



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/30/2021 3:57:47 PM

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: Social Work Examiners TITLE-SERIES: 25-05  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 25-05 Continuing Education for Social Workers and Providers

**PRIMARY CONTACT**

NAME: Vickie James  
ADDRESS: 1124 Smith St Suite B 200  
PO Box 5459  
Charleston, WV 25361  
EMAIL: admin@wvsocialworkboard.org  
PHONE NUMBER: 304-400-4980

CITE STATUTORY AUTHORITY: 30-30-6

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:

Board's statutory authority to define continuing education requirements is outlined in 30-30-5

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/30/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/30/2021

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING:

(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?

Notice was posted on the Board web page, and sent to the WV Chapter of NASW and the List serve managed by WV University; both organizations distributed the rule announcement to its members

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

By adding definitions for synchronous and asynchronous training, these proposed changes clarify that face to face (instructor led) hours may be in seat or in a virtual format, and no more than 10 hours may be in an asynchronous format.

The required number of hours were reduced to 30 hours every two years and the list of approved providers was expanded.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

There is ongoing reluctance to attend in seat training due to the pandemic and this offers another option to those individuals The reduction in the required number of hours is consistent with those of contiguous states

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

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

This may be less costly for social work licensees and their employers, as it not only reduces the required number of hours but provides more options for virtual training

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

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

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.**

25CSR5

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. -- ~~May 25, 2017.~~

1.4. Effective Date. -- ~~July 1, 2017.~~

1.5. Sunset Provision-- This rule shall terminate and have no further force or effect on ~~July~~ August 1, 2025 ~~2027.~~

**§25-5-2. Definitions.**

2.1. "Asynchronous training" is a type of online training in which students access learning content, take assessments, and communicate at their own pace.

2.2. "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.

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

2.4. "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

2.5. "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.

2.6. "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.

2.7. "Synchronous training is a form of training that requires the instructor and students to be present at the same time—either in person or online—for instruction, discussions, and activities.

2.8. "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)~~ thirty (30) contact hours of continuing social work education within each two (2) year license period:

## 25CSR5

3.1a. At least 2 of the ~~40~~ 30 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 veterans may include, but is 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~~ 30 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 the twenty (20) approved provider hours, at least ten hours must be in a synchronous format-either online or in person, and no more than ten (10) hours may be earned online in an asynchronous training format ~~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 e-~~Continuing education courses endorsed by the Association of Social Work Boards, ~~and~~ the National Association of Social Workers, an approved WV provider, another state social work licensing Board, or a social work program accredited by the Council on Social Work Education 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.

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

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

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 a Board approved continuing social work education provider or the Board.

## 25CSR5

3.4.5. The licensee 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,-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.

## 25CSR5

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 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;



## 25CSR5

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.

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 promote true interaction between the 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.

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.

## 25CSR5

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 recertification.