



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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8/26/2016 11:42:22 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY Social Work Examiners

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 25-05

RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 25-05



Rule Id: 10257



Document: 28892



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY Social Work Examiners

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 25-05

RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

PRIMARY CONTACT

Vickie James
PO Box 5459

Charleston, STATE ZIP

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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

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CITE AUTHORITY 30-30-6

AUTHORIZING STATUTE(S) CITATION
30-30-6

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Tuesday, July 26, 2016

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

The Notice was posted on the Board of Social Work's web site-wvsocialworkboard.org. The notice was also sent for dissemination to Sam Hickman, National Association of Social Workers, WV Chapter and to Jackie, Englehardt, WV University for dissemination to her statewide list serve of social workers and interested agencies.

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Thursday, August 25, 2016

Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

AGENCY Social Work Examiners

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RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.

Attached

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)

Friday, August 26, 2016

**Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 3)

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RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION, 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.

Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

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RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

DATE OF HEARING OR COMMENT PERIOD

**ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?**

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in
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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Social Work Examiners

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PRIMARY CONTACT

Vickie James

PO Box 5459

Charleston, STATE ZIP

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SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

This measure will not impact state revenues as the Board is financed only by the collection of social work license fees and not state funding. This will have no impact on the licensed social workers as it does not add to the number of continuing education hours required of their license.

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Social Work Examiners

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RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Social Work Examiners

RULE TYPE Legislative AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 25-05

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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 this will not affect licensure fees.

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CITE AUTHORITY 30-30-6

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.

None noted

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Social Work Examiners

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 25-05

RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

This rule revision is necessary to comply with HB 4318 and WV Code 30-1-7a which requires each person licensed to practice social work by the WV Board of Social Work complete two hours of continuing education on mental health conditions common to veterans and family members of veterans. Training specific to veterans and family members of veteran may include, but not be limited to, inquiring about whether clients are veterans or family members of veterans; screening for conditions such as post-traumatic stress disorder; readjustment issues; risk of suicide and prevention of suicide; addiction; military sexual assault; and depression and grief. This 2 hour requirement will commence for each license renewed on July 1, 2017 and thereafter, and will occur in each two year licensing cycle. The two hours will not add to the forty hour continuing education requirement.

An additional hour of ethics is required for each licensing cycle.

The requirements for continuing education that may be earned online is clarified.

Approved continuing education providers will be provided some flexibility in course offerings by changing the requirement that all offerings must be available to the outside community to read that the majority of programs must be available

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 2)

AGENCY Social Work Examiners

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 25-05

RULE NAME Continuing Education for Social Workers and Providers

CITE AUTHORITY 30-30-6

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

to the outside community. This will permit approved providers to offer some continuing education credit for in house staff when space is limited and when the programming meets the Board specifications.

Other revisions are for the purpose of clarification.

A total of four comments were received during the comment period and are included. One comment supported the changes and two reflected concerns on access to continuing education and the impact on required hours. The existing options for continuing education were identified in the Board's response and it was noted that this does not increase the number of required hours; the Board will also provide links to quality online programs which may satisfy the requirement. The fourth comment reflected implementation concerns which the Board anticipated will be addressed in policy and its work with approved providers of continuing education.

Subsequently there were no resultant changes to the proposed rule.

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Yes

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Title-Series: 25-05



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TITLE 25
LEGISLATIVE RULE WV BOARD OF SOCIAL WORK

SERIES 5
CONTINUING EDUCATION FOR SOCIAL WORKERS AND PROVIDERS

§25-5-1. General.

1.1. Scope. -- This rule specifies the qualifications regarding continuing education for social workers and the requirements for continuing education providers

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

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

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

1.5. Sunset Date. -- July 1, 2025

§25-5-2. Definitions.

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

2.2. "Continuing social work education" means a program promoting social work skills, values, knowledge, and/or ethical considerations in the practice of social work.

2.3. "Continuing social work education program" means a formally organized educational program sponsored by a certified or individually approved provider and offered in the form of a class, course, workshop, seminar, or training activity, or formally structured discussion

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

2.5. "Social work ethics education" means a continuing social work education program of fundamental values and ethical behaviors which constitute guidelines of professional behavior as defined in the Code of Ethics of the National Association of Social Workers.

2.6. "Social work methods of practice" means a continuing social work education program of basic, intermediate, or advanced social work intervention techniques.

§25-5-3. Continuing Social Work Education Requirements for License Renewal.

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

3.1a. At least 2 of the 40 contact hours shall be in mental health conditions specific to veterans and family members of veterans. Each licensee shall complete these 2 contacts hours of continuing education as a prerequisite to license renewal on or after July 1, 2017. Training specific to veterans and family members of veteran may include, but not be limited to, inquiring about whether clients are veterans or family members of veterans; screening for conditions such as post-traumatic stress disorder; readjustment issues; risk of suicide and prevention of suicide; addiction; military sexual assault; and depression and grief.

3.1b. At least 1 of the 40 contact hours shall be in social work ethics

3.1.1. Of these contact hours, at least twenty (20) contact hours shall be earned by attending programs, conferences, workshops, online courses or professional meetings that are pre-approved by a WV authorized approved or certified provider; ~~Of these twenty (20) approved provider hours, no more than ten (10) hours may be earned online or by electronic means; a printed certificate, listing the course name, approved provider and contact hours must be provided in order to obtain credit.~~ Online continuing education courses endorsed by the Association of Social Work Boards and the National Association of Social Workers are recognized as approved courses;

3.1.2. A licensee may earn the balance of contact hours through individual professional activities, described in this rule. Individual professional activities enhance the licensee's knowledge of professional social work issues or which relate specifically to his or her particular social work practice setting. These individual professional activities are self-directed, professional social work study activities including, but not necessarily limited to, formally organized learning events not officially recognized by the Board, approved behavioral science college courses taken outside an accredited social work program; writing for professional social work publications, preparing a presentation for a certified or approved continuing social work education contact hours, reading professional literature; independent study, research.

~~3.3.2. The licensee shall only receive credit for those continuing education activities that meet the specifications established by the Board.~~

3.2.3. An inactive, emeritus or temporary permit licensee is not required to earn continuing social work education contact hours.

~~3.3. The licensee shall only receive credit for those continuing education activities that meet the specifications established by the Board.~~

~~3.1.2.a. Professional meetings and other formally organized learning events that are recognized by the Board and offered by a certified or individually approved provider of continuing social work education; and~~

~~3.1.2.b. Individual professional activities that enhance the licensee's knowledge of professional social work issues or which relate specifically to his or her particular social work practice setting. These individual professional activities are self-directed, professional social work study activities including, but not necessarily limited to, formally organized learning events not officially recognized by the Board, college courses taken outside an accredited social work program, writing for professional social work publications, preparing a presentation for a certified or approved continuing social work education contact hours, reading professional literature; independent study, research, or tutoring of a professional social work nature; and preparation of initial consultation if not employed or under contract~~

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

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

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

3.4.2.a. The nature of the activity;

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

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

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

3.4.3. The licensee or temporary licensee shall maintain records of all continuing education activities for a period of not less than three (3) years of time preceding the date of renewal. Once the license is renewed, the Board may expunge the records;

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

3.4.5. The licensee ~~shall~~ may deliver the continuing education record forms to the Board on a regular basis and at least annually during the two-year process in order for Board staff to keep an on-going tally to compare with that of the license, and to cause submission of a renewal application thirty to forty-five days prior to the date of expiration.

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

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

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

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

3.7. A license renewal application, evidence of satisfaction of continuing social work education and required payment of fee is due in the Board office at least thirty (30) days before the day of certificate expiration.

3.7.1. Failure to comply with submission of these materials prior to the expiration of the license will result in automatic status change to delinquent the day following certificate expiration and activate the initial late fee in addition to the renewal fee.

3.7.2. A delinquent license remains renewable provided the licensee has ceased to perform social work; satisfies the continuing education requirements; and pays all late fees which will accumulate monthly for a maximum period of thirty-six months (refer to WV Code §30-30-20).

3.7.3. A licensee may not apply for special status inactive or emeritus if a license is delinquent.

3.7.4. A licensee shall submit all accrued continuing education when making application for inactive or emeritus licensure.

§25-5-4. Continuing Social Work Education Requirements for Providers.

4.1. Providers of continuing social work education are classified either as certified providers or individually approved providers. An individually approved provider is a qualified individual, agency, or organization that has applied to the Board and received approval for a single program of continuing social work education. A certified provider is a qualified individual, agency, ~~or~~ organization, or accredited social work program that has applied to and received approval from the Board to provide continuing social work programs under its own auspices and is issued a unique provider number by the Board. A certified provider maintains this status by complying with the re-certification provision of Subsection 4.4.3. of this of this Section.

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

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

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

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

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

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

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

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

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

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

4.2.6. Program delivery should adhere to ~~That facilities selected as program sites are accessible under the~~ provisions of the Americans with Disabilities Act; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3.12. That facilities selected as program site are accessible under the provisions of the Americans with Disabilities Act;

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

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

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

4.4.3. Certified providers shall pay the fee set forth in the Board's rule, Fee Schedule, 25CSR3 and provide documentation of satisfactory performance as a certified provider every two (2) years to maintain certification excepting accredited schools of social work, who shall renew every ten (10) years.

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

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

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

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

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

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

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

25CSR5

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

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

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

4.10. The chair of the Board may appoint a continuing education committee to coordinate continuing social work education activities and make recommendations to the Board concerning policies, applications and re-certification.