WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED
SENATE BILL NO. 337

(By Mr. Cass, Mr. Bartholomew, et al.)

PASSED March 9, 1984
In Effect July 1, 1984
ENROLLED

Senate Bill No. 337
(By Mr. Cook, Mr. Boettner, Mr. Nelson and Ms. Chace)

[Passed March 9, 1984; to take effect July 1, 1984.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirty, relating to the licensing of social workers; purpose; definitions; examining board created; powers and duties; license required; prohibited practices; criminal penalties; license classification; qualifications; exemptions; grounds for disciplinary proceedings; temporary permit; renewal of license; display of license; fees; contributions; privileged communications; open meetings provision; and program termination.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article thirty, to read as follows:

ARTICLE 30. SOCIAL WORKERS.

§30-30-1. Purpose.

1 The Legislature finds that the profession of social work profoundly affects the lives of the people of this state.
2 The profession of social work exists to provide humane and effective social services to individuals, families, groups, communities and society in order that social functioning may be enhanced and the quality of life improved.
3 Social workers are involved with individuals who are hurt, vulnerable and having difficulty in areas of their lives.
which are extremely sensitive. Failure to help these individuals, whether through incompetence or irresponsibility, is a serious matter. These individual citizens have the potential to be greatly harmed by the services of ill-prepared and incapable persons acting as social workers. The economic burden of social services which do not give effective aid is a serious social problem. It is the purpose of this article to protect the public by setting standards of qualification, education, training and experience for those who seek to engage in the practice of social work and to promote high standards of professional performance for those engaged in the profession of social work.

§30-30-2. Definitions.

(a) “Board” means the state board of social work examiners established by this article.

(b) “Social work” means the profession that provides the formal knowledge base, theoretical concepts, specific functional skills and essential social values which are used to implement society's mandate to provide safe, effective and constructive social services through the professional activities of helping individuals, groups or communities enhance or restore their capacity for social functioning, and preventing or controlling social problems and altering societal conditions as a means toward enabling people to attain their maximum potential.

(c) “Social worker” means a person who represents himself or herself to the public by the title “social worker,” and, under this title offers to render or renders services involving the application of principles, methods and procedures of the profession of social work to individuals, families, corporations or the public for financial compensation: Provided, That social workers as defined by this article, does not mean any person who may voluntarily serve in an advisory capacity in situations dealing with social and family matters while not holding himself or herself out to the public as a social worker.

(d) “Social work practice” means the professional application of social work values, principles and techniques to one or more of the following ends: Enhancing the developmental, problem-solving and coping capacities of
people; promoting the effective and humane operations of
systems that provide resources and services to people;
linking people with systems that provide them with
resources, services and opportunities; contributing to the
development and improvement of social policy; engaging in
research related to these ends and principles; and
organizations or agencies engaged in such practice. Such
social work interventions are provided to individuals,
families, small groups, organizations, neighborhoods and
communities. The practice of social work is guided by
knowledge of social resources, social systems, human
behavior and social, economic and cultural institutions and
the interaction of all such factors.

§30-30-3. Board of social work examiners.

(a) For the purpose of carrying out the provisions of this
article, there is hereby created a West Virginia board of
social work examiners, consisting of seven members who
shall be appointed by the governor, subject to the following
requirements:

(1) No person may be excluded from serving on the
board by reason of race, sex or national origin;

(2) Two members shall be certified social workers; two
members shall be graduate social workers and two
members shall be social workers. All such members must be
licensed under the provisions of this article in accordance
with their respective titles. In addition, there shall be one
member of the board chosen from the general public:
Provided, That those members who are appointed by the
governor to serve as the first board after the effective date of
this article shall be persons eligible for the licensing
required under this article: Provided, however, That the
member from the general public shall never be required to
be eligible for licensing;

(3) The members of the first board to serve after the
effective date of this article shall be appointed within
ninety days thereof;

(4) The term of office for each member of the board shall
be three years: Provided, That one of the members of the
first board to serve after the effective date of this article
shall serve a term of two years; three of them shall serve a
term of three years and the remaining three shall serve a
term of four years: Provided, however, That no member
shall serve more than four consecutive years; and
(5) The governor shall, whenever there is a vacancy on
the board due to circumstances other than the expiration of
the term of a member, appoint another member with the
same qualifications as the member who has vacated to serve
the duration of the unexpired term.
For the purpose of accepting nominations for the
replacement of a member, the governor shall cause a notice
of the vacancy to be published at least thirty days prior to an
announcement of the replacement member, as a Class I-0
legal advertisement, in accordance with the provisions of
section two, article three, chapter fifty-nine of this code.
The publication area shall be statewide.
If the governor fails to make an appointment in ninety
days after the expiration of any term, the board shall make
the necessary appointment. Each member shall hold office
until the expiration of the term for which such member is
appointed and until a successor shall have been duly
appointed and qualified.
(b) Any members of the board may be removed from
office for cause, in accordance with procedures set forth in
this code for the removal of public officials from office.
(c) Members of the board shall receive appropriate
compensation, not to exceed the amount specified for
attendance of similar board meetings as provided elsewhere
in this code, for attending meetings of the board. In addition
to such compensation, each member of the board shall be
reimbursed out of moneys appropriated for such purposes,
reasonable expenses and all sums which he or she
necessarily shall expend in the discharge of his or her duties
as a member of the board, not to exceed the prevailing rate
paid to employees of the state: Provided, That such
compensation and such expenses shall not exceed the
amount received by the board from licensing fees and
penalties imposed under subsection (e)(4) of this section.
(d) The board shall hold an annual election for the
purpose of electing a chairman, vice chairman and
secretary. The requirements for meetings and management
of the board shall be established in regulations
promulgated by the board as required by this article.
(e) In addition to the duties set forth in other provisions
of this article, the board shall:
(1) Recommend to the Legislature any proposed modifications to this article;
(2) Report to county prosecutors any suspected violations of this article: Provided, That no report shall be made until the board has given the suspected violator ninety days written notice of the suspected violation and the violator has, within such ninety day period, been afforded an opportunity to respond to the board with respect to the allegation;
(3) Publish an annual report listing the names and addresses of all persons who have been licensed in accordance with the provisions of this article as a certified social worker, graduate social worker or social worker;
(4) Establish a fee schedule for the initial examination, license fee and the annual license renewal; and
(5) Establish standards and requirements for continuing education. In establishing these requirements the board shall consult with professional groups and organizations representing all levels of practice provided for in this article and the board shall consider recognized staff development programs, continuing education programs offered by colleges and universities having social work programs approved or accredited by the council on social work education, and continuing education programs offered by recognized state and national social work bodies: Provided, That such standards and requirements for continuing education shall not be construed to alter or effect in any way the standards and requirements for licensing as set forth elsewhere in this article;
(6) Conduct its proceedings in accordance with provisions of article nine-a, chapter six of this code.

§30-30-4. License required; penalties; exceptions.

(a) After twenty-four months have passed from the effective date of this article, no person may represent that he or she is a social worker by using such titles as certified social worker, graduate social worker, social worker or any other title that includes a facsimile of such words unless he or she is duly licensed under the provisions of this article or specifically exempted hereunder; nor may any person represent himself or herself to be a certified social worker, graduate social worker or other type of social worker by
adding the letters CSW, GSW, SW or any other letters, words or insignia which induce or tend to induce the belief that the person is qualified to engage in the practice of social work unless the person is licensed in accordance with the provisions of this article.

(b) After twenty-four months have passed from the effective date of this article, no person may engage in the private, independent practice of social work unless he or she is already licensed under this article.

(c) Any person violating the provisions of subsections (a) or (b) of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail for a term not to exceed one year, or both fined and imprisoned.

(d) Nothing in this article shall be construed to prevent duly licensed physicians, surgeons, psychologists, attorneys, members of the clergy or any other professional from working within the standards and ethics of their respective professions and fulfilling their professional responsibilities: Provided, That no such professional may represent to the public, either by title or training, that he or she is engaged in the practice of social work: Provided, however, That any student enrolled in a recognized program of study leading to a social work degree may practice only under the supervision of a social worker duly licensed in accordance with the provisions of this article.

Nothing in this article shall be construed to prevent any person from volunteering his or her services in a manner as defined in section two (c) of this article.

§30-30-5. License classification; qualification.

The board shall issue a license as a certified social worker, graduate social worker or social worker.

(a) The board shall issue a license as a certified social worker to an applicant who:

(1) Has a doctorate or master's degree from a school of social work accredited by the council on social work education;

(2) Has completed a minimum of two years experience in the practice of social work after having received a master's degree in social work;

(3) Has received certification by the academy of
7  [Enr. S. B. No. 337

certified social workers or has passed an examination
approved by the board for certification purposes;
(4) Has satisfied the board that he or she merits the
public trust, as evidenced by three letters of
recommendation from persons not related to the applicant
and a sworn statement from the applicant indicating he or
she has never been convicted of a felony involving moral
turpitude; and
(5) In lieu of the foregoing requirements, any person
who has been continuously employed for seven years as a
social worker under the supervision of any certified social
worker; has satisfactorily completed fifty-six hours of
graduate social work study as accredited by the council on
social work education; has passed an examination
approved by the board for certification purposes; and has
satisfied the board that he or she merits the public trust, as
evidenced by three letters of recommendation from persons
not related to the applicant and a sworn statement from the
applicant indicating that he or she has never been convicted
of a felony involving moral turpitude, may be licensed by
the board as a certified social worker: Provided, That the
board may exempt any applicant for licensing from specific
hours of social work curriculum where the applicant has
demonstrated to the satisfaction of the board a proficient
knowledge of the subject matter contained in the particular
course of social work curriculum to be exempted.
(b) The board shall issue a license as a graduate social
worker to an applicant who:
(1) Has a master's degree in social work from a school of
social work accredited by the council on social work
education;
(2) Has passed an examination approved by the board;
(3) Has satisfied the board that he or she merits the
public trust, as evidenced by three letters of
recommendation from persons not related to the applicant
and a sworn statement from the applicant indicating he or
she has never been convicted of a felony involving moral
turpitude; and
(4) In lieu of the foregoing requirements, any person
who has been continuously employed for five years as an
apprentice social worker under the supervision of any
certified social worker; has satisfactorily completed forty-
five graduate hours of social work study as accredited by the council on social work education; has passed an examination approved by the board; and has satisfied the board that he or she merits the public trust, as evidenced by three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude, may be licensed by the board as a graduate social worker: Provided, That the board may exempt any applicant for licensing from specific hours of social work curriculum where the applicant has demonstrated to the satisfaction of the board a proficient knowledge of the subject matter contained in the particular course of social work curriculum to be exempted.

(c) The board shall issue a license as a social worker to an applicant who:

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

(2) Has passed an examination approved by the board;

(3) Has satisfied the board that he or she merits the public trust, as evidenced by three letters of recommendation by persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude; and

(4) In lieu of the foregoing requirements, any person who has been continuously employed for four years as a social worker under the supervision of any certified social worker; has satisfactorily completed thirty-six hours of social work study as accredited by the council on social work education; has passed an examination approved by the board; and has satisfied the board that he or she merits the public trust, as evidenced by three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude, may be licensed by the board as a social worker: Provided, That the board may exempt any applicant for licensing from specific hours of social work curriculum where the applicant has demonstrated to the satisfaction of the board a proficient knowledge of the subject matter
§30-30-6. Exemptions from requirements.

(a) From the effective date of this article to twenty-four months hence, an applicant shall be exempt from the education and examination requirements for licensure as a certified social worker, as required by this section and section four of this article, if he or she satisfies the board that he or she holds a doctorate or master's degree in social work, or a doctorate or master's degree in a field related to social work, and that he or she has been engaged, for at least two years of the five years immediately preceding the date of the license application, in the practice for which the examination would otherwise be required, then the applicant shall become so licensed without additional educational and examination requirements.

(b) From the effective date of this article to twenty-four months hence, an applicant shall be exempt from the education and examination requirements for licensure as a social worker, as required by this section and section four of this article, if he or she satisfies the board that he or she has been actively engaged, for at least two years of the five years immediately preceding the date of the license application, in the practice for which the examination would otherwise be required, then the applicant shall become so licensed without additional educational and examination requirements.

(c) An applicant shall be exempted from the requirement of any examination provided herein if:

(1) The applicant satisfies the board that he or she is licensed under the laws of a state or territory of the United States that impose substantially the same requirements as this article; or

(2) The applicant has taken and passed an examination similar to that for which exemption hereunder is sought, pursuant to the laws of a state or territory of the United States.

(d) All social workers employed by county boards of education shall not be subject to the licensing requirements of this article, but shall continue to be certified by the state board of education.
§30-30-7. Grounds for disciplinary proceedings.

1. (a) The board may refuse to issue or renew a license, or may suspend or revoke an existing license. The determination shall be made after a hearing and an opportunity to be heard has been afforded the applicant or licensee. The determination may be made by the board upon proof that the person has engaged in unprofessional conduct within the last five years, including, but not limited to, the following:

2. (1) Has been convicted of a felony;

3. (2) Is unable to perform the functions of his or her licensed title by reason of mental or physical illness or some other infirmity or impairment;

4. (3) Has been grossly negligent or exhibited unprofessional or unethical conduct in the practice of social work;

5. (4) Has assisted or participated with a person not licensed under this article in the false representation that the person is licensed;

6. (5) Has failed to obtain a license renewal after expiration or revocation of same but has continued to represent that he or she is duly licensed hereunder;

7. (6) Has been found guilty by the board of unprofessional conduct in accordance with the rules and regulations promulgated by the board;

8. (7) Has obtained or attempted to obtain a license or renewal thereof by bribery or false representations;

9. (8) Has knowingly made a false statement in connection with any application required under this article; or

10. (9) Has knowingly made a false statement on any form or written statement submitted to the board.

(b) Although the board has the authority to refuse to issue or renew, or to revoke or suspend a license, the intention of this article is not to prohibit the practice of social work by competent and qualified individuals, but rather the intention is to protect the general public from the unprofessional practice of social work.

§30-30-8. Disciplinary proceedings.

1. All hearings with respect to any disciplinary action shall be conducted by the board and any decisions shall be made
upon a majority vote of the board members. All hearings shall be stenographically recorded. The applicant or licensee shall be given twenty days notice of the hearing date and the issue pending before the board. This notice shall be by registered mail, return receipt requested, or by personal service. For purposes of the hearing, the applicant or licensee shall be afforded: (1) The right to representation by legal counsel; (2) the rights to cross examine witnesses; and (3) the right to present evidence in his or her behalf, including the right to call witnesses and present documentary evidence. For purposes of the hearing the board has the power to subpoena witnesses and documentation. The applicant or licensee may apply to the board for the issuance of a subpoena to secure the attendance of a witness or to secure any documentary evidence for the hearing. The board shall notify the applicant or licensee of its decision within a reasonable time after the hearing. The decision shall be in writing and shall be forwarded to the applicant or licensee by registered mail, return receipt requested.

Any party adversely affected by the final determination of the board shall be entitled to judicial review in accordance with articles five and six, chapter twenty-nine-a of this code.

§30-30-9. Temporary permit to practice social work.

The board shall promulgate rules and regulations to provide for the issuance of a temporary permit to practice social work to individuals eligible for a license under the provisions of this article. After the temporary permit has been issued, it shall expire within sixty days from the date of the next examination scheduled by the board for the type of license sought by the applicant: Provided, That the provisions of this section shall not apply to those persons who shall automatically be licensed on the effective date of this article as provided in section six of this article.

§30-30-10. Renewal of license; display of license.

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. A license may be renewed upon payment
of the renewal fee set by the board and upon execution of a sworn statement on a form provided by the board indicating the license has not been revoked and is not currently suspended. At the time of renewal, each applicant shall submit satisfactory evidence that he or she has completed the continuing educational requirements as specified by the board during the tenure of his or her license: Provided, That the board may waive these requirements upon a showing that the applicant suffered from a prolonged illness during the license period or upon proof of other extenuating circumstances which hindered the completion of the requirement: Provided, however, That no waiver may be granted in succession.

The application for renewal of a license must be made within sixty days after a license has expired or within sixty days of a termination or suspension period.

§30-30-11. Fees; contributions.

All fees shall be established and published by the board of examiners. All fees collected under this article are not refundable and shall be deposited in an operating fund of the board, created in the state treasury. The fund shall be a revolving fund from which all operation and administration expenses of the board shall be paid. The board may accept contributions and bequests from individuals, organizations and corporations. These funds shall be deposited by the board into the operating fund heretofore created.

§30-30-12. Privileged communications.

(a) No person licensed under this statute or an employee of the licensee may disclose any confidential information he or she may have acquired from persons consulting him or her in his or her professional capacity except:

(1) With the written consent of the person or persons, or in the case of death or disability, of his or her personal representative, other person authorized to sue or the beneficiary of an insurance policy on his or her life, health or physical condition;

(2) When a communication reveals the contemplation of a crime or harmful act;

(3) When the person waives the privilege by initiating
§30-30-13. Termination of program by law.

This board and the provisions provided in this article shall be terminated on the first day of July, one thousand nine hundred eighty-six, unless review of its functions shall be undertaken pursuant to the provisions of sections nine, ten and eleven, article ten, chapter four of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1984.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 30 day of _______ 1984.

Governor