

HB 2479

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WEST VIRGINIA LEGISLATURE

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FIRST REGULAR SESSION, 1999



# ENROLLED

## House Bill No. 2479

(By Delegates Douglas, Collins, Prunty,  
H. White, Hatfield and Stalnaker)



Passed March 2, 1999

In Effect Ninety Days from Passage

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STATE OF WEST VIRGINIA

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**H. B. 2479**

(BY DELEGATES DOUGLAS, COLLINS, PRUNTY,  
H. WHITE, HATFIELD AND STALNAKER)

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[Passed March 2, 1999; in effect ninety days from passage.]

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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 social  
3 work examiners, consisting of seven members who shall be  
4 appointed by the governor, subject to the following require-  
5 ments:

6 (1) No person may be excluded from serving on the board  
7 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 members  
11 shall be social workers. All such members must be licensed  
12 under the provisions of this article in accordance with their  
13 respective titles. In addition, there shall be one member of the  
14 board chosen from the general public: *Provided*, That those  
15 members who are appointed by the governor to serve as the first  
16 board after the effective date of this article shall be persons  
17 eligible for the licensing required under this article: *Provided*,  
18 *however*, That the member from the general public shall never  
19 be required to be eligible for licensing;

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

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

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

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

41       If the governor fails to make appointment in ninety days  
42 after expiration of any term, the board shall make the necessary  
43 appointment. Each member shall hold office until the expiration

44 of the term for which such member is appointed and until a  
45 successor shall have been duly appointed and qualified.

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

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

59 (d) The board shall hold an annual election for the purpose  
60 of electing a chairman, vice chairman and secretary. The  
61 requirements for meetings and management of the board shall  
62 be established in regulations promulgated by the board as  
63 required by this article.

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

66 (1) Recommend to the Legislature any proposed modifica-  
67 tions to this article;

68 (2) Report to county prosecutors any suspected violations  
69 of this article: *Provided*, That no report shall be made until the  
70 board has given the suspected violator ninety days written  
71 notice of the suspected violation and the violator has, within  
72 such ninety-day period, been afforded an opportunity to respond  
73 to the board with respect to the allegation;

74 (3) Publish an annual report and a roster listing the names  
75 and addresses of all persons who have been licensed in accor-  
76 dance with the provisions of this article as an independent  
77 clinical social worker, certified social worker, graduate social  
78 worker or social worker;

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

89           (5) Establish standards and requirements by legislative rule,  
90 pursuant to the provisions of chapter twenty-nine-a of this code,  
91 for continuing education. In establishing these requirements the  
92 board shall consult with professional groups and organizations  
93 representing all levels of practice provided for in this article and  
94 the board shall consider recognized staff development pro-  
95 grams, continuing education programs offered by colleges and  
96 universities having social work programs approved or accred-  
97 ited by the council on social work education, and continuing  
98 education programs offered by recognized state and national  
99 social work bodies: *Provided*, That such standards and require-  
100 ments for continuing education shall not be construed to alter  
101 or affect in any way the standards and requirements for licens-  
102 ing as set forth elsewhere in this article;

103           (6) Establish standards and requirements for the practice of  
104 social work and the differentiation of qualifications, education,  
105 training, experience, supervision, responsibilities, rights, duties  
106 and privileges at the independent clinical social worker,  
107 certified social worker, graduate social worker and social  
108 worker license levels. In establishing these standards and  
109 requirements the board shall consult with professional groups  
110 and organizations representing all levels of practice provided  
111 for in this article. Standards and requirements may include, but  
112 are not limited to, practice standards, practice parameters,  
113 quality indicators, minimal standards of acceptance, advanced  
114 training and certification and continuing education: *Provided*,  
115 That such standards and requirements for practice may not be

116 construed to alter or affect in any way the standards and  
117 requirements for licensing as set forth elsewhere in this article;

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

120 (8) Employ, direct and define the duties of administrative  
121 clerical support staff.

122 After having conducted a preliminary performance review  
123 through its joint committee on government operations, pursuant  
124 to article ten, chapter four of this code, the Legislature hereby  
125 finds and declares that the board of social work examiners be  
126 continued and reestablished. Accordingly, notwithstanding the  
127 provisions of said article, the board of social work examiners  
128 shall continue to exist until the first day of July, two thousand  
129 five.

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

*Barry Schroyer*

Chairman Senate Committee

*Joe F. Smith*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell Holmes*

Clerk of the Senate

*Benny M. Boy*

Clerk of the House of Delegates

*Carl Ray Tomblin*

President of the Senate

*Tommy*

Speaker of the House of Delegates

The within approval this the 16<sup>th</sup>

day of March, 1999.

*Jeff Abernethy*

Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/99

Time 9:28 am