

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

Form #3

Do Not Mark In This Box

FILED

2012 AUG 31 AM 11:26

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**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: 25CSR3

CITE AUTHORITY: 30-30-5(b); 30-30-19(b); and 30-30-20(b)

AMENDMENT TO AN EXISTING RULE: YES  NO

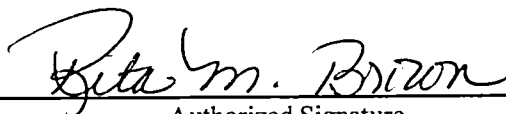
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: FEE SCHEDULE

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 30, 2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:(Agency Name, Address & Phone No.) WV Board of Social Work 304-558-2988

State Capitol Complex-Main Building Room WB9 Charleston WV 25305

LEGISLATIVE RULE TITLE: FEE SCHEDULE

1. Authorizing statute(s) citation 30-30-5 (b); 30-30-19(b); and 30-30-20(b)

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

b. What other notice, including advertising, did you give of the hearing?  
Board Website Posted-Emails to agencies and staff  
Included in renewal notices since filing-faxed to small agencies  
posted by social work association and schools of social work

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

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

Attached \_\_\_\_\_ No comments received X

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

Did not hold public physical hearing

- 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 Executive Director

WV Board of Social Work-Interdepartmental Mail Room WB9-Main Bldg

Fax: 304-558-4189

jwilliams@wvsocialworkboard.org

- 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.

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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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# WEST VIRGINIA BOARD OF SOCIAL WORK

P.O. Box 5459 Charleston, WV 25361 Phone: (304) 558-8816 Fax: (304) 558-4189  
amypolen@wvsocialworkboard.org & bswe2@suddenlink.net



August 30, 2012

Filing with Legislative Rule Making Review Committee

## Board Members

**Rita M. Brown, LSW**  
Chair  
Kanawha

**Patricia O'Reilly, Ph.D.**  
Vice Chair  
Public Member– Kanawha

**Lucy C. Eates, LSW**  
Secretary  
Marion

**JoDee Gottlieb, LCSW**  
Cabell

**Barbara K. Heasley, LICSW**  
Randolph

**Christine Maniskas, LCSW**  
Cabell

## Office Staff

**Judith K. Williams**  
Executive Director

**Amy S. Polen**  
Administrative Assistant

**Linda C. Dempsey**  
Clerk/Receptionist

**FEE SCHEDULE**  
**TITLE 25 SERIES 3**

## **END OF COMMENT PERIOD INFORMATION**

The Comment Period ran from July 23, 2012 through August 23, 2012.

No comments were received regarding the additional late fee for renewal licenses. The public had been alerted to this future addition since spring 2011 and has been included with every renewed license since May 2011.

**Judith Williams**  
Agency Director

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

**Brief Summary of Revision**

Rule Title: **FEE SCHEDULE**

**Title 25 Series 3**

*To amend pursuant to Board authority granted under the WV Code §§30-30 effective March 18, 2011.*

WV Code §30-30-5-(b)(16) sets the Board’s authority to establish fees; and §30-30-19 (b) which grants the authority to establish a monthly late fee should the licensed social worker take more than one additional month to complete and submit evidence of renewal.

This provision applies only to full licensed social workers.

Other than inclusion of an additional late fee that would accrue monthly; titles and terms were revised to coincide with the WV Code changes.

**End of Summary-Fee Schedule**

**WV BOARD OF SOCIAL WORK: Filing of revised Fee Schedule Rule**

Contact: Judy Williams Phone: 304-558-2988 [jwilliams@wvsocialworkboard.org](mailto:jwilliams@wvsocialworkboard.org)

**Statement of Circumstances: Fee Schedule Title 25 Series 3**

To carry out the provisions set forth in the 2011 edition WV Code §30-30 in regard to **additional late fees** applied to late renewal for licensed social workers. The goal is to reduce or eliminate late renewals and better protect the public and profession. Many employers, especially in health care and within the WV Dept. of Health & Human Resources prohibit anyone with an expired license from providing services to the public or inpatient residents of a facility. The employer carries a certain responsibility but the primary responsible party is the Licensed Social Worker. The Board believes that these additional late fees may speak loudly to those who are chronically late.

Professional monitoring entities such as the WV Office of Health Facility Licensure and Certification conduct regular surveys in healthcare settings (shelters, hospitals, clinics, nursing facilities, assisted living quarters, etc) to verify professionals hold an active license within the facility staff including physicians, nurses, social workers, psychologists, technicians in diagnostic areas, etc. The Board attempts to take whatever steps necessary to insure timely renewal.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: FEE SCHEDULE

Type of Rule:  Legislative  Interpretive  Procedural

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

Address: PO BOX 5459  
CHARLESTON WV 25361  
PHYSICAL: 1900 KANAWHA BLVD EAST BLDG 1 ROOM WB93

Phone Number: 304-558-8816 Email: 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.

This measure should have little impact on costs/revenues of state government. The purpose is to avoid violations of unlicensed practice and practice timely submission of renewal materials. All late fees are easily avoided if the material is submitted in a timely manner. The public is entitled to services by only actively licensed professionals.

Renewal applications are due in the Board office BEFORE date of expiration. Time should be considered for processing as well. Based on historical data, the vast majority of licensees will and do submit early and therefore we expect no specific increase in revenues.

**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	1,500.00	3,000.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	1,500.00	3,000.00

FEE SCHEDULE

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



Rule Title:

FEE SCHEDULE

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

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

No decrease is expected except for normal drops in over-all professionals who leave the state, profession, or cease practice for personal reasons.

Increases if at all are expected to be very moderate if at all. Only late fees for renewals are being addressed in this rule to attempt to stamp out lateness and unlicensed practice for the overall protection of the public served (general population receiving social services).

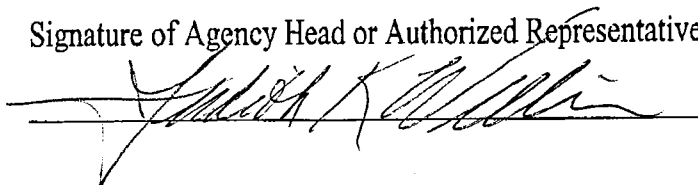
**MEMORANDUM**

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.

Minor increases are anticipated but this revision is not for the purpose of increasing revenue but more to the point is to prevent social workers from performing unlicensed practice. Less than ten percent of all social workers have a tendency to submit late material and this rate is expected to lessen upon passage. WV Code 30-30-20-(b) grants authority to the Board to fix a monthly late fee rate. Currently the first month is \$50 which is not expected to change. The Board felt that half as much each month thereafter (if failure to renew continues) is a fair amount.

Date: July 18, 2012

Signature of Agency Head or Authorized Representative



FILED

TITLE 25  
LEGISLATIVE RULE  
BOARD OF SOCIAL WORK EXAMINERS

2012 AUG 31 AM 11:26

SERIES 3  
FEE SCHEDULE

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

§25-3-1. General.

1.1. Scope. -- This rule specifies the fees required for licensing as a social worker, certification as a continuing education, and fees for other services provided by the Board.

1.2. Authority. -- W. Va. Code §§30-30-5(b)(16) ~~1-6.(e), 30-30-3.(e)(1)(4), 30-30-11~~ §§30-30-19(b); and §30-30-20(b).

1.3. Filing Date. -- ~~May 6, 2009.~~

1.4. Effective Date. ~~May 6, 2009.~~

§25-3-2. Fee Schedule.

2.1. Fees paid to the Board are not refundable.

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

2.1.2. The fee for the initial late payment of any required fee is fifty dollars (\$50) in addition to the amount of the required fee. The Board applies a the initial late payment fee when a if renewal payment is not received more than (30) days before or by the due date based upon the date of receipt of an application. ~~expiration date of a license or other recognizable date of transaction.~~ The "due" date is the day the certificate expires and becomes delinquent.

2.1.3 The additional amount of twenty-five (\$25) dollars per month or fraction thereof, based upon date of receipt, will accumulate for up to a maximum of thirty-five additional months thereafter. The accumulated total due is payable upon receipt of the required application.

2.2. License fees.

2.2.1. The fee for issuance of a regular LSW, LGSW, LCSW, and LICSW biennial license certificate is one-hundred dollars (\$100).

2.2.2. The fee for a regular biennial license renewal is eighty-five dollars (\$85). The fee for the biennial temporary license renewal is ninety dollars (\$90).

2.2.3. The fee for a ~~provisional~~ temporary permit ~~social work permit~~ is fifty dollars (\$50).

2.2.4. The fee for a ~~temporary~~ provisional license is one hundred fifteen dollars (\$115).

2.2.5. The fee for a replacement license due to loss or name change ~~request~~ is twenty-five dollars (\$25).

2.2.6. The fee for biennial renewal of an emeritus status license is fifty dollars (\$50).

2.2.7 The application fee for inactive status that is made while the license is still active and in good standing is thirty dollars (\$30) and shall include evidence of continuing education earned after the issue date of the existing license as determined by the Board. Persons suffering critical health problems and military personnel called to active duty are exempt from this fee.

~~2.2.7~~ 2.2.8. The fee for activation of a biennial inactive regular status license is one-hundred dollars (\$100) Special accommodations may be made to military personnel families to waive the fee when called to active duty that caused an interruption in social work employment as determined by the Board.

~~2.2.8.~~ 2.2.9 The fee for upgrade to a higher level of license is fifty-five dollars (\$55).

### 2.3. Examination fees.

2.3.1. The fee for the examination ~~required by the Board~~ is established by and payable to the Association of Social Work Boards (ASWB) or its designee.

### 2.4. Application fees.

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

2.4.2. The application fee to become an individually approved provider of for a specifically dated and titled program of continuing social work education is sixty dollars (\$60) for each separate program application.

### 2.5. Fees for certified providers of continuing education.

2.5.1. The fee to re-certify biennially as a certified provider of continuing social work education is one hundred dollars (\$100)

2.5.1.a. A certified provider who does not pay the fee to re-certify within ~~sixty~~ ninety-five (~~65~~90) days of notice from the Board shall forfeit all rights and privileges as a certified provider of continuing education as defined by the Board.

2.5.1.b. A certified provider who does not complete a recording form provided by the board for the purpose of determining eligibility for re-certification as a certified provider of continuing education shall not be re-certified, regardless of fee payment status, until a satisfactory determination of eligibility to re-certify has been made by the Board or its designee.

### 2.6. Miscellaneous fees.

2.6.1. The fee for complying with a request for providing records as requested by the public information, such as for print, electronic information or data relating to the Board, its members, services, or licensed social workers is calculated based upon the actual cost of materials, employee time, and procedures required to comply with the request. Other fees for services and special status protection are based upon actual cost of material, staff time, postage, or other expenses incurred as a result of the request.

**25CSR3**

2.6.1.a. No fees shall be applied for compliance with initial requests for routine information regarding license application, continuation or renewal processes, or for the Board's annual report.

2.6.1.b. Requests for additional or bulk quantities may require payment of a fee.