

SB 0195

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 195

(By Senator WAGNER, ET AL)



PASSED MARCH 10 1995

In Effect JULY 4, 1995 Passage

ENROLLED

Senate Bill No. 195

(BY SENATORS WAGNER, BAILEY, BOWMAN, BUCKALEW,
MILLER, WIEDEBUSCH AND YODER)

[Passed March 10, 1995; to take effect July 1, 1995.]

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article thirty, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section three of said article be amended and reenacted to read as follows: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
- 2 this article, there is hereby created a West Virginia board
- 3 of social work examiners, consisting of seven members

4 who shall be appointed by the governor, subject to the
5 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) One member shall be an independent clinical social
9 worker, two members shall be certified social workers,
10 one member shall be a graduate social worker and two
11 members shall be social workers. All such members
12 must be licensed under the provisions of this article in
13 accordance with their respective titles. In addition,
14 there shall be one member of the board chosen from the
15 general public: *Provided*, That those members who are
16 appointed by the governor to serve as the first board
17 after the effective date of this article shall be persons
18 eligible for the licensing required under this article:
19 *Provided, however*, That the member from the general
20 public shall never be required to be eligible for 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 three
29 shall serve a term of four years; and

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

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

41 of this code. The publication area shall be statewide.

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

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

52 (c) The board shall pay each member the same compen-
53 sation as is paid to members of the Legislature for their
54 interim duties as recommended by the citizens legislative
55 compensation commission and authorized by law for
56 each day or portion thereof engaged in the discharge of
57 official duties and shall reimburse each member for
58 actual and necessary expenses incurred in the discharge
59 of official duties: *Provided*, That such compensation and
60 such expenses shall not exceed the amount received by
61 the board from licensing fees and penalties imposed
62 under subdivision (4), subsection (e) of this section.

63 (d) The board shall hold an annual election for the
64 purpose of electing a chairman, vice chairman and
65 secretary. The requirements for meetings and manage-
66 ment of the board shall be established in regulations
67 promulgated by the board as required by this article.

68 (e) In addition to the duties set forth in other provi-
69 sions of this article, the board shall:

70 (1) Recommend to the Legislature any proposed
71 modifications to this article;

72 (2) Report to county prosecutors any suspected viola-
73 tions of this article: *Provided*, That no report shall be
74 made until the board has given the suspected violator
75 ninety days written notice of the suspected violation and
76 the violator has, within such ninety-day period, been

77 afforded an opportunity to respond to the board with
78 respect to the allegation;

79 (3) Publish an annual report and a roster listing the
80 names and addresses of all persons who have been
81 licensed in accordance with the provisions of this article
82 as an independent clinical social worker, certified social
83 worker, graduate social worker or social worker;

84 (4) Establish a fee schedule by legislative rule, pursu-
85 ant to the provisions of chapter twenty-nine-a of this
86 code, which schedule may include fees for the initial
87 examination, license fee, license renewal, license re-
88 placement, reciprocal license, license classification
89 change, continuing education provider approval and
90 monitoring, mailing lists and requests for information
91 and reports; fees for requests for information and reports
92 shall not be greater than the cost of personnel, time and
93 supplies incurred by the board and shall not be applied
94 to the annual report;

95 (5) Establish standards and requirements by legislative
96 rule, pursuant to the provisions of chapter twenty-nine-a
97 of this code, for continuing education. In establishing
98 these requirements the board shall consult with profes-
99 sional groups and organizations representing all levels of
100 practice provided for in this article and the board shall
101 consider recognized staff development programs, contin-
102 uing education programs offered by colleges and univer-
103 sities having social work programs approved or accred-
104 ited by the council on social work education, and contin-
105 uing education programs offered by recognized state and
106 national social work bodies: *Provided*, That such
107 standards and requirements for continuing education
108 shall not be construed to alter or affect in any way the
109 standards and requirements for licensing as set forth
110 elsewhere in this article;

111 (6) Establish standards and requirements for the
112 practice of social work and the differentiation of
113 qualifications, education, training, experience, supervi-
114 sion, responsibilities, rights, duties and privileges at the

115 independent clinical social worker, certified social
116 worker, graduate social worker and social worker license
117 levels. In establishing these standards and requirements
118 the board shall consult with professional groups and
119 organizations representing all levels of practice provided
120 for in this article. Standards and requirements may
121 include, but are not limited to, practice standards,
122 practice parameters, quality indicators, minimal stan-
123 dards of acceptance, advanced training and certification
124 and continuing education: *Provided*, That such stan-
125 dards and requirements for practice may not be con-
126 strued to alter or affect in any way the standards and
127 requirements for licensing as set forth elsewhere in this
128 article;

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

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

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

A large, handwritten signature in dark ink, appearing to be a cursive name, possibly "Robert [unclear]". The signature is written in a fluid, connected style and is positioned at the bottom of the page.

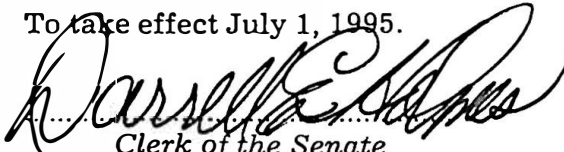
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

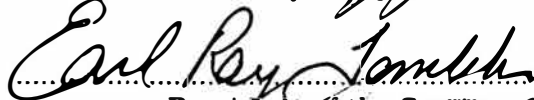

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Chairman House Committee

Originated in the Senate.

To take effect July 1, 1995.

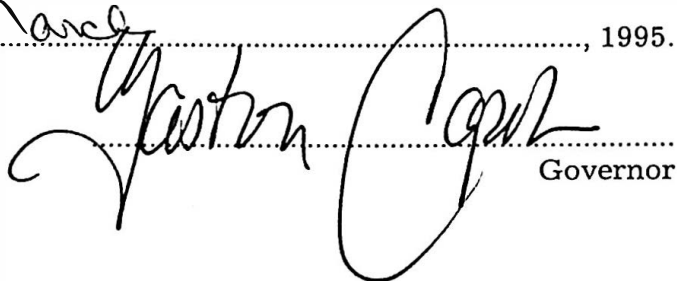

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

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


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Governor

GOVERNOR

Date 3/17/95
Time 3:18pm