

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

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Form #3

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

AGENCY: W. Va. Department of Health and Human Resources Human Services TITLE NUMBER: 78

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 Provisional License to Practice as Social Worker
within the Department of Health and Human Resources

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

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Qualifications 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.

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

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: 7/30/2015

Signature of Agency Head or Authorized Representative

Karen Bowling

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

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.

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

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.

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.) W. Va. Department of Health and Human Resources,
Bureau for Children and Families, Division of Training
350 Capitol Street, Room B-18
Charleston, W. Va., 25301
(304) 356 - 4618

LEGISLATIVE RULE TITLE: Qualifications for a Provisional License to Practice as a Social
Worker within the Department of Health and Human Resources

1. Authorizing statute(s) citation W. Va. Code 30-30-16(c)(2)

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

June 25, 2015

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

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

July 25, 2015

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)

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

Elva Strickland, Program Manager
Bureau for Children and Families, Division of Training
350 Capitol Street, Room B-18
Charleston, W. Va. 25301
(304) 356-4618
(304) 558-2059 (fax)
Elva.M.Strickland@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

Title 78
LEGISLATIVE RULE
WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES

Series 24

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

RESPONSE TO COMMENTS

On June 25, 2015 the West Virginia Department of Health and Human Resources commenced a 30-day public comment period, accepting written comments through 5:00 p.m. on July 25, 2015. The WV DHHR received comments from 5 individuals regarding the proposed legislative rule to implement the provisions contained in WV Code §30-30-16 (c) (2).

1. COMMENTER: SAMUEL A. HICKMAN, ACSW, LCSW, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF SOCIAL WORKERS, WEST VIRGINIA CHAPTER

COMMENT A. The commenter states, "*Proposed Rule Application, Section 1, General, Item 1.2 — Authority*" the authority for the rule is not WV Code §30-30-16 as listed, but is rather it is clearly restricted to WV Code §30-30-16 (c) (2). This is significant as it appears that WV DHHR has overstepped its authority by proposing to promulgate rules that go well beyond the scope of the social work training program."

RESPONSE A. The Department cited the general section of code that authorizes the Department to promulgate this legislative rule; however, the Department is agreeable to citing the subsection and subdivision of the code in the rule.

COMMENT B. The commenter states, "*WV DHHR is clearly to promulgate this rule with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work, however, we are informed that neither the Higher Education Policy Commission nor the West Virginia University School of Social Work were contacted or consulted regarding this proposed rule. We do not have specific knowledge as to whether the Marshall University Social Work program was contacted.*"

RESPONSE B. The Department met with representatives from the West Virginia Social Work Education Consortium including West Virginia University School of Social Work, Marshall University Department of Social Work, Concord University Department of Social Work, West Virginia State University Department of Social Work, and Sheppard University Department of Social Work as well as representatives of the WV Board of Social Work on 4/18/15 to discuss the proposed legislative rule for both the Department and the West Virginia Board of Social Work. On 5/21/15 and 5/22/15 the Department met again with this group of representatives to seek advice, comments and suggestions regarding the legislative rule §30-30-16 (c) (2). Suggestions are being incorporated into the Training Plan with their assistance.

COMMENT C. The commenter states, "*WV DHHR has incorporated various definitions that appear to fall outside of the scope of its authority under WV Code §30-30-16 (c) (2). Definitions 2.1 through 2.4 are, in large part, internal employment policies and practices that do not require the promulgation of legislative rules and should therefore instead appear in personnel documents. However, it is important to note at this point that, in drafting these definitions, WV DHHR appears to be attempting to establish a point of policy that would seem to be in direct conflict with the provisions of WV Code §30-30-16 as amended by SB 559.*"

RESPONSE C. The Department disagrees with this commentator. The definitions in the rule do not conflict with any provisions contained in § 30-3-16 of the W. Va. Code. The definitions merely define certain terms that exist within the rule and provide a framework for the rule.

COMMENT D. The commenter states, "WV DHHR states (under 1.5 - Purpose) that it 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. However, our recent online review of surrounding states' current minimum qualifications for public sector social worker positions reveals that every state's training requirements exceed those now available to WV DHHR." In the one instance in which a surrounding state accepts a related or general baccalaureate degree (see State of Virginia below), at least two years of "appropriate and related" experience is minimally required. The following requirements have been recently retrieved from state employment recruitment websites and are indicative of current employment qualifications, degree and experience requirements:

State of Maryland

SOCIAL WORKER I, FAMILY SERVICES

MINIMUM EDUCATION OR GENERAL REQUIREMENTS

Education: Determined by the Maryland State Board of Social Work Examiners under the licensing requirements for

Social Workers. This classification requires a Master's in Social Work (MSW).

Commonwealth of Pennsylvania

State Civil Service Commission

SOCIAL WORKER I JOB REQUIREMENTS

Minimum Requirements: A bachelor's or master's degree in social work or social welfare.

State of Kentucky

SOCIAL SERVICE WORKER I

Minimum Requirement: Primary Education: Graduate of a college or university with a bachelor's degree in social work, sociology, psychology, marriage and family therapy or a related field.

State of Virginia

FAMILY SERVICES SPECIALIST I/II

Minimum Qualifications: Minimum of a Bachelor's degree in a Human Services field or minimum of a Bachelor's degree in any field with a minimum of two years of appropriate and related experience in a Human Services area as mandated in Section 22VAC40-670-20 of the Administrative Code of Virginia

State of Ohio

SOCIAL WORKER 2 (Circleville Juvenile Facility) POSITION SPECIFIC MINIMUM

QUALIFICATIONS: *Must possess & maintain one of the following certifications or licenses; Licensed Independent Social Worker (LISW) Licensed Professional Clinical Counselor (LPCC) as issued by the State of Ohio through the Counselor, Social Worker, and Marriage & Family Therapist Board.*

RESPONSE D. The examples listed in Comment D pertain to qualifications for employment in social work positions from surrounding states, which were not reviewed in development of this rule. The information that was utilized included the training requirements after employment for similar positions in other states, the educational content required for obtaining a degree in Social Work, and the educational content required for the regular social work provisional license in West Virginia.

COMMENT E. The commenter states, "§30-30-16 (a) establishes that "To be eligible for a provisional license to practice as a social worker, the applicant must (complete an application, etc.). This passage clearly establishes that the provisions of §30-30-16 (a) as amended by SB 559 (2015) are to be applied to new candidates (applicants) at the time of their initial application for employment WV DHHR, and not to existing WV DHHR employees. Definitions 2.2, 2.3, and 2.4 of the proposed rule each contain similar phrasing that would seemingly allow an existing employee of WV DHHR to choose to apply for either a Regular or Restricted Provisional License. WV DHHR cannot establish via legislative rule a policy that is in conflict with WV Code. More importantly, however, these definitions, if implemented in policy, would be detrimental to the citizens of West Virginia, and to the clients of WV DHHR, in that they would establish an employee qualification "race to the

bottom" rather than an atmosphere of organizational excellence in which every effort is made to recruit and retain the most qualified employees."

RESPONSE E. Neither SB 559 or the emergency rule proposed by the W. Va. Board of SW limits applicants who are currently employed by DHHR from applying.

COMMENT F. The commenter states, *"The Regular Provisional License requires, in part, the completion of twelve-hours of academic coursework in social work over a four-year period. Social work degree programs and the coursework they offer are nationally accredited by the Council on Social Work Education. The Restricted Provisional License will instead substitute a Comprehensive Training Program (aka, "social work training program") for the twelve-hours of academic coursework in social work. This substitution will produce employees who are familiar with internal policies and procedures, but lack the professional capacity to effectively apply social work skills, values, knowledge and ethical considerations to intervene in and remediate problems during moments of extreme crisis experienced by the most vulnerable of West Virginia's citizens."*

RESPONSE F. The Comprehensive Training Program includes information that is much broader than the internal policies and procedures of DHHR. It includes information on social work skills, values, knowledge, and ethical considerations to intervene and work with families. While the current training plan for new employees already contains this type of information and skills training, new employees hired under this rule will receive training that is much broader and more comprehensive in nature.

COMMENT G. The commenter states, *"definitions 2.5 and 2.6 are license-type titles and clearly fall within the sole authority and determination of the WV Board of Social Work."*

RESPONSE G. The WV Board of Social Work determined the titles "Regular Provisional License" and "Restricted Provisional License" as defined in 2.5 and 2.6.

COMMENT H. The commenter states, *"sections 3, 4, and 5 of the proposed rule appear in large part to again be concerned with internal personnel hiring and employment policies and procedures and have little or no relevance to the proposed rule."*

RESPONSE H. Section 3, 4 and 5 of the rule provides a framework for hiring individuals eligible for Restricted Provisional License; requirements for completing and documenting the initial and ongoing training for employees of DHHR with Restricted Provisional License and requirements for maintaining a Restricted Provisional License while employed with the Department.

COMMENT I. The commenter states, *"section 6 appears to be the only section of the proposed rule for which WV DHHR has been given clear authority to promulgate legislative rules under WV Code §30-30-16 (c) (2). However, items 6.1 and 6.2 appear again to be premature and presumptuous in that they refer to specific content of the very "Comprehensive Training Program" (aka, "social work training program") that the proposed rule is to have established "with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work." Again, there is no indication or evidence offered that these parties have been afforded the opportunity to fully advise WV DHHR or that, if so, they have agreed to the specific components of DHHR's Comprehensive Training Program."*

RESPONSE I. The Department met with representatives from the West Virginia Social Work Education Consortium including West Virginia University School of Social Work, Marshall University Department of Social Work, Concord University Department of Social Work, West Virginia State University Department of Social Work, and Sheppard University Department of Social Work as well as representatives of the WV Board of Social Work on 4/18/15 to discuss the proposed legislative rule for both the Department and the West Virginia Board of Social Work. On 5/21/15 and 5/22/15 the Department met

again with this group of representatives to seek advice, comments and suggestions regarding the legislative rule §30-30-16 (c) (2). Suggestions are being incorporated into the Training Plan with their assistance.

COMMENT J. The commenter states, *“item 6.3 indicates that WV DHHR will consult the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work “at least once per year... to review and update the Comprehensive Training Program. This process should be considered to be wholly unacceptable in that WV DHHR infers in its promulgate of these rules that the “Comprehensive Training Program” (aka, “social work training program”) has been fully developed and vetted through the advice requirement of the listed parties. WV DHHR is not and has not received sole authority to develop the Comprehensive Training Program but first has been mandated to seek the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work prior to the development of these proposed rules, which are then to be promulgated jointly. Further, WV DHHR should voluntarily contact and involve in the advice process the state-wide Title IV-E child welfare training consortium known as the Social Work Education Consortium (SWEC).”*

RESPONSE J. The Department met with representatives from the West Virginia Social Work Education Consortium including West Virginia University School of Social Work, Marshall University Department of Social Work, Concord University Department of Social Work, West Virginia State University Department of Social Work, and Sheppard University Department of Social Work as well as representatives of the WV Board of Social Work on 4/18/15 to discuss the proposed legislative rule for both the Department and the West Virginia Board of Social Work. On 5/21/15 and 5/22/15 the Department met again with this group of representatives to seek advice, comments and suggestions regarding the legislative rule §30-30-16 (c) (2). Suggestions are being incorporated into the Training Plan with their assistance.

COMMENT K. The commenter states, *“this comment is extremely important and should be given ample consideration because the purpose of the “Comprehensive Training Program” (aka, “social work training program”) is to provide a professional education that is equivalent to twelve semester hours of college-level academic coursework earned in a nationally accredited Social Work degree program. It is not possible to determine the equivalency of the “Comprehensive Training Program” (aka, “social work training program”) without first having received and satisfied the condition of “the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work. As such, Proposed Rule Series 78-24: Qualifications for a Restricted Provisional License to Practice as a Social Worker Within the Department of Health & Human Resources should be withdrawn and resubmitted after the conditions specified in WV Code have been fully met.”*

RESPONSE K. The Department met with representatives from the West Virginia Social Work Education Consortium including West Virginia University School of Social Work, Marshall University Department of Social Work, Concord University Department of Social Work, West Virginia State University Department of Social Work, and Sheppard University Department of Social Work as well as representatives of the WV Board of Social Work on 4/18/15 to discuss the proposed legislative rule for both the Department and the West Virginia Board of Social Work. On 5/21/15 and 5/22/15 the Department met again with this group of representatives to seek advice, comments and suggestions regarding the legislative rule §30-30-16 (c) (2). Suggestions are being incorporated into the Training Plan with their assistance.

COMMENT L. The commenter states, *“WV DHHR appears to be significantly reducing its professional development support for employees who hold the Regular Provisional License, and thereby are establishing the incentive for employees to apply for the less-stringent requirements of the Restricted Provisional License.”*

RESPONSE L. The Department has worked with the employee credit union in order to help employees seeking a Regular Provisional License to receive a loan for the upfront cost of the 12 hour college course and then be reimbursed by the DHHR Employee Education Reimbursement and Leave Program.

2. COMMENTER: JEANIE DE VITO BRENNERMAN, MSW, LCSW

COMMENT A. The commenter states, "*individuals hired by the DHHR will not have the necessary knowledge base to properly handle the job. Effective CPS workers need to have an understanding of Social Work theories, methods, child and human development, and the social environment. An effective CPS worker will need to a firm practice background that is provided by the Schools of Social Work Internship Programs.*

As a practicing Social Worker for 37 years, I was active in the move to legitimize the profession of Social work in the 1980's by requiring educational standards and the approval to take and then pass a licensure examination in order to be called a Social Worker. Over the years, I maintained my license, furthered my career by obtaining an MSW, and became eligible to sit for and passed the LCSW exam. This rule negatively impacts my profession by lowering these professional standards."

It appears the Legislature is taking the easy road by reducing the educational requirement in order to provide service for the most vulnerable individuals in our state, instead of looking at creative ways to hire and pay those who have the skills and knowledge to be CPS workers. This is a troubling trend that has been seen regarding the hiring of teachers in the public school system. It leads one to wonder if lowering the professional requirements for physicians, nurse practitioners, and physician assistants in underserved areas of the state is on the horizon."

If this is the path of the state, I do have a suggestion. When DHHR hires these individuals, do not degrade the profession by having them apply and maintain a Restricted Provisional Social Work License. Have these state employees apply and maintain the training, but call it a Child Protective Service License or a DHHR Training License as these state workers are not professionally prepared Social Workers. This training will not make it so. My reasonable fear is that there will be a tragedy involving a family and a very negative light will unfairly be cast on the Social Work profession."

RESPONSE A. The agency recognizes this comment opposes in general the overall principle of the rule which merely reflects the amendments to §30-30-16 et seq. by SB 559. Therefore the agency will not be making any amendments to its rule based upon this comment.

3. COMMENTER: HELEN P HARTNETT, MA, MSW, PHD, INTERIM DIRECTOR, WEST VIRGINIA UNIVERSITY, EBERLY COLLEGE OF ARTS AND SCIENCE

COMMENT A The commenter states, "*in section 6, the Proposed rule identifies the training program requirements for hiring Restricted Provisional Licensees, per West Virginia Code §30-30-16 (c) (2); however, the inclusion of these requirement in sections 6.1 and 6.2 is premature in that it refers to specific content of the very "Comprehensive Training Program" that the Proposed Rule is to have established with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work. In an effort to comply with the West Virginia Code §30-30-16 (c) (2), section 6.3 of the Proposed rule states that the West Virginia DHHR will consult the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work at least once per year to review and update the comprehensive Training Program. Unfortunately, this misses the mark because it does not include those entities in the creation and development of the training program and only permits their participation after the training program is in place."*

RESPONSE A. The Department met with representatives from the West Virginia Social Work Education Consortium including West Virginia University School of Social Work, Marshall University Department of Social Work, Concord University Department of Social Work, West Virginia State University Department of Social Work, and Sheppard University Department of Social Work as well as representatives of the WV Board of Social Work on 4/18/15 to discuss the proposed legislative rule for both the Department and the West Virginia Board of Social Work. On 5/21/15 and 5/22/15 the Department met again with this group of representatives to seek advice, comments and suggestions regarding the legislative rule §30-30-16 (c) (2). Suggestions are being incorporated into the Training Plan with their assistance.

COMMENT B. The commenter states, "*the purpose of the Comprehensive Training Program is to provide a professional education that is equivalent to twelve semester hours of college-level academic*

coursework earned in a Social work degree program accredited by the Council on Social Work Education (CSWE). It is impossible to determine if this equivalency exists without familiarity with the Education and Policy Standards set forth by the CSWE. This cannot occur without the advice of the Higher Education Policy Commission, West Virginia University School of social work, and Marshall University Department of Social Work. The importance of appropriate and comprehensive education plays in training of West Virginia DHHR employees cannot be understated. They often are the first responders to many of our state's most vulnerable children and adults. For this reason, the statute should be followed as written."

RESPONSE B. The Department met with representatives from the West Virginia Social Work Education Consortium including West Virginia University School of Social Work, Marshall University Department of Social Work, Concord University Department of Social Work, West Virginia State University Department of Social Work, and Sheppard University Department of Social Work as well as representatives of the WV Board of Social Work on 4/18/15 to discuss the proposed legislative rule for both the Department and the West Virginia Board of Social Work. On 5/21/15 and 5/22/15 the Department met again with this group of representatives to seek advice, comments and suggestions regarding the legislative rule §30-30-16 (c) (2). Suggestions are being incorporated into the Training Plan with their assistance.

4. COMMENTER: SARA DELONG, MSW, LICSW

COMMENT A. The commenter states, *"this letter is to address the proposed emergency rule of Title 78 Series 24 Qualifications for a Restricted Provisional License to Practice as a Social Worker within DHHR. In short, I am opposed to this Proposal as it would allow for individuals "who do not have a degree in Social Work or a related field" to practice as a Social Worker. As a degreed Social Worker since May, 1991, it has been my experience that no amount of emergency training would provide the level of instruction that I received during my course work, and it was the coursework, along with the educational process, that sufficiently prepared me to work in the Social Work field. Through the Social Work Program, I learned about the specific environmental issues that contributes to family problems and was able to develop a level of understanding that has allowed me to successfully provide intervention for families with a variety of problem areas. It also provided me with the basic interpersonal skills necessary to communicate respectfully in a manner that best facilitated the changes families needed to make. Over the course of my 24 years in the field, I have had the opportunity to observe the vast difference in intervention that is provided by individuals educated in the profession of Social Work and those even in related fields, particularly as it relates to working with families within WVDHHR. To purpose that individuals be hired for these positions that aren't even in related fields would be a great disservice to the families that you serve and could potentially cause more harm than good, The level of stress that comes from working with families in your care is high, and I understand that the burnout rate is also high; it is well-known in the community that most individuals cannot remain in those positions for much longer than a year to 18 months, and individuals without the proper educational background would even be less prepared to manage the stress that naturally comes with the job. Finally, I will object on the grounds that WVDHHR are Social Work positions, and Social Work is a profession that can't easily be replaced with minimal training. Would you bring in someone to work in the medical profession without the proper educational background? I don't believe it would be under consideration. We have worked hard to establish Social Work as a profession, not to be confused with do-gooders, who may have the willingness to intervene but not necessarily the skills. To allow this discredits Social Work as a profession and could potentially set our field back many years. As stated above, I have seen the damage that can be done by individuals practicing Social Work without having the adequate educational background and skill set; therefore, it is with no reservation that I continue to strongly oppose the passing of this legislature."*

RESPONSE A. The agency recognizes this comment opposes in general the overall principle of the rule which merely reflects the amendments to §30-30-16 et seq. by SB 559. Therefore the agency will not be making any amendments to its rule based upon this comment

5. COMMENTER: BRENDA R WAMSLEY, PHD, PROFESSOR & CHAIR, WEST VIRGINIA STATE UNIVERSITY DEPARTMENT OF SOCIAL WORK

COMMENT A. The commenter states” *a comprehensive training program appears to have been developed by DHHR without the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work as mandated in the legislation. Therefore, it is unclear if this training program is equivalent to 12 semester hours of college-level academic coursework. All parties specified above should be consulted in the initial development of the training program.*

RESPONSE A. The Department met with representatives from the West Virginia Social Work Education Consortium including West Virginia University School of Social Work, Marshall University Department of Social Work, Concord University Department of Social Work, West Virginia State University Department of Social Work, and Sheppard University Department of Social Work as well as representatives of the WV Board of Social Work on 4/18/15 to discuss the proposed legislative rule for both the Department and the West Virginia Board of Social Work. On 5/21/15 and 5/22/15 the Department met again with this group of representatives to seek advice, comments and suggestions regarding the legislative rule §30-30-16 (c) (2). Suggestions are being incorporated into the Training Plan with their assistance.

COMMENT B. The commenter states, “ *DHHR goes beyond its authority by incorporating various definitions in conflict with the WV Code (Definitions 2.1 through 2.6).*”

RESPONSE B. The Department disagrees with this commentator. The definitions in the rule do not conflict with any provisions contained in § 30-3-16 of the W. Va. Code. The definitions merely define certain terms that exists within the rule and provide a framework for the rule.

COMMENT C. The commenter states, “*sections 3, 4, and 5 have little or no relevance to the proposed rule in that they are concerned primarily with internal DHHR personnel hiring and employment policies and procedures.*

RESPONSE C. Section 3, 4 and 5 of the rule provides a framework for hiring individuals eligible for Restricted Provisional License; requirements for completing and documenting the initial and ongoing training for employees of DHHR with Restricted Provisional License; and requirements for maintaining a Restricted Provisional License while employed with the Department.

National Association of Social Workers

July 10, 2015

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

JUL 15 2015

To Whom It May Concern,

Thank you for the opportunity to provide comments on Proposed Rule Series 78-24: Qualifications for a Restricted Provisional License to Practice as a Social Worker Within the Department of Health & Human Resources

Section §30-30-16 (c) (2) of West Virginia Code (as amended in 2015 by SB 559) authorizes DHHR to promulgate a rule regarding the "social work training program" developed with the advice of "the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work."

WV Code 30-30-16

(c) A provisionally licensed social worker may become a licensed social worker, by completing the following:

- (1) Be continuously employed for four years as a social worker and supervised. The board shall promulgate by legislative rule the supervision requirements;
- (2) Complete twelve credit hours of core social work study from a program accredited by the council on social work education, as defined by legislative rule, within the four-year provisional license period: Provided, That an individual employed as a provisionally licensed social worker with the West Virginia Department of Health and Human Resources shall satisfy this requirement upon completion of the social work training program with the West Virginia Department of Health and Human Resources. The Secretary of the West Virginia Department of Health and Human Resources shall, with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work, promulgate legislative rules, in accordance with article three, chapter twenty nine-a of this code, to implement the provisions of this subdivision;

Comments:

In the "Proposed Rule Application, Section 1, General, Item 1.2 – Authority" the authority for the rule is not WV Code §30-30-16 as listed, but is rather it is clearly restricted to WV Code §30-30-16 (c) (2). This is significant as it appears that WV DHHR has overstepped its authority by proposing to promulgate rules that go well beyond the scope of the "social work training program."

WV DHHR is clearly to promulgate this rule "with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work" however we are informed that neither the Higher Education Policy Commission nor the West Virginia University School of Social Work were contacted or consulted regarding this proposed rule. We do not have specific knowledge as to whether the Marshall University Social Work program was contacted.

Given this situation, it appears to be premature to proffer these proposed rules at this time without first clearly having sought the advice of all parties listed under WV Code section §30-30-16 (c) (2). Indeed, it would seem that a proposed rule should not and could not be filed until such advice has been accomplished, and any conditions thereof fully satisfied among the consulting parties.

Item "1.5 – Purpose" infringes upon the sole authority of the West Virginia Board of Social Work to determine and establish qualifications for licensure as a Social Worker.

Further, WV DHHR states (under 1.5 - Purpose) that it "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." However, our recent online review of surrounding states' current minimum qualifications for public sector social worker positions reveals that every state's training requirements exceed those now available to WV DHHR. In the one instance in which a surrounding state accepts a related or general baccalaureate degree (see State of Virginia below), at least two years of "appropriate and related" experience is minimally required. The following requirements have been recently retrieved from state employment recruitment websites and are indicative of current employment qualifications, degree and experience requirements:

State of Maryland

SOCIAL WORKER I, FAMILY SERVICES

MINIMUM EDUCATION OR GENERAL REQUIREMENTS

Education: Determined by the Maryland State Board of Social Work Examiners under the licensing requirements for Social Workers. This classification requires a Master's in Social Work (MSW).

Commonwealth of Pennsylvania

State Civil Service Commission

SOCIAL WORKER 1 JOB REQUIREMENTS

Minimum Requirements: A bachelor's or master's degree in social work or social welfare.

State of Kentucky

SOCIAL SERVICE WORKER I

Minimum Requirement: Primary Education: Graduate of a college or university with a bachelor's degree in social work, sociology, psychology, marriage and family therapy or a related field.

State of Virginia

FAMILY SERVICES SPECIALIST I/II

Minimum Qualifications: Minimum of a Bachelor's degree in a Human Services field or minimum of a Bachelor's degree in any field with a minimum of two years of appropriate and related experience in a Human Services area as mandated in Section 22VAC40-670-20 of the Administrative Code of Virginia

State of Ohio

SOCIAL WORKER 2 (Circleville Juvenile Facility) POSITION SPECIFIC MINIMUM QUALIFICATIONS: Must possess & maintain one of the following certifications or licenses; Licensed Independent Social Worker (LISW) Licensed Professional Clinical Counselor (LPCC) as issued by the State of Ohio through the Counselor, Social Worker, and Marriage & Family Therapist Board.

Section 2 – "Definitions"

WV DHHR has incorporated various definitions that appear to fall outside of the scope of its authority under WV Code §30-30-16 (c) (2).

Definitions 2.1 through 2.4 are, in large part, internal employment policies and practices that do not require the promulgation of legislative rules and should therefore instead appear in personnel documents.

However, it is important to note at this point that, in drafting these definitions, WV DHHR appears to be attempting to establish a point of policy that would seem to be in direct conflict with the provisions of WV Code §30-30-16 as amended by SB 559 (2015).

§30-30-16 (a) establishes that "To be eligible for a provisional license to practice as a social worker, the applicant must" (complete an application, etc.). This passage clearly establishes that the provisions of §30-30-16 (a) as amended by SB 559 (2015) are to be applied to new candidates (applicants) at the time of their initial application for employment WV DHHR, and not to existing WV DHHR employees.

Definitions 2.2, 2.3, and 2.4 of the proposed rule each contain similar phrasing that would seemingly allow an existing employee of WV DHHR to choose to apply for either a Regular or Restricted Provisional License:

"2.2 Comprehensive Training Program"

"...or who have degrees in a social work-related field but choose to obtain a Restricted Professional (sic) License instead of a Regular Provisional License..."

"2.3 Initial Training Plan"

"...or who have degrees in a related field but choose to obtain a Restricted Provisional License instead of a Regular Provisional License..."

"2.4 Ongoing Training Plan"

"...or who have degrees in a related field but choose to obtain a Restricted Provisional License instead of a Regular Provisional License..."

WV DHHR cannot establish via legislative rule a policy that is in conflict with WV Code. More importantly, however, these definitions, if implemented in policy, would be detrimental to the citizens of West Virginia, and to the clients of WV DHHR, in that they would establish an employee qualification "race to the bottom" rather than an atmosphere of organizational excellence in which every effort is made to recruit and retain the most qualified employees.

The Regular Provisional License requires, in part, the completion of twelve-hours of academic coursework in social work over a four-year period. Social work degree programs and the coursework they offer are nationally accredited by the Council on Social Work Education. The Restricted Provisional License will instead substitute a "Comprehensive Training Program" (aka, "social work training program") for the twelve-hours of academic coursework in social work. This substitution will produce employees who are familiar with internal policies and procedures, but lack the professional capacity to effectively apply social work skills, values, knowledge and ethical considerations to intervene in and remediate problems during moments of extreme crisis experienced by the most vulnerable of West Virginia's citizens.

Further, WV DHHR appears to be significantly reducing its professional development support for employees who hold the Regular Provisional License, and thereby are establishing the incentive for employees to apply for the less-stringent requirements of the Restricted Provisional License.

In a memorandum dated April 20, 2015 (see attached), WV DHHR Deputy Commissioner Tina Mitchell notifies the WV DHHR directors, managers and consultants of changes to the professional development program for social work licensing:

As of April 30, 2015, the Department of Health and Human Resources will no longer have a contract with Concord College to defer educational costs. Any employee enrolled in May's spring semester classes are instructed to withdraw immediately from the class or explore other financial options; such as, self-pay or the Employee Education Reimbursement and Leave Program offered by the department. Effective immediately, the Bureau for Children and Families will not cover any upfront fees associated with classes.

Moving on, definitions 2.5 and 2.6 are license-type titles and clearly fall within the sole authority and determination of the WV Board of Social Work.

Sections 3, 4, and 5 of the proposed rule appear in large part to again be concerned with internal personnel hiring and employment policies and procedures and have little or no relevance to the proposed rule.

Section 6 appears to be the only section of the proposed rule for which WV DHHR has been given clear authority to promulgate legislative rules under WV Code §30-30-16 (c) (2).

However, items 6.1 and 6.2 appear again to be premature and presumptuous in that they refer to specific content of the very "Comprehensive Training Program" (aka, "social work training program") that the proposed rule is to have established "with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work." Again, there is no indication or evidence offered that these parties have been afforded the opportunity to fully advise WV DHHR or that, if so, they have agreed to the specific components of DHHR's "Comprehensive Training Program."

Finally, Item 6.3 indicates that WV DHHR will consult the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work "at least once per year... to review and update the "Comprehensive Training Program." This process should be considered to be wholly unacceptable in that WV DHHR infers in its promulgate of these rules that the "Comprehensive Training Program" (aka, "social work training program") has been fully developed and vetted through the advice requirement of the listed parties. WV DHHR is not and has not received sole authority to develop the "Comprehensive Training Program" (aka, "social work training program"), but first has been mandated to seek "the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work" prior to the development of these proposed rules, which are then to be promulgated jointly. Further, WV DHHR should voluntarily contact and involve in the advice process the state-wide Title IV-E child welfare training consortium known as the Social Work Education Consortium (SWEC).

This comment is extremely important and should be given ample consideration because the purpose of the "Comprehensive Training Program" (aka, "social work training program") is to provide a professional education that is equivalent to twelve semester hours of college-level academic coursework earned in a nationally accredited Social Work degree program. It is not possible to determine the equivalency of the "Comprehensive Training Program" (aka, "social work training program") without first having received and satisfied the condition of "the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work."

As such, Proposed Rule Series 78-24: Qualifications for a Restricted Provisional License to Practice as a Social Worker Within the Department of Health & Human Resources should be withdrawn and resubmitted after the conditions specified in WV Code have been fully met.

Thank you again for providing us with the opportunity to offer these comments.

Sincerely,



Samuel A. Hickman, ACSW, LCSW
Executive Director
National Association of Social Workers, West Virginia Chapter
1608 Virginia Street East
Charleston, WV 25311

Attachment

WVDHHR
Elva Strickland, Program Manager
350 Capitol Street, room B18
Charleston, WV 25301

As a professional with a BSW, an MSW, and as a Licensed Certified Social Worker, I am troubled by the Rule regarding the Provisional License to practice Social Work for DHHR for the following reasons:

1. As a practicing Social Worker for 37 years, I was active in the move to legitimize the profession of Social Work in the 1980's by requiring educational standards and the approval to take and then pass a licensure examination in order to be called a Social Worker. Over the years, I maintained my license, furthered my career by obtaining an MSW, and became eligible to sit for and passed the LCSW exam. This rule negatively impacts my profession by lowering these professional standards.
2. The individuals hired by DHHR will not have the necessary knowledge base to properly handle this job. Effective CPS workers need to have an understanding of Social Work theories, methods, child and human development, the social welfare system, family dynamics, and psychopathology. They must comprehend and live the Social Work Code Ethics. An effective CPS worker also needs a firm practice background that is provided by Schools of Social Work Internship Programs.
3. It appears the Legislature is taking the easy road by reducing the educational requirement in order to provide service for the most vulnerable individuals in our state, instead of looking for creative ways to hire and pay those who have the skills and knowledge to be CPS workers. This is a troubling trend that has been seen regarding the hiring of teachers in the public school system. It leads one to wonder if lowering the professional requirements for physicians, nurse practitioners, and physician assistants in underserved areas of the state is on the horizon.

If this is the path of the state, I do have a suggestion. When DHHR hires these individuals, do not degrade the profession by having them apply and maintain a Restrictive Provisional Social Work License. Have these state employees apply and maintain the training, but call it a Child Protective Service License or a DHHR Training License as these state workers are not professionally prepared Social Workers. This training will not make it so. My very reasonable fear is that there will be a tragedy involving a family, and a very negative light will unfairly be cast on the Social Work profession.

With Regards,



Jeanie DeVito Brenneman, MSW, LCSW
Fairmont, WV

Sara DeLong, MSW, LICSW
2202 Hazlett Avenue
Wheeling, WV 26003

July 20, 2015

Ms. Betty Jo Scarberry
WVDHHR
Bureau for Children and Families
350 Capitol Street, Rm B-18
Charleston, WV 25301

Dear Ms. Scarberry:

This letter is to address the proposed emergency rule of Title 78 Series 24 Qualifications for a Restricted Provisional License to Practice as a Social Worker Within DHHR. In short, I am opposed to this proposal as it would allow for individuals "who do not have a degree in social work or a related field" to practice as a Social Worker.

As a degreed Social Worker since May, 1991, it has been my experience that no amount of emergency training would provide the level of instruction that I received during my course work, and it was the coursework, along with the educational process, that sufficiently prepared me to work in the Social Work field. Through the Social Work Program, I learned about the specific environmental issues that contributes to family problems and was able to develop a level of understanding that has allowed me to successfully provide intervention for families with a variety of problem areas. It also provided me with the basic interpersonal skills necessary to communicate respectfully in a manner that best facilitated the changes families needed to make.

Over the course of my 24 years in this field, I have had the opportunity to observe the vast difference in intervention that is provided by individuals educated in the profession of Social Work and those even in related fields, particularly as it relates to working with families within WVDHHR. To purpose that individuals be hired for these positions that aren't even in related fields would be a great disservice to the families that you serve and could potentially cause more harm than good. The level of stress that comes from working with families is your care is

high, and I understand that the burnout rate is also high; it is well-known in the community that most individuals cannot remain in those positions for much longer than a year to 18 months, and individuals without the proper educational background would be even less prepared to manage the stress that naturally comes with the job.

Finally, I will object on the grounds that WVDHHR are Social Work positions, and Social Work is a profession that can't easily be replaced with minimal training. Would you bring in someone to work in the medical profession without the proper educational background? I don't believe it would even be under consideration. We have worked hard to establish Social Work as a profession, not to be confused with do-gooders, who may have the willingness to intervene but not necessarily the skills. To allow this discredits Social Work as a profession and could potentially set our field back many years. As stated above, I have seen the damage that can be done by individuals practicing social work without having the adequate educational background and skill set, therefore, it is with no reservation that I continue to strongly oppose the passing of this legislature.

Thank you for this opportunity to express my opinion. I will be following this closely over the coming weeks.

Sincerely,

A handwritten signature in cursive script that reads "Sara DeLong". The signature is written in black ink and is positioned above the typed name.

Sara DeLong, MSW, LICSW



July 22, 2015

WV DHHR
Bureau for Children & Families
Division of Training
Elva Strickland, Program Manager
250 Capitol Street, Room B18
Charleston, WV 25301

RE: Proposed Rule Series 78-24

To Whom It May Concern:

I am writing on behalf of the Department of Social Work at West Virginia State University to offer comments on Proposed Rule Series 78-24: Qualifications for a Restricted Provisional License to Practice as a Social Worker within the Department of Health & Human Resources.

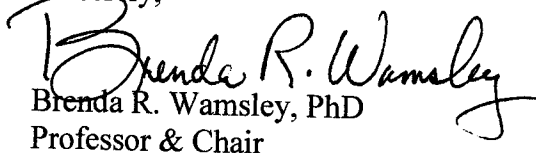
We believe that the following aspects of the proposed rule are in direct violation of WV Code 30-30-16 (c) (2) as amended in 2015 by SB 559:

1. A *Comprehensive Training Program* appears to have been developed by DHHR without "the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work" as mandated in the legislation. Therefore, it is unclear if this training program is equivalent to 12 semester hours of college-level academic coursework. All parties specified above should be consulted in the initial development of the training program.
2. DHHR goes beyond its authority by incorporating various definitions in conflict with the WV Code (Definitions 2.1 through 2.6).
3. Sections 3, 4, and 5 have little or no relevance to the proposed rule in that they are concerned primarily with internal DHHR personnel hiring and employment policies and procedures.

For these reasons, we urge that Proposed Rule Series 78-24: Qualifications for a Restricted Provisional License to Practice as a Social Worker within the Department of Health & Human Resources be withdrawn and resubmitted after the above issues have been fully addressed.

Thank you for your consideration of these comments.

Sincerely,


Brenda R. Wamsley, PhD
Professor & Chair



WEBERLY COLLEGE OF ARTS AND SCIENCES
July 14, 2015

To Whom It May Concern,

I appreciate the opportunity to provide comments on Proposed Rule Series 78-24: Qualifications for a Provisional License to Practice as a Social Worker within the Department of Health & Human Resources.

West Virginia Code § 30-30-16(c)(2) (as amended in 2015 by SB 559) authorizes the Department of Health and Human Resources (“DHHR”) to promulgate a rule regarding the “social work training program” developed with the advice of “the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work.”¹

Pursuant to the statute, the West Virginia DHHR’s training program rule must be developed with the advice of other interested parties, specifically, the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work. However, the Proposed Rule was published on June 25, 2015, without any advice or input from those entities.

In section 6, the Proposed Rule identifies the training program requirements for hiring Restricted Provisional licensees, per West Virginia Code § 30-30-16(c)(2); however, the inclusion of these requirements in sections 6.1 and 6.2 is premature in that it refers to specific content of the very “Comprehensive Training Program” that the Proposed Rule is to have established “with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work.”

¹ W. Va. Code § 30-30-16(c) states, in full:

(c) A provisionally licensed social worker may become a licensed social worker, by completing the following: (1) Be continuously employed for four years as a social worker and supervised. The board shall promulgate by legislative rule the supervision requirements; (2) Complete twelve credit hours of core social work study from a program accredited by the council on social work education, as defined by legislative rule, within the four-year provisional license period: Provided, That an individual employed as a provisionally licensed social worker with the West Virginia Department of Health and Human Resources shall satisfy this requirement upon completion of the social work training program with the West Virginia Department of Health and Human Resources. The Secretary of the West Virginia Department of Health and Human Resources shall, with the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work, promulgate legislative rules, in accordance with article three, chapter twenty nine-a of this code, to implement the provisions of this subdivision[.]

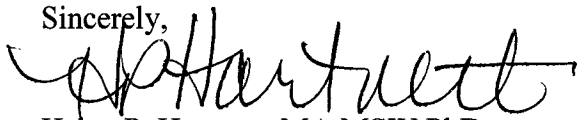
Likely in an effort to comply with West Virginia Code § 30-30-16(c)(2), section 6.3 of the Proposed Rule states that the West Virginia DHHR will consult the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work “at least once per year . . . to review and update the ‘Comprehensive Training Program[.]’” Unfortunately, this attempt misses the mark because it does not include those entities in the creation and development of the training program and only permits their participation after the training program is in place.

Obtaining the advice and agreement of all parties is vital. The purpose of the “Comprehensive Training Program” is to provide a professional education that is equivalent to twelve semester hours of college-level academic coursework earned in a Social Work degree program accredited by Council on Social Work Education (“CSWE”). It is impossible to determine if this equivalency exists without familiarity with the Education and Policy Standards set forth by CSWE. This cannot occur without “the advice of the Higher Education Policy Commission, West Virginia University School of Social Work, and Marshall University Department of Social Work.”

The importance that appropriate and comprehensive education plays in training of West Virginia DHHR employees cannot be understated. They are often the first responders to many of our state’s most vulnerable children and adults. For this reason, the statute should be followed as written.

It is counter to the plain language of the statute to permit the final filing of this Rule without first seeking the advice of all parties intended pursuant to W. Va. Code § 30-30-16(c)(2); therefore, Proposed Rule Series 78-24: Qualifications for a Provisional License to Practice as a Social Worker Within the Department of Health & Human Resources should be revised after the Higher Education Policy Commission, the West Virginia University School of Social Work, and the Marshall University Department of Social Work have had the opportunity to provide advice on the West Virginia DHHR social work training program for Restricted Provisional licensees.

Sincerely,



Helen P. Hartnett, MA,MSW,PhD
Interim Director

FILED

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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~~ 30-30-16(c)(2).

1.3 Filing date. - _____, 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.