

WEST VIRGINIA BOARD OF SOCIAL WORK
REGULATORY REVIEW REPORT
SERIES 25

Rule 1 Qualifications for the Profession of Social Work

DESCRIPTION: This rule defines the levels of licensure and the qualifications for the levels for both those individuals with a degree in social work and those with a related degree and seeking to practice through an alternative pathway (Provisional License). The rules define how a licensed social work may place a license on inactive or emeritus status, specifies the application and compliance requirements for a temporary permit, regular license and provisional license, specifies the application process for supervisors of Provisional licensee and employers desiring to hire Provisional Licensees, specifies the requirements for a Clinical Supervisor for those seeking clinical licensure, and outlines the responsibilities of licensees.

According to the records available the rule was first promulgated on July 10, 1986, with modifications effective on the following dates:

8/9/2016
7/1/2013
7/1/2002
7/1/1998
4/9/1988

DETERMINATION: The Board has reviewed this rule twice within the past two years and believes the rule is necessary to license social workers in WV and to implement the provisions of WV Code §30-30.

REASONS: Changes enacted in 2015-2016 addressed rule changes necessitated by SB 559 and the expanded hiring practices of DHHR and substitute training requirements. Currently the Board proposes changes to clinical supervision and was approved an exemption by the Governor's office to the moratorium on rule making established by Executive Order. The Board believes the proposed changes will increase the pool of qualified supervisors and ensure more opportunities for clinical supervision, particularly in the rural areas of the state. Proposed revisions include a 6-hour preservice training requirement for clinical supervisors, creating a registration process for clinical supervisors, expanding the face to face options for supervision with HIPPA compliant technology, defines clinical supervision and clarifies the role of clinical supervisor and clarifies that the contract must be preapproved which is already in WV Code §30-30-10.c and §30-30-12. c. The Board further intends to revise the rule with respect to applications and qualifications as it relates to Provisional Licensure.

Rule 2 Organization and Procedures of The WV Board off Social Work Examiners (Procedural Rule)

DESCRIPTION: This procedural rule covers the organization of the Board, processing of applications

for licensure, procedures for testing and availability of rules and regulations.

According to the records available the rule was first promulgated on July 10, 1986, with modifications effective on the following dates:

10/20/1992

DETERMINATION: The Board has reviewed this rule and believes modifications should be made at the earliest opportunity.

REASONS: Information regarding testing is outdated as well as how the public may access rules and regulations.

Rule 3 Fee Schedule

DESCRIPTION: This rule is the fee schedule for licenses and services provided by the Board. It includes fees for the initial license for all levels of licensure, late fees, fees for permits, fees for inactive status, fees for provisional licenses, renewal fees, fees for continuing education providers, replacement licenses, license upgrade fees.

According to the records available the rule was first promulgated on July 1, 2002, with modifications effective on the following dates:

7/1/2013

5/6/2009

DETERMINATION: This rule is necessary for transparency and the Board has no plans to change it.

REASONS: The current fee structure is adequate to meet the Board's operational needs.

Rule 4 Applications

DESCRIPTION: This rule specifies the procedure for requesting various applications for licensing as a social worker.

According to the records available the rule was first promulgated on July 1, 2013.

DETERMINATION: The Board does not believe this rule is necessary and would recommend repeal

REASONS: The rule seems to serve no purpose other than noting where applications may be received, which is information that is available on the web page.

Rule 5 Continuing Education for Social Workers and Providers

DESCRIPTION: This rule specifies the continuing education requirements for social workers' license renewal and the application and compliance requirements for approved continuing education providers and those desiring approval for designated events

According to the records available the rule was first promulgated on July 1, 2013 with modifications on the following dates:

7/1/2017

DETERMINATION: The Board believes the rule is necessary as continuing education is a requirement of licensure and necessary to protect the public.

REASONS: The rule was reviewed and revised last year to accommodate requirements of HB 4318 and WV Code 30-1-7a, which address training on mental disorders common to Veterans and families. The Board also took the opportunity to add clarity to the online training options for social workers and expand in house training opportunities to approved providers of continuing education and as well as adding clarity to language in other parts of the rule.

Rule 6 Contested Case Hearings and Disciplinary Procedures (Procedural Rule)

DESCRIPTION: This procedural rule specifies the procedure regarding contested case hearings and disciplinary proceedings including: what constitutes professional misconduct of a social worker; the procedures for notification to the complainant and respondent, investigation of a complaint, notification to parties of probable cause and what the notice to the respondent shall include, available sanctions, notice of hearing, reporting to the Disciplinary Action Reporting System.

According to the records available the rule was first promulgated on March 5, 2013

DETERMINATION: The Board believes the rule is necessary

REASONS: The rule establishes the framework of not only protecting the public for those social workers engaging in professional misconduct but also provides due process for the social worker accused of misconduct.

Rule 7 Code of Ethics

DESCRIPTION: This rule specifies that the Board will follow the Code of Ethics of the National Association of Social Workers.

According to the records available the rule was first promulgated on July 1, 2013

DETERMINATION: The Board believes this rule is necessary.

REASONS: The Code of Ethics expresses to both the public and to licensed social workers the expectations of professional behavior of social workers. It is also referenced in Rule 6. Currently the Board proposes changes to this rule and was approved an exemption by the Governor's office to the moratorium on rule making established by Executive Order. The rule was revised to reflect the revised Code adopted by the National Association of Social Workers and effective January 1, 2018. The changes to the Code of Ethics incorporate expected professional behaviors of social workers as it relates to technology and the use of social media in interactions with clients and client records.

Submitted by Vickie James, Executive Director

Date: 10/22/2018

Approved by the Board for Submission on October 12, 2018