WEST VIRGINIA CODE CHAPTER 30 ARTICLE 30

WV Legislature

§30-30-1. Unlawful acts.

(a) It is unlawful for any person to practice or offer to practice social work in this state without a license or permit issued under this article, or advertise or use any title or description tending to convey the impression that the person is a social worker, unless the person has been licensed or permitted under this article, and the license or permit has not expired, been suspended or revoked.

(b) No business entity, except through a licensee, may render any service or engage in any activity which if rendered or engaged in by an individual, would constitute the practices regulated under this article.

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§30-30-2. General provisions.

The practices regulated under this article and the Board of Social Work are subject to article one of this chapter, this article, and any rules promulgated hereunder.

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§30-30-3. Definitions.

As used in this article:

(1) "Applicant" means any person making application for a license or a permit under this article.

(2) "Board" means the Board of Social Work.

(3) "Business entity" means any firm, partnership, association, company, corporation, limited partnership, limited liability company, or other entity providing social work services.

(4) "Code of Ethics" means the Code of Ethics of the National Association of Social Workers.

(5) "General supervision" means the supervising social worker provides instructions and oversight for services and is easily accessible.

(6) "Indirect supervision" means the performance of an action after instruction from a supervising social worker.

(7) "License" means a license issued under this article. A license does not mean a provisional license issued under this article.

(8) "Licensee" means a person holding a license under this article. A licensee does not mean a person provisionally licensed under this article.

(9) “Multistate license” means a license to practice as a regulated social worker issued by the board that authorizes the regulated social worker to practice in all member states under a multistate authorization to practice pursuant to the Social Work Licensure Compact, §30-30A-1 *et seq.* of this code.

(10) "Permit" means a temporary permit to practice social work issued by the board.

(11) "Permittee" means a person holding a permit issued under this article.

(12) "Supervising social worker" means a social worker, who meets the requirements of this article, who assumes responsibility for the professional care given by a person authorized by this article to work under his or her general or indirect supervision.

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§30-30-4. Board of Social Work.

(a) The State Board of Social Work Examiners is continued. On July 1, 2011, the State Board of Social Work Examiners is renamed the Board of Social Work. The members of the board in office on July 1, 2011, shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.

(b) The board shall consist of the following seven members who are appointed by the Governor with the advice and consent of the Senate:

(1) One independent clinical social worker;

(2) Two certified social workers;

(3) One graduate social worker;

(4) Two social workers; and

(5) One citizen member.

(c) The terms shall be for five years.

(d) Each licensed member of the board, at the time of his or her appointment, must have held a license in this state for at least five years;

(e) Each member of the board must be a resident of this state during the appointment term.

(f) A member may not serve more than two consecutive full terms. A member having served two consecutive full terms may not be appointed for one year after completion of his or her second full term. A member may continue to serve until a successor has been appointed and has qualified.

(g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office shall be vacant and the appointment shall be made within sixty days of the vacancy.

(h) The Governor may remove any member from the board for neglect of duty, incompetency or official misconduct.

(i) Any member of the board immediately and automatically forfeits his or her membership if his or her license to practice is suspended or revoked by the board, is convicted of a felony under the laws of any jurisdiction, or becomes a nonresident of this state.

(j) The board shall elect annually one of its members as chairperson who serves at the will of the board.

(k) Each member of the board is entitled to compensation and expense reimbursement in

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accordance with article one of this chapter.

(l) A majority of the members of the board constitutes a quorum.

(m) The board shall hold at least two meetings annually. Other meetings may be held at the call of the chairperson or upon the written request of four members, at the time and place as designated in the call or request.

(n) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

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§30-30-5. Powers and duties of the board.

(a) The board has all the powers and duties set forth in this article, by rule, in §30-1-1 *et seq.* of this code and elsewhere in law.

(b) The board shall:

(1) Hold meetings;

(2) Establish requirements for licenses and permits;

(3) Establish procedures for submitting, approving, and rejecting applications for licenses and permits;

(4) Determine the qualifications of an applicant for licenses and permits;

(5) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examinations and the pass and fail rate;

(6) Hire, discharge, establish the job requirements, and fix the compensation of the executive director;

(7) Maintain an office, and hire, discharge, establish the job requirements, and fix the compensation of employees, investigators, and contracted employees necessary to enforce this article;

(8) Investigate alleged violations of this article, legislative rules, orders, and final decisions of the board;

(9) Conduct disciplinary hearings of persons regulated by the board;

(10) Determine disciplinary action and issue orders;

(11) Institute appropriate legal action for the enforcement of this article;

(12) Maintain an accurate registry of names and addresses of all persons regulated by the board;

(13) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

(14) Establish the continuing education requirements for licensees;

(15) Issue, renew, combine, deny, suspend, revoke, or reinstate licenses and permits;

(16) Establish a fee schedule;

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(17) Propose rules in accordance with §29a-3-1 *et seq.* of this code to implement this article; and

(18) Take all other actions necessary and proper to implement this article.

(c) The board may:

(1) Contract with third parties to administer the examinations required under this article;

(2) Sue and be sued in its official name as an agency of this state; and

(3) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

(d) The board is authorized to require state and national criminal history record checks for the purpose of issuing multistate licenses. The board shall require an applicant for a multistate license, as a condition of eligibility for a multistate license, to submit to a state and national criminal history record check as set forth in this subsection.

(1) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(A) Submitting fingerprints for the purposes set forth in this subsection; and

(B) Authorizing the board, the West Virginia State Police, and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a multistate license.

(2) The results of the state and national criminal history record check may not be released to or by a private entity except:

(A) To the individual who is the subject of the criminal history record check;

(B) With the written authorization of the individual who is the subject of the criminal history record check; or

(C) Pursuant to a court order.

(3) The criminal history record check and related records are not public records for the purposes of §29B-1-1 *et seq.* of this code.

(4) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(5) The board may propose rules or amendments to existing rules for legislative approval to comply with the provisions of this subsection pursuant to the provisions of §29A-3-1 *et seq.* of this code.

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§30-30-6. Rulemaking.

(a) The board shall propose rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, to implement this article, including:

(1) Additional standards and requirements for licenses and permits;

(2) Requirements for third parties to prepare and/or administer examinations and reexaminations;

(3) Educational and experience requirements;

(4) Standards for approval of courses and curriculum;

(5) Procedures for the issuance and renewal of licenses and permits;

(6) A fee schedule;

(7) Continuing education requirements for licensees;

(8) Qualifications for supervisors; providing type of required supervision; requirements that shall be included within a supervisory plan; and detailed periodic documentation and successful completion of supervision required;

(9) Baccalaureate degrees related to social work;

(10) Establish critical social work workforce shortage positions, setting, areas or fields of practice;

(11) Establishing credentialing guidelines identifying advanced social work practice in existing and emerging specializations, skills and settings;

(12) The procedures for denying, suspending, revoking, reinstating or limiting the practice of licensees and permitees;

(13) Requirements for inactive or revoked licenses and permits; and

(14) Any other rules necessary to implement this article.

(b) All of the board's rules in effect on January 1, 2011, shall remain in effect until they are amended or repealed, and references to former enactments of this article are interpreted to be consistent with this article.

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§30-30-7. Fees; special revenue account; administrative fines.

(a) All fees in effect, shall remain in effect until they are amended or repealed by legislative rule or statute.

(b) All fees and other moneys, except administrative fines, received by the board shall be deposited in a separate special revenue fund in the State Treasury designated the "Board of Social Work Fund", which is continued. The fund is used by the board for the administration of this article. Except as may be provided in article one of this chapter, the board retains the amount in the special revenue account from year to year. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(c) Any amount received as fines, imposed pursuant to this article, shall be deposited into the General Revenue Fund of the State Treasury.

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§30-30-8. License to practice as an independent clinical social worker.

To be eligible for a license to practice as an independent clinical social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least eighteen years of age;

(3) Be of good moral character;

(4) Have obtained a master's degree from a school of social work accredited by the council on social work education that included a concentration of clinically oriented course work as defined by the board;

(5) Have completed a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent;

(6) Have practiced clinical social work for at least two years in full-time employment, or three thousand hours under the supervision of an independent clinical social worker, or clinical supervision that is found by the board to be equivalent;

(7) Have passed an examination approved by the board;

(8) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(9) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: Provided, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program may be considered;

(10) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed;

(11) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed; and

(12) Meet any other requirements established by the board.

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§30-30-8a.

Repealed.

Acts, 2011 Reg. Sess., Ch. 156.

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§30-30-9. Scope of practice for an independent clinical social worker.

A clinical social worker may:

(1) Perform all duties within the scope of practice of a licensed certified social worker, licensed graduate social worker, and licensed social worker.

(2) Apply social work theory, methods, assessment, ethics and the professional use of self to the diagnosis, treatment and prevention of psychological dysfunction, disability or impairment, including emotional and mental disorders and developmental disabilities.

(3) Clinical social work practice is based on knowledge of one or more theories of biological, psychological and social development, normal human behavior, psychopathology, the causes and effects of physical illness and disability, unconscious motivation, interpersonal relationships, family dynamics, environmental stress, social systems and cultural diversity with particular attention to the person existing as a combination of biological, psychological and social elements in his or her environment.

(4) Clinical social work includes interventions directed to interpersonal interactions, intrapsychic dynamics and life-support and management issues.

(5) Clinical social work services consist of assessment, diagnosis, treatment, including psychotherapy and counseling, client-centered advocacy, consultation and evaluation. The process of clinical social work is undertaken within the objectives of the social work profession and the principles and values of its code of ethics.

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§30-30-10. License to practice as a certified social worker.

(a) To be eligible for a license to practice as certified social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least eighteen years of age;

(3) Be of good moral character;

(4) Have obtained a master's degree from a school of social work accredited by the council on social work education;

(5) Have practiced social work for at least two-years post-master's experience in full-time employment or earned three thousand hours of post-masters social work experience;

(6) Have passed an examination approved by the board;

(7) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(8) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: Provided, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program may be considered;

(9) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed;

(10) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed; and

(11) Meet other additional requirements as established by the board.

(b) A certified social worker may engage in the practice of clinical social work, if that certified social worker has:

(1) Obtained a master's degree from a school of social work accredited by the council on social work education that included a concentration of clinically oriented course work as defined by the board;

(2) Has completed a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent;

(3) Has contracted, in writing, with a licensed clinical social worker who shall assume responsibility for and supervise the certified social worker's practice as directed by the

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board by promulgation of legislative rules;

(4) Is an employee of an institution or organization in which the certified social worker has no direct or indirect interest other than employment.

(c) A certified social worker may not practice clinical social work until his or her contract has been approved by the board, and shall cease the practice of clinical social work immediately upon the termination of the contract. At the termination of the contract, the certified social worker shall apply for licensure as a licensed clinical social worker or request an extension of the contract from the board.

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§30-30-11. Scope of practice for a licensed certified social worker.

A licensed certified social worker may:

(1) Perform all duties within the scope of practice of a licensed graduate social worker and licensed social worker;

(2) Apply social work theory and methods to the diagnosis, treatment and prevention of psychological dysfunction, disability or impairment, including emotional and mental disorders and developmental disabilities; and

(3) Determine behavioral health diagnosis, using diagnostic taxonomies commonly accepted across disciplines among behavioral health professionals.

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§30-30-12. License to practice as a licensed graduate social worker.

(a) To be eligible for a license to practice as a graduate social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least eighteen years of age;

(3) Be of good moral character;

(4) Have obtained a master's degree from a school of social work accredited by the council on social work education;

(5) Have passed an examination approved by the board;

(6) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(7) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: Provided, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program may be considered;

(8) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed;

(9) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed; and

(10) Meet any other requirements established by the board.

(b) A licensed graduate social worker may engage in the practice of clinical social work, if he or she has:

(1) Obtained a master's degree from a school of social work accredited by the council on social work education that included a concentration of clinically oriented course work as defined by the board;

(2) Has completed a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent;

(3) Has contracted, in writing, with a licensed clinical social worker who shall assume responsibility for and supervise the certified social worker's practice as directed by the board by promulgation of legislative rules;

(4) Be employed by an institution or organization in which the graduate social worker has no

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direct or indirect interest other than employment.

(c) A graduate social worker may not practice clinical social work until this contract has been approved by the board, and shall cease the practice of clinical social work immediately upon the termination of the contract. At the termination of the contract, the graduate social worker shall apply for licensure as a licensed independent clinical social worker or request an extension of the contract from the board.

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§30-30-13. Scope of practice for a licensed graduate social worker.

A licensed graduate social worker may perform all duties within the scope of practice of a licensed social worker and provisional social worker as well as:

(1) Appropriately conduct social work education, formally teaching social work theory and methodology to bachelor's and master's level social work students.

(2) Conduct clinical or psychotherapeutic services, under the clinical supervision of another experienced and credentialed behavioral health professional, including individual, family and group methodologies.

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§30-30-14. License to practice as a social worker.

To be eligible for a license to practice as a social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least eighteen years of age;

(3) Be of good moral character;

(4) Have a baccalaureate degree in social work from a program accredited by the council on social work education;

(5) Have passed an examination approved by the board;

(6) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(7) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: Provided, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program may be considered;

(8) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license which conviction remains unreversed;

(9) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed; and

(10) Meet any other requirements established by the board.

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§30-30-15. Scope of Practice for a Social Worker.

(a) A licensed social worker may perform all duties within the scope of practice of a provisional social worker as well as:

(1) Apply social work theory, knowledge, methods, ethics and the professional use of self in social work practice including assessment, planning, intervention, counseling, evaluation, and case management supervision;

(2) Provide social advocacy activities, designed to influence social service systems and social policies in the direction of reduced disparities in social and distributive justice, especially for at risk and socially or economically disadvantaged populations;

(3) Community organization activities, designed to assist client systems at the community level to achieve desirable social or policy change toward goals of enhanced civic functioning and improved environmental responsiveness to client quality of life issues;

(4) Administration and program development, designed to develop, structure and, oversee social service systems at the organizational level; and

(5) Training activities, designed to assist clients or client systems with skill development deemed desirable to restore or enhance social functioning or adaptation; or, to assist less experienced social workers with professional skill development.

(b) A licensed social worker with a baccalaureate degree or master's degree in social work from a program accredited by the council on social work education and two years of experience, may supervise a provisionally licensed social worker.

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§30-30-16. Provisional license to practice as a social worker.

(a) To be eligible for a provisional license to practice as a social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least 18 years of age;

(3) Have a baccalaureate degree in a related field, as provided by legislative rule;

(4) Have obtained regular supervised employment, or the reasonable promise of regular supervised employment, contingent upon receiving a provisional license, in a critical social work workforce shortage position, area, or setting requiring a social work license: *Provided*, That such employment shall not be as an independent practitioner, contracted employee, sole proprietor, consultant, or other nonregular employment;

(5) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program, may be considered;

(7) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license, which conviction remains unreversed;

(8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed; and

(9) Meet any other requirements established by the board.

(b) The board shall promulgate emergency rules, in accordance with §29A-3-15 of this code, to implement the provisions of subsection (a) of this section.

(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: *Provided*, That should an individual lose his or her employment due to a reduction in force, or be unable to work due to medical reasons, the individual may request that the Board allow for a reasonable interruption in continuous employment and provide additional time for the individual to complete the requirements of the provisional license. The board shall promulgate by legislative rule the supervision requirements;

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(2) Complete 12 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;

(3) Complete continuing education as required by legislative rule; and

(4) Pass an examination approved by the board.

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§30-30-17. Scope of practice for a provisionally licensed social worker.

A provisionally licensed social worker may perform all of the following functions and social work services under supervision:

(1) Multi-dimensional assessment of client or client system strengths and problems with functioning or psychosocial adaptation, not including formal mental health diagnosis.

(2) Service planning and contracting with clients or clients systems to outline proposed interventive strategies for clients or client systems in order to restore or enhance social, psychosocial, or biopsychosocial functioning;

(3) Implementing service plans and problem solving methodologies to restore or enhance social, psychosocial or biospychosocial functioning of clients or client systems;

(4) Supportive and palliative counseling activities, designed to offer comfort and social encouragement to clients or client systems, not including psychotherapy;

(5) Preventive strategies such as psychoeducation and consciousness raising for at-risk systems or populations, designed to forestall difficulties with functioning and psychosocial adaptation;

(6) Case management activities designed to assist clients or client systems with gaining access to needed resources and services and to assist with coordination of services in situations where multiple providers may be involved with client care;

(7) Information and referral services; and

(8) Personal practice assessment designed to assess and document outcomes and effectiveness of one’s practice.

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§30-30-18. Exemptions from this article.

The following persons are exempt from licensure, unless specifically stated in writing by the employer:

(1) A person employed as the director or administrative head of a social service agency or division, or applicants for employment to be licensed;

(2) Licensed or qualified members of other professions, such as physicians, psychologists, lawyers, counselors, clergy, educators, or the general public engaged in social work-like activities, from doing social work consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words “licensed social worker” or “licensed clinical social worker” or a variation thereof;

(3) An employer from performing social work-like activities performed solely for the benefit of employees;

(4) Activities and services of a student, intern, or resident in social work pursuing a course of study at an accredited university or college, or working in a generally recognized training center, if the activities and services constitute a part of the supervised course of study; and

(5) Pending disposition of the application for a license, activities and services by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform the activities and services in the state of former residence.

(6) An individual registered pursuant to §30-30-30 of this code.

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§30-30-19. Renewal of license.

(a) All licenses are effective on the date of issuance from the board and shall expire in twenty-four months and the number of days remaining in the month after the date the license was issued.

(b) The board shall charge a fee for each renewal of a license and shall charge a late fee for any renewal not paid by the due date.

(c) The board shall require as a condition of renewal that each licensee complete continuing education.

(d) The board may deny an application for renewal for any reason which would justify the denial of an original application for a license.

(e) A provisional licensee shall provide all information and document progress in completing all requirements for the board to renew his or her provisional license.

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§30-30-20. Delinquent and expired license requirements.

(a) If a license is not renewed when due, then the board shall automatically place the licensee on delinquent status. A licensee on delinquent status may not practice social work in this state.

(b) The fee for a person on delinquent status shall increase at a rate, determined by the board, for each month or fraction thereof that the renewal fee is not paid, up to a maximum of thirty-six months.

(c) Within thirty-six months of being placed on delinquent status, if a licensee wants to return to active practice, he or she must complete all the continuing education requirements and pay all the applicable fees as set by rule.

(d) After thirty-six months of being placed on delinquent status, a license is automatically placed on expired status and cannot be renewed. A person whose license has expired must reapply for a new license.

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§30-30-21. Inactive license requirements.

(a) A licensee who does not want to continue an active practice must submit an application and the applicable fee to be granted inactive status.

(b) A person granted inactive status is not subject to the payment of any fee and may not practice social work in this state.

(c) When the person wants to return to the practice of social work, the person shall submit an application for renewal along with all applicable fees as set by rule.

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§30-30-22. Temporary permit to practice social work.

(a) Upon completion of the application and payment of the nonrefundable fees, the board may issue a temporary permit, for a period not to exceed six months, to an applicant to practice in this state, if the applicant has completed the educational requirements set out in this article, pending the examination and who works under a supervising social worker with the scope of the supervision to be defined by legislative rule. The applicant may renew the permit if the licensee receives a failing score on the examination.

(b) A temporary permit may be revoked by a majority vote of the board.

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§30-30-23. Display of license.

(a) The board shall prescribe the form for a license and permit, and may issue a duplicate license or permit upon payment of a fee.

(b) Any person regulated by the article shall conspicuously display his or her license or permit at his or her principal business location.

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§30-30-24. Privileged communications.

(a) A licensee may not disclose any information acquired provided by a client or from persons consulting the licensee in a professional capacity, except that which may be voluntarily disclosed under these following circumstances:

(1) In the course of formally reporting, conferring or consulting with administrative superiors, colleagues or consultants who share professional responsibility, in which instance all recipients of such information are similarly bound to regard the communication as privileged;

(2) With the written consent of the person who provided the information;

(3) In case of death or disability, with the written consent of a personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health or physical condition;

(4) When a communication reveals the intended commission of a crime or harmful act and such disclosure is judged necessary by the social worker to protect any person from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to the public safety; or

(5) When the person waives the privilege by bringing any public charges against the licensee.

(b) When the person is a minor and the information acquired by the licensee indicates the minor was the victim of or witness to a crime, the licensee may be required to testify in any judicial proceedings in which the commission of that crime is the subject of inquiry and when the court determines that the interests of the minor in having the information held privileged are outweighed by the requirements of justice.

(c) Any person having access to records or anyone who participates in providing social work services or who, in providing any human services, is supervised by a licensee, is similarly bound to regard all information and communications as privileged in accord with this section.

(d) Nothing shall be construed to prohibit a licensee from voluntarily testifying in court hearings concerning matters of adoption, child abuse, child neglect or other matters pertaining to children, elderly, and physically and mentally impaired adults, except as prohibited under the applicable state and federal laws.

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§30-30-25. Actions to enjoin violations.

(a) If the board obtains information that any person has engaged in, is engaging in or is about to engage in any act which constitutes or will constitute a violation of this article, the rules promulgated pursuant to this article, or a final order or decision of the board, it may issue a notice to the person to cease and desist in engaging in the act and/or apply to the circuit court in the county of the alleged violation for an order enjoining the act.

(b) The circuit courts of this state may issue a temporary injunction pending a decision on the merits, and may issue a permanent injunction based on its findings in the case.

(c) The judgment of the circuit court on an application permitted by this section is final unless reversed, vacated or modified on appeal to the West Virginia Supreme Court of Appeals.

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§30-30-26. Complaints; investigations; due process procedure; grounds for disciplinary action.

(a) The board may upon its own motion based on credible information, and shall upon the written complaint of any person, cause an investigation to be made to determine whether grounds exist for disciplinary action under this article or the legislative rules promulgated pursuant to this article.

(b) Upon initiation or receipt of the complaint, the board shall provide a copy of the complaint to the licensee or permittee.

(c) After reviewing any information obtained through an investigation, the board shall determine if probable cause exists that the licensee or permittee has violated subsection (g) of this section or rules promulgated pursuant to this article.

(d) Upon a finding that probable cause exists that the licensee or permittee has violated subsection (g) of this section or rules promulgated pursuant to this article, the board may enter into a consent decree or hold a hearing for the suspension or revocation of the license or permit or the imposition of sanctions against the licensee or permittee. Any hearing shall be held in accordance with this article.

(e) Any member of the board or the administrator of the board may issue subpoenas and subpoenas duces tecum to obtain testimony and documents to aid in the investigation of allegations against any person regulated by the article.

(f) Any member of the board or its administrator may sign a consent decree or other legal document on behalf of the board.

(g) The board may, after notice and opportunity for hearing, deny or refuse to renew, suspend, restrict or revoke the license or permit of, or impose probationary conditions upon or take disciplinary action against, any licensee or permittee for any of the following reasons once a violation has been proven by a preponderance of the evidence:

(1) Obtaining a license or permit by fraud, misrepresentation or concealment of material facts;

(2) Being convicted of a felony or other crime involving moral turpitude;

(3) Being guilty of unprofessional conduct which placed the public at risk, as defined by legislative rule of the board;

(4) Intentional violation of a lawful order or legislative rule of the board;

(5) Having had a license or other authorization revoked or suspended, other disciplinary action taken, or an application for licensure or other authorization revoked or suspended by the proper authorities of another jurisdiction;

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(6) Aiding or abetting unlicensed practice; or

(7) Engaging in an act while acting in a professional capacity which has endangered or is likely to endanger the health, welfare or safety of the public.

(h) For the purposes of subsection (g) of this section, effective July 1, 2011, disciplinary action may include:

(1) Reprimand;

(2) Probation;

(3) Restrictions;

(4) Administrative fine, not to exceed $1,000 per day per violation;

(5) Mandatory attendance at continuing education seminars or other training;

(6) Practicing under supervision or other restriction; or

(7) Requiring the licensee or permittee to report to the board for periodic interviews for a specified period of time.

(i) In addition to any other sanction imposed, the board may require a licensee or permittee to pay the costs of the proceeding.

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§30-30-27. Procedures for hearing; right of appeal.

(a) Hearings are governed by section eight, article one of this chapter.

(b) The board may conduct the hearing or elect to have an administrative law judge conduct the hearing.

(c) If the hearing is conducted by an administrative law judge, at the conclusion of a hearing he or she shall prepare a proposed written order containing findings of fact and conclusions of law. The proposed order may contain proposed disciplinary actions if the board so directs. The board may accept, reject or modify the decision of the administrative law judge.

(d) Any member or the administrator of the board has the authority to administer oaths, examine any person under oath and issue subpoenas and subpoenas duces tecum.

(e) If, after a hearing, the board determines the licensee or permittee has violated this article or the board's rules, a formal written decision shall be prepared which contains findings of fact, conclusions of law and a specific description of the disciplinary actions imposed.

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§30-30-28. Judicial review.

Any licensee or permittee adversely affected by a decision of the board entered after a hearing may obtain judicial review of the decision in accordance with section four, article five, chapter twenty-nine-a of this code, and may appeal any ruling resulting from judicial review in accordance with article six, chapter twenty-nine-a of this code.

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§30-30-29. Criminal proceedings; penalties.

(a) When, as a result of an investigation under this article or otherwise, the board has reason to believe that a licensee or permittee has committed a criminal offense under this article, the board may bring its information to the attention of an appropriate law-enforcement official.

(b) A person violating section one of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than $5,000 or confined in jail not more than six months, or both fined and confined.

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§30-30-30. Registration as a Bureau for Children and Families service worker.

To be eligible to be registered as a service worker for the Bureau for Children and Families of the Department of Human Services, the applicant must:

(1) Submit an application to the board;

(2) Be at least 18 years of age;

(3) Have a baccalaureate degree;

(4) Have obtained employment by the bureau;

(5) Satisfy the requirements of the West Virginia Clearance for Access: Registry and Employment Screening Act provided in §16-49-1 *et seq*. of this code;

(6) Satisfy the requirements provided in §30-1-24 of this code;

(7) Complete 240 hours of pre-service training developed by the bureau;

(8) Complete 20 hours of board-approved continuing social work education every two years, up to 10 of which may be earned through board-approved online education hours: *Provided*, That at least two of the hours shall be related to the Code of Ethics adopted by the board, and at least two hours shall be related to social, health, and mental health concerns of veterans and their families; and

(9) Pay the application fee.

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