



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

AGENCY: Human Services TITLE-SERIES: 78-24

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 78-24 Qualifications for a Provisional License to Practice as a Social Worker Within the Department of Health and Human Resources

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code § 30-30-16(c)(2)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The proposed amendments clarify who may participate in the Department of Health and Human Resources social work license training program and how the training program may be updated annually pursuant to W. Va. Code § 30-30-16(c)(2).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/18/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/18/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

N/A

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The proposed amendments clarify who may participate in the Department of Health and Human Resources social work license training program and how the training program may be updated annually.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The West Virginia Board of Social Work and the Bureau for Children and Families determined that the current rule limits the training program to those individuals with non-related degrees while the statute does not include such limitation. Additionally, the current rule embeds the current training program within the rule. This reference has been interpreted that the training program cannot be modified even though the rule requires it to be reviewed and updated annually.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Debra G Garnes -- 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 78
LEGISLATIVE RULE
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 24
QUALIFICATIONS FOR A PROVISIONAL LICENSE TO PRACTICE AS A SOCIAL WORKER WITHIN THE
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

§78-24-1. 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. This rule does not apply to provisionally licensed social workers who may be employed or seek employment at state agencies other than the ~~department of health and human resources~~ Department.

1.2. Authority. -- W. Va. Code § 30-30-16(c)(2).

1.3. Filing date. -- ~~April 28, 2016.~~

1.4. Effective Date. -- ~~July 1, 2016.~~

~~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 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 provisional license; and provides requirements for maintaining a provisional license while working at the Department.—~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§78-24-2. Definitions.

2.1. “Department” means the West Virginia Department of Health and Human Resources.

2.2. “Training Program” means a four-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 Provisional License, pursuant to W. Va. Code §30-30-16(c), that includes an initial training plan in the first year and the ongoing training plan in subsequent years.

2.3. “Initial Training Plan” means 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~~ 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" means a training program with ongoing training content for Department employees ~~who do not have degrees in social work or a related field~~ that must be completed during the time the employee holds a Provisional License.

§78-24-3. Requirements for hiring individuals who are eligible for a Provisional Social Work License, pursuant to W. Va. Code §30-30-16(c) ~~who do not have a degree in social work or a related field.~~

3.1. When an individual is hired into a position that requires a social work licenses ~~that~~ but does not have a social work license ~~a degree in social work or a related field~~, the Department shall notify the Board of Social Work within 30 days of employment. The individual must then submit an application for eligibility and licensure upon forms prescribed by the Board of Social Work.

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

~~3.3. Candidates who hold a baccalaureate degree from an accredited school may obtain a Provisional License by completing the Training Program and other licensure requirements specified by the Department.~~

§78-24-4. Requirements for completing and documenting initial and ongoing training.

4.1. Individuals hired with a Provisional License must complete all components of the 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 Provisional License, pursuant to W. Va. Code §30-30-16(c), ~~who do not have degrees in social work or a related field~~ must complete the Ongoing Training Plan requirements ~~within the required time frames~~ outlined in the Training Program ~~for that time period~~.

4.3. The Department will provide an annual report to the Board of Social Work certifying those employees with a Provisional License, pursuant to W. Va. Code §30-30-16(c), ~~who do not have a degree in social work or a related field~~ who have completed the training requirements outlined in the Training Program for that time period.

4.4. Individuals who are actively in the process of completing a degree in social work, either through master's or bachelor's courses, may apply completed social work courses towards the requirements of the Training Plan.

§78-24-5. Requirements for maintaining a Provisional Social Work License.

5.1. Individuals with a 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 who fail to maintain the conditions of licensure established by the Board of Social Work will be unable to continue employment in a position that requires a social work license within the Department.

§78-24-6. Training Program Requirements for persons hired with a Provisional Social Work License.

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6.1. The Training Program will include social work content that will prepare individuals for a career in social work.

6.2. The Training Program will 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 and Human Resources will consult with the West Virginia University ~~School of Social Work~~, Marshall University ~~Social Work Program~~, and the ~~Higher Education Policy Commission~~ other representatives of the accredited schools of social work in West Virginia at least once a year before the month of June for each calendar year to discuss, review, and update the Training Program. ~~See, Appendix 78-24-A, Training Plan.~~