

1 rulemaking authority; continuing a special revenue account;
2 establishing licensure requirements for independent clinical
3 social workers, certified social workers, licensed graduate
4 social workers and social workers; setting forth scopes of
5 practice for independent clinical social workers, certified
6 social workers, licensed graduate social workers and social
7 workers; providing for provisional licenses; establishing
8 qualifications and scope of practice for provisional licenses;
9 providing exemptions from licensure; providing temporary
10 exemption for persons licensed in another state; establishing
11 licensure renewal requirements; establishing delinquent,
12 expired and inactive license requirements; providing temporary
13 permit requirements; requiring license to be displayed;
14 providing for privileged communications and exceptions;
15 providing the board may issue notices to cease and desist;
16 providing that circuit courts may issue injunctions; setting
17 forth grounds for disciplinary actions; allowing for specific
18 disciplinary actions; providing procedures for the
19 investigation of complaints; providing for judicial review and
20 appeals of decisions; setting forth hearing and notice
21 requirements; providing for civil causes of action; and
22 providing for criminal penalties.

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

24 That §30-30-8a of the Code of West Virginia, 1931, as amended,
25 be repealed; that §30-30-1, §30-30-2, §30-30-3, §30-30-4, §30-30-5,
26 §30-30-6, §30-30-7, §30-30-8, §30-30-9, §30-30-10, §30-30-11 and

1 §30-30-12 of said code be amended and reenacted; and that said code
2 be amended by adding thereto seventeen new sections, designated
3 §30-30-13, §30-30-14, §30-30-15, §30-30-16, §30-30-17, §30-30-18,
4 §30-30-19, §30-30-20, §30-30-21, §30-30-22, §30-30-23, §30-30-24,
5 §30-30-25, §30-30-26, §30-30-27, §30-30-28 and §30-30-29, all to
6 read as follows:

7 **ARTICLE 30. SOCIAL WORKERS.**

8 **§30-30-1. Unlawful acts.**

9 (a) It is unlawful for any person to practice or offer to
10 practice social work in this state without a license or permit
11 issued under this article, or advertise or use any title or
12 description tending to convey the impression that the person is a
13 social worker, unless the person has been licensed or permitted
14 under this article, and the license or permit has not expired, been
15 suspended or revoked.

16 (b) No business entity, except through a licensee, may render
17 any service or engage in any activity which if rendered or engaged
18 in by an individual, would constitute the practices regulated under
19 this article.

20 **§30-30-2. General provisions.**

21 The practices regulated under this article and the Board of
22 Social Work are subject to article one of this chapter, this
23 article, and any rules promulgated hereunder.

24 **§30-30-3. Definitions.**

25 As used in this article:

26 (1) "Applicant" means any person making application for a

1 license or a permit under this article.

2 (2) "Board" means the Board of Social Work.

3 (3) "Business entity" means any firm, partnership,
4 association, company, corporation, limited partnership, limited
5 liability company or other entity providing social work services.

6 (4) "Code of Ethics" means the Code of Ethics of the National
7 Association of Social Workers.

8 (5) "General Supervision" means the supervising social worker
9 provides instructions and oversight for services and is easily
10 accessible.

11 (6) "Indirect supervision" means the performance of an action
12 after instruction from a supervising social worker.

13 (7) "License" means a license issued under this article. A
14 license does not mean a provisional license issued under this
15 article.

16 (8) "Licensee" means a person holding a license under this
17 article. A licensee does not mean a person provisionally licensed
18 under this article.

19 (9) "Permit" means a temporary permit to practice social work
20 issued by the board.

21 (10) "Permittee" means a person holding a permit issued under
22 this article.

23 (11) "Supervising social worker" means a social worker, who
24 meets the requirements of this article, who assumes responsibility
25 for the professional care given by a person authorized by this
26 article to work under his or her general or indirect supervision.

1 **§30-30-4. Board of Social Work.**

2 (a) The State Board of Social Work Examiners is continued. On
3 July 1, 2011, the State Board of Social Work Examiners is renamed
4 the Board of Social Work. The members of the board in office on
5 July 1, 2011, shall, unless sooner removed, continue to serve until
6 their respective terms expire and until their successors have been
7 appointed and qualified.

8 (b) The board shall consist of the following seven members who
9 are appointed by the Governor with the advice and consent of the
10 Senate:

- 11 (1) One independent clinical social worker;
- 12 (2) Two certified social workers;
- 13 (3) One graduate social worker;
- 14 (4) Two social workers; and
- 15 (5) One citizen member.

16 (c) The terms shall be for five years.

17 (d) Each licensed member of the board, at the time of his or
18 her appointment, must have held a license in this state for at
19 least five years;

20 (e) Each member of the board must be a resident of this state
21 during the appointment term.

22 (f) A member may not serve more than two consecutive full
23 terms. A member having served two consecutive full terms may not
24 be appointed for one year after completion of his or her second
25 full term. A member may continue to serve until a successor has
26 been appointed and has qualified.

1 (g) A vacancy on the board shall be filled by appointment by
2 the Governor for the unexpired term of the member whose office
3 shall be vacant and the appointment shall be made within sixty days
4 of the vacancy.

5 (h) The Governor may remove any member from the board for
6 neglect of duty, incompetency or official misconduct.

7 (i) Any member of the board immediately and automatically
8 forfeits his or her membership if his or her license to practice is
9 suspended or revoked by the board, is convicted of a felony under
10 the laws of any jurisdiction, or becomes a nonresident of this
11 state.

12 (j) The board shall elect annually one of its members as
13 chairperson who serves at the will of the board.

14 (k) Each member of the board is entitled to compensation and
15 expense reimbursement in accordance with article one of this
16 chapter.

17 (l) A majority of the members of the board constitutes a
18 quorum.

19 (m) The board shall hold at least two meetings annually. Other
20 meetings may be held at the call of the chairperson or upon the
21 written request of four members, at the time and place as
22 designated in the call or request.

23 (n) Prior to commencing his or her duties as a member of the
24 board, each member shall take and subscribe to the oath required by
25 section five, article four of the Constitution of this state.

26 **§30-30-5. Powers and duties of the board.**

1 (a) The board has all the powers and duties set forth in this
2 article, by rule, in article one of this chapter and elsewhere in
3 law.

4 (b) The board shall:

5 (1) Hold meetings;

6 (2) Establish requirements for licenses and permits;

7 (3) Establish procedures for submitting, approving and
8 rejecting applications for licenses and permits;

9 (4) Determine the qualifications of an applicant for licenses
10 and permits;

11 (5) Maintain records of the examinations the board or a third
12 party administers, including the number of persons taking the
13 examinations and the pass and fail rate;

14 (6) Hire, discharge, establish the job requirements and fix
15 the compensation of the executive director;

16 (7) Maintain an office, and hire, discharge, establish the job
17 requirements and fix the compensation of employees, investigators
18 and contracted employees necessary to enforce this article;

19 (8) Investigate alleged violations of this article,
20 legislative rules, orders and final decisions of the board;

21 (9) Conduct disciplinary hearings of persons regulated by the
22 board;

23 (10) Determine disciplinary action and issue orders;

24 (11) Institute appropriate legal action for the enforcement of
25 this article;

26 (12) Maintain an accurate registry of names and addresses of

1 all persons regulated by the board;

2 (13) Keep accurate and complete records of its proceedings,
3 and certify the same as may be necessary and appropriate;

4 (14) Establish the continuing education requirements for
5 licensees;

6 (15) Issue, renew, combine, deny, suspend, revoke or reinstate
7 licenses and permits;

8 (16) Establish a fee schedule;

9 (17) Propose rules in accordance with article three, chapter
10 twenty-nine-a of this code to implement this article; and

11 (18) Take all other actions necessary and proper to implement
12 this article.

13 (c) The board may:

14 (1) Contract with third parties to administer the examinations
15 required under this article;

16 (2) Sue and be sued in its official name as an agency of this
17 state; and

18 (3) Confer with the Attorney General or his or her assistant
19 in connection with legal matters and questions.

20 **§30-30-6. Rulemaking.**

21 (a) The board shall propose rules for legislative approval, in
22 accordance with article three, chapter twenty-nine-a of this code,
23 to implement this article, including:

24 (1) Additional standards and requirements for licenses and
25 permits;

26 (2) Requirements for third parties to prepare and/or

1 administer examinations and reexaminations;

2 (3) Educational and experience requirements;

3 (4) Standards for approval of courses and curriculum;

4 (5) Procedures for the issuance and renewal of licenses and

5 permits;

6 (6) A fee schedule;

7 (7) Continuing education requirements for licensees;

8 (8) Qualifications for supervisors; providing type of required

9 supervision; requirements that shall be included within a

10 supervisory plan; and detailed periodic documentation and

11 successful completion of supervision required;

12 (9) Baccalaureate degrees related to social work;

13 (10) Establish critical social work workforce shortage

14 positions, setting, areas or fields of practice;

15 (11) Establishing credentialing guidelines identifying

16 advanced social work practice in existing and emerging

17 specializations, skills and settings;

18 (12) The procedures for denying, suspending, revoking,

19 reinstating or limiting the practice of licensees and permittees;

20 (13) Requirements for inactive or revoked licenses and

21 permits; and

22 (14) Any other rules necessary to implement this article.

23 (b) All of the board's rules in effect on January 1, 2011,

24 shall remain in effect until they are amended or repealed, and

25 references to former enactments of this article are interpreted to

26 be consistent with this article.

1 **§30-30-7. Fees; special revenue account; administrative fines.**

2 (a) All fees in effect, shall remain in effect until they are
3 amended or repealed by legislative rule or statute.

4 (b) All fees and other moneys, except administrative fines,
5 received by the board shall be deposited in a separate special
6 revenue fund in the State Treasury designated the "Board of Social
7 Work Fund", which is continued. The fund is used by the board for
8 the administration of this article. Except as may be provided in
9 article one of this chapter, the board retains the amount in the
10 special revenue account from year to year. No compensation or
11 expense incurred under this article is a charge against the General
12 Revenue Fund.

13 (c) Any amount received as fines, imposed pursuant to this
14 article, shall be deposited into the General Revenue Fund of the
15 State Treasury.

16 **§30-30-8. License to practice as an independent clinical social**
17 **worker.**

18 To be eligible for a license to practice as an independent
19 clinical social worker, the applicant must:

20 (1) Submit an application to the board;

21 (2) Be at least eighteen years of age;

22 (3) Be of good moral character;

23 (4) Have obtained a master's degree from a school of social
24 work accredited by the council on social work education that
25 included a concentration of clinically oriented course work as
26 defined by the board;

1 (5) Have completed a supervised clinical field placement at
2 the graduate level, or post-master's clinical training that is
3 found by the board to be equivalent;

4 (6) Have practiced clinical social work for at least two years
5 in full-time employment, or three thousand hours under the
6 supervision of an independent clinical social worker, or clinical
7 supervision that is found by the board to be equivalent;

8 (7) Have passed an examination approved by the board;

9 (8) Have satisfied the board that he or she merits the public
10 trust by providing the board with three letters of recommendation
11 from persons not related to the applicant

12 (9) Not be an alcohol or drug abuser, as these terms are
13 defined in section eleven, article one-a, chapter twenty-seven of
14 this code: *Provided*, That an applicant in an active recovery
15 process, which may, in the discretion of the board, be evidenced by
16 participation in an acknowledged substance abuse treatment and/or
17 recovery program may be considered;

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

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

25 (12) Meet any other requirements established by the board.

26 **§30-30-9. Scope of practice for an independent clinical social**

1 **worker.**

2 A clinical social worker may:

3 (1) Perform all duties within the scope of practice of a
4 licensed certified social worker, licensed graduate social worker,
5 and licensed social worker.

6 (2) Apply social work theory, methods, assessment, ethics and
7 the professional use of self to the diagnosis, treatment and
8 prevention of psychological dysfunction, disability or impairment,
9 including emotional and mental disorders and developmental
10 disabilities.

11 (3) Clinical social work practice is based on knowledge of one
12 or more theories of biological, psychological and social
13 development, normal human behavior, psychopathology, the causes and
14 effects of physical illness and disability, unconscious motivation,
15 interpersonal relationships, family dynamics, environmental stress,
16 social systems and cultural diversity with particular attention to
17 the person existing as a combination of biological, psychological
18 and social elements in his or her environment.

19 (4) Clinical social work includes interventions directed to
20 interpersonal interactions, intrapsychic dynamics and life-support
21 and management issues.

22 (5) Clinical social work services consist of assessment,
23 diagnosis, treatment, including psychotherapy and counseling,
24 client-centered advocacy, consultation and evaluation. The process
25 of clinical social work is undertaken within the objectives of the
26 social work profession and the principles and values of its code of

1 ethics.

2 **§30-30-10. License to practice as a certified social worker.**

3 (a) To be eligible for a license to practice as certified
4 social worker, the applicant must:

5 (1) Submit an application to the board;

6 (2) Be at least eighteen years of age;

7 (3) Be of good moral character;

8 (4) Have obtained a master's degree from a school of social
9 work accredited by the council on social work education;

10 (5) Have practiced social work for at least two-years
11 post-master's experience in full-time employment or earned three
12 thousand hours of post-masters social work experience;

13 (6) Have passed an examination approved by the board;

14 (7) Have satisfied the board that he or she merits the public
15 trust by providing the board with three letters of recommendation
16 from persons not related to the applicant;

17 (8) Not be an alcohol or drug abuser, as these terms are
18 defined in section eleven, article one-a, chapter twenty-seven of
19 this code: *Provided*, That an applicant in an active recovery
20 process, which may, in the discretion of the board, be evidenced by
21 participation in an acknowledged substance abuse treatment and/or
22 recovery program may be considered;

23 (9) Not have been convicted of a felony in any jurisdiction
24 within five years preceding the date of application for license
25 which conviction remains unreversed;

26 (10) Not have been convicted of a misdemeanor or felony in any

1 jurisdiction if the offense for which he or she was convicted
2 related to the practice of social work, which conviction remains
3 unreversed; and

4 (11) Meet other additional requirements as established by the
5 board.

6 (b) A certified social worker may engage in the practice of
7 clinical social work, if that certified social worker has:

8 (1) Obtained a master's degree from a school of social work
9 accredited by the council on social work education that included a
10 concentration of clinically oriented course work as defined by the
11 board;

12 (2) Has completed a supervised clinical field placement at the
13 graduate level, or post-master's clinical training that is found by
14 the board to be equivalent;

15 (3) Has contracted, in writing, with a licensed clinical
16 social worker who shall assume responsibility for and supervise the
17 certified social worker's practice as directed by the board by
18 promulgation of legislative rules;

19 (4) Is an employee of an institution or organization in which
20 the certified social worker has no direct or indirect interest
21 other than employment.

22 (c) A certified social worker may not practice clinical social
23 work until his or her contract has been approved by the board, and
24 shall cease the practice of clinical social work immediately upon
25 the termination of the contract. At the termination of the
26 contract, the certified social worker shall apply for licensure as

1 a licensed clinical social worker or request an extension of the
2 contract from the board.

3 **§30-30-11. Scope of practice for a licensed certified social**
4 **worker.**

5 A licensed certified social worker may:

6 (1) Perform all duties within the scope of practice of a
7 licensed graduate social worker and licensed social worker;

8 (2) Apply social work theory and methods to the diagnosis,
9 treatment and prevention of psychological dysfunction, disability
10 or impairment, including emotional and mental disorders and
11 developmental disabilities; and

12 (3) Determine behavioral health diagnosis, using diagnostic
13 taxonomies commonly accepted across disciplines among behavioral
14 health professionals.

15 **§30-30-12. License to practice as a licensed graduate social**
16 **worker.**

17 (a) To be eligible for a license to practice as a graduate
18 social worker, the applicant must:

19 (1) Submit an application to the board;

20 (2) Be at least eighteen years of age;

21 (3) Be of good moral character;

22 (4) Have obtained a master's degree from a school of social
23 work accredited by the council on social work education.

24 (5) Have passed an examination approved by the board;

25 (6) Have satisfied the board that he or she merits the public
26 trust by providing the board with three letters of recommendation

1 from persons not related to the applicant;

2 (7) Not be an alcohol or drug abuser, as these terms are
3 defined in section eleven, article one-a, chapter twenty-seven of
4 this code: *Provided*, That an applicant in an active recovery
5 process, which may, in the discretion of the board, be evidenced by
6 participation in an acknowledged substance abuse treatment and/or
7 recovery program may be considered;

8 (8) Not have been convicted of a felony in any jurisdiction
9 within five years preceding the date of application for license
10 which conviction remains unreversed;

11 (9) Not have been convicted of a misdemeanor or felony in any
12 jurisdiction if the offense for which he or she was convicted
13 related to the practice of social work, which conviction remains
14 unreversed; and

15 (10) Meet any other requirements established by the board.

16 (b) A licensed graduate social worker may engage in the
17 practice of clinical social work, if he or she has:

18 (1) Obtained a master's degree from a school of social work
19 accredited by the council on social work education that included a
20 concentration of clinically oriented course work as defined by the
21 board;

22 (2) Has completed a supervised clinical field placement at the
23 graduate level, or post-master's clinical training that is found by
24 the board to be equivalent;

25 (3) Has contracted, in writing, with a licensed clinical
26 social worker who shall assume responsibility for and supervise the

1 certified social worker's practice as directed by the board by
2 promulgation of legislative rules;

3 (4) Be employed by an institution or organization in which the
4 graduate social worker has no direct or indirect interest other
5 than employment.

6 (c) A graduate social worker may not practice clinical social
7 work until this contract has been approved by the board, and shall
8 cease the practice of clinical social work immediately upon the
9 termination of the contract. At the termination of the contract,
10 the graduate social worker shall apply for licensure as a licensed
11 independent clinical social worker or request an extension of the
12 contract from the board.

13 **§30-30-13. Scope of practice for a licensed graduate social**
14 **worker.**

15 A licensed graduate social worker may perform all duties
16 within the scope of practice of a licensed social worker and
17 provisional social worker as well as:

18 (1) Appropriately conduct social work education, formally
19 teaching social work theory and methodology to bachelor's and
20 master's level social work students.

21 (2) Conduct clinical or psychotherapeutic services, under the
22 clinical supervision of another experienced and credentialed
23 behavioral health professional, including individual, family and
24 group methodologies.

25 **§30-30-14. License to practice as a social worker.**

26 To be eligible for a license to practice as a social worker,

1 the applicant must:

2 (1) Submit an application to the board;

3 (2) Be at least eighteen years of age;

4 (3) Be of good moral character;

5 (4) Have a baccalaureate degree in social work from a program
6 accredited by the council on social work education;

7 (5) Have passed an examination approved by the board;

8 (6) Have satisfied the board that he or she merits the public
9 trust by providing the board with three letters of recommendation
10 from persons not related to the applicant;

11 (7) Not be an alcohol or drug abuser, as these terms are
12 defined in section eleven, article one-a, chapter twenty-seven of
13 this code: *Provided*, That an applicant in an active recovery
14 process, which may, in the discretion of the board, be evidenced by
15 participation in an acknowledged substance abuse treatment and/or
16 recovery program may be considered;

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

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

24 (10) Meet any other requirements established by the board.

25 **§30-30-15. Scope of Practice for a Social Worker.**

26 (a) A licensed social worker may perform all duties within the

1 scope of practice of a provisional social worker as well as:

2 (1) Apply social work theory, knowledge, methods, ethics and
3 the professional use of self in social work practice including
4 assessment, planning, intervention, counseling, evaluation, and
5 case management supervision;

6 (2) Provide social advocacy activities, designed to influence
7 social service systems and social policies in the direction of
8 reduced disparities in social and distributive justice, especially
9 for at risk and socially or economically disadvantaged populations;

10 (3) Community organization activities, designed to assist
11 client systems at the community level to achieve desirable social
12 or policy change toward goals of enhanced civic functioning and
13 improved environmental responsiveness to client quality of life
14 issues;

15 (4) Administration and program development, designed to
16 develop, structure and, oversee social service systems at the
17 organizational level; and

18 (5) Training activities, designed to assist clients or client
19 systems with skill development deemed desirable to restore or
20 enhance social functioning or adaptation; or, to assist less
21 experienced social workers with professional skill development.

22 (b) A licensed social worker with a baccalaureate degree or
23 master's degree in social work from a program accredited by the
24 council on social work education and two years of experience, may
25 supervise a provisionally licensed social worker.

26 **§30-30-16. Provisional License to practice as a social worker.**

1 (a) To be eligible for a provisional license to practice as a
2 social worker, the applicant must:

3 (1) Submit an application to the board;

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

5 (3) Be of good moral character;

6 (4) Have a baccalaureate degree in a related field, as
7 provided by legislative rule;

8 (5) Have obtained regular supervised employment, or the
9 reasonable promise of regular supervised employment contingent upon
10 receiving a provisional license, in a critical social work
11 workforce shortage position, area or setting requiring a social
12 work license; Provided, that such employment shall not as an
13 independent practitioner, contracted employee, sole proprietor,
14 consultant, or other nonregular employment;

15 (6) Have satisfied the board that he or she merits the public
16 trust by providing the board with three letters of recommendation
17 from persons not related to the applicant;

18 (7) Not be an alcohol or drug abuser, as these terms are
19 defined in section eleven, article one-a, chapter twenty-seven of
20 this code: *Provided*, That an applicant in an active recovery
21 process, which may, in the discretion of the board, be evidenced by
22 participation in an acknowledged substance abuse treatment and/or
23 recovery program may be considered;

24 (8) Not have been convicted of a felony in any jurisdiction
25 within five years preceding the date of application for license
26 which conviction remains unreversed;

1 (9) Not have been convicted of a misdemeanor or felony in any
2 jurisdiction if the offense for which he or she was convicted
3 related to the practice of social work, which conviction remains
4 unreversed; and

5 (10) Meet any other requirements established by the board.

6 (b) A provisionally licensed social worker may become a
7 licensed social worker, by completing the following:

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

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

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

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

18 (c) A provisionally licensed social worker or a person
19 previously licensed as a provisionally licensed social worker may
20 not reapply for licensure through this process if the process is
21 not completed.

22 **§30-30-17. Scope of practice for a provisionally licensed social**
23 **worker.**

24 A provisionally licensed social worker may perform all of the
25 following functions and social work services under supervision:

26 (1) Multi-dimensional assessment of client or client system

1 strengths and problems with functioning or psychosocial adaptation,
2 not including formal mental health diagnosis.

3 (2) Service planning and contracting with clients or clients
4 systems to outline proposed interventive strategies for clients or
5 client systems in order to restore or enhance social, psychosocial,
6 or biopsychosocial functioning;

7 (3) Implementing service plans and problem solving
8 methodologies to restore or enhance social, psychosocial or
9 biosychosocial functioning of clients or client systems;

10 (4) Supportive and palliative counseling activities, designed
11 to offer comfort and social encouragement to clients or client
12 systems, not including psychotherapy;

13 (5) Preventive strategies such as psychoeducation and
14 consciousness raising for at-risk systems or populations, designed
15 to forestall difficulties with functioning and psychosocial
16 adaptation;

17 (6) Case management activities designed to assist clients or
18 client systems with gaining access to needed resources and services
19 and to assist with coordination of services in situations where
20 multiple providers may be involved with client care;

21 (7) Information and referral services; and

22 (8) Personal practice assessment designed to assess and
23 document outcomes and effectiveness of one's practice.

24 **§30-30-18. Exemptions from this article.**

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

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

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

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

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

18 (5) Pending disposition of the application for a license,
19 activities and services by a person who has recently become a
20 resident of this state, has applied for a license within ninety
21 days of taking up residency in this state, and is licensed to
22 perform the activities and services in the state of former
23 residence.

24 **§30-30-19. Renewal of license.**

25 (a) All licenses are effective on the date of issuance from
26 the board and shall expire in twenty-four months and the number of

1 days remaining in the month after the date the license was issued.

2 (b) The board shall charge a fee for each renewal of a license
3 and shall charge a late fee for any renewal not paid by the due
4 date.

5 (c) The board shall require as a condition of renewal that
6 each licensee complete continuing education.

7 (d) The board may deny an application for renewal for any
8 reason which would justify the denial of an original application
9 for a license.

10 (e) A provisional licensee shall provide all information and
11 document progress in completing all requirements for the board to
12 renew his or her provisional license.

13 **§30-30-20. Delinquent and expired license requirements.**

14 (a) If a license is not renewed when due, then the board shall
15 automatically place the licensee on delinquent status. A licensee
16 on delinquent status may not practice social work in this state.

17 (b) The fee for a person on delinquent status shall increase
18 at a rate, determined by the board, for each month or fraction
19 thereof that the renewal fee is not paid, up to a maximum of
20 thirty-six months.

21 (c) Within thirty-six months of being placed on delinquent
22 status, if a licensee wants to return to active practice, he or she
23 must complete all the continuing education requirements and pay all
24 the applicable fees as set by rule.

25 (d) After thirty-six months of being placed on delinquent
26 status, a license is automatically placed on expired status and

1 cannot be renewed. A person whose license has expired must reapply
2 for a new license.

3 **§30-30-21. Inactive license requirements.**

4 (a) A licensee who does not want to continue an active
5 practice must submit an application and the applicable fee to be
6 granted inactive status.

7 (b) A person granted inactive status is not subject to the
8 payment of any fee and may not practice social work in this state.

9 (c) When the person wants to return to the practice of social
10 work, the person shall submit an application for renewal along with
11 all applicable fees as set by rule.

12 **§30-30-22. Temporary permit to practice social work.**

13 (a) Upon completion of the application and payment of the
14 nonrefundable fees, the board may issue a temporary permit, for a
15 period not to exceed six months, to an applicant to practice in
16 this state, if the applicant has completed the educational
17 requirements set out in this article, pending the examination and
18 who works under a supervising social worker with the scope of the
19 supervision to be defined by legislative rule. The applicant may
20 renew the permit if the licensee receives a failing score on the
21 examination.

22 (b) A temporary permit may be revoked by a majority vote of
23 the board.

24 **§30-30-23. Display of license.**

25 (a) The board shall prescribe the form for a license and
26 permit, and may issue a duplicate license or permit upon payment of

1 a fee.

2 (b) Any person regulated by the article shall conspicuously
3 display his or her license or permit at his or her principal
4 business location.

5 **§30-30-24. Privileged communications.**

6 (a) A licensee may not disclose any information acquired
7 provided by a client or from persons consulting the licensee in a
8 professional capacity, except that which may be voluntarily
9 disclosed under these following circumstances:

10 (1) In the course of formally reporting, conferring or
11 consulting with administrative superiors, colleagues or consultants
12 who share professional responsibility, in which instance all
13 recipients of such information are similarly bound to regard the
14 communication as privileged;

15 (2) With the written consent of the person who provided the
16 information;

17 (3) In case of death or disability, with the written consent
18 of a personal representative, other person authorized to sue, or
19 the beneficiary of an insurance policy on the person's life, health
20 or physical condition;

21 (4) When a communication reveals the intended commission of a
22 crime or harmful act and such disclosure is judged necessary by the
23 social worker to protect any person from a clear, imminent risk of
24 serious mental or physical harm or injury, or to forestall a
25 serious threat to the public safety; or

26 (5) When the person waives the privilege by bringing any

1 public charges against the licensee.

2 (b) When the person is a minor and the information acquired by
3 the licensee indicates the minor was the victim of or witness to a
4 crime, the licensee may be required to testify in any judicial
5 proceedings in which the commission of that crime is the subject of
6 inquiry and when the court determines that the interests of the
7 minor in having the information held privileged are outweighed by
8 the requirements of justice.

9 (c) Any person having access to records or anyone who
10 participates in providing social work services or who, in providing
11 any human services, is supervised by a licensee, is similarly bound
12 to regard all information and communications as privileged in
13 accord with this section.

14 (d) Nothing shall be construed to prohibit a licensee from
15 voluntarily testifying in court hearings concerning matters of
16 adoption, child abuse, child neglect or other matters pertaining to
17 children, elderly, and physically and mentally impaired adults,
18 except as prohibited under the applicable state and federal laws.

19 **§30-30-25. Actions to enjoin violations.**

20 (a) If the board obtains information that any person has
21 engaged in, is engaging in or is about to engage in any act which
22 constitutes or will constitute a violation of this article, the
23 rules promulgated pursuant to this article, or a final order or
24 decision of the board, it may issue a notice to the person to cease
25 and desist in engaging in the act and/or apply to the circuit court
26 in the county of the alleged violation for an order enjoining the

1 act.

2 (b) The circuit courts of this state may issue a temporary
3 injunction pending a decision on the merits, and may issue a
4 permanent injunction based on its findings in the case.

5 (c) The judgment of the circuit court on an application
6 permitted by this section is final unless reversed, vacated or
7 modified on appeal to the West Virginia Supreme Court of Appeals.

8 **§30-30-26. Complaints; investigations; due process procedure;**
9 **grounds for disciplinary action.**

10 (a) The board may upon its own motion based on credible
11 information, and shall upon the written complaint of any person,
12 cause an investigation to be made to determine whether grounds
13 exist for disciplinary action under this article or the legislative
14 rules promulgated pursuant to this article.

15 (b) Upon initiation or receipt of the complaint, the board
16 shall provide a copy of the complaint to the licensee or permittee.

17 (c) After reviewing any information obtained through an
18 investigation, the board shall determine if probable cause exists
19 that the licensee or permittee has violated subsection (g) of this
20 section or rules promulgated pursuant to this article.

21 (d) Upon a finding that probable cause exists that the
22 licensee or permittee has violated subsection (g) of this section
23 or rules promulgated pursuant to this article, the board may enter
24 into a consent decree or hold a hearing for the suspension or
25 revocation of the license or permit or the imposition of sanctions
26 against the licensee or permittee. Any hearing shall be held in

1 accordance with this article.

2 (e) Any member of the board or the administrator of the board
3 may issue subpoenas and subpoenas duces tecum to obtain testimony
4 and documents to aid in the investigation of allegations against
5 any person regulated by the article.

6 (f) Any member of the board or its administrator may sign a
7 consent decree or other legal document on behalf of the board.

8 (g) The board may, after notice and opportunity for hearing,
9 deny or refuse to renew, suspend, restrict or revoke the license or
10 permit of, or impose probationary conditions upon or take
11 disciplinary action against, any licensee or permittee for any of
12 the following reasons once a violation has been proven by a
13 preponderance of the evidence:

14 (1) Obtaining a license or permit by fraud, misrepresentation
15 or concealment of material facts;

16 (2) Being convicted of a felony or other crime involving moral
17 turpitude;

18 (3) Being guilty of unprofessional conduct which placed the
19 public at risk, as defined by legislative rule of the board;

20 (4) Intentional violation of a lawful order or legislative
21 rule of the board;

22 (5) Having had a license or other authorization revoked or
23 suspended, other disciplinary action taken, or an application for
24 licensure or other authorization revoked or suspended by the proper
25 authorities of another jurisdiction;

26 (6) Aiding or abetting unlicensed practice; or

1 (7) Engaging in an act while acting in a professional capacity
2 which has endangered or is likely to endanger the health, welfare
3 or safety of the public.

4 (h) For the purposes of subsection (g) of this section,
5 effective July 1, 2011, disciplinary action may include:

6 (1) Reprimand;

7 (2) Probation;

8 (3) Restrictions;

9 (4) Administrative fine, not to exceed \$1,000 per day per
10 violation;

11 (5) Mandatory attendance at continuing education seminars or
12 other training;

13 (6) Practicing under supervision or other restriction; or

14 (7) Requiring the licensee or permittee to report to the board
15 for periodic interviews for a specified period of time.

16 (i) In addition to any other sanction imposed, the board may
17 require a licensee or permittee to pay the costs of the proceeding.

18 **§30-30-27. Procedures for hearing; right of appeal.**

19 (a) Hearings are governed by section eight, article one of
20 this chapter.

21 (b) The board may conduct the hearing or elect to have an
22 administrative law judge conduct the hearing.

23 (c) If the hearing is conducted by an administrative law
24 judge, at the conclusion of a hearing he or she shall prepare a
25 proposed written order containing findings of fact and conclusions
26 of law. The proposed order may contain proposed disciplinary

1 actions if the board so directs. The board may accept, reject or
2 modify the decision of the administrative law judge.

3 (d) Any member or the administrator of the board has the
4 authority to administer oaths, examine any person under oath and
5 issue subpoenas and subpoenas duces tecum.

6 (e) If, after a hearing, the board determines the licensee or
7 permittee has violated this article or the board's rules, a formal
8 written decision shall be prepared which contains findings of fact,
9 conclusions of law and a specific description of the disciplinary
10 actions imposed.

11 **§30-30-28. Judicial review.**

12 Any licensee or permittee adversely affected by a decision of
13 the board entered after a hearing may obtain judicial review of the
14 decision in accordance with section four, article five, chapter
15 twenty-nine-a of this code, and may appeal any ruling resulting
16 from judicial review in accordance with article six, chapter
17 twenty-nine-a of this code.

18 **§30-30-29. Criminal proceedings; penalties.**

19 (a) When, as a result of an investigation under this article
20 or otherwise, the board has reason to believe that a licensee or
21 permittee has committed a criminal offense under this article, the
22 board may bring its information to the attention of an appropriate
23 law-enforcement official.

24 (b) A person violating section one of this article is guilty
25 of a misdemeanor and, upon conviction thereof, shall be fined not
26 less than \$100 nor more than \$5,000 or confined in jail not more

1 than six months, or both fined and confined.