any education conducted via technical technological means that allows true interaction between presenter and audience shall be documented on the activity report to the Board. and Technological education events shall be limited to no more than half fifty (50) percent of the total hours required provided by the certified provider over a in any two year re-certification period. Each certified provider shall provide at least eight (8) hours of formally organized continuing education through live, face-to-face instruction.

Re above: Technical clean up reflecting discussion at the recent WVBSW meeting. Note that the longer strikethrough section was previously adjusted then scrapped.



Response to Sam Hickman WV NASW

Sam;

Thank you for your work and comments regarding the proposed Rule revision. The Board would like to take the time to further discuss your suggestions prior to considering the next step. We all certainly appreciate your point of view but filing is the most urgent task at this point. As for your opening remark: "How does the clinical supervisor make application and receive approval and that this may require additional language," the board began this a number of years ago on a simple form to verify both the clinical supervisor and potential candidate's license history. This form was distributed by mail to all clinically licensed persons with a memo explaining the policy of the Board. To avoid the need to return notice of approval, we included a closing statement that stated "unless otherwise notified by the Board, the supervisor is approved to enter into a supervision agreement with the named individual." This form was a quick product to begin with late 2009, or early 2010. Since that time we have made slight revisions to the questions and we need to sophisticate the document and distribute it again as well as make it available on our web site after the Legislative process is concluded.

As for the face-to-face number of hours, the board wants a report of comments from the public which shows full support thus far especially from those without the ability to travel distances or have time off from their job; or those that live in rural areas.

We don't disagree that grammatically speaking, there is room for improvement but this is not an issue when filing with LRMRC. Thank you.

Judy Williams