WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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ENROLLED

SENATE BILL NO. 195

(By Senator WAGNER, ET AL.)

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PASSED March 10, 1995

In Effect July 4, 1995

Passage
AN ACT to repeal section thirteen, article thirty, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three of said article, relating to continuing the board of social work examiners; authorizing employment of staff; deleting reference to annual license renewal; authorizing the promulgation of legislative rules; changing type of audit to preliminary performance review; and repealing duplicative language.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article thirty, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section three of said article be amended and reenacted to read as follows: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 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) One member shall be an independent clinical social worker, two members shall be certified social workers, one member shall be a graduate social worker 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; 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 appointment in ninety
days after 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) The board shall pay each member the same compen­sation as is paid to members of the Legislature for their
interim duties as recommended by the citizens legislative
compensation commission and authorized by law for
each day or portion thereof engaged in the discharge of
official duties and shall reimburse each member for
actual and necessary expenses incurred in the discharge
of official duties: Provided, That such compensation and
such expenses shall not exceed the amount received by
the board from licensing fees and penalties imposed
under subdivision (4), subsection (e) 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 and a roster listing the names and addresses of all persons who have been licensed in accordance with the provisions of this article as an independent clinical social worker, certified social worker, graduate social worker or social worker;

(4) Establish a fee schedule by legislative rule, pursuant to the provisions of chapter twenty-nine-a of this code, which schedule may include fees for the initial examination, license fee, license renewal, license replacement, reciprocal license, license classification change, continuing education provider approval and monitoring, mailing lists and requests for information and reports; fees for requests for information and reports shall not be greater than the cost of personnel, time and supplies incurred by the board and shall not be applied to the annual report;

(5) Establish standards and requirements by legislative rule, pursuant to the provisions of chapter twenty-nine-a of this code, 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 affect in any way the standards and requirements for licensing as set forth elsewhere in this article;

(6) Establish standards and requirements for the practice of social work and the differentiation of qualifications, education, training, experience, supervision, responsibilities, rights, duties and privileges at the
independent clinical social worker, certified social
worker, graduate social worker and social worker license
levels. In establishing these standards and requirements
the board shall consult with professional groups and
organizations representing all levels of practice provided
for in this article. Standards and requirements may
include, but are not limited to, practice standards,
practice parameters, quality indicators, minimal stan-
dards of acceptance, advanced training and certification
and continuing education. Provided, That such stan-
dards and requirements for practice may not be con-
strued to alter or affect in any way the standards and
requirements for licensing as set forth elsewhere in this
article;

(7) Conduct its proceedings in accordance with provi-
sions of article nine-a, chapter six of this code; and

(8) Employ, direct and define the duties of administra-
tive clerical support staff.

After having conducted a preliminary performance
review through its joint committee on government
operations, pursuant to article ten, chapter four of this
code, the Legislature hereby finds and declares that the
board of social work examiners be continued and
reestablished. Accordingly, notwithstanding the provi-
sions of said article, the board of social work examiners
shall continue to exist until the first day of July, one
thousand nine hundred ninety-eight.
That 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, 1995.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 22nd day of March, 1995.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/17/95
Time 3:18 pm