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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

HOUSE BILL No. 2032

(By ~~the~~ Del. Lave + Leggett)



Passed April 7, 1989

In Effect Ninety Days from Passage

ENROLLED
H. B. 2032

(By DELEGATES LOVE AND LEGGETT)

[Passed April 7, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article thirty, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to West Virginia board of social work examiners; removing restriction on terms of board members; establishing roster of names and addresses of certain social workers; creating an administrative-clerical support staff position; and continuing the board.

Be it enacted by the Legislature of West Virginia:

That section three, article thirty, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 30. SOCIAL WORKERS.

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

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

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

8 (2) Two members shall be certified social workers,
9 two members shall be graduate social workers and two
10 members shall be social workers. All such members

11 must be licensed under the provisions of this article in
12 accordance with their respective titles. In addition,
13 there shall be one member of the board chosen from the
14 general public: *Provided*, That those members who are
15 appointed by the governor to serve as the first board
16 after the effective date of this article shall be persons
17 eligible for the licensing required under this article:
18 *Provided, however*, That the member from the general
19 public shall never be required to be eligible for
20 licensing;

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

24 (4) The term of office for each member of the board
25 shall be three years: *Provided*, That one of the members
26 of the first board to serve after the effective date of this
27 article shall serve a term of two years, three of them
28 shall serve a term of three years and the remaining
29 three shall serve a term of four years; and

30 (5) The governor shall, whenever there is a vacancy
31 on the board due to circumstances other than the
32 expiration of the term of a member, appoint another
33 member with the same qualifications as the member
34 who has vacated to serve the duration of the unexpired
35 term.

36 For the purpose of accepting nominations for the
37 replacement of a member, the governor shall cause a
38 notice of the vacancy to be published at least thirty days
39 prior to an announcement of the replacement member,
40 as a Class I-0 legal advertisement, in accordance with
41 the provisions of section two, article three, chapter fifty-
42 nine of this code. The publication area shall be
43 statewide.

44 If the governor fails to make appointment in ninety
45 days after expiration of any term, the board shall make
46 the necessary appointment. Each member shall hold
47 office until the expiration of the term for which such
48 member is appointed and until a successor shall have
49 been duly appointed and qualified.

50 (b) Any members of the board may be removed from
51 office for cause, in accordance with procedures set forth
52 in this code for the removal of public officials from
53 office.

54 (c) Members of the board shall receive appropriate
55 compensation, not to exceed the amount specified for
56 attendance of similar board meetings as provided
57 elsewhere in this code, for attending meetings of the
58 board. In addition to such compensation, each member
59 of the board shall be reimbursed out of moneys approp-
60 priated for such purposes, reasonable expenses and all
61 sums which he or she necessarily shall expend in the
62 discharge of his or her duties as a member of the board,
63 not to exceed the prevailing rate paid to employees of
64 the state: *Provided*, That such compensation and such
65 expenses shall not exceed the amount received by the
66 board from licensing fees and penalties imposed under
67 subdivision (4), subsection (e) of this section.

68 (d) The board shall hold an annual election for the
69 purpose of electing a chairman, vice chairman and
70 secretary. The requirements for meetings and manage-
71 ment of the board shall be established in regulations
72 promulgated by the board as required by this article.

73 (e) In addition to the duties set forth in other
74 provisions of this article, the board shall:

75 (1) Recommend to the Legislature any proposed
76 modifications to this article;

77 (2) Report to county prosecutors any suspected
78 violations of this article: *Provided*, That no report shall
79 be made until the board has given the suspected violator
80 ninety days written notice of the suspected violation and
81 the violator has, within such ninety day period, been
82 afforded an opportunity to respond to the board with
83 respect to the allegation;

84 (3) Publish an annual report and a roster listing the
85 names and addresses of all persons who have been
86 licensed in accordance with the provisions of this article
87 as a certified social worker, graduate social worker or
88 social worker;

89 (4) Establish a fee schedule for the initial examina-
90 tion, license fee and the annual license renewal;

91 (5) Establish standards and requirements for contin-
92 uing education. In establishing these requirements the
93 board shall consult with professional groups and
94 organizations representing all levels of practice pro-
95 vided for in this article and the board shall consider
96 recognized staff development programs, continuing
97 education programs offered by colleges and universities
98 having social work programs approved or accredited by
99 the council on social work education, and continuing
100 education programs offered by recognized state and
101 national social work bodies: *Provided*, That such
102 standards and requirements for continuing education
103 shall not be construed to alter or affect in any way the
104 standards and requirements for licensing as set forth
105 elsewhere in this article;

106 (6) Conduct its proceedings in accordance with
107 provisions of article nine-a, chapter six of this code; and

108 (7) Employ, direct and define the duties of an
109 administrative clerical support staff person.

110 After having conducted a performance and fiscal
111 audit through its joint committee on government
112 operations, pursuant to section nine, article ten, chapter
113 four of this code, the Legislature hereby finds and
114 declares that the board of social work examiners be
115 continued and reestablished. Accordingly, notwithstand-
116 ing the provisions of section four, article ten, chapter
117 four of this code, the social work board of examiners
118 shall continue to exist until the first day of July, one
119 thousand nine hundred ninety-five.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Federick L. Rain

Chairman Senate Committee

J. L. Settle

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd A. Mullis

Clerk of the Senate

Donald G. Hoop

Clerk of the House of Delegates

Sam R. Tucker

President of the Senate

Bob Hall

Speaker of the House of Delegates

The within *is approved* this the *27th*
day of *April*, 1989.

Gaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 10:24