

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

Form #7

Do Not Mark In This Box
Filing Date

FILED

2015 MAY 26 P 3:20

OFFICE WEST VIRGINIA
SECRETARY OF STATE Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: WV Board of Social Work TITLE NUMBER: 25-Series 1

CITE AUTHORITY: WV Code 30-30-6

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Qualifications for the Profession of Social Work

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

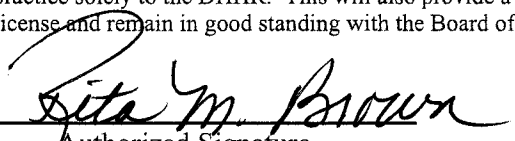
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Senate Bill 559 gave the Department of Health and Human Resources the ability to hire individuals with a Bachelor's degree outside the scope of related degrees specified in Legislative Rule. The Board was authorized to file an emergency rule to implement the provisions of this section (WV Code 30-30-16.b). This same legislation has also given the Department authority to satisfy social work education requirements with the Social Work training program with the West Virginia Department of Health and Human Resources. Following legislation passage, the Department notified existing Provisional Licensees that they were no longer requiring them to take the required social work education coursework. The Board has set up a category of Restricted Provisional License to accommodate the Department's ability to utilize a broader range of educational backgrounds and restricting that practice solely to the DHHR. This will also provide a process for existing Provisional Licensees to apply for a Restricted Provisional License and remain in good standing with the Board of Social Work.

Use additional sheets if necessary


Authorized Signature



EMERGENCY RULE QUESTIONNAIRE

DATE: May 26, 2015

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Vickie James, Executive Director
WV Board of Social Work, PO Box 5459, 900 Pennsylvania Ave, Suite 5B, Charleston,
WV 25361 Phone: (304) 400-4982

EMERGENCY RULE TITLE: Title 25-Ser.1:Qualifications for the Profession of Social Work

1. Date of filing May 26, 2015

2. Statutory authority for promulgating emergency rule:
The WV Board of Social Work's authority to promulgate legislative rule is in
accordance with WV Code 30-30-6. WV Code 30-30-16.b authorizes the WV Board of
Social Work to file an emergency rule relative to SB 559.

3. Date of filing of proposed legislative rule: May 26, 2015

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? _____
Adds new language and amends current rule by adding a category of
Provisional licensure for WVDHHR

5. Has the same or similar emergency rule previously been filed and expired?
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
During the most recent legislative session, the WV Department of Health and Human
Resources requested expanded eligibility to hire individuals with a Bachelor's degree
outside of those defined in Rule 3.3, noting that their inability to hire posed a risk to the
individuals served by the Dept. This legislation goes into effect June 9, 2015 and the
Board of Social Work needs a mechanism to provide a license to those individuals hired
by the DHHR outside of that previously defined framework.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

WV Code 30-30-16.b authorized the Board to file an emergency rule in accordance with

Senate Bill 559; the legislation becomes effective June 9, 2015

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

The Board has set up a category of Restricted Provisional License to accommodate the Department's ability to utilize a broader range of educational backgrounds outside those specified in Legislative Rule and waive the social work education requirement. The Board plans to restrict that practice solely to the DHHR. This will also provide a process for existing Provisional Licensees to apply for a Restricted Provisional License and remain in good standing with the Board of Social Work.

Summary of Proposed Emergency Rule

Title 25-Series 1

Qualifications for the Profession of Social Work

Date: May 26, 2015

During the 2015 Regular Legislative Session, the WV Department of Health and Human Resources presented legislation to exempt their employees from social work licensure on the argument that social work licensure was a barrier to the hiring process, as the pool of applicants in related degrees was insufficient to meet hiring needs for critical positions in the Department. Senate Bill 559 was a compromise in that the legislation permitted the Department to hire individuals with only a Bachelor's degree and still be eligible for a Provisional License. The Department was also given permission to waive the twelve hour course requirement in social work education by substituting its social work training afforded workers; the Secretary of the WV Department of Health and Human Resources is to file a legislative rule, with the advice of Higher Education, regarding training. The Board was authorized to file an emergency rule to enable it to grant a Provisional License to individuals outside the scope of article 3.3 in Series 1. Lastly, the legislation removed 30-30-16.c which prohibited individuals from reapplying for a Provisional License if they chose not to complete the four years supervised employment. This legislation becomes effective June 9, 2015.

This emergency rule creates another category of Provisional Licensure to accommodate the Department's broader range of eligible degrees and the waiver of the social work education component. It does not negate the Department's obligation to attempt to fill their workforce with degreed social workers when possible. This rule enables the Department to notify the Board of their intent to hire an individual for a position requiring a social work license and the Board in turn will issue an application to the applicant. This category of *Restricted Provisional License* restricts the individual's practice to the Department of Health and Human Resources only. Additionally it enables individuals who wish to practice for the duration of their career within the Departments the option of renewing the Restricted Provisional License in two year cycles without making application to convert to a regular license. It requires the Department to annually certify that individuals with a Restricted Provisional Licenses have fulfilled the Department's training expectations.

This emergency rule fulfills the Board's mission to protect the public while also providing the Department flexibility in hiring individuals to fill positions requiring a social work license.



Vickie James
Executive Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 25-Series 1-Qualifications for the Profession of Social Work

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Social Work

Address: PO Box 5459, 900 Pennsylvania Ave., Suite 5B
Charleston, WV 35361

Phone Number: (304) 400-4982 Email: Admin@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 will have no impact on general revenue as the Board is financed only by the collection of social work license fees and not state funding.

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			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Title 25-Series 1-Qualifications for the Profession of Social Work

Rule Title:

Title 25-Series 1-Qualifications for the Profession of Social Work

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

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

Not applicable as the cost of a Restricted Provisional License would remain the same as that of a Provisional License specified in Legislative Rule 3.3, and in the Fee Schedule specified in Title 25-Series 3-2.2.4

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 not alter the fee schedule for a Provisional License; it adds a category unique to the Department's broadly expanded capability to hire individuals with only a Bachelor's degree and waiver of the social work education component required of all other Provisional Licensees.

Date: May 26, 2015

Signature of Agency Head or Authorized Representative

Leta M. Brown

TITLE 25
LEGISLATIVE RULE
BOARD OF SOCIAL WORK

FILED

SERIES 1
QUALIFICATIONS FOR THE PROFESSION OF SOCIAL WORK

2015 MAY 26 P 3:20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§25-1-1. General.

1.1. Scope. -- This rule specifies the qualifications, and responsibilities for licensing as a social worker, alternative license candidates.

1.2. Authority. -- W. Va. Code §30-30-6.

1.3. Filing Date. -- ~~June 4, 2013.~~

1.4. Effective Date. -- ~~July 1, 2013.~~

§25-1-2. Definitions.

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

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.

2.3. "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.

2.4. "Examination" means an examination approved by the Board for certification purposes, developed and administrated by the Association of Social Work Boards.

2.5. "Inactive status" means a social work license that is formally recognized after the receipt and approval of an application to be inactive. During this time the licensee is barred from the practice of social work during which he or she is exempt from continuing education provisions.

2.6. "Temporary social work permit" means a six-month 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 who has not yet demonstrated passage of an examination required by the Board.

2.7. "Provisional license" means a restricted license certificate granted to an applicant qualified through alternative education provisions of W.Va. Code §30-30-16 and specified within this Rule. A Restricted Provisional Licensee is a category of provisional licensure for an individual employed by the Department of Health and Human Resources whose practice is restricted to the Department and whose social work training requirements shall be satisfied with training outside the twelve hours of core social work study from a program accredited by the council on social work education. 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.

2.8. Provisional licensing "Supervisor" means a qualified licensed social worker, certified social worker, or independent clinical social worker who has agreed to provide supervision to a provisional or restricted 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 §30-30-1 et. seq. may receive a social work license from the Board 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 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 their license on inactive status by making a formal application to the Board. Upon receiving the approval of the Board 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 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. 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 and receiving the approval of the Board. An eligible applicant for a temporary permit may include:

3.2.1. 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;

3.2.2. 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.a. 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.

3.2.2.b. The degree candidate may 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 provisional license by completing an application provided by the Board. To meet the educational requirement for a provisional license, an applicant shall have earned a four-year academic degree from a recognized, academically accredited college in a field related to social work. Related fields include sociology, psychology, counseling, criminal justice or other related fields as determined by the Board. The Board shall 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 critical social work workforce shortage position, area or setting requiring a social work license.

3.3a An individual seeking employment with the Department of Health and Human Resources may be eligible for a restricted provisional license with a Bachelors degree in other fields as determined by the Department of Health and Human Resources. Those individuals granted a Provisional License outside the scope of 3.3 shall be restricted to practice solely within the West Virginia Department of Health and Human Resources.

Application for those individuals employed by the West Virginia Department of Health and Human Resources shall occur after the Department notifies the Board of Social Work of their intent to hire an individual for a social work position with a Restricted Provisional License. The individual must submit an application for a Restricted Provisional License upon forms prescribed by the Board of Social Work.

This does not negate the provisions of article 3.3.8.a and the Department's obligation to make reasonable effort to fill vacant positions with degreed social workers.

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

3.3.1.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 or if employed by the West Virginia Department of Health and Human Resources in accordance with the personnel classifications for those positions requiring a social work license;

3.3.1.b. Documentation showing the applicant has met the requirements set forth in W.Va. Code §30-30-16.

3.3.2. Prior to the issuance of a provisional license or restricted provisional license to perform social work within the legal scope of practice the applicant must submit a provisional license agreement contract on a form provided by the board. Along with the contract, the applicant must submit evidence of full time social work employment under a provisional license supervisor.

3.3.3. Upon approval of the provisional license or restricted provisional license agreement contract and when other provisions have been met, the Board will issue a provisional or restricted license certificate for a two year period. The provisional or restricted provisional licensee must meet all provisions and requirements as set forth in WV Code 30-30-16 and within this article 3.3. and 3.3a 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.~~

3.3.3.a Restricted provisional licensees may renew their license certificate without making application to convert their license and must continue to maintain all requirements for restricted licensure including quarterly supervision with a qualified supervisor. Renewal periods are for a two year period.

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. Successful completion means receiving a passing grade.

3.3.4.a. 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.

3.3.4.b. Restricted provisional licensees must meet the training requirements as specified in the educational requirements of §30-30-16 c(2). The Department of Health and Human Resources will annually certify to the WV Board of Social Work that the individual has complied fully with the training requirements as set forth in legislative rule.

~~3.3.5. In addition to the twelve required hours of approved core social work courses, The provisional licensee or restricted 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 may be earned through Board approved online education hours.

3.3.6. A provisional licensee or restricted 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.

3.3.7 Prior to conversion of a provisional license to a formal license as a social worker, 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:

3.3.7.a. Pass an examination approved by the Board;

3.3.7.b. 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;

3.3.7.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;

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

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

3.3.8.a. Written documentation that 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 submitting an application to employ a provisional licensee and;

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

3.3.9. A provisional licensing supervisor of a provisional licensee shall annually provide the Board a statement of whether the provisional licensee or restricted provisional licensee has satisfactorily performed the duties of a social worker while under the supervision of the supervisor.

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

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:

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

3.3.11.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;

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

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

3.3.11.e. Has not been a subject of disciplinary action from the WV Board of Social Work or any other licensing jurisdiction in any state and;

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

3.3.12. The supervisor of a provisional or restricted licensee shall provide annually a sworn statement to the Board indicating:

3.3.12.a. The supervisor has engaged in face-to-face supervision with a provisional one time every three months following license issue and whenever make-up sessions are held; and

3.3.12.b. The provisional licensee has satisfactorily performed the duties of a social worker while under his or her supervision.

3.3.13. A seasoned supervisor may supervise no more than fifteen (15) 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.

3.4. 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 thereafter. The Board may approve, approve with conditions, or deny a petition.

3.5. 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.

3.6. As sent forth in W.Va. 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, disability or impairment, including emotional and mental disorders and developmental disabilities.

3.6.1. To be approved by the board to serve as a clinical supervisor, a West Virginia licensed independent clinical social worker, or a licensed clinical social worker from another jurisdiction, shall:

3.6.1.a. Have completed no less than two years of clinical practice since the initial issuance of the clinical license;

3.6.1.b. Submit a clinical supervision contract which identifies the clinical supervisor and the person being supervised, and sets forth the respective duties of employment. A clinical supervisor from

another jurisdiction shall provide evidence of having a current, valid clinical social work license in good standing; and

3.6.1.c. Maintain records of supervision, initialed by both parties, of each face-to-face session, for 100 hours, over the course of two years of full time employment or 3,000 hours of part time employment: *Provided*, That up to 30 of the 100 hours may be conducted by electronic means, so long as confidentiality is guaranteed and the communication is not open for view or comment by other parties.

§25-1-4. Responsibilities of Licensees

4.1. A licensee, provisional licensee, restricted 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.

4.2. A licensee, provisional licensee, restricted 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.

4.3. A licensee, provisional licensee, restricted 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.

4.4. 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.

4.5. A licensee, ~~or~~ provisional licensee or restricted provisional licensee shall make application for a license, renewal of a license, or similar service on forms provided by the Board.

4.6. A licensee, provisional licensee, ~~or~~ restricted provisional licensee, 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.

4.7. At the time of renewal of license, ~~or~~ provisional license or restricted provisional license , a licensee shall provide to the Board:

4.7.1. Written evidence of completion of mandatory continuing social work education or training during the tenure of the license as specified in this rule; and

4.7.2. A sworn statement, on a license renewal application provided by the Board, that the license has not been revoked or suspended 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.

4.8. No license, provisional license, restricted provisional license, permit or certificate of license 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.