

SB 416

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

SENATE BILL NO. 416

(By Senator LOWMAN, ET AL)



PASSED FEBRUARY 23, 1998

In Effect NINETY DAYS FROM Passage

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SENATE OF WEST VIRGINIA

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Senate Bill No. 416

(BY SENATORS BOWMAN, BAILEY, BALL, JACKSON,
KESSLER, PLYMALE, WHITE, BUCKALEW AND MINEAR)

[Passed February 23, 1998; 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 continuing the board of social work examiners.

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 this
- 2 article, there is hereby created a West Virginia board of
- 3 social work examiners, consisting of seven members who

4 shall be appointed by the governor, subject to the follow-
5 ing 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, one
10 member shall be a graduate social worker and two mem-
11 bers shall be social workers. All such members must be
12 licensed under the provisions of this article in accordance
13 with their respective titles. In addition, there shall be one
14 member of the board chosen from the general public:
15 *Provided*, That those members who are appointed by the
16 governor to serve as the first board after the effective date
17 of this article shall be persons eligible for the licensing
18 required under this article: *Provided, however*, That the
19 member from the general public shall never be required to
20 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 shall
25 be three years: *Provided*, That one of the members of the
26 first board to serve after the effective date of this article
27 shall serve a term of two years, three of them shall serve
28 a term of three years and the remaining three shall serve
29 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 to
34 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 days
43 after expiration of any term, the board shall make the
44 necessary appointment. Each member shall hold office
45 until the expiration of the term for which such member is
46 appointed and until a successor shall have been duly
47 appointed and qualified.

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

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

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

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

69 (1) Recommend to the Legislature any proposed modifi-
70 cations to this article;

71 (2) Report to county prosecutors any suspected viola-
72 tions of this article: *Provided*, That no report shall be

73 made until the board has given the suspected violator
74 ninety days written notice of the suspected violation and
75 the violator has, within such ninety-day period, been
76 afforded an opportunity to respond to the board with
77 respect to the allegation;

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

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

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

109 (6) Establish standards and requirements for the prac-
110 tice of social work and the differentiation of qualifica-
111 tions, education, training, experience, supervision, respon-
112 sibilities, rights, duties and privileges at the independent
113 clinical social worker, certified social worker, graduate
114 social worker and social worker license levels. In estab-
115 lishing these standards and requirements the board shall
116 consult with professional groups and organizations
117 representing all levels of practice provided for in this
118 article. Standards and requirements may include, but are
119 not limited to, practice standards, practice parameters,
120 quality indicators, minimal standards of acceptance,
121 advanced training and certification and continuing
122 education: *Provided*, That such standards and require-
123 ments for practice may not be construed to alter or affect
124 in any way the standards and requirements for licensing
125 as set forth elsewhere in this article;

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

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

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

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

Paul A. Shanover
.....
Chairman Senate Committee

Nick Frontasio
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll B. Adams
.....
Clerk of the Senate

Bryant D. Gier
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

W. H. ...
.....
Speaker House of Delegates

The within *approved* this the *6th*
day of *March*, 1998

Jim Antevorn
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/2/98

Time

3:15pm