

Regulatory Board Evaluation

Board of Social Work Examiners

**Licensure of the Practice of Social Work
Is Needed to Protect Public Interest**

**The Board Complies With the General
Provisions of Chapter 30**

**The BSWE Should Consider Addressing the
Following Issues Which Would in Turn Improve
the Board's Overall Effectiveness**



**July 2006
PE 06-13-386**

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John Sylvia
Director

July 24, 2006

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J.D. Beane
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Regulatory Board Evaluation of the Board of Social Work Examiners, which will be presented to the Joint Committee on Government Operations on Monday, July 24, 2006. The issues covered herein are "The Board of Social Work Examiners Is Needed to Protect Public Interest;" "The Board of Social Work Examiners Is in Compliance With the General Provisions of Chapter 30;" and "The Board of Social Work Examiners Should Consider Addressing the Following Issues Which Would Improve the Board's Overall Effectiveness."

We transmitted a draft copy of the report to the Board of Social Work Examiners on July 14, 2006. They agency opted not to have an exit conference. We received the agency response on July 17, 2006.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

JS/jda

Joint Committee on Government and Finance

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Executive Summary

Issue 1: The Board of Social Work Examiners Is Needed to Protect Public Interest

The Board of Social Work Examiners (BSWE) was created in 1984. At that time the Legislature found that the profession of social work affects the lives of the people of this state. *The purpose of this Board is to protect the public by setting standards of qualification, education, training and experience for those who seek to engage in the practice of social work and to promote high standards of professional performance for those engaged in the profession of social work.* **The Legislative Auditor has determined that the licensure of social workers is necessary for protecting the interests of the citizens of West Virginia.**

The purpose of this Board is to protect the public by setting standards of qualification, education, training and experience for those who seek to engage in the practice of social work and to promote high standards of professional performance for those engaged in the profession of social work.

Issue 2: The Board of Social Work Examiners Is in Compliance With the General Provisions of Chapter 30.

The Board is financially self-sufficient and accessible to the public. The Board could improve the process of reviewing continuing education credits by implementing random audits of licensees for the purpose of confirming compliance with continuing education requirements and including this information in their informational database.

Issue 3: The BSWE Should Consider Addressing the Following Issues Which Would Improve the Board's Overall Effectiveness.

- **Develop and Implement a Scope of Practice**

West Virginia Code §30-30-3(E)(6) indicates that the board **shall** “Establish standards and requirements for the practice of social work and the differentiation of qualifications, education, training, experience, supervision, responsibilities, rights, duties and privileges at the independent clinical social worker, certified social worker, graduate social worker and social worker license levels. In establishing these standards and requirements the board **shall** consult with professional groups and organizations representing all levels of practice provided for in this article. Standards and requirements may include, but are not limited to, practice standards, practice parameters, quality indicators, minimal standards of acceptance, advanced training and certification and continuing education: Provided, That such standards and requirements for practice may not be construed to alter or affect in any way the standards and requirements for licensing as set forth elsewhere in this article.”

The Board is financially self-sufficient and accessible to the public.

- **Develop and Implement an Accurate and Efficient Database and Records Keeping System**

We have made the corrections in status for persons that were our retired social workers who did appear as active but were not.

“Our technical consultant has met with staff on several occasions and we are planning to reconstruct the many database purposes into one complete record for each individual from the application process to cover all aspects and all provision of the law. We have made the corrections in status for persons that were our retired social workers who did appear as active but were not. After we incorporate the new database form, there will be months of clean up and completion necessary. We hope to recruit student interns and have planned to expend additional funds for part-time paid help for this purpose.”

Recommendations

1. *The Legislative Auditor recommends that the Board of Social Work Examiners be continued.*
2. *The Legislative Auditor recommends that the BSWE continue its compliance with the provisions of Chapter 30, while striving to improve its review of continuing education requirements as well as the collection and storage of this information.*
3. *The Legislative Auditor recommends that the Board of Social Workers complete the statutory mandate to implement a scope of practice for the social work profession.*

Review Objective, Scope and Methodology

A Regulatory Board Evaluation of the Board of Social Work Examiners is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 10 of the West Virginia Code, as amended. The Board of Social Work Examiners is mandated to protect the public from incompetent and unethical social workers by “*promoting high standards of professional performance for those engaged in the profession of social work.*”

Objective

The objective of a regulatory board evaluation is to determine whether the Board is:

1. In compliance with the general policies and provisions of Chapter 30, Article 1 of the West Virginia Code and other applicable laws and rules.
2. Following a disciplinary procedure which observes due process rights and protects the public interest.
3. Necessary for the protection of public health and safety.

Scope

This regulatory board evaluation covers the period from fiscal year 2001 through 2005. The scope of this report focuses on the adequacy of the complaint process, continuing education, the board’s financial sufficiency, the temporary license process and the board’s continued lack of a scope of practice.

Methodology

Information for this report was compiled from annual reports, complaint files, board minutes, budget items, licensure qualifications, continuing education, and personal interviews with the Board’s Executive Director and Administrative Assistant. All aspects of the audit comply with Generally Accepted Government Auditing Standards (GAGAS).

Licensure of the Practice of Social Work Is Needed to Protect Public Interest.

The Board of Social Work Examiners (BSWE) was created in 1984. At that time the Legislature found that the profession of social work affects the lives of the people of this state. *The purpose of this Board is to protect the public by setting standards of qualification, education, training and experience for those who seek to engage in the practice of social work and to promote high standards of professional performance for those engaged in the profession of social work.* **The Legislative Auditor has determined that licensing social workers is necessary for protecting the interests of the citizens of West Virginia.**

The Board of Social Work Examiners (BSWE) was created in 1984.

Licensure of Social Workers in WV

According to statistics provided by the Board of Social Work Examiners, as of June 22, 2006, there were 6,968 professional social workers in license status. Of these, 5,528 were in active status, 92 were in emeritus (retired) status and 1,440 were expired. The BSWE affords its regular licensed social workers with four levels of licensure, those being:

According to statistics provided by the Board of Social Work Examiners, as of June 22, 2006, there were 6,968 professional social workers in license status. Of these, 5,528 were in active status, 92 were in emeritus (retired) status and 1,440 were expired.

- **LSW** Licensed Social Worker (Entry Level)
- **LGSW** Licensed Graduate Social Worker (Must have MSW)
- **LCSW** Licensed Certified Social Worker (Masters plus post general experience)
- **LICSW** Licensed Independent Clinical Social Worker (MSW plus specific post masters supervised clinical experience)

In 1986, for the purpose of creating a pool of individuals who would fill the need in providing social services to West Virginia's general public, an additional license level was created, the Temporary License, which is a Conditional/Restricted type license.

In 1986, for the purpose of creating a pool of individuals who would fill the need in providing social services to West Virginia's general public, an additional license level was created, the Temporary License, which is a Conditional/Restricted type license. There are two types of Temporary Licenses, the **Provisional Temporary License** and the **Employment Restricted Temporary License**. Both of these temporary license types afford the licensee an opportunity to convert their temporary license into a regular license as they near the end of the required four year supervision period.

In determining if there is a need for the licensure of social workers, a primary consideration is whether the unregulated practice of the profession would jeopardize the public interest. The profession of social work exists to provide effective social services to individuals, families,

groups, communities and society in order that social functioning may be enhanced and the quality of life improved.

Currently, all 50 states have a licensure board to regulate the practice of social work. It was determined by the Legislature in 1984 that the economic burden of social services which do not give effective aid is a serious social problem. Social workers are involved with individuals who are hurt, vulnerable and having difficulty in areas of their lives which are very sensitive. Failure to help these individuals, whether through incompetence or irresponsibility, is a serious matter. These individual citizens have the potential to be greatly harmed by the services of ill-prepared and incapable persons acting as social workers.

Currently, all 50 states have a licensure board to regulate the practice of social work.

Necessity of the Board

Social workers serve the citizens of this state on many different levels and in a multitude of forums. Social workers assist people who are struggling with addictions, mental health disorders, abused and trouble children, and homeless individuals. In addition, social workers offer support services to senior citizens, hospice patients and their families, and assist with adoption services as well.

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Social workers practice their vocation in different settings, such as, client's homes, hospitals, mental health facilities, shelters of all kinds, veterans centers as well as long term care facilities. The types of services social workers provide their clients are as varied as their clientele. The goal of social workers is to provide their clients with plans and services geared to provide a better quality of life to an individual or family or community in crisis. A social worker achieves this goal by developing an individualized care and treatment plan and by utilizing accepted diagnostic and assessment tools.

A social worker who is entrusted by the public to provide these services to persons in crisis is in a position to do great harm to the public if that social worker is found to be unethical and/or unprofessional. **A misguided, unethical social worker has the means to do physical, emotional and financial harm to their clients.** The following are examples of the potential harm posed to the public by an unethical social worker:

- Authority figure taking advantage of clients in emotional crisis
- Manipulate clients in a sexual manner
- Fraudulent billing practices
- Negligence
- Failure to respond/follow-up

These are but a few reasons why the regulation of social workers via licensure is necessary to protect the public. It is imperative that social workers conduct themselves in accordance with nationally accepted Code of Ethics Standards and to strive to achieve a higher level of professionalism and competency when serving the public's needs.

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Conclusion

The practice of social work by an unqualified, inexperienced, unethical provider could have a significant impact on the lives of West Virginians who are in need of social services.

West Virginians need a regulated standard of practice from those who provide social work services. The practice of social work by an unqualified, inexperienced, unethical provider could have a significant impact on the lives of West Virginians who are in need of social services. Therefore, the Legislative Auditor concludes that licensure of social workers is necessary to protect the interest of the general public.

Recommendation 1

The Legislative Auditor recommends that the Board of Social Work Examiners be continued.

Issue 2

The Board Complies With the General Provisions of Chapter 30.

The Board of Social Work Examiners complies with the general provisions of Chapter 30 of the West Virginia Code. The following items of Chapter 30, Article 1 have been verified and the Board is found to be in compliance with:

1. The Chair or Chief Financial officer has attended an orientation session conducted by the State Auditor (§30-1-2a(b))
2. An official seal has been adopted (§30-1-4)
3. At least one meeting a year has been held (§30-1-5(a))
4. Complaints are investigated and resolved with due process (§30-1-5(b)); (30-1-8)
5. Rules have been promulgated specifying the investigation and resolution procedure of all complaints (§30-1-8(h))
6. The Board is financially self-sufficient in carrying out its responsibilities (30-1-6(c))
7. The Board has established continuing education (§30-1-7(a))
8. The Board has a register of all applicants with the appropriate information as specified in code (§30-1-12(a)), such as the date of application, name, age, education and other qualifications, place of residence, examination required, license granted or denied, suspensions, etc.
9. An annual report has been submitted to the Governor and Legislature describing transactions for the preceding two years, and budget data (§30-1-12(b))
10. The Board has complied with public access requirements as specified by (§30-1-12(c))
11. A roster has been prepared and maintained of all licensees which includes name, and office address (§30-1-13)

Continuing Education Requirements Are Being Met, But Could Be Monitored In A More Effective Manner

Regular level A, B, C, and D licensees must earn a total of 50 hours in each two-year period; temporary licensees with TL or TD categories must earn a total of 80 hours in each two-year period.

In the general provisions applicable to all boards, boards are to establish continuing education requirements that include course content, course approval, hours required, and reporting periods (§30-1-7(a)). All licensed social workers except permit holders and emeritus status licensed social workers are required to earn a specific number of continuing social work education contact hours in order to maintain and renew their license. **Regular level A, B, C, and D licensees must earn a total of 50 hours in each two-year period; temporary licensees with TL or TD categories must earn a total of 80 hours in each two-year period.** Every new and renewed licensee receives a current approved providers listing. This list includes the names, numbers, and categories of approved continuing education providers in West Virginia. This list is also available on the Board's website and is updated regularly. The list also includes directives on how to recognize and distinguish approved providers from independent study activity.

According to the BSWE director, the Board reviews continuing education for both licensees and providers. This review involves the director and/or administrative staff personally reviewing documented evidence of the licensee's continuing education compliance. This review commences during the licensee's renewal period which occurs every two years.

The Director informed the Legislative Auditor that the Board does not perform random audits to confirm compliance with continuing education requirements.

An inquiry was made of the director regarding random audits of licensees for the purpose of confirming compliance with continuing education requirements. The Director informed the Legislative Auditor that the Board does not perform random audits to confirm compliance with continuing education requirements. However, according to a previous audit of the BSWE conducted by the Legislative Auditor in 1998 the Board was to implement improvements in the monitoring process of licensees continuing education. In a policy statement attached to the new guidelines issued to all licensed social workers, effective April 1, 1998, the Board stated:

This Policy Statement is to inform you that the Board will begin doing random audits of licensees' individual continuing education training records EFFECTIVE IMMEDIATELY. Therefore, it is most important that you maintain; Certificates of Attendance, receipts for registration fees, verification of attendance from provider representative, program notes, or other proof of attendance. The Board will submit a "Continuing Education Training Monitoring Request" to approximately twenty licensed social workers per month.

Additionally, prior to the beginning of this review, the Board had proposed amendments to its legislative rules. These rules were passed by

the 1998 Legislature. One of the amendments requires continuing education providers to provide documentation of satisfactory performance every two years in order to maintain their certification. This re-certification process was to be a monitoring tool for the Board to evaluate provider performance and to promote a higher quality of continuing education from continuing education providers.

Complaint Resolution

When considering whether or not the Board has jurisdiction over a complaint two items are considered; whether the alleged action is forbidden pursuant to the social workers code of ethics and whether the alleged action is forbidden by West Virginia Code §30-30-7.

As required by West Virginia Code §30-1-8(i), the Board has promulgated rules for the investigation and resolution of all complaints against licensees. In accordance with the legislative complaint procedure, a description of a complaint will be explained to the Board during executive session. The Board determines if there is a valid basis for the complaint and if it is within the Board's jurisdiction. When considering whether or not the Board has jurisdiction over a complaint two items are considered; whether the alleged action is forbidden pursuant to the social workers code of ethics and whether the alleged action is forbidden by West Virginia Code §30-30-7. Title 25, Series 1 of the Code of State Rules explains the Board's procedure for the handling and disposition of complaints against licensed social workers:

1. The Board shall acknowledge to the complainant receipt of a complaint within thirty (30) days.
2. The Board shall notify the complainant whether or not it has determined there is a reasonable basis for the complaint within a reasonable period of time.
3. The Board shall notify the licensee within thirty (30) days after it determines there is a reasonable basis for a complaint.
4. After finding a reasonable basis for a complaint, the Board shall conduct an investigation; either by assigning a special investigator to the case or by use of other available resources.
5. The Board shall mail a copy of the complaint to the licensee with request for a detailed reply to the complaint allegations within fifteen (15) days.
6. The investigator shall submit a report for the Board which summarizes the information gathered during the investigation and provides a recommendation for action by the Board.

-
7. The Board shall notify the licensee and the complainant when due cause has been determined to exist. A notice forwarded to a respondent shall include the following information:

- a) That the Board shall suspend or revoke the licensee's license and/or take other disciplinary action as specified in the notice within thirty (30) days unless the licensee requests in writing an administrative hearing prior to the expiration of the thirty-day period;
- b) That the respondent has the right to a hearing;
- c) That the respondent has the right to subpoena and present witnesses and documents on his or her behalf;
- d) That the respondent has the right to be represented by a lawyer at his or her expense and to cross-examine witnesses.

After finding that a social worker has engaged in professional misconduct, and after the expiration of a period of appeals, the Board may report its findings to the Disciplinary Action Reporting System (DARS) or other recognized national and state disciplinary action reporting organizations, licensing agencies, professional employers of social workers, the public or other agencies, institutions and organizations.

After finding that a social worker has engaged in professional misconduct, and after the expiration of a period of appeals, the Board may report its findings to the Disciplinary Action Reporting System (DARS) or other recognized national and state disciplinary action reporting organizations, licensing agencies, professional employers of social workers, the public or other agencies, institutions and organizations.

The Board indicated the following examples as typical of the types of complaints filed against social workers:

- Misrepresentation/Practice without a license
- Dishonesty, Fraud, Deceit
- Dual Relationships - failure to establish and adhere to clear and appropriate boundaries of conduct as a professional
- Felony Convictions - Fraudulent Billing-Medicare, Medicaid, Private Insurance Carrier as well as any other felony act
- Sexual Misconduct - Entering into a sexual relation with a client or a former client. **Historically, this is the most common complaint the Board deals with.**

The Board indicated the following types of dispositions as they relate to the complaint process:

- Dismiss, no probable cause
- Dismiss with letter of caution
- Conditional Surrender of License

- Revocation of License
- Suspension of License
- Refuse Renewal of License
- Sanction

In addition to the above, the BSWE has developed a *Red Flag* process. This process applies to non-active formerly licensed persons with an unresolved complaint(s). If the licensee's license expires during an investigation or at the time a complaint is received; or if a temporary licensee is not compliant with provisions and the license is null and void, a *Red Flag* record is entered and the former licensee is notified that if he/she were to pursue licensure in the future, this matter will be reopened, investigated and resolved. The *Red Flag* field is marked on the expired licensee's record so that the Board will know at a glance that there is an outstanding issue that requires attention and resolution. The Board's complaint log for fiscal years 2000-2005 is shown in Table 1 below:

The Legislative Auditor conducted a sample of the BSWE complaints which fell within the scope of the audit and found that complaints were taking an average of eight months to be resolved by the Board.

Fiscal Year	Total # of Complaints	Unresolved From Previous FY	New	Closed	Dismissed	Red Flag	Disciplinary Action
2001	31	10	21	8	7	20	1
2002	41	16	25	19	15	29	4
2003	40	19	21	30	21	4	9
2004	14	6	8	10	5	3	5
2005	9	3	6	4	3	4	1

Source: West Virginia Board of Social Work Examiners

Of the 23 complaints the Board has received in the past two fiscal years forty-eight percent (48%) were filed against licensees who held a temporary license.

The Legislative Auditor conducted a sample of the BSWE complaints which fell within the scope of the audit and found that complaints were taking an average of eight months to be resolved by the Board. This time frame is acceptable and within the standard set forth by West Virginia Code §30-1-5. The time it takes an occupational board to investigate and resolve a complaint is of concern for the Legislative Auditor because the status of a licensee remains active while under investigation. This circumstance creates a situation in which an unethical and/or incompetent licensee could potentially continue to negatively affect the lives of clients who are already experiencing vulnerability and crisis in their lives. **Resolving complaints in a timely fashion would aid the Board in their efforts to protecting the citizens of West Virginia from the potential harm posed by unethical and/or incompetent social workers.**

Another area of interest to the Legislative Auditor when reviewing the BSWE complaint process was the percentage of complaints filed against licensees who held only a temporary license. Of the 23 complaints the Board has received in the past two fiscal years forty-eight percent (48%) were filed against licensees who held a temporary

The Legislative Auditor detects a lack of symmetry regarding complaints directed towards social workers who are permitted to practice with a temporary license.

license. The remaining fifty-two percent (52%) of complaints received by the Board were aggregate to the LSW, LGSW, LCSW and LICSW levels of licensure. The Legislative Auditor detects a lack of symmetry regarding complaints directed towards social workers who are permitted to practice with a temporary license. Out of the six types of licensure offered by the Board, the temporary license is responsible for nearly half of the complaints received by the Board. The BSWE may want to consider this statistic when reviewing its temporary licensing process.

The Board is Financially Self-Sufficient

The Board is financially self-sufficient, as required by West Virginia Code §30-1-6(c). During the past five fiscal years, the Board has maintained an average end-of-year cash balance of \$72,773. Table 2 below sets forth the Board's actual revenues, expenditures, and end of year cash balances for the past five fiscal years.

During the past five fiscal years, the Board has maintained an average end-of-year cash balance of \$72,773.

Fiscal Year	Revenues	Expenditures	EOY Cash Balance
2001	134,909.83	112,211.84	48,479.27
2002	104,057.74	114,580.81	37,956.20
2003	175,876.06	120,117.92	93,714.34
2004	138,087.44	141,422.93	90,378.85
2005	176,447.60	173,488.85	93,337.60

Source: Digest of Revenue Sources in West Virginia, Legislative Auditor's Office

The Board could improve the process of reviewing continuing education credits by implementing random audits of licensees for the purpose of confirming compliance with continuing education requirements and including this information in its informational database.

Conclusion

The Board of Social Work Examiners is in compliance with the general provisions of Chapter 30. Additionally, the Board is self-sufficient and accessible to the public. The Board could improve the process of reviewing continuing education credits by implementing random audits of licensees for the purpose of confirming compliance with continuing education requirements and including this information in its informational database.

Recommendation 2

The Legislative Auditor recommends that the BSWE comply with its rules to randomly review and confirm continuing education of licensees.

Issue 3

The BSWE Should Consider Addressing the Following Issues Which Would in Turn Improve the Board's Overall Effectiveness.

Scope of Practice

An analysis of the Board's rules indicates that it has not established the necessary rules to govern the scope of practice for social workers or for the different categories of licenses.

West Virginia Code §30-30-3(E)(6) indicates that the board **shall** “Establish standards and requirements for the practice of social work and the differentiation of qualifications, education, training, experience, supervision, responsibilities, rights, duties and privileges at the independent clinical social worker, certified social worker, graduate social worker and social worker license levels. In establishing these standards and requirements the board **shall** consult with professional groups and organizations representing all levels of practice provided for in this article. Standards and requirements may include, but are not limited to, practice standards, practice parameters, quality indicators, minimal standards of acceptance, advanced training and certification and continuing education: Provided, That such standards and requirements for practice may not be construed to alter or affect in any way the standards and requirements for licensing as set forth elsewhere in this article.” **[emphasis added]**

On May 26, 2006, the Board indicated to the Legislative Auditor that it is committed to making the development of a scope of practice its priority mission over the next year.

However, an analysis of the Board's rules indicates that it has not established the necessary rules to govern the scope of practice for social workers or for the different categories of licenses. Furthermore, the Board's FY 2005 annual report indicates the following: “Scope of practice remains a priority but unfinished need in the profession. Various individuals in and out of the profession have expressed an interest in working towards accomplishing this goal. ASWB (Association of Social Work Boards) has provided reference material that has been used by other social work board jurisdictions nationwide.”

On May 26, 2006, the Board indicated to the Legislative Auditor that it is committed to making the development of a scope of practice its priority mission over the next year. The Board has assigned a board member to take the lead position in this endeavor, for the purpose of inviting other professionals to take part in the process. The Board additionally indicated to the Legislative Auditor its concerns of opposition from employers who mainly employ social workers with the lowest level of licensure, the conditional temporary license. However, the Board appears to be focused and ready to proceed with this process. “We hope to develop support for the scope from employers and legislators alike that will improve the profession and provide for the protection of the public.”

The Legislative Auditor recommends that the Board complete this statutory mandate. It is important that individuals in the field of social work are performing duties that they are qualified to do. This is more important given that there are many individuals who have temporary licenses who are trained in a related field other than social work. These individuals, as well as those with social work degrees, may be performing duties that they are not qualified to perform, which places the public at risk.

Database/Record Keeping

The Legislative Auditor's analysis of the Board's database revealed a number of fields that are incomplete. Additionally, the database contains some information that appears to be incorrect, for example listing certain individuals as having an active license who do not actually have an active license. Subsequent to bringing this finding to the Board's attention, the Board's director took immediate action to correct this shortfall. The Board's director advised: "*Our technical consultant has met with staff on several occasions and we are planning to reconstruct the many database purposes into one complete record for each individual from the application process to cover all aspects and all provision of the law. We have made the corrections in status for persons that were our retired social workers who did appear as active but were not. After we incorporate the new database form, there will be months of clean up and completion necessary. We hope to recruit student interns and have planned to expend additional funds for part-time paid help for this purpose.*" The Legislative Auditor commends the Board and its director for its immediate action in addressing this issue.

The database contains some information that appears to be incorrect, for example listing certain individuals as having an active license who do not actually have an active license.

Internal Cash Controls

West Virginia Code §12-2-2(a) indicates that "*All officials and employees of the state authorized by statute to accept moneys due the State of West Virginia shall keep a daily itemized record of moneys received for deposit in the State Treasury and shall deposit within twenty-four hours with the State Treasurer all moneys received or collected by them for or on behalf of the state for any purpose whatsoever.*"

At the time of this analysis, the Board had over 100 checks or money orders in its safe.

However, at the time of this analysis, the Board had over 100 checks or money orders in its safe. On average, the checks were dated 20 days prior to our inspection. The director indicated to the Legislative Auditor that the Board did not have an itemized record documenting receipt of the checks. Upon bringing this issue to the director's attention the Board took the following action: "*We immediately put into effect daily deposits as required. We returned checks being held for incomplete applications. We changed the language on regular, temporary, and clinical applications to indicate no fee was to be sent with the application; and, that following review and approval the candidate would be invoiced for the licensure fee. This is working out much better although causing a slight delay in processing.*" Again, the Legislative Auditor commends the Board and its director for swift action in correcting an identified short fall.

Compensation for Board Members

West Virginia Code §30-30-3(c) indicates that: "*The board shall pay each member the same compensation as is paid to member of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law for each day or portion thereof engaged in the discharge of official duties and shall reimburse*

each member for actual and necessary expenses incurred in the discharge of official duties: Provided, That such compensation and such expenses shall not exceed the amount received by the board from licensing fees and penalties imposed under subdivision (4), subsection (e) of this section.”

However, analysis revealed that board members were being compensated at a rate of \$100 which is below the rate currently provided for by the Citizens Legislative Compensation Commission of \$150. The director of the Board advised that as of March 20, 2006 the amount paid to board members was raised to \$150. The director further advised that: “*We were unaware of the provision being mandatory.*”

The director of the Board advised that as of March 20, 2006 the amount paid to board members was raised to \$150.

Recommendation 3

The Legislative Auditor recommends that the Board of Social Workers complete the statutory mandate to implement a scope of practice for the social work profession.

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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John Sylvia
Director

July 14, 2006

Judy Williams, Director
Board of Social Work Examiners
State Capitol Complex
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Charleston, WV 25305

Dear Mrs. Williams:

This is to transmit a draft copy of the Regulatory Board Evaluation of the Board of Social Work Examiners. This report is scheduled to be presented on Monday, July 24, 2006 between 11 a.m. and 1 p.m. during the interim meeting of the Joint Committee on Government Operations. The meeting will be held in room 208 of the west wing which is the Senate Judiciary Committee Room. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by Tuesday, July 18, 2006. We need your written response by noon on Thursday, July 20, 2006 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, July 20, 2006 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

Enclosure

_____ *Joint Committee on Government and Finance* _____

Appendix B: Agency Response

West Virginia Board of Social Work Examiners

PO Box 5459 ♦ Charleston, West Virginia 25361 ♦ Phone: (304) 558-8816 ♦ Fax: (304) 558-4189



July 17, 2006

Mr. John Sylvia
West Virginia Legislature
Performance Evaluation & Research Division
Bldg 1 Room W-314
Charleston, WV 25305

Board Members

Rita M. Brown, LSW
Kanawha

Brenda R. Wamsley, Ph.D., LCSW
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Lucy C. Eates, LSW
Marion

JoDee Gottlieb, LCSW
Cabell

Renee J. Ellenberger, LGSW
Marion

Barbara K. Heasley, LICSW
Randolph

Patricia O'Reilly, Ph.D.
Public Member-Kanawha

Administrative Staff

Judith K. Williams
Director

Kimberly M. Morris
Adm. Services Asst.

Linda C. Dempsey
Support Staff

Carl E. Farmer, Jr.
Investigator

Re: Evaluation Report

Dear Mr. Sylvia,

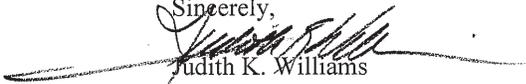
I have reviewed the report and will provide a copy to the members for discussion at the next meeting on July 27, 2006. The report is fair and detailed. As to Recommendation #2, we have improved greatly on the random audit issue. I take the recommendation to mean we need to track occurrence of audit in the licensee's computerized record. Please correct me if I am mistaken.

A scope of practice committee has been formed and the initial meetings have been held. Each volunteer professional has been provided with resource materials to assist in preparing a first draft for Board review.

It was refreshing working with **Ms. Gandee**. She exhibited a sincere interest in learning about the licensure process as well as assuring that the Board is compliant with legislative standards. Ms. Gandee was very professional as well as humane towards staff during our work together.

The Board will be represented at the meeting of July 24, 2006. If the schedule would change, please let me know.

Sincerely,


Judith K. Williams
Director

CC: Beverly Gandee
PERD

Days: admin@wvsocialworkboard.org ♦ www.wvsocialworkboard.org ♦ Remote Office: bswe2@charter.net