

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**Enrolled**

**Committee Substitute**

**for**

**Committee Substitute**

**for**

**Senate Bill 312**

SENATORS WELD, STOLLINGS, RUCKER, ROBERTS,

PLYMALE, MAYNARD, CLINE, HAMILTON, JEFFRIES,

WOELFEL, AND PALUMBO, *original sponsors*

[Passed March 5, 2020; in effect 90 days from passage]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 24 A 10:05

FILED

SB312

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1 AN ACT to amend and reenact §30-30-16 and §30-30-18 of the Code of West Virginia, 1931, as  
2 amended; and to amend said code by adding thereto a new section, designated §30-30-  
3 30, all relating to provisional licensure requirements for social workers; creating licensure  
4 exception for Bureau for Children and Families service workers; permitting emergency  
5 rulemaking; creating registration process for service workers employed by the Bureau for  
6 Children and Families; providing deadline for conversion of license to registry; and setting  
7 forth registration eligibility criteria and continuing education requirements.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 30. SOCIAL WORKERS.**

**§30-30-16. Provisional license to practice as a social worker.**

1 (a) To be eligible for a provisional license to practice as a social worker, the applicant  
2 must:  
3 (1) Submit an application to the board;  
4 (2) Be at least 18 years of age;  
5 (3) Have a baccalaureate degree in a related field, as provided by legislative rule;  
6 (4) Have obtained regular supervised employment, or the reasonable promise of regular  
7 supervised employment, contingent upon receiving a provisional license, in a critical social work  
8 workforce shortage position, area, or setting requiring a social work license: *Provided*, That such  
9 employment shall not be as an independent practitioner, contracted employee, sole proprietor,  
10 consultant, or other nonregular employment;  
11 (5) Have satisfied the board that he or she merits the public trust by providing the board  
12 with three letters of recommendation from persons not related to the applicant;  
13 (6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code:  
14 *Provided*, That an applicant in an active recovery process, which may, in the discretion of the  
15 board, be evidenced by participation in an acknowledged substance abuse treatment and/or  
16 recovery program, may be considered;

17 (7) Not have been convicted of a felony in any jurisdiction within five years preceding the  
18 date of application for license, which conviction remains unreversed;

19 (8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense  
20 for which he or she was convicted related to the practice of social work, which conviction remains  
21 unreversed; and

22 (9) Meet any other requirements established by the board.

23 (b) The board shall promulgate emergency rules, in accordance with §29A-3-15 of this  
24 code, to implement the provisions of subsection (a) of this section.

25 (c) A provisionally licensed social worker may become a licensed social worker by  
26 completing the following:

27 (1) Be continuously employed for four years as a social worker and supervised. The board  
28 shall promulgate by legislative rule the supervision requirements;

29 (2) Complete 12 credit hours of core social work study from a program accredited by the  
30 council on social work education, as defined by legislative rule, within the four-year provisional  
31 license period;

32 (3) Complete continuing education as required by legislative rule; and

33 (4) Pass an examination approved by the board.

34 (d) On or before July 1, 2020, the Legislative Auditor shall cause to be performed a  
35 performance audit of the provisional license to practice as a social worker application process  
36 and the application process by which a provisional licensee may become a licensed social worker.

37 (e) Any employee of the Department of Health and Human Resources with a provisional  
38 license as of the effective date of this section who opted to take the department-provided courses  
39 previously allowed has until June 30, 2022, to convert his or her license to a social work license  
40 or provisional license under this section. If the individual cannot or desires not to complete this  
41 process, he or she shall be eligible for registration as provided in §30-30-30 of this code.

**§30-30-18. Exemptions from this article.**

1           The following persons are exempt from licensure, unless specifically stated in writing by  
2 the employer:

3           (1) A person employed as the director or administrative head of a social service agency  
4 or division, or applicants for employment to be licensed;

5           (2) Licensed or qualified members of other professions, such as physicians, psychologists,  
6 lawyers, counselors, clergy, educators, or the general public engaged in social work-like activities,  
7 from doing social work consistent with their training if they do not hold themselves out to the public  
8 by a title or description incorporating the words “licensed social worker” or “licensed clinical social  
9 worker” or a variation thereof;

10           (3) An employer from performing social work-like activities performed solely for the benefit  
11 of employees;

12           (4) Activities and services of a student, intern, or resident in social work pursuing a course  
13 of study at an accredited university or college, or working in a generally recognized training center,  
14 if the activities and services constitute a part of the supervised course of study; and

15           (5) Pending disposition of the application for a license, activities and services by a person  
16 who has recently become a resident of this state, has applied for a license within 90 days of taking  
17 up residency in this state, and is licensed to perform the activities and services in the state of  
18 former residence.

19           (6) An individual registered pursuant to §30-30-30 of this code.

**§30-30-30. Registration as a Bureau for Children and Families service worker.**

1           To be eligible to be registered as a service worker for the Bureau for Children and Families  
2 of the Department of Health and Human Resources, the applicant must:

3           (1) Submit an application to the board;

4           (2) Be at least 18 years of age;

5           (3) Have a baccalaureate degree;

- 6 (4) Have obtained employment by the bureau;
- 7 (5) Satisfy the requirements of the West Virginia Clearance for Access: Registry and
- 8 Employment Screening Act provided in §16-49-1 *et seq.* of this code;
- 9 (6) Satisfy the requirements provided in §30-1-24 of this code;
- 10 (7) Complete 240 hours of pre-service training developed by the bureau;
- 11 (8) Complete 20 hours of board-approved continuing social work education every two
- 12 years, up to 10 of which may be earned through board-approved online education hours:
- 13 *Provided*, That at least two of the hours shall be related to the Code of Ethics adopted by the
- 14 board, and at least two hours shall be related to social, health, and mental health concerns of
- 15 veterans and their families; and
- 16 (9) Pay the application fee.

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

*Mark Hayward*  
.....  
Chairman, Senate Committee

*Steve Capito*  
.....  
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

FILED  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

*Joe Lamm*  
.....  
Clerk of the Senate

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Michelle B. Combs*  
.....  
President of the Senate

*Ray Jankow*  
.....  
Speaker of the House of Delegates

The within is approved this the 24th  
Day of March ....., 2020.

*James Justice*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2020

Time 9:50 am