

*A Preliminary Review*  
*of the*  
*Board of Social Work Examiners*

PE 94-11-11

**WEST VIRGINIA LEGISLATURE**  
*Joint Committee on Government and Finance*

Building 1, Room E-132  
1900 Kanawha Blvd, E.  
Charleston, WV 25305-0610  
(304) 558-2040  
(304) 558-2182 FAX



Aaron Allred  
Legislative Manager

January 8, 1994

The Honorable A. Keith Wagner  
State Senate  
Box 446  
Iaeger, WV 24844

The Honorable Joe Martin  
House of Delegates  
Building 1, Room 213E  
1900 Kanawha Boulevard East  
Charleston, WV 25305

Gentlemen:

This is to transmit a preliminary review of the Board of Social Work Examiners on which we will report to the Joint Committee on Government Operations on Sunday, January 8, 1995.

Let us know if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Allred".

Aaron Allred

AA/jmm

## Table of Contents

|  |    |
|--|----|
| The West Virginia Board of Social Work Examiners . . . . .                                 | 3  |
| Purpose and Functions of the Board of Social Work Examiners                                |    |
| Issue Areas. . . . .   | 4  |
| APPENDIX A   |    |
| Board of Social Work Examiners Roster of Members . . . . .                                 | 8  |
| APPENDIX B   |    |
| History of staff for the Board of Social Work Examiners . . . . .                          | 9  |
| APPENDIX C   |    |
| Number of West Virginia Licensed Social Workers According to Licensure Level . . . . .     | 10 |
| APPENDIX D   |    |
| Record Of The Board Of Social Work Examiners Meetings . . . . .                            | 11 |
| APPENDIX E   |    |
| Purpose and Authority for the Preliminary Performance Review . . . . .                     | 13 |
| APPENDIX F   |    |
| Scope and Methodology for the Preliminary Performance Review . . . . .                     | 14 |
| ATTACHMENT 1   |    |
| Response to Preliminary Performance Review by the Board of Social Work Examiners . . . . . | 15 |

# **The West Virginia Board of Social Work Examiners**

## **The West Virginia Board of Social Work Examiners**

The West Virginia Board of Social Work Examiners was created to protect the public by setting standards of qualification, education, training and experience for those who seek to engage in the practice of social work and to promote high standards of professional performance for those engaged in the profession of social work.

The state Board of Social Work Examiners was created in 1984 under Chapter 147, Acts of the Legislature. The board is currently governed by the provisions of Chapter 30, Article 30, Section 1 of the West Virginia Code, as amended.

## **Purpose and Functions of the Board of Social Work Examiners**

According to statute, the Board is required to:

- 1) Recommend to the Legislature any proposed modifications to this article;
- 2) Report to county prosecutors any suspected violations of this article: Provided, That no report shall be made until the board has given the suspected violator ninety days written notice of the suspected violation and the violator has, within such ninety-day period, been afforded an opportunity to respond to the board with respect to the allegation.
- 3) Publish an annual report and a roster listing the names and addresses of all persons who have been licensed according to statute.
- 4) Establish a fee schedule for the initial examination, license fee, the annual license renewal, license replacement, reciprocal license, license classification change, continuing education provider approval and monitoring, mailing lists and requests for information and reports.
- 5) Establish standards and requirements for continuing education.
- 6) Establish standards and requirements for the practice of social work through the issuance of licenses at the independent clinical social worker, certified social worker, graduate social worker and social worker license levels.
- 7) Employ, direct and define the duties of an administrative clerical support staff person.

## Issue Areas

*Issue Area #1 -The Board has been slow in the issuance and implementation of the independent clinical social worker license. Because of this slow implementation, the Board cannot appoint/have appointed an independent clinical social worker as the seventh member of the board.*

Legislation passed during the 1993 Regular Session established a fourth and the highest level of social work licensure obtainable in West Virginia. The board was mandated to establish the qualifications for a person to obtain this level of licensure. This legislation passed April 9, 1993, and became effective July 8, 1993, (90 days from passage). On September 3, 1993, the board created an "Ad Hoc committee on Clinical Social Work" consisting of licensed social workers of various levels to develop recommendations for the standards and implementation of the *Independent Clinical Social Worker license*.

The committee met three times beginning in September of 1993 and in March of 1994 presented its recommendations to the Board. In April of 1994, the committee presented Board-approved recommendations to the licensed social workers in the state. The following is a time-line of the committee's activities:

September 3, 1993- Received charge from Board

September 23, 1993- Regular meeting

March 10, 1994- Regular meeting

March 28, 1994- Regular meeting

May 23, 1994- Final Draft of Recommendations to the Board on Independent Clinical Social Work license minimal requirements.

Recommendations for implementing the license were submitted during the August 1994 Board meeting. During the November board meeting, the operating policies and implementation schedule was approved. As of December 7, 1994, 25 Independent Clinical Licenses had been issued. The board has received and processed about 60 applications for the license.<sup>1</sup>

It is estimated that approximately 500 licensees are eligible for this new license.<sup>2</sup> Most want to use the license to spread out their social work practice and be reimbursed by more vendors. The board's administrative aide could not see any detrimental affects to licensees because of the slow implementation of this new license level.

---

<sup>1</sup>The administrative aide for the board gave this information to this legislative analyst. The board's response to this preliminary review claims the statement to be inaccurate and instead should read "Sixty applications have been distributed to prospective licensees...."

<sup>2</sup>The administrative aide for the board offered this figure to this legislative analyst. The board's response to this preliminary review estimates that 250 licensees may be eligible for the clinical license.

Legislation from 1993 (SB 416) mandated the appointment of an Independent Clinical Social Worker as the seventh member of the Board. This position was to replace one of the two graduate social workers required to be members. This position has yet to be filled. The Board has been accepting resumes and is currently looking at potential applicants.

**Recommendation** - The board should process the Independent Clinical Social Worker license in a more timely manner and should pursue with the Governor's office the appointment of a person holding this class of license to the board.

*Issue Area #2 - The Board has not established a fee schedule for license classification changes as statute mandates.*

According to statute, the board is to establish a fee schedule for license classification changes. The Board does not charge licensees for license classification changes. One way for a licensee to move to a different license classification is to take an exam offered by the Academy of Certified Social Workers where they must pay a fee. The only fee a licensee pays the board is a biennial license renewal fee.

**Recommendation** - The Board should establish a fee schedule for license changes or the Legislature should consider removing this requirement.

*Issue Area #3 - The Board renews licenses on a biennial basis, rather than an annual basis. Statute mandates that the board establish a fee schedule for the annual license renewal (30-30-3(e)(4) yet statute also mandates that all licenses...shall expire in twenty-four months (30-30-10).*

The statute contradicts itself by calling for annual and biennial license renewal. The board has been renewing licenses biennially and the fee schedule reflects charges for license renewals as biennial.

**Recommendation** - The Legislature should clarify biennial licensure in the statute by deleting the first occurrence of the word "annual" located in the West Virginia Code 30-10-3(e)(4).

*Issue Area #4 - The Board has exceeded its statutory limitation in the number of employees they may hire.*

The Board has employed two full-time staff persons and one part-time staff person. The law calls for the hiring of "an administrative clerical support staff person."<sup>3</sup>  
(See Appendix B for history of the Board's staff)

---

<sup>3</sup>The Board has alternative part time staffing resources available through the use of "field placement" students. These students are available to work for the Board at no cost. The Board, however, has not used this resource for staffing purposes.

**Recommendation** - The Board should provide information regarding the legal authority to exceed the statutory staff limitation. The Board should consider the appropriateness of using field placement students as staff support.

***Issue Area #5*** - The Board had failed to publish an annual roster of its licensees until an inquiry regarding this preliminary review.

The Board is directed to publish an annual roster listing the names and addresses of all persons who have been licensed to perform social work. A performance audit conducted by the Legislative Auditor's office, June 30, 1988, revealed that the Board had not been publishing an annual roster.

Upon conducting this preliminary review, it was discovered that the board had not yet published the annual roster of licensees. Upon request during this review, annual rosters for the years 1990-1994 were created and presented in binder form and made available to the public.

**Recommendation** - The Board should publish an annual roster of licensees as required by law.

***Issue Area #6*** - *The Board conducted official business without a quorum on one occasion, leaving in question the legality of its actions at that meeting.*

| <u>Date of Meeting</u> | <u>Number of Members Present</u> | <u>Business voted on in the absence of a quorum</u>   |
|------------------------|----------------------------------|---|
| December 1991          | 3                                | *Allowed two persons to apply for reciprocal license.<br>*Accepted Continuing Education hours from military service training program. Allowed to renew license.<br>*Granted Continuing Education waiver for person because of medical problems. |

**Recommendation** - The Board should request that its Attorney General staff determine the legality of action taken at its December 1991 meeting.<sup>4</sup>

***Issue Area #7*** - *The temporary licensee lacks strict professional oversight, yet the board plans*

---

<sup>4</sup>In their response, the Board of Social Work Examiners met later and made official the actions taken at this meeting.

*to continue this class of license until the year 2002.*

- a) The Board is entertaining the idea of phasing out temporary licenses,
- b) The temporary license lacks strict professional oversight.
- c) The rules and regulations which set up the requirements for a temporary license refers to a section of the code which does not exist.

The temporary license was developed for an individual who did not receive formal educational training in social work but wanted to work in the profession. The Board established criteria for the licensee to follow which would allow them time to receive educational training and experience in social work while working in the profession.

The idea for the temporary license was developed at a time when the then Department of Human Services was in great need of social workers. Currently there are around 1300 temporary licensees in West Virginia.

*a. The Board is planning to phase out temporary licenses.*

The board is planning to phase out the temporary license program, accepting the last applications June 30, 1998. By July 2002, temporary licensing as a specific category will cease. The board established an ad hoc committee to study the temporary license program. This committee then recommended the plan for the board to follow in phasing out the license. It is the board's opinion that a licensed social worker should have a degree in social work. Eliminating the temporary licenses *may* hurt the board financially since 65 percent of the board's income is derived through fees for temporary licenses.

*b. The temporary license lacks strict professional oversight.*

The two requirements a person holding a temporary license must fulfill are 1) employment and 2) contact with a certified supervisor no less than one hour a month. When no longer employed, it is up to the licensee to notify the board. An example of a problem in oversight occurred recently when a person holding a temporary license was charged with sexual abuse. This particular licensee did not tell the board, nor did his employer.

*c. The rules and regulations which set up the requirements for a temporary license refer to a section of the code which does not exist.*

In reviewing the section of the rules and regulations which specify the requirements for a temporary license, there is reference to a section of the code which does not exist.

The rules read: "The Board shall grant a temporary license to applicants according to the provisions of W.Va. Code 30-30-5(a)(5), 30-30-5(b)(4). Additionally, the Board shall grant a temporary license to applicants according to the provisions of W.Va. Code 30-30-6(4)."

Chapter 30, Article 30, Section 6(4) does not exist.

**Recommendation** - The Board provide the Joint Committee on Government Operations a report on the problems associated with temporary licensees and the basis for recommendations to completely phase out the temporary license and the rationale for its proposed time frame of seven years.



## APPENDIX A

### *Board of Social Work Examiners Roster of Members*

| <u>MEMBER</u>  | <u>TERM EXPIRATION</u> |
|--|------------------------|
| Vacant<br>Social Worker<br>(Former member, Adrian Dowell, left the board September 1994, and cannot continue to serve on the board until a replacement is named because he now lives out-of-state. ) | September 28, 1994     |
| Louis Palma<br>Social Worker   | September 28, 1998     |
| Margaret Bishop<br>Certified Social Worker   | September 28, 1998     |
| Sam Hickman<br>Certified Social Worker   | June 30, 1996          |
| Susan Casto<br>Graduate Social Worker  | June 30, 1996          |
| Lottye Russell<br>General Public   | June 30, 1996          |
| Vacant<br>Independent Clinical Social Worker   |                        |

## APPENDIX B

### *History of staff for the Board of Social Work Examiners*

Prior to December 1990, the Board had a contract with Assessment Systems, Inc. (ASI) who performed licensure duties for West Virginia residents. Also, a contract was developed with an individual to perform duties for persons wishing to obtain a temporary license or temporary permit.

During the transition of the Board from ASI's services to providing their own licensure services in West Virginia, the Board made a contract with an individual to perform the fiscal duties of the Board by processing invoices through the state for payment, maintaining accounting records, making deposits through the Board of Investments and initiating new staff in 1990 to the accounting principles and procedures.

In November 1990 an Administrative Aide was hired but remained with the Board for only a few weeks. In December 1990, another Administrative Aide was hired and remains in that position to date.

In January 1991, another full time employee, a clerk, was hired. The first individual hired worked from January 1991 to October 1992. A replacement was hired and worked from November 1992 until July 1993. A third individual was then hired in July 1993 and worked until December 1993. From December 1993 until May 1994 the position was vacant. The current full time clerk was hired in May 1994.

A part time staff person was employed in July 1991, and works when needed. She is paid a maximum of \$5,000 per annum.

*Currently there are three persons employed by the Board, two full time staff persons and one part time staff person.*

| <u>NAME</u>      | <u>TITLE</u>             | <u>EMPLOYMENT</u> |
|------------------|--------------------------|-------------------|
| Judith Williams  | Administrative Assistant | December 1990     |
| Sheila Smith     | Full time Clerk          | May 1994          |
| Patricia Parrish | Part time Clerk          | July 1991         |

## APPENDIX C

### *Number of West Virginia Licensed Social Workers According to Licensure Level*

| <u>Level of License</u>                     | <u>Number of Licensees<sup>5</sup></u> |
|---|--|
| Licensed Independent Clinical Social Worker | 25                                     |
| Licensed Clinical Social Worker             | 674                                    |
| Licensed Graduate Social Worker             | 148                                    |
| Licensed Social Worker                      | 1,733                                  |
| Temporary Licensees                         | 1,342                                  |
| Total Number of Licensees                   | 3,922                                  |

---

<sup>5</sup>Figures based on total number of licensees as of December 7, 1994

**APPENDIX D**

***Record Of The  
Board Of Social Work Examiners  
Meetings***

| <u>Meeting Dates</u> | <u>Members in Attendance</u> |
|----------------------|------------------------------|
| <u>1989</u>          |                              |
| August 2             | 5                            |
| September 9          | 4                            |
| October 20           | 4                            |
| November 17          | 2                            |
| <u>1990</u>          |                              |
| January 12           | 4                            |
| July 19              | 3                            |
| August 16            | 4                            |
| September 21         | 5                            |
| October 16           | 5                            |
| October 30           | 5                            |
| November 27          | 4                            |
| <u>1991</u>          |                              |
| February 4           | 5                            |
| March 5              | 5                            |
| May 14               | 5                            |
| July 23              | 5                            |
| September 18         | 5                            |
| October 16           | 4                            |
| November 13          | 4                            |
| December 12          | 3                            |
| <u>1992</u>          |                              |
| January 15           | 3                            |
| February 19          | 5                            |
| April 23             | 4                            |
| May 21               | 5                            |
| June 24              | 5                            |
| July 23              | 5                            |
| August 28            | 6                            |
| October 9            | 5                            |
| November 4           | 6                            |
| December 16          | 6                            |

|                       |   |
|-----------------------|---|
| <u>1993</u>           |   |
| January 12            | 4 |
| February 19           | 5 |
| April 21              | 6 |
| <br>                  |   |
| <u>1993 continued</u> |   |
| May 18                | 5 |
| June 30               | 5 |
| August 11             | 5 |
| September 15          | 6 |
| October 20            | 5 |
| December 1            | 4 |
| <br>                  |   |
| <u>1994</u>           |   |
| January 27            | 4 |
| March 24              | 6 |
| May 5                 | 4 |
| June 15               | 6 |
| August 9              | 4 |

## APPENDIX E

### *Purpose and Authority for the Preliminary Performance Review*

This preliminary performance review of the Board of Social Work Examiners was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10, Section 11 of the West Virginia Code, as amended. This preliminary performance review is untended to assist the Joint Committee on Government Operations in making one of five recommendations according to Chapter 4, Article 10, Section 12 of the West Virginia Code, as amended. These recommendations include:

- 1) The department, agency, or board be terminated as scheduled;
- 2) The department, agency, or board be continued and reestablished;
- 3) The department, agency or board be continued and reestablished, but the statutes governing it be amended in specific ways to correct ineffective or discriminatory practices and procedures, burdensome rules and regulations, lack of protection of the public interest, overlapping of jurisdiction with other governmental entities, unwarranted exercise of authority either in law or any other deficiencies;
- 4) A performance audit be performed on a department, agency or board on which a preliminary review has been completed; or
- 5) The department, agency, or board be continued for a period of time not to exceed one year for the purpose of completing a performance audit.

## APPENDIX F

### *Scope and Methodology for the Preliminary Performance Review*

A preliminary performance review is defined in Chapter 4, Article 10, Section 3 of the West Virginia Code, as amended, as follows:

"To determine the goals and objectives of a department, agency, or board; and to determine the extent to which plan of a department, agency, or board has met or is meeting those goals and objectives."

The criteria for a preliminary performance review are set forth in Chapter 4, Article 10, Section 11 of the West Virginia Code, as amended as follows:

- 1) If the board or agency was created to solve a problem or provide a service.
- 2) If the problem has been solved or the service has been provided.
- 3) The extent to which past board or agency activities and accomplishments, current projects and operations, and planned activities and goals for the future are or have been effective.
- 4) The extent to which there would be significant and discernible adverse effects on the public health, safety, or welfare if the board or agency were abolished.
- 5) Whether or not the board or agency operates in a sound fiscal manner.

The preliminary performance review of the Board of Social Work Examiners covers the period July 1, 1989 through June 30, 1994. Information compiled in this report has been acquired from the West Virginia Code, annual reports, the 1988 Performance Audit, minutes of meetings of the Board and its committees, fiscal records, and a personal interview with the Administrative Aide for the Board.

# Attachment 1

PRELIMINARY REVIEW

BOARD OF SOCIAL WORK EXAMINERS

RESPONSES TO ISSUES



# West Virginia Board of Social Work Examiners

Post Office Box 5477 • Charleston, West Virginia • 25361  
Telephone (304) 558-8816



The Honorable Gaston Caperton, III  
Governor

January 4, 1995

Jo Boggess, Legislative Analyst  
West Virginia Legislature  
Legislative Services Division  
Building One  
Room E-140  
Charleston, WV 25305

Dear Ms. Boggess,

Please find attached the final responses to the Preliminary Review of the Board of Social Work Examiners Draft.

We feel that all issues and areas were answered in the most accurate manner possible.

Would you please advise me of when and where we need to be present for the review by the Joint Committee on Government Operations and of any additional materials we may need to have at that time.

On behalf of the Board and myself, I thank you for your assistance and patience throughout this procedure.

Feel free to contact me if you have any questions concerning the content of materials we have prepared.

Sincerely,

Judy Williams  
Administrative Aide

RESPONSE TO DRAFT PRELIMINARY REVIEW OF  
WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS  
JANUARY 3, 1995

ISSUE AREA #1 -"The Board has been slow in the issuance and implementation of the independent clinical social worker license. Because of this... the Board cannot appoint an independent clinical social worker as the seventh member of the board."

A. Correction of information in Draft Review of Issue Area #1

Classification of LICSW License as "Highest Level"

1. The Draft Review describes the independent clinical social worker license as "a fourth and highest level of... license." However, the Board regards the independent clinical social worker license as being equivalent to the certified social worker classification in that both require at least two years of post-masters practice experience. The independent clinical social work license also requires specialized knowledge, but we do not regard it as "the highest" level of social work licensure obtainable in West Virginia. The highly personal and therapeutic nature of clinical social work practice requires specialized knowledge in order to adequately protect the public-at-large. The qualifications for licensure at this level assure that the social worker has educational preparation and experience in this specialty. By contrast, practice as a certified social worker requires command of a comprehensive knowledge base; indicative of preparation for general social work practice.

## Current Statistical Information Regarding Issuance of LICSW License

### 2. Statistical Data

- a. As of January 3, 1995, forty-six (46) licenses have been issued at the Independent Clinical level.
- b. The Draft Review's statement that "the board has received and processed about 60 applications for the (LICSW) license" is inaccurate. Sixty applications have been distributed to prospective licensees, identified as eligible by virtue of holding Diplomat status with the Am. Board of Examiners in Clinical Social Work or the Nat'l Assoc. of Social Workers.
- c. In estimating the number of licensees who may be eligible for the new license, Masters level social workers employed in clinical settings were identified by the Board. We would estimate that 250 licensees may be eligible for the clinical license.

### Effect of Implementation on Private Practice and Reimbursement

3. The independent clinical level of license will enable social workers licensed at this level to engage in the private, independent practice of social work. We assume that this is the basis for your statement that licensed social workers may wish to "use the license to spread out their social work practice and receive reimbursement by vendors for these services." It is important to note that reimbursement policies are established by organizations and corporations outside of the control of this Board or its licensees. Many social workers already receive reimbursement for services directly or via the status of their

employing organization, thus, the Board's implementation schedule for the independent clinical license has had little or no effect on reimbursement of individual licensees.

B. Board Response to this issue of concern.

Timely Implementation of Independent Clinical License

1. The Board was granted broad discretionary powers through the legislation authorizing the independent clinical social work license (note the law's frequent use of the phrases "as established by the Board" and "as deemed equivalent by the Board" under each of the qualifications for clinical licensure). The Board has not taken its responsibilities lightly; and it has involved many professional social workers and organizations in its deliberations, not a rapid process.

Additionally, the processing of applications for clinical social work licensure has been very timely since the operating policies and implementation schedule were approved by the Board in November, 1994. The establishment of the operating policies to govern this level of licensure and its qualifications has required considerable time. We believe there are many good reasons for this time lapse.

As mandated in WV Code 30-30-3,{e},{6}, the Board is authorized to "establish standards and requirements for the practice of social work and the differentiation of qualifications, education, training, experience, supervision, responsibilities, rights, duties and privileges at the independent clinical social worker... level(s). In establishing these standards and

requirements the Board shall consult with professional groups and organizations representing all levels of practice provided for in this article. Standards and requirements may include, but are not limited to, practice standards, practice parameters, quality indicators, minimal standards of acceptance, advanced training and certification, and continuing education."

The Board appointed an Ad Hoc Committee on Clinical Social Work whose meeting times are indicated. What is not reflected is the work done by that Committee (between meeting times) and the Board in consulting with professional groups and organizations and seeking input from those potentially affected by operating policy governing the independent clinical social work licensure level. Members of the Board and the Ad Hoc Committee held formal and informal meetings with practitioners and agency representatives to exchange information and suggestions about implementation of the operating policy. Current issues such as managed care and health care reform played a part in the deliberations of the Board, the Ad Hoc Committee, and practitioners affected by this level of licensure.

The work of the Ad Hoc Committee and the Board resulted in the development of Operating Policies governing "Qualifications for Licensure as an Independent Clinical Social Worker," which were adopted by the Board on November 21, 1994. The time taken to develop these policies created a product that seeks to avoid potential problems and will lead to more effective implementation of independent clinical social work legislation.

2. As the Board has now licensed 46 Independent Clinical Social Workers, the Board is recruiting qualified applicants and will soon submit resumes to the Governor for his consideration in filling the vacant position on the Board.

Response to Preliminary Review Recommendation, Issue #1

In summary, the Board is currently processing applications for the Independent Clinical Social Worker license in a timely way. The delay in beginning the process has occurred for the reasons cited above in developing operating policies.

The Board will pursue with the Governor's office the appointment of a person holding this class of license to the Board, as indicated above.

ISSUE AREA #2-"The Board has not established a fee schedule for license classification changes as statute mandates."

A. Correction of information within this issue area

The following statement is inaccurate: "In order to move to a different license classification, the licensee must take an exam offered by the Academy of Certified Social Workers where they must pay a fee."

In reality there are a number of ways a licensee may move from one classification to another:

1. By taking an examination of the American Association of

State Social Work Boards (AASSWB), which is administrated by its chosen provider (Assessment Systems, Inc.):

- the LSW, upon receiving an MSW, is eligible to sit for this examination, and move into the LGSW classification
- the LGSW, who meets experience qualifications, may take either the American Association of State Social Work Boards examination or that given by the Academy of Certified Social Workers, to move to LCSW classification.
- the LCSW, who meets other qualifications, may take the AASSWB examination or the diplomat examination of the National Association of Social Workers or the Am. Board of Examiners in Clinical Social Work to acquire the specialized license, the Independent Clinical Social Work License.

2. The licensee may change classification from inactive to active status, or to Emeritus status by properly notifying the Board and paying the appropriate fee(s).

b. Response to Issue Area #2

Since licensees who move from one classification to another by taking an examination do pay an examination fee to the exam provider, the Board has not charged an additional fee. The current fee schedule has been adequate to meet licensure expenses, although this will likely not be true in the future.

c. Response to recommendation

Although the fee schedule has been adequate and is the reason fees have not been charged when licensees move from one classification to another, except in the instances cited above, the Board would like to retain this as an option.

ISSUE AREA #3-"The board renews licenses on a biennial basis, rather than an annual basis. Statute mandates that the Board establish a fee schedule for the annual license renewal."

Recommendation-The Legislature should clarify the annual versus biennial licensure in the statute.

Response-The Board agrees that the statute should provide

consistent direction. Although the statute mandates that the Board establish a fee schedule for the annual license renewal (Code of W.Va. 30-30-3[e],[4]), licenses are issued for two year periods pursuant to 30-30-10. The Board believes that a biennial basis for licensure renewal and fees is more efficient, less costly to the operation of the Board, provides effective service, and does not jeopardize consumer protection.

Although individual licenses expire biennially, approximately 70% of licenses expire in odd years while the remaining 30% expire in even years.

We would suggest that the Final Review recommend changing the Code of W.Va. 30-30-3(e),(4) by deleting the first occurrence of the work "annual" in order to correct this discrepancy in a simple



manner.

ISSUE AREA #4-"The Board has exceeded its statutory limitation in the number of employees they may hire."

The Board has employed two full-time staff persons and one part-time staff person. The law calls for the hiring of "an administrative clerical support staff person."

Recommendation- "The Board should provide information regarding the legal authority to exceed the statutory staff limitation. The Board should consider the appropriateness of using field placement students as staff support."

Response- In adhering to the area of the code that states: "The Board shall EMPLOY, DIRECT AND DEFINE THE DUTIES OF AN ADMINISTRATIVE CLERICAL SUPPORT STAFF PERSON", the Board hired and directed an Administrative Aide to perform the duties required in the establishment, organization and computerization of the agency which included the hiring of capable, experienced staff as needed. In particular, an individual with specific computer programming /operating abilities is necessary, in addition to an administrative assistant capable of overseeing finances and implementing Board policies.

In the opinion of our legal counsel appointed through the Office of the Attorney General, this section of the code did not impose any specific restrictions on the hiring of additional staff

through the use of words such as "only" or "one."

When the Board established an office in 1990 in the State Capitol Building, it faced a long and arduous task of transition from the utilization of a contracted, out-of-state entity to administrate social work licensure for the citizens of West Virginia, to administration by an in-state Board office staff. As the number of licensees grew, to a current total of 4,215, it was soon found to be virtually impossible for one individual to perform the duties required on a daily basis in an expeditious manner.

Our goal in establishing an office was to improve the level of service to licensees and to the citizens of West Virginia and develop a smooth, efficient office with trained staff knowledgeable of the Law, social work licensing, and Board policies.

At the time of the initial hiring and henceforth, the Office of the Governor has authorized, as the Departmental authority responsible for the operations of the Board, all hiring requests duly authorized by the Board.

By way of example, at the time of the hiring of the temporary, part-time position, the Board was in the midst of license renewals for some 1500 licensed social workers. Additionally, massive daily requests for application reviews, additional information, and application materials were also being received. An additional part-time person was requested and approved in July 1991 in anticipation of the following year's renewal effort and other projects requiring many hours of manpower. The temporary, part-time position has been and is still used only in times when the

workload demands. This has occurred with the resignations of the second full-time staff persons, during renewal periods and on other extensive projects.

Since, as a non-appropriated Special Revenue account, the Board is not supported in any way through appropriated State Budget funds and generates its own revenue with the responsibility for keeping within its established budgetary limits, we maintain that serving the public in the most efficient manner is a priority and that the expense of additional staff poses no burden to the State or its citizens.

The utilization of social work field placement students has been identified in the Draft Review as a potential source of support staff. It is important to establish that field placement students have indeed been utilized by the Board for special projects, such as tabulating and cross-referencing Board decisions made and recorded in the official minutes. However, the nature of such student learning experiences is such that they are severely time-limited and focused on professional learning, not support staff operations. Due to this, students are of limited value to the day-to-day operations of an office in that they are not on-site long enough to develop the expertise necessary to efficiently oversee even simple tasks such as answering questions concerning the technicalities of social work licensing. Moreover, it is inappropriate to utilize students engaged in professional degree work to provide clerical support, when their true goal in placement should be one of developing knowledge and preparing to engage in a

professional career as a social worker. Students are often mistakenly viewed as "free help" when, in fact, giving a student a positive learning experience often consumes more of the supervisor's time than not having a student in placement. Finally, social work students are required, by law, to have a licensed social worker provide supervision during their placement. The Board does not have on its employ a licensed social worker who is available to provide day-to-day supervision for one such as a student.

It is imperative that the Board have trained, informed and knowledgeable staff available to the public. On an average day, it receives between 30 to 50 phone calls from persons seeking accurate information on license qualifications, legal responsibilities, ethical issues, referrals to governmental and non-governmental agencies for specific problems, and many requests of a highly complex nature.

Also on average, the Board receives from thirty to one hundred pieces of mail on a daily basis, including applications for review, continuing education records for review and processing, data on new licensees to enter into the computer, questions concerning licensure, requests for information, and requests for answers to problems and specific situations. All requests are handled by an efficient and motivated staff. A non-trained, short-term employee would not be able to provide the high level of service to which we aspire.

The number of West Virginia licensed social workers has grown

significantly from 1,857 in 1989, to the current number of 4,215. This growth has increased the daily workload of the Board, supporting the need for more than one employee in order to assure continuity, timely service, availability of expertise to the consumer, efficient office administration, etc. This has been successfully accomplished through the hiring of additional staff in the past with no impact on the State budgeting process. We would anticipate that, in the future, the Board will find the need for another modest increase in staffing.

Over the years we have maintained a file of comments from the public referring to the services they have received from the Board office. The positive comments and praise for the services we offer have been due to having an adequate number of informed staff which takes a sincere interest in its work and the desire to assist.

RECOMMENDATION FROM THE BOARD: The Board would request that the Code of West Virginia, 30-30-3,(e),(8), be changed to state: "Employ, direct and define the duties of an administrative support staff."

PROBLEM IDENTIFIED #5-THE BOARD HAD FAILED TO PUBLISH AN ANNUAL ROSTER OF ITS LICENSEES UNTIL AN INQUIRY REGARDING THIS PRELIMINARY REVIEW.

Upon conducting this preliminary review, annual rosters for the years 1990-1994 were created and presented in binder form and made available to the public.

RECOMMENDATION- THE BOARD SHOULD PUBLISH AN ANNUAL ROSTER OF LICENSEES AS REQUIRED BY LAW.

This information has always been made available to the public and has been provided to the public upon request, however, a roster was not submitted to the Secretary of States office as required prior to the preliminary review. The Board has satisfied this requirement and will prepare a roster of licensed social workers on April 30th of each year and maintain a copy in the Board office.

ISSUE AREA #6-THE BOARD CONDUCTED OFFICIAL BUSINESS WITHOUT A QUORUM ON ONE OCCASION, LEAVING IN QUESTION THE LEGALITY OF ITS ACTIONS AT THAT MEETING. THIS MEETING WAS DECEMBER 1991.

RESPONSE: PLEASE NOTE THAT THERE WAS "DISCUSSION" IN THE MINUTES OF DECEMBER 1991, HOWEVER, NO MOTIONS MADE DUE TO THE FACT THAT THERE WAS NOT A QUORUM PRESENT. PLEASE SEE ATTACHED COPY OF MINUTES FROM FEBRUARY 1992 MEETING WHICH INDICATES FIRST ORDER OF BUSINESS WAS: MOTION: THAT THE MINUTES OF THE TWO PREVIOUS MEETINGS AND THE ACTIONS THEREIN REPORTED BE NOW APPROVED, BEING THAT THERE WAS NO QUORUM PRESENT AT THE TWO PREVIOUS MEETINGS. Therefore, no official motion was made on topics of discussions until there was a quorum present in February.

ISSUE AREA #7

"The temporary licensee lacks strict professional oversight, yet the Board plans to continue issuing this class of license until the

year 2002."

Response to Opening Statement:

The Board Requests that:

1. The word "yet" be removed as an editorial comment;  
and,
2. The statement be corrected to read "..until June 30, 1998", as is correctly referenced on your page 7, section "a": The Board is planning to phase out temporary licenses."

Reference: Page 6, bottom, section "b" and page 7, section "b"

"This type of license lacks strict professional oversight."

"The temporary license lacks strict professional oversight."

Response:

The Board established policies and procedures for the temporary license in order to comply with the Legislative mandates of the Code of W.Va. 30-30-5(a)(5), (b)(4), (c)(4), which requires a process by which an individual may become a licensed social worker without an earned degree in social work. Certain problems experienced by employers of social workers in the public domain contributed to the development of this process, but the Legislative intent appeared also to be clear.

In accordance with this mandate, the Board has established the following oversights to insure that the temporary licensing process adequately monitors the competence and performance of individual temporary licensees:

1. Prior to issuance of a temporary license each applicant

must complete the Board's standard application process, including provision of three professional references, official transcripts of higher education, and signing a sworn statement indicating that the applicant has no restrictions, impairments, or felony convictions.

2. In order for a temporary license to be issued, an applicant must certify that she or he:
  - a. Has been hired for employment to a position which will allow the licensee to begin meeting the requirement to earn four years of continuous employment in the field of social work as a condition of holding the license and, upon completion of the temporary license process, converting the license to "regular" status:
  - b. Has secured the professional oversight of a West Virginia Licensed Certified Social Worker or Licensed Independent Clinical Social Worker to serve as a supervisor for the purpose of assisting the licensee to integrate required continuing education with practice realities, to monitor the licensee's progress in meeting the many requirements for conversion to a "regular" license status, and to serve as a "mentor" in acculturating the licensee to the ethical practice of the social work profession.
3. In order to maintain official status with the Board, each temporary licensee must:
  - a. Renew the temporary license at the end of the



initial two-year period of licensure, at which time, the file is checked to see that the minimum number of professional continuing education hours have been earned;

- b. File, at six-month intervals, a "Temporary License Compliance Certification" form with the Board, indicating that the licensee is continuing to comply with requirements for supervision, employment and continuing education;
- c. Meet, on the average of no less than one-hour per month at intervals of not less than once every quarter with the WV Licensed Certified Social Worker who acts as supervisor. The supervisor is responsible for filing an annual report and final recommendation with the Board as additional assessments of the licensee's competence and progress toward completion of the temporary license process. It should be noted that the temporary licensee is also supervised by a worksite immediate supervisor, who is often also assigned licensing supervisor, to oversee day-to-day agency policies and goals;
- d. Complete, during each twenty-four month period of licensure and as a condition of renewal of license and/or conversion to "regular" license status, each temporary licensee must earn a minimum of eighty-hours of approved continuing social work education,

at least five-hours of which must focus on ethical considerations in social work practice and at least twenty-hours of which must focus on various methods of social work practice and intervention techniques. The Board has established policies, records-keeping procedures, and application process, and a list of approved providers for the purpose of regulating the provision of continuing social work education;

- e. Satisfactorily, complete a minimum of four years of continuous employment in a position meeting the requirement that the licensee earn a minimum of four years of continuous employment in the field of social work;
- f. Receive a positive reference from the employer at the end of four-years of continuous employment in social work;
- g. Pass a national, standardized competency examination in aspects of social work practice, including research, practice techniques, and human behavior, as a condition of conversion to "regular" license status.

- 4. The Board continually monitors the temporary license process and has, over the past two years, put in place several new safeguards to insure adequate involvement on the part of the licensee, the WV Licensed Certified Social Worker who acts as supervisor, the employer,

and the Board. These safeguards include updated standard forms, required progress reports from the licensee and supervisor, and expanded responsibilities for employers.

5. The Board has adopted the recommendations of a professional advisory committee to completely phase-out the temporary license. While this process will not be completed until June 30, 2002, no new applications for temporary license will be accepted after June 30, 1998 and several initial steps will be taken much sooner. These steps include, beginning in 1995, limiting eligibility for the temporary license to college graduates with a degree in a field related to social work. The temporary licensing process is being phased-out over a period of time in order to avoid serious negative effects on employers of social workers, their organizations, and the public.

Reference: Page 7, section "b"

"Recently a person holding a temporary license was charged with sexual abuse. This particular licensee did not tell the board, nor did his employer."

RESPONSE: This reference is concerning a licensee that was exposed by the media as having been charged with allegations of sexual abuse. The following day, phone calls were made to the employer and licensing supervisor seeking further information. The licensee had been discharged from his place of employment and a certified letter was immediately sent to the licensee requesting the surrender of his license due to non-compliance. The Board was able to revoke for non-compliance since the individual was no longer

employed in a social work position as required. Legally, the Board was prevented from taking any further action at this time. The Board must wait for a felony conviction as required by law. The employer did not notify the Board that the licensee had been discharged at the time, however, a letter was received at a later date from the licensing supervisor explaining the details of the situation and their failure to contact the Board.

The Board would welcome the ability to take action when an incident such as this occur and would recommend legislative approval to do so.

Reference: Page 7, section "a"

"The Board is planning to phase out temporary licenses."

Response: In paragraph three it is expressed that eliminating the temporary license may hurt the Board financially. It should be noted that, while the temporary license process has provided a major source of income to the Board, the elimination of temporary licenses will not necessarily impact the Board's finances adversely as many of the temporary licensees will convert to "regular" license status and continue to pay renewal fees to the Board.

Reference: Page 7, bottom, section "c", and page 7, section "c"

"The rules and regulations which set up the requirements for a temporary license refers (sic) to a section of the code which does

not exist."

Response: Please note that your initial Code citation is incomplete and should read "according to the provisions of W.Va. Code 30-30-5(a),(5)."

While the first two Code citations are correct in the Board's Rules and Regulations, the third is in error due to a typographical oversight. The Board recommends that the section be amended to read:

"The Board shall grant a temporary license to applicants according to the provisions of W.Va. Code 30-30-5(a),(5),(b)(4),(c),(4)."

Reference: Page 7 bottom, Recommendations Concerning Issue Area #7  
The recommendation states that "The Board should report to the Joint Committee on Government Operations its rationale for continuing a license classification which lacks strict professional oversight until the year 2002. (Date to be determined at a later date)."

Response: The Board requests that the recommendation be amended to reflect:

1. Delete the recommendation that the Board report to the Joint Committee on Government Operations concerning the temporary licensing provision in light of the fact that the Board established temporary licensing in order to comply with the Legislative mandates of the Code of W.Va.

30-30-5(a)(5), (b)(4), (c)(4).

2. Correct the inaccurate/incomplete statement that the temporary license process is scheduled to continue until the year 2002 when applications for the license are to be accepted only through June 30, 1998, then allowing a period of four-years, or until June 30, 2002, for those temporary licensees in the system to be given an opportunity to complete the process.

#### ADDITIONAL REQUESTS

"Cleaning up" the statute:

1. First page, SB 416 (April 9, 1993): error: "reducing the number of certified social workers on the Board from two to one."

This opening summary of SB 416 conflicts with provisions for the makeup of the Board established in 30-30-3(a)(2), which may or may not constitute a problem. Section 30-30-3(a)(2) is correct with respect to the professional members of the Board.

However, the additional lay person member of the Board was inadvertently left out in the revisions enabled by SB 416.. Although the lay person is referenced in the original legislation from 1984, the Board wishes to make clear its desire and intent to include a member from the general public as part of its composition.

Recommendation: That the Review recommend that the Legislature clarify that the Board is to be composed of:

Two Licensed Certified Social Workers;

One Licensed Independent Clinical Social Worker;

One Licensed Graduate Social Worker;

Two Licensed Social Workers; and

One member from the general public.

ISSUE AREA # 8: COMPLAINTS FILED WITH THE BOARD:

Request for date complaint was received and date complaint was officially and completely resolved. From listing of complaints offered in original materials to Legislative Analyst July 28, 1994 for period of 07/01/89 through 06/30/94.

Year of complaint-1989-date complaint received-01/11/89

Nature of Complaint-Allegations of sexual misconduct towards a professional therapist involving a client.

Date complaint was resolved-04/19/91

-----

Year of complaint-1990-complaint was anonymous resolved after receipt and consultation with Attorney Generals office. Review of positions revealed no license should be required for positions. Not accepted as "complaint" but more as an observation.

-----

Year of complaint-1991-date complaint received-11/23/91

Nature of Complaint-Complaint suggested a social worker had taken some of their personal belongings and affixed complainants signature to certain documents required by long term care facility.

Date complaint was resolved-05/15/92

-----

Year of complaint-1992-complaint received-03/21/92

Nature of complaint-Client angered at therapist because he was not successful at quitting his smoking habit after being hypnotized.

Date complaint was resolved-05/11/92

-----

Year of complaint-1992-Date complaint received 07/15/92

Nature of complaint-Complaint alleged possible unethical, unprofessional and illegal conduct by social worker. The specific charges suggested the possibility that the social worker was performing child placement services without a license and for personal financial gain.

Date complaint resolved-Two official disciplinary hearings have been held, the second being in October 1994; we are currently waiting for the recommendations from the hearing examiner. Not resolved at this date.



Year of complaint-1993-Date complaint received-02/15/93

Nature of complaint-Client alleges that therapy was abruptly ended; that confidentiality between client and therapist had been broken.

Date complaint was resolved-05/20/94  
-----

Year of complaint-1993-Date complaint received 03/28/93

Nature of complaint: Social worker suggests that another social worker at same place of employment has acted in a way that indicates conflict of interest. Respondent uses the services of an agency where she has a personal friend.

Date complaint was resolved-08/11/93  
-----

Year of complaint-1993-Date complaint received-07/09/93

Nature of Complaint-Possible ethical violation due to a social worker accepting payment for services outside of the organization.

Date complaint was resolved-10/20/93  
-----

Year of complaint-1993-Date complaint received-10/06/93

Nature of complaint-The court removed a minor foster child from the home of foster parents. Foster parents alleged that the four social workers familiar with their case and who testified in court behaved unethically.

Date complaint was resolved-02/04/94  
-----

Year of complaint-1994-Date complaint received-05/11/94 (anonymous)

Nature of complaint-Anonymous clipping from old newspaper sent to Board office indicating a social worker was charged with obtaining funds illegally.

Date complaint was resolved-06/17/94  
-----

Year of complaint-1994-Date complaint received-04/26/94

Nature of complaint-Allegations suggesting possible professional misconduct.

Date complaint was resolved-09/01/94  
-----

ISSUE #8 COMPLAINTS RECEIVED SINCE JULY 1, 1994

COMPLAINT CASE:102B

Date complaint received: 03/10/94 (in error, this was not included in original documentation)

Date complaint was resolved:11/21/94 (Consent Agreement finalized and signed by all parties imposing various disciplinary sanctions- licensee had relocated to Florida and it took some time to establish current residence before further investigation could begin)

COMPLAINT CASE:122B

Date complaint received:No official complaint was received; individual was exposed by the media (television news report) this occurred on 06/20/94.

Action: On 06/21/94 employer was contacted to determine licensee's compliance with license requirements; licensee was found not to be in compliance, therefore, by certified mail a letter was sent to licensee informing him that he was out of compliance and must surrender his license. At this point in time since no official hearing had been conducted and no official indictment made, this was the only legal avenue to take until allegations were proven and resulted in conviction. Licensee did surrender license. Official revocation occurred on 06/21/94. (Licensee was not convicted until August 23, 1994).

Since no complaint was received and the Board took immediate action within the confines of licensure rules and regulations, this was not considered an "official complaint" and was not included in original report.

\*\*Employer and supervisor were questioned as to why the allegations against licensee were not brought to the attention of the Board including his dismissal from employment. A letter was received from supervisor on September 26, 1994 offering explanation.

COMPLAINT CASE:033C

Date complaint received:07/25/94

Date resolved:Currently waiting for return of Consent Agreement Form from licensee and representative attorney. This document was sent by certified mail from Attorney General's office on December 13, 1994.

COMPLAINT CASE:1026W

Date complaint received:09/20/94

Date complaint resolved:11/30/94-dismissed

CORRECTION TO APPENDIX A

BOARD OF SOCIAL WORK EXAMINERS ROSTER OF MEMBERS

| <u>MEMBER</u>                              | <u>TERM EXPIRATION</u> |
|--|------------------------|
| VACANT, LSW                                |                        |
| LOUIS PALMA, LSW                           | SEPTEMBER 28, 1998     |
| MARGARET BISHOP, LCSW                      | SEPTEMBER 28, 1998     |
| SAM HICKMAN, LCSW                          | JUNE 30, 1996          |
| SUSAN CASTO, LGSW                          | JUNE 30, 1996          |
| LOTTYE RUSSELL<br>CONSUMER REPRESENTATIVE  | JUNE 30, 1996          |
| INDEPENDENT CLINICAL SOCIAL WORKER, VACANT |                        |

See attached copies of notices of re-appointments by Governor

**ATTACHMENTS**

WV BOARD OF SOCIAL WORK EXAMINERS  
MINUTES

Purpose: Meeting of WV Board of Social Work Examiners  
Present: Margaret Bishop, Lottye Russell, Sue Casto  
Louis Palma, Sam Hickman

Date: February 19, 1992  
Time: 9:30 am  
Prepared By: Sam Hickman

| MAJOR TOPIC           | DISCUSSION   | DECISION                         |
|-----------------------|--|----------------------------------|
| Minutes/Prior Actions | Motion: That the minutes of the two previous meetings and the actions therein reported be now approved, being that there was no quorum present at the two previous meetings.   | (Russell/Bishop) Motion carried. |
| Committee Reports     | CE Committee: Committee recommends acceptance of the following organizations as approved providers of Continuing Social Work Education in WV recognized by the Board. Florence Crittenton Home, Wheeling; Appalachian Mental Health Center, Elkins; University Affiliated Center for Developmental Disabilities, Morgantown. | (Casto/Palma) Motion carried.    |
|                       | Motion: To approve Committee recommendation concerning approved providers of continuing Social Work education in WV.   |                                  |
|                       | CE Committee is beginning to monitor approved CE providers. Materials have been requested for review.  |                                  |
|                       | License Issues Committee: Working on guidelines for Temporary Licensee supervisors. Draft will be presented to Board at March meeting.   |                                  |
|                       | Both committees will hold sessions at the NASW Spring Conference.  |                                  |



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305

RECEIVED AUG 12 1994

August 8, 1994

GASTON CAPERTON  
GOVERNOR

The Honorable Ken Hechler  
Secretary of State  
State Capitol Complex  
Charleston, West Virginia 25305

Dear Mr. Secretary:

I have this day made the following appointments to the Board of Social Work Examiners, effective September 29, 1994:

Louis Palma, 183 Maple Terrace, Welch, McDowell County, West Virginia 24801, for the term ending September 28, 1998. He is a social worker and this is a reappointment.

Margaret Bishop, 1127 Londonberry Road, Charleston, Kanawha County, West Virginia 25314, for the term ending September 28, 1998. She is a certified social worker and this is a reappointment.

The appropriate commissions are being issued accordingly.

Very truly yours,

A handwritten signature in black ink that reads "Gaston Caperton".

Gaston Caperton  
Governor

GC/ss

cc: President of the Senate  
Speaker of the House  
Clerk of the Senate  
Clerk of the House  
Senate Confirmations Chairman  
Mr. Karl Lilly - Assistant Clerk of  
the Senate  
Mr. Rick Alker - Ethics Commission  
Board of Social Work Examiners



RECEIVED OCT 15 1993

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305

October 13, 1993

GASTON CAPERTON  
GOVERNOR

The Honorable Ken Hechler  
Secretary of State  
State Capitol Complex  
Charleston, West Virginia 25305

Dear Mr. Secretary:

I have this day made the following appointments to the Board of Social Work Examiners:

Sam Hickman, 201 18th Street, Dunbar, Kanawha County, West Virginia 25064, for the term ending June 30, 1996. He is a certified social worker and this is a reappointment.

Sue Casto, 252 Beach Street, Parkersburg, Wood County, West Virginia 26101, for the term ending June 30, 1996. She is a graduate social worker and this is a reappointment.

Lottye Russell, 811 Grandview Drive, Dunbar, Kanawha County, West Virginia 25064, for the term ending June 30, 1996. She represents the general public and this is a reappointment.

The appropriate commissions are being issued accordingly.

Very truly yours

*Gaston Caperton*  
Gaston Caperton  
Governor

GC/ss

- cc: President of the Senate
- Speaker of the House
- Clerk of the Senate
- Clerk of the House
- Senate Confirmations Chairman
- Mr. Karl Lilly - Assistant Clerk of the Senate
- Mr. Rick Alker - Ethics Commission
- Board of Social Work Examiners