

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

### Committee Substitute

for

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for

## Senate Bill 312

SENATORS WELD, STOLLINGS, RUCKER, ROBERTS,

PLYMALE, MAYNARD, CLINE, HAMILTON, JEFFRIES,

WOELFEL, AND PALUMBO, *original sponsors*

[Originating in the Committee on Health and Human

Resources; reported on February 21, 2020]



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

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

**ARTICLE 30. SOCIAL WORKERS.**

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

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

3 (1) Submit an application to the board;

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

5 ~~(3) Be of good moral character;~~

6 ~~(4) (3) Have a baccalaureate degree in a related field, as provided by legislative rule;~~

7 ~~Provided, That an individual seeking employment as a provisionally licensed social worker with~~  
8 ~~the West Virginia Department of Health and Human Resources shall have a baccalaureate degree~~

9 ~~(5) (4) Have obtained regular supervised employment, or the reasonable promise of~~  
10 ~~regular supervised employment, contingent upon receiving a provisional license, in a critical social~~  
11 ~~work workforce shortage position, area, or setting requiring a social work license: *Provided, That*~~  
12 ~~such employment shall not be as an independent practitioner, contracted employee, sole~~  
13 ~~proprietor, consultant, or other nonregular employment;~~

14 ~~(6) (5) Have satisfied the board that he or she merits the public trust by providing the board~~  
15 ~~with three letters of recommendation from persons not related to the applicant;~~

16           ~~(7)~~ (6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this  
17 code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of  
18 the board, be evidenced by participation in an acknowledged substance abuse treatment and/or  
19 recovery program, may be considered;

20           ~~(8)~~ (7) Not have been convicted of a felony in any jurisdiction within five years preceding  
21 the date of application for license, which conviction remains unreversed;

22           ~~(9)~~ (8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense  
23 for which he or she was convicted related to the practice of social work, which conviction remains  
24 unreversed; and

25           ~~(10)~~ (9) Meet any other requirements established by the board.

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

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

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

32           (2) Complete 12 credit hours of core social work study from a program accredited by the  
33 council on social work education, as defined by legislative rule, within the four-year provisional  
34 license period; ~~*Provided*, That an individual employed as a provisionally licensed social worker~~  
35 ~~with the West Virginia Department of Health and Human Resources shall satisfy this requirement~~  
36 ~~upon completion of the social work training program with the West Virginia Department of Health~~  
37 ~~and Human Resources. The Secretary of the West Virginia Department of Health and Human~~  
38 ~~Resources shall, with the advice of the Higher Education Policy Commission, West Virginia~~  
39 ~~University School of Social Work and Marshall University Department of Social Work, promulgate~~  
40 ~~legislative rules, in accordance with article three, chapter twenty nine a of this code, to implement~~  
41 ~~the provisions of this subdivision~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) Submit an application to the board;

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

5 (3) Have a baccalaureate degree;

6 (4) Have obtained employment by the bureau;

7 (5) Satisfy the requirements of the West Virginia Clearance for Access: Registry and  
8 Employment Screening Act provided in §16-49-1 et seq. of this code;

9 (6) Satisfy the requirements provided in §30-1-24 of this code;

10 (7) Complete 240 hours of pre-service training developed by the bureau; and

11 (8) Complete 20 hours of board-approved continuing social work education every two  
12 years, up to 10 of which may be earned through board-approved online education hours:

13 Provided, That at least two of the hours shall be related to the Code of Ethics adopted by the  
14 board, and at least two hours shall be related to social, health, and mental health concerns of  
15 veterans and their families.

NOTE: The main purpose of this bill is to create a registration process for social workers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.