

# **WEST VIRGINIA LEGISLATURE**

**FIRST REGULAR SESSION, 2011**



# **ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**House Bill No. 2525**

(By Delegates Morgan, Stephens, Hatfield,  
Martin, Staggers, Swartzmiller and C. Miller)



Passed March 8, 2011

In Effect From Passage

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

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## **H. B. 2525**

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(BY DELEGATES MORGAN, STEPHENS, HATFIELD,  
MARTIN, STAGGERS, SWARTZMILLER AND C. MILLER)

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[Passed March 8, 2011; in effect from passage.]

AN ACT to repeal §30-30-8a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-30-1, §30-30-2, §30-30-3, §30-30-4, §30-30-5, §30-30-6, §30-30-7, §30-30-8, §30-30-9, §30-30-10, §30-30-11 and §30-30-12 of said code; and to amend said code by adding thereto seventeen new sections, designated §30-30-13, §30-30-14, §30-30-15, §30-30-16, §30-30-17, §30-30-18, §30-30-19, §30-30-20, §30-30-21, §30-30-22, §30-30-23, §30-30-24, §30-30-25, §30-30-26, §30-30-27, §30-30-28 and §30-30-29, all relating to the practice of social work; prohibiting the practice of social work without a license; defining terms; providing for board composition; setting forth the powers and duties of the board; clarifying rulemaking authority; continuing a special revenue account; establishing license requirements; providing for licensure for persons licensed in another state; establishing renewal requirements; providing permit requirements; setting forth grounds for disciplinary

actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; and providing criminal penalties.

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

That §30-30-8a of the Code of West Virginia, 1931, as amended, be repealed; that §30-30-1, §30-30-2, §30-30-3, §30-30-4, §30-30-5, §30-30-6, §30-30-7, §30-30-8, §30-30-9, §30-30-10, §30-30-11 and §30-30-12 of said code be amended and reenacted; and that said code be amended by adding thereto seventeen new sections, designated §30-30-13, §30-30-14, §30-30-15, §30-30-16, §30-30-17, §30-30-18, §30-30-19, §30-30-20, §30-30-21, §30-30-22, §30-30-23, §30-30-24, §30-30-25, §30-30-26, §30-30-27, §30-30-28 and §30-30-29, all to read as follows:

**ARTICLE 30. SOCIAL WORKERS.**

**§30-30-1. Unlawful acts.**

1 (a) It is unlawful for any person to practice or offer to  
2 practice social work in this state without a license or permit  
3 issued under this article, or advertise or use any title or  
4 description tending to convey the impression that the person  
5 is a social worker, unless the person has been licensed or  
6 permitted under this article, and the license or permit has not  
7 expired, been suspended or revoked.

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

**§30-30-2. General provisions.**

1 The practices regulated under this article and the Board  
2 of Social Work are subject to article one of this chapter, this  
3 article, and any rules promulgated hereunder.

**§30-30-3. Definitions.**

1 As used in this article:

2 (1) “Applicant” means any person making application for  
3 a license or a permit under this article.

4 (2) “Board” means the Board of Social Work.

5 (3) “Business entity” means any firm, partnership,  
6 association, company, corporation, limited partnership,  
7 limited liability company or other entity providing social  
8 work services.

9 (4) “Code of Ethics” means the Code of Ethics of the  
10 National Association of Social Workers.

11 (5) “General Supervision” means the supervising social  
12 worker provides instructions and oversight for services and  
13 is easily accessible.

14 (6) “Indirect supervision” means the performance of an  
15 action after instruction from a supervising social worker.

16 (7) “License” means a license issued under this article.  
17 A license does not mean a provisional license issued under  
18 this article.

19 (8) “Licensee” means a person holding a license under  
20 this article. A licensee does not mean a person provisionally  
21 licensed under this article.

22 (9) “Permit” means a temporary permit to practice social  
23 work issued by the board.

24 (10) "Permittee" means a person holding a permit issued  
25 under this article.

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

**§30-30-4. Board of Social Work.**

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

8 (b) The board shall consist of the following seven  
9 members who are appointed by the Governor with the advice  
10 and consent of the 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  
18 or her appointment, must have held a license in this state for  
19 at least five years;

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

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

27 (g) A vacancy on the board shall be filled by appointment  
28 by the Governor for the unexpired term of the member whose  
29 office shall be vacant and the appointment shall be made  
30 within sixty days of the vacancy.

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

34 (i) Any member of the board immediately and  
35 automatically forfeits his or her membership if his or her  
36 license to practice is suspended or revoked by the board, is  
37 convicted of a felony under the laws of any jurisdiction, or  
38 becomes a nonresident of this state.

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

41 (k) Each member of the board is entitled to compensation  
42 and expense reimbursement in accordance with article one of  
43 this chapter.

44 (l) A majority of the members of the board constitutes a  
45 quorum.

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

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

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

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

11 (5) Maintain records of the examinations the board or a  
12 third party administers, including the number of persons  
13 taking the 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  
17 job requirements and fix the compensation of employees,  
18 investigators and contracted employees necessary to enforce  
19 this article;

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

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

24 (10) Determine disciplinary action and issue orders;

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

27 (12) Maintain an accurate registry of names and  
28 addresses of all persons regulated by the board;

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

32 (14) Establish the continuing education requirements for  
33 licensees;

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

36 (16) Establish a fee schedule;

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

40 (18) Take all other actions necessary and proper to  
41 implement this article.

42 (c) The board may:

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

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



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

**§30-30-6. Rulemaking.**

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

4 (1) Additional standards and requirements for licenses  
5 and permits;

6 (2) Requirements for third parties to prepare and/or  
7 administer examinations and reexaminations;

8 (3) Educational and experience requirements;

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

10 (5) Procedures for the issuance and renewal of licenses  
11 and permits;

12 (6) A fee schedule;

13 (7) Continuing education requirements for licensees;

14 (8) Qualifications for supervisors; providing type of  
15 required supervision; requirements that shall be included  
16 within a supervisory plan; and detailed periodic  
17 documentation and successful completion of supervision  
18 required;

19 (9) Baccalaureate degrees related to social work;

20 (10) Establish critical social work workforce shortage  
21 positions, setting, areas or fields of practice;

22 (11) Establishing credentialing guidelines identifying  
23 advanced social work practice in existing and emerging  
24 specializations, skills and settings;

25 (12) The procedures for denying, suspending, revoking,  
26 reinstating or limiting the practice of licensees and permittees;

27 (13) Requirements for inactive or revoked licenses and  
28 permits; and

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

30 (b) All of the board's rules in effect on January 1, 2011,  
31 shall remain in effect until they are amended or repealed, and  
32 references to former enactments of this article are interpreted  
33 to be consistent with this article.

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

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

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

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

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

1 To be eligible for a license to practice as an independent  
2 clinical 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 obtained a master's degree from a school of  
7 social work accredited by the council on social work  
8 education that included a concentration of clinically oriented  
9 course work as defined by the board;

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

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

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

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

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

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

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

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

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

1 A clinical social worker may:

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

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

10 (3) Clinical social work practice is based on knowledge  
11 of one or more theories of biological, psychological and  
12 social development, normal human behavior,  
13 psychopathology, the causes and effects of physical illness  
14 and disability, unconscious motivation, interpersonal  
15 relationships, family dynamics, environmental stress, social  
16 systems and cultural diversity with particular attention to the  
17 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  
21 life-support and management issues.

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

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

1 (a) To be eligible for a license to practice as certified  
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 obtained a master's degree from a school of  
7 social work accredited by the council on social work  
8 education;

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

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

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

16 (8) Not be an alcohol or drug abuser, as these terms are  
17 defined in section eleven, article one-a, chapter twenty-seven

18 of this code: *Provided*, That an applicant in an active  
19 recovery process, which may, in the discretion of the board,  
20 be evidenced by participation in an acknowledged substance  
21 abuse treatment and/or recovery program may be considered;

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

25 (10) Not have been convicted of a misdemeanor or felony  
26 in any jurisdiction if the offense for which he or she was  
27 convicted related to the practice of social work, which  
28 conviction remains unreversed; and

29 (11) Meet other additional requirements as established by  
30 the board.

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

33 (1) Obtained a master's degree from a school of social  
34 work accredited by the council on social work education that  
35 included a concentration of clinically oriented course work as  
36 defined by the board;

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

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

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

47 (c) A certified social worker may not practice clinical  
48 social work until his or her contract has been approved by the  
49 board, and shall cease the practice of clinical social work  
50 immediately upon the termination of the contract. At the  
51 termination of the contract, the certified social worker shall  
52 apply for licensure as a licensed clinical social worker or  
53 request an extension of the contract from the board.

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

1 A licensed certified social worker may:

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

4 (2) Apply social work theory and methods to the  
5 diagnosis, treatment and prevention of psychological  
6 dysfunction, disability or impairment, including emotional  
7 and mental disorders and developmental disabilities; and

8 (3) Determine behavioral health diagnosis, using  
9 diagnostic taxonomies commonly accepted across disciplines  
10 among behavioral health professionals.

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

1 (a) To be eligible for a license to practice as a graduate  
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 obtained a master's degree from a school of  
7 social work accredited by the council on social work  
8 education.

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

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

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

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

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

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

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

30 (1) Obtained a master's degree from a school of social  
31 work accredited by the council on social work education that  
32 included a concentration of clinically oriented course work as  
33 defined by the board;



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

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

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

44 (c) A graduate social worker may not practice clinical  
45 social work until this contract has been approved by the  
46 board, and shall cease the practice of clinical social work  
47 immediately upon the termination of the contract. At the  
48 termination of the contract, the graduate social worker shall  
49 apply for licensure as a licensed independent clinical social  
50 worker or request an extension of the contract from the  
51 board.

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

1 A licensed graduate social worker may perform all duties  
2 within the scope of practice of a licensed social worker and  
3 provisional social worker as well as:

4 (1) Appropriately conduct social work education,  
5 formally teaching social work theory and methodology to  
6 bachelor's and master's level social work students.

7 (2) Conduct clinical or psychotherapeutic services, under  
8 the clinical supervision of another experienced and  
9 credentialed behavioral health professional, including  
10 individual, family and group methodologies.

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

1 To be eligible for a license to practice as a social worker,  
2 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 social work from a  
7 program accredited by the council on social work education;

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

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

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

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

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

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

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

1 (a) A licensed social worker may perform all duties  
2 within the scope of practice of a provisional social worker as  
3 well as:

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

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

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

18 (4) Administration and program development, designed  
19 to develop, structure and, oversee social service systems at  
20 the organizational level; and

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

26 (b) A licensed social worker with a baccalaureate degree  
27 or master's degree in social work from a program accredited  
28 by the council on social work education and two years of  
29 experience, may supervise a provisionally licensed social  
30 worker.

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

1 (a) To be eligible for a provisional license to practice as  
2 a 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  
10 contingent upon receiving a provisional license, in a critical  
11 social work workforce shortage position, area or setting  
12 requiring a social work license; Provided, that such  
13 employment shall not be as an independent practitioner,  
14 contracted employee, sole proprietor, consultant, or other  
15 nonregular employment;

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

19 (7) Not be an alcohol or drug abuser, as these terms are  
20 defined in section eleven, article one-a, chapter twenty-seven  
21 of this code: *Provided*, That an applicant in an active  
22 recovery process, which may, in the discretion of the board,

23 be evidenced by participation in an acknowledged substance  
24 abuse treatment and/or recovery program may be considered;

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

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

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

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

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

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

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

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

46 (c) A provisionally licensed social worker or a person  
47 previously licensed as a provisionally licensed social worker  
48 may not reapply for licensure through this process if the  
49 process is not completed.

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

1 A provisionally licensed social worker may perform all  
2 of the following functions and social work services under  
3 supervision:

4 (1) Multi-dimensional assessment of client or client  
5 system strengths and problems with functioning or  
6 psychosocial adaptation, not including formal mental health  
7 diagnosis.

8 (2) Service planning and contracting with clients or  
9 clients systems to outline proposed interventive strategies for  
10 clients or client systems in order to restore or enhance social,  
11 psychosocial, or biopsychosocial functioning;

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

15 (4) Supportive and palliative counseling activities,  
16 designed to offer comfort and social encouragement to clients  
17 or client systems, not including psychotherapy;

18 (5) Preventive strategies such as psychoeducation and  
19 consciousness raising for at-risk systems or populations,  
20 designed to forestall difficulties with functioning and  
21 psychosocial adaptation;

22 (6) Case management activities designed to assist clients  
23 or client systems with gaining access to needed resources and  
24 services and to assist with coordination of services in  
25 situations where multiple providers may be involved with  
26 client care;

27 (7) Information and referral services; and

28 (8) Personal practice assessment designed to assess and  
29 document outcomes and effectiveness of one’s practice.

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

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

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

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

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

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

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

**§30-30-19. Renewal of license.**

1 (a) All licenses are effective on the date of issuance from  
2 the board and shall expire in twenty-four months and the  
3 number of days remaining in the month after the date the  
4 license was issued.

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

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

10 (d) The board may deny an application for renewal for  
11 any reason which would justify the denial of an original  
12 application for a license.

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

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

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

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

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



13 (d) After thirty-six months of being placed on delinquent  
14 status, a license is automatically placed on expired status and  
15 cannot be renewed. A person whose license has expired must  
16 reapply for a new license.

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

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

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

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

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

1 (a) Upon completion of the application and payment of  
2 the nonrefundable fees, the board may issue a temporary  
3 permit, for a period not to exceed six months, to an applicant  
4 to practice in this state, if the applicant has completed the  
5 educational requirements set out in this article, pending the  
6 examination and who works under a supervising social  
7 worker with the scope of the supervision to be defined by  
8 legislative rule. The applicant may renew the permit if the  
9 licensee receives a failing score on the examination.

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

**§30-30-23. Display of license.**

1 (a) The board shall prescribe the form for a license and  
2 permit, and may issue a duplicate license or permit upon  
3 payment of a fee.

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

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

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

5 (1) In the course of formally reporting, conferring or  
6 consulting with administrative superiors, colleagues or  
7 consultants who share professional responsibility, in which  
8 instance all recipients of such information are similarly  
9 bound to regard the communication as privileged;

10 (2) With the written consent of the person who provided  
11 the information;

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

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

22 (5) When the person waives the privilege by bringing any  
23 public charges against the licensee.

24 (b) When the person is a minor and the information  
25 acquired by the licensee indicates the minor was the victim  
26 of or witness to a crime, the licensee may be required to  
27 testify in any judicial proceedings in which the commission  
28 of that crime is the subject of inquiry and when the court  
29 determines that the interests of the minor in having the  
30 information held privileged are outweighed by the  
31 requirements of justice.

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

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

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

1 (a) If the board obtains information that any person has  
2 engaged in, is engaging in or is about to engage in any act  
3 which constitutes or will constitute a violation of this article,  
4 the rules promulgated pursuant to this article, or a final order  
5 or decision of the board, it may issue a notice to the person to  
6 cease and desist in engaging in the act and/or apply to the  
7 circuit court in the county of the alleged violation for an  
8 order enjoining the act.

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

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

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

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

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

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

15 (d) Upon a finding that probable cause exists that the  
16 licensee or permittee has violated subsection (g) of this  
17 section or rules promulgated pursuant to this article, the  
18 board may enter into a consent decree or hold a hearing for  
19 the suspension or revocation of the license or permit or the  
20 imposition of sanctions against the licensee or permittee.  
21 Any hearing shall be held in accordance with this article.

22 (e) Any member of the board or the administrator of the  
23 board may issue subpoenas and subpoenas duces tecum to  
24 obtain testimony and documents to aid in the investigation of  
25 allegations against any person regulated by the article.

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

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

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

37 (2) Being convicted of a felony or other crime involving  
38 moral turpitude;

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

41 (4) Intentional violation of a lawful order or legislative  
42 rule of the board;

43 (5) Having had a license or other authorization revoked  
44 or suspended, other disciplinary action taken, or an  
45 application for licensure or other authorization revoked or  
46 suspended by the proper authorities of another jurisdiction;

47 (6) Aiding or abetting unlicensed practice; or

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

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

53 (1) Reprimand;

54 (2) Probation;

55 (3) Restrictions;

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

58 (5) Mandatory attendance at continuing education  
59 seminars or other training;

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

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

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

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

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

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

5 (c) If the hearing is conducted by an administrative law  
6 judge, at the conclusion of a hearing he or she shall prepare  
7 a proposed written order containing findings of fact and  
8 conclusions of law. The proposed order may contain  
9 proposed disciplinary actions if the board so directs. The

10 board may accept, reject or modify the decision of the  
11 administrative law judge.

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

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

**§30-30-28. Judicial review.**

1 Any licensee or permittee adversely affected by a  
2 decision of the board entered after a hearing may obtain  
3 judicial review of the decision in accordance with section  
4 four, article five, chapter twenty-nine-a of this code, and may  
5 appeal any ruling resulting from judicial review in  
6 accordance with article six, chapter twenty-nine-a of this  
7 code.

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

1 (a) When, as a result of an investigation under this article  
2 or otherwise, the board has reason to believe that a licensee  
3 or permittee has committed a criminal offense under this  
4 article, the board may bring its information to the attention of  
5 an appropriate law-enforcement official.

6 (b) A person violating section one of this article is guilty  
7 of a misdemeanor and, upon conviction thereof, shall be  
8 fined not less than \$100 nor more than \$5,000 or confined in  
9 jail not more than six months, or both fined and confined.

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

\_\_\_\_\_  
*Chairman, House Committee*

\_\_\_\_\_  
*Chairman, Senate Committee*

Originating in the House.

To take effect from passage.

\_\_\_\_\_  
*Clerk of the House of Delegates*

\_\_\_\_\_  
*Clerk of the Senate*

\_\_\_\_\_  
*Speaker of the House of Delegates*

\_\_\_\_\_  
*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
*Governor*