

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

Form #2

Do Not Mark In This Box

FILED

2015 JUN 25 P 4:19

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

*Human Services*

AGENCY: WV Department of Health and Human Resources TITLE NUMBER: 78

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code §30-30-16(c)(2)

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 24

TITLE OF RULE BEING PROPOSED: Qualifications for a Restricted Provisional License to Practice as a Social Worker within the Department of Health & Human Resources

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 25, 2015 AT 5PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Dept Health & Human Resources  
~~Bureau for Children & Families~~  
Division of Training  
Elva Strickland, Program Manager  
350 Capitol Street Room B18  
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## **PROVISIONAL LICENSE TO PRACTICE AS A SOCIAL WORKER**

### **Proposed Rules**

#### **Statement of Circumstances Which Require Proposed Rule**

This rule has been legislatively mandated by Senate Bill 559 that was passed on March 9, 2015. An individual seeking employment with the Department of Health and Human Resources may be eligible for a restricted provisional license with a bachelor's degree in other fields as determined by the Department of Health and Human Resources. Those individuals granted a restricted provisional license shall be restricted to practice solely within the West Virginia Department of Health and Human Resources.

## **PROVISIONAL LICENSE TO PRACTICE AS A SOCIAL WORKER**

### **BRIEF SUMMARY OF THE RULE**

This rule establishes and sets forth the requirements for hiring individuals who do not have a degree in social work or a related field to receive and maintain a restricted provisional social work license in positions within the Department of Health & Human Resources that require a social work license; establishes requirements for completing and documenting the Comprehensive Training Program for individuals with a restricted provisional license; and provides requirements for maintaining a restricted provisional license while working at the Department.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Qualification for a Provisional License to Practice as a Social Worker within the Department of Health and Human Resources.

Type of Rule:  Legislative  Interpretive  Procedural

Agency: West Virginia Department of Health and Human Resources

Address: Bureau for Children and Families  
Attn. Jim Weekley, CFO  
350 Capitol Street, Rm. 730  
Charleston, W. Va. 25301

Phone Number: (304) 356-4544 Email: Jim.K.Weekley@wv.gov

**Fiscal Note Summary**

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

No impact on costs or 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.

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

Rule Title: Qualifications for a Provisional License to Practice as a Social Worker within the Department of Health and Human Resources

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

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

**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.

Although there maybe some additional training costs associated with this rule, costs savings have been identified by reducing current training program expenditures that will no longer needed under the rule. Therefore, it is not anticipated that there will be a fiscal impact.

Date: June 25, 2015

Signature of Agency Head or Authorized Representative

Karen Howell

**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: \_\_\_\_\_

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Department of Health and Human Resources  
Division of Family Assistance  
Attn. Betty Jo Scarberry, Director  
\_\_\_\_\_  
350 Capitol Street, Rm. B-18  
Charleston, W. Va. 250301  
\_\_\_\_\_  
(304) 356-4633

LEGISLATIVE RULE TITLE: \_\_\_\_\_  
W. Va. Works Program Sanctions

1. Authorizing statute(s) citation W Va Code 9-11(d)

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

b. What other notice, including advertising, did you give of the hearing?

N/A

c. Date of Public Hearing(s) *or* Public Comment Period ended:

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

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

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

---

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

Betty Jo Scarberry, Director  
350 Capitol Street, Rm. B-18  
Charleston, W. Va. 2502

(304) 356-4633  
(304) 558-2059 (fax)  
Betty.Jo.Scarberry@wv.gov

---

- 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)

---

---

---

---

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.

---

---

---

---

b. Date of hearing or comment period:

---

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

---

d. Attach findings and determinations and reasons:

Attached 

---

FILED

2015 JUN 25 P 4:19

78 CSR 24

TITLE 78  
LEGISLATIVE RULE  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 24

Qualifications for a Provisional License to Practice as a Social  
Worker within the Department of Health & Human Resources

**Section 1. General.**

1.1. Scope. -- This rule establishes and sets forth the requirements for individuals hired by the Department of Health and Human Resources who do not have a degree in social work or a related field for provisional licensure as a social worker, so long as they work in a position that requires social work licensure for the Department of Health & Human Resources, pursuant to provisions of W. Va. Code § 30-30-16 as amended.

1.2. Authority. - W. Va. Code § 30-30-16.

1.3 Filing date. - June 25, 2015

1.4 Effective date. - \_\_\_\_\_

1.5 Purpose -- This rule establishes and sets forth the requirements for hiring individuals who do not have a degree in social work or a related field to receive and maintain a restricted provisional social work license in positions within the Department of Health & Human Resources that require a social work license; establishes requirements for completing and documenting the training program for individuals with a restricted provisional license; and provides requirements for maintaining a restricted provisional license while working at the Department. In developing this rule, the Department has considered training requirements for social work-related positions in other states and the educational requirements for obtaining and practicing with a regular social work license in the state of West Virginia.

**Section 2. Definitions.**

2.1 Department -- The West Virginia Department of Health and Human Resources.

2.2 Comprehensive Training Program - a multi-year training program for employees hired in positions within the Department that require a social work license who do not have degrees in social work or a related field and obtain a Restricted Provisional License, or who have degrees in a social work-related field but choose to obtain a Restricted Professional License instead of a Regular Provisional License, that includes the Initial Training Plan in the first year and the Ongoing Training Plan in subsequent years.

2.3 Initial Training Plan - a pre-service training program for new Department employees who are hired in positions that require a social work license who do not have degrees in social work or a related field, or who have degrees in a related field but choose to obtain a Restricted Provisional License instead of a Regular Provisional License, that is completed in the first six months of employment and must be completed prior to being assigned as primary worker on any cases.

2.4 Ongoing Training Plan - a training program for Department employees who do not have degrees in social work or a related field, or who have degrees in a related field but choose to obtain a Restricted Provisional License instead of a Regular Provisional License, with ongoing training content that must be completed during the time the employee holds a Restricted Provisional License.

2.5 Restricted Provisional License - the provisional license granted by the Board of Social work to persons who do not have a degree in social work or a related field, and are hired by the Department, and therefore are required to complete the components of the Comprehensive Training Program.

2.6 Regular Provisional License - the provisional license granted by the Board of Social Work to candidates who have a degree related to Social Work, and who therefore are required to complete the educational requirements for that license as specified by the Board of Social Work.

**Section 3. Requirements for hiring individuals who are eligible for a Restricted Provisional Social Work License in positions within the Department of Health & Human Resources that require a social work license.**

3.1 Individuals who are hired under the Restricted Provisional Social Work License provisions must apply for their licenses with the West Virginia Board of Social Work Examiners within 30 days of hire to maintain employment.

3.2 Candidates must meet all the additional requirements of the employment classification.

3.3 Candidates who hold a baccalaureate degree may obtain a Restricted Provisional License by completing the Comprehensive Training Program and other licensure requirements specified by the Department.

**Section 4. Requirements for completing and documenting initial and ongoing training for individuals hired with a Restricted Provisional Social Work License for positions that require a social work license.**

4.1 Individuals hired with a Restricted Provisional License must complete all components of the Comprehensive Training Program Initial Training Plan before being assigned as a primary worker on any case.

4.2 After completion of the Initial Training Plan, individuals with a Restricted Provisional License must complete the Ongoing Training Plan requirements during the required time frames in order to maintain their licenses.

4.3 The Department will provide an annual report to the Board of Social Work certifying those employees with a Restricted Provisional License who have completed the training requirements outlined in the Comprehensive Training Program for that time period.

**Section 5. Requirements for maintaining a Restricted Provisional Social Work License while working at the Department of Health & Human Resources in positions that require a social work license.**

5.1 Individuals with a Restricted Provisional License must maintain continuous licensure while employed in a position that requires a social work license with the Department.

5.2 Individuals who let their licenses lapse or fail to maintain the conditions of licensure established by the Board of Social Work Examiners will be unable to continue employment in a position that requires a social work license within the Department.

**Section 6. Comprehensive Training Program Requirements for persons hired with a Restricted Provisional Social Work License.**

6.1 The Comprehensive Training Program will include social work content similar to the education and training requirements of a regular Social Work Provisional License.

6.2 The Comprehensive Training Program will also include basic and advanced social work content and specific content related to the position for which the individual is employed.

6.3 The Department of Health & Human Resources will consult with West Virginia University School of Social Work, Marshall University Social Work Program, and the Higher Education Policy

Commission at least once a year before the month of June for each calendar year to review and update the Comprehensive Training Program.