The Legislature finds that the profession of social work profoundly affects the lives of the people of this state.
The profession of social work exists to provide humane and effective social services to individuals, families, groups, communities and society in order that social functioning may be enhanced and the quality of life improved. Social workers are involved with individuals who are hurt, vulnerable and having difficulty in areas of their lives which are extremely 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. The economic burden of social services which do not give effective aid is a serious social problem.

It is the purpose of this article 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. 30-30-2.

Definitions.
(a) "Board" means the state board of social work examiners established by this article.
(b) "Social work" means the profession that provides the formal knowledge base, theoretical concepts, specific functional skills and essential social values which are used to implement society's mandate to provide safe, effective and constructive social services through the professional activities of helping individuals, groups or communities enhance or restore their capacity for social functioning, and preventing or controlling social problems and altering societal conditions as a means towards enabling people to attain their maximum potential.
(c) "Social worker" means a person who represents himself or herself to the public by the title "social worker", and under this title offers to render or renders services involving the application of principles, methods and procedures of the profession of social work to individuals, families, corporations or the public for financial compensation: Provided, That social workers, as defined by this article does not mean any person who may voluntarily serve in an advisory capacity in situations dealing with social and family matters while not holding himself or herself out to the public as a social worker.
(d) "Social work practice" means the professional application of social work values, principles and techniques to one or more of the following ends: Enhancing the developmental, problem-solving and coping capacities of people; promoting the effective and humane operations of systems that provide resources and services to people; linking people with systems that provide them with resources, services and opportunities; contributing to the development and improvement of social policy; engaging in research related to these ends and principles; and organizations or agencies engaged in such practice. Such social work interventions are provided to individuals, families, small groups, organizations, neighborhoods and communities. The practice of social work is guided by knowledge of social resources, social systems, human behavior and
social, economic and cultural institutions and the interaction of all such factors. 
(e) "Clinical social work practice" means the professional application of social
work theory and methods to the diagnosis, treatment and prevention of
psychological dysfunction, disability or impairment, including emotional and
mental disorders and developmental disabilities. Clinical social work practice is
based on knowledge of one or more theories of biological, psychological and
social development, normal human behavior, psychopathology, the causes and
effects of physical illness and disability, unconscious motivation, interpersonal
relationships, family dynamics, environmental stress, social systems and cultural
diversity with particular attention to the person existing as a combination of
biological, psychological and social elements in his or her environment. Clinical
social work includes interventions directed to interpersonal interactions,
intrapsychic dynamics and life-support and management issues. Clinical social
work services consist of assessment, diagnosis, treatment, including
psychotherapy and counseling, client-centered advocacy, consultation and
evaluation. The process of clinical social work is undertaken within the objectives
of the social work profession and the principles and values of its code of ethics.

30-30-3. Board of social work examiners.
(a) For the purpose of carrying out the provisions of this article, there is hereby
created a West Virginia board of social work examiners, consisting of seven
members who shall be appointed by the governor, subject to the following
requirements:
(1) No person may be excluded from serving on the board by reason of race, sex
or national origin;
(2) One member shall be an independent clinical social worker, two members
shall be certified social workers, one member shall be a graduate social worker
and two members shall be social workers. All such members must be licensed
under the provisions of this article in accordance with their respective titles. In
addition, there shall be one member of the board chosen from the general public:

Provided, That those members who are appointed by the governor to serve as
the first board after the effective date of this article shall be persons eligible for
the licensing required under this article: Provided, however, That the member
from the general public shall never be required to be eligible for licensing;
(3) The members of the first board to serve after the effective date of this article
shall be appointed within ninety days thereof;
(4) The term of office for each member of the board shall be three years;

Provided, That one of the members of the first board to serve after the effective
date of this article shall serve a term of two years, three of them shall serve a
term of three years and the remaining three shall serve a term of four years; and
(5) The governor shall, whenever there is a vacancy on the board due to
circumstances other than the expiration of the term of a member, appoint another
member with the same qualifications as the member who has vacated to serve
the duration of the unexpired term.

For the purpose of accepting nominations for the replacement of a member, the
governor shall cause a notice of the vacancy to be published at least thirty days
prior to an announcement of the replacement member, as a Class I-0 legal
advertisement, in accordance with the provisions of section two, article three, chapter fifty-nine of this code. The publication area shall be statewide. If the governor fails to make appointment in ninety days after expiration of any term, the board shall make the necessary appointment. Each member shall hold office until the expiration of the term for which such member is appointed and until a successor shall have been duly appointed and qualified. (b) Any members of the board may be removed from office for cause, in accordance with procedures set forth in this code for the removal of public officials from office. (c) The board shall pay each member the same compensation as is paid to members 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. (d) The board shall hold an annual election for the purpose of electing a chairman, vice chairman and secretary. The requirements for meetings and management of the board shall be established in regulations promulgated by the board as required by this article. (e) In addition to the duties set forth in other provisions of this article, the board shall: (1) Recommend to the Legislature any proposed modifications to this article; (2) Report to county prosecutors any suspected violations of this article: Provided, That no report shall be made until the board has given the suspected violator ninety days written notice of the suspected violation and the violator has, within such ninety-day period, been afforded an opportunity to respond to the board with respect to the allegation; (3) Publish an annual report and a roster listing the names and addresses of all persons who have been licensed in accordance with the provisions of this article as an independent clinical social worker, certified social worker, graduate social worker or social worker; (4) Establish a fee schedule by legislative rule, pursuant to the provisions of chapter twenty-nine-a of this code, which schedule may include fees for the initial examination, license fee, license renewal, license replacement, reciprocal license, license classification change, continuing education provider approval and monitoring, mailing lists and requests for information and reports; fees for requests for information and reports shall not be greater than the cost of personnel, time and supplies incurred by the board and shall not be applied to the annual report; (5) Establish standards and requirements by legislative rule, pursuant to the provisions of chapter twenty-nine-a of this code, for continuing education. In establishing these requirements the board shall consult with professional groups and organizations representing all levels of practice provided for in this article and the board shall consider recognized staff development programs, continuing.
education programs offered by colleges and universities having social work programs approved or accredited by the council on social work education, and continuing education programs offered by recognized state and national social work bodies: Provided, That such standards and requirements for continuing education shall not be construed to alter or affect in any way the standards and requirements for licensing as set forth elsewhere in this article;

(6) 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;

(7) Conduct its proceedings in accordance with provisions of article nine-a, chapter six of this code; and

(8) Employ, direct and define the duties of administrative clerical support staff.

(f) After having conducted a regulatory board evaluation through its joint committee on government operations, pursuant to article ten, chapter four of this code, the Legislature hereby finds and declares that the board of social work examiners be continued and reestablished. Accordingly, notwithstanding the provisions of said article, the board of social work examiners shall continue to exist until the first day of July, two thousand five. 30-30-4. License required; penalties; exceptions.

(a) After twenty-four months have passed from the effective date of this article, no person may represent that he or she is a social worker by using such titles as independent clinical social worker, certified social worker, graduate social worker, social worker or any other title that includes a facsimile of such words unless he or she is duly licensed under the provisions of this article or specifically exempted hereunder; nor may any person represent himself or herself to be a certified social worker, graduate social worker or other type of social worker by adding the letters ICSW, CSW, GSW, SW or any other letters, words or insignia which induce or tend to induce the belief that the person is qualified to engage in the practice of social work unless the person is licensed in accordance with the provisions of this article.

(b) After twenty-four months have passed from the effective date of this article, no person may engage in the private, independent practice of social work unless he or she is already licensed under this article.

(c) Any person violating the provisions of subsection (a) or (b) of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail for a term not to exceed one year, or both fined and imprisoned.
(d) Nothing in this article shall be construed to prevent duly licensed physicians, surgeons, psychologists, attorneys, members of the clergy or any other professional from working within the standards and ethics of their respective professions and fulfilling their professional responsibilities: Provided, That no such professional may represent to the public, either by title or training, that he or she is engaged in the practice of social work: Provided, however, That any student enrolled in a recognized program of study leading to a social work degree may practice only under the supervision of a social worker duly licensed in accordance with the provisions of this article. Nothing in this article shall be construed to prevent any person from volunteering his or her services in a manner as defined in subsection (c), section two of this article.

§30-30-5. License classification; qualification.
The board shall issue a license as an independent clinical social worker, certified social worker, graduate social worker or social worker.
(a) The board shall issue a license as an independent clinical social worker to an applicant who:
(1) Has a doctorate or master's degree from a school of social work accredited by the council on social work education that included a concentration of clinically oriented course work as defined by the board; and
(2) Has completed a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent;
(3) Has practiced clinical social work for at least two years in full-time employment, or three thousand hours under the supervision of an independent clinical social worker, or clinical supervision that is found by the board to be equivalent; and
(4) Has passed an examination approved by the board for certification purposes; or
(5) Has received certification as a "diplomat in clinical social work" by the national association of social workers, or as a "board certified diplomat in clinical social work" by the American board of examiners in clinical social work; and
(6) Has satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude.
(b) The board shall issue a license as a certified social worker to an applicant who:
(1) Has a doctorate or master's degree from a school of social work accredited by the council on social work education;
(2) Has completed a minimum of two years experience in the practice of social work after having received a master's degree in social work;
(3) Has received certification by the academy of certified social workers or has passed an examination approved by the board for certification purposes;
(4) Has satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude; and
(5) In lieu of the foregoing requirements, any person who has been continuously employed for seven years as a social worker under the supervision of any certified social worker; has satisfactorily completed fifty-six hours of graduate social work study as accredited by the council on social work education; has passed an examination approved by the board for certification purposes; and has satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating that he or she has never been convicted of a felony involving moral turpitude, may be licensed by the board as a certified social worker: Provided, That the board may exempt any applicant for licensing from specific hours of social work curriculum where the applicant has demonstrated to the satisfaction of the board a proficient knowledge of the subject matter contained in the particular course of social work curriculum to be exempted.

(c) The board shall issue a license as a graduate social worker to an applicant who:

(1) Has a master's degree in social work from a school of social work accredited by the council on social work education;
(2) Has passed an examination approved by the board;
(3) Has satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating that he or she has never been convicted of a felony involving moral turpitude; and
(4) In lieu of the foregoing requirements, any person who has been continuously employed for five years as an apprentice social worker under the supervision of any certified social worker; has satisfactorily completed forty-five graduate hours of social work study as accredited by the council on social work education; has passed an examination approved by the board; and has satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude, may be licensed by the board as a graduate social worker: Provided, That the board may exempt any applicant for licensing from specific hours of social work curriculum where the applicant has demonstrated to the satisfaction of the board a proficient knowledge of the subject matter contained in the particular course of social work curriculum to be exempted.

(d) The board shall issue a license as a social worker to an applicant who:

(1) Has a baccalaureate degree in social work from a program accredited by the council on social work education;
(2) Has passed an examination approved by the board;
(3) Has satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation by persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude; and
(4) In lieu of the foregoing requirements, any person who has been continuously
employed for four years as a social worker under the supervision of any certified social worker; has satisfactorily completed thirty-six hours of social work study as accredited by the council on social work education; has passed an examination approved by the board; and has satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant and a sworn statement from the applicant indicating he or she has never been convicted of a felony involving moral turpitude, may be licensed by the board as a social worker: Provided, That the board may exempt any applicant for licensing from specific hours of social work curriculum where the applicant has demonstrated to the satisfaction of the board a proficient knowledge of the subject matter contained in the particular course of social work curriculum to be exempted.

§30-30-6. Exemptions from requirements.
(a) From the effective date of this article to twenty-four months hence, an applicant shall be exempt from the education and examination requirements for licensure as a certified social worker, as required by this section and section four of this article, if he or she satisfies the board that he or she holds a doctorate or master's degree in social work, or a doctorate or master's degree in a field related to social work, and that he or she has been engaged, for at least two years of the five years immediately preceding the date of the license application, in the practice for which the examination would otherwise be required, then the applicant shall become so licensed without additional educational and examination requirements.
(b) From the effective date of this article to twenty-four months hence, an applicant shall be exempt from the education and examination requirements for licensure as a social worker, as required by this section and section four of this article, if he or she satisfies the board that he or she has been actively engaged, for at least two years of the five years immediately preceding the date of the license application, in the practice for which the examination would otherwise be required, then the applicant shall become so licensed without additional educational and examination requirements.
(c) An applicant shall be exempted from the requirement of any examination provided herein if:
(1) The applicant satisfies the board that he or she is licensed under the laws of a state or territory of the United States that impose substantially the same requirements as this article; or
(2) The applicant has taken and passed an examination similar to that for which exemption hereunder is sought, pursuant to the laws of a state or territory of the United States.
(d) All social workers employed by county boards of education shall not be subject to the licensing requirements of this article, but shall continue to be certified by the state board of education.

§30-30-7. Grounds for disciplinary proceedings.
(a) The board may refuse to issue or renew a license, or may suspend or revoke an existing license. The determination shall be made after a hearing and an opportunity to be heard has been afforded the applicant or licensee. The
determination may be made by the board upon proof that the person has engaged in unprofessional conduct within the last five years, including, but not limited to, the following:

(1) Has been convicted of a felony;

(2) Is unable to perform the functions of his or her licensed title by reason of mental or physical illness or some other infirmity or impairment;

(3) Has been grossly negligent or exhibited unprofessional or unethical conduct in the practice of social work;

(4) Has assisted or participated with a person not licensed under this article in the false representation that the person is licensed;

(5) Has failed to obtain a license renewal after expiration or revocation of same but has continued to represent that he or she is duly licensed hereunder;

(6) Has been found guilty by the board of unprofessional conduct in accordance with the rules and regulations promulgated by the board;

(7) Has obtained or attempted to obtain a license or renewal thereof by bribery or false representations;

(8) Has knowingly made a false statement in connection with any application required under this article; or

(9) Has knowingly made a false statement on any form or written statement submitted to the board.

(b) Although the board has the authority to refuse to issue or renew, or to revoke or suspend a license, the intention of this article is not to prohibit the practice of social work by competent and qualified individuals, but rather the intention is to protect the general public from the unprofessional practice of social work.


All hearings with respect to any disciplinary action shall be conducted by the board and any decisions shall be made upon a majority vote of the board members. All hearings shall be stenographically recorded. The applicant or licensee shall be given twenty days notice of the hearing date and the issue pending before the board. This notice shall be by registered mail, return receipt requested, or by personal service. For purposes of the hearing, the applicant or licensee shall be afforded: (1) The right to representation by legal counsel; (2) the right to cross-examine witnesses; and (3) the right to present evidence in his or her behalf, including the right to call witnesses and present documentary evidence. For purposes of the hearing, the board has the power to subpoena witnesses and documentation. The applicant or licensee may apply to the board for the issuance of a subpoena to secure the attendance of a witness or to secure any documentary evidence for the hearing. The board shall notify the applicant or licensee of its decision within a reasonable time after the hearing. The decision shall be in writing and shall be forwarded to the applicant or licensee by registered mail, return receipt requested.

Any party adversely affected by the final determination of the board shall be entitled to judicial review in accordance with articles five and six, chapter twenty-nine-a of this code. 30-30-8a. Reporting unethical conduct and unlicensed practice.

A person who has knowledge of any conduct constituting grounds for disciplinary
action relating to licensure or the unlicensed practice of the profession of social work under this article may report the violation to the board. Institutions, professional societies, licensed professionals, insurers authorized to sell insurance within this state, and courts in this state shall report to the board any of the following actions taken by the agency, institution, organization, professional society, insurer, court administrator, judge or other court of competent jurisdiction:

(a) Revocation, suspension, restriction or other condition a licensee’s privilege to practice or treat patients or clients, or as part of the organization, or any other disciplinary action for conduct that might constitute grounds for disciplinary action;
(b) Termination, revocation or suspension of membership or any other disciplinary action taken against a licensee;
(c) Conduct that the licensed health professional reasonably believes constitutes grounds for disciplinary action under this chapter by any licensee, including conduct that the licensee may be medically incompetent, or may be medically or physically unable to engage safely in the provision of services;
(d) Malpractice settlements or awards made by an insurer to a plaintiff where the settlement or award involved a licensee or unlicensed practitioner claiming to be a social worker; and
(e) Judgments or other determinations of the court that adjudges or includes a finding that a licensee is mentally ill, mentally incompetent, guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled substances acts, or guilty of an abuse or fraud under medicare or medicaid, or that appoints a guardian of the licensee, or commits a licensee to involuntary treatment, probation or prison.

Any person, official, society, licensed professional, insurer or institution participating in good faith in any act permitted or required by this section is immune from any civil or criminal liability that otherwise might result by reason of the action or actions.

§30-30-9. Temporary permit to practice social work.
The board shall promulgate rules and regulations to provide for the issuance of a temporary permit to practice social work to individuals eligible for a license under the provisions of this article. After the temporary permit has been issued, it shall expire within sixty days from the date of the next examination scheduled by the board for the type of license sought by the applicant: Provided, That the provisions of this section shall not apply to those persons who shall automatically be licensed on the effective date of this article as provided in section six of this article.

30-30-10. Renewal of license.
All licenses are effective on the date of issuance from the board and shall expire in twenty-four months and the number of days remaining in the month after the date the license was issued. A license may be renewed upon payment of the renewal fee set by the board and upon execution of a sworn statement on a form provided by the board indicating the license has not been revoked and is not currently suspended. At the time of renewal, each applicant shall submit
satisfactory evidence that he or she has completed the continuing educational requirements as specified by the board during the tenure of his or her license: Provided, That the board may waive these requirements upon a showing that the applicant suffered from a prolonged illness during the license period or upon proof of other extenuating circumstances which hindered the completion of the requirement. Provided, however, That no waiver may be granted in succession. The application for renewal of a license must be made within sixty days after a license has expired or within sixty days of a termination or suspension period.

§30-30-11. Fees; contributions.
All fees shall be established and published by the board of examiners. All fees collected under this article are not refundable and shall be deposited in an operating fund of the board, created in the state treasury. The fund shall be a revolving fund from which all operation and administration expenses of the board shall be paid.
The board may accept contributions and bequests from individuals, organizations and corporations. These funds shall be deposited by the board into the operating fund heretofore created.

§30-30-12. Privileged communications.
(a) No person licensed under this statute or an employee of the licensee may disclose any confidential information he or she may have acquired from persons consulting him or her in his or her professional capacity except:
(1) With the written consent of the person or persons, or in the case of death or disability, of his or her personal representative, other person authorized to sue or the beneficiary of an insurance policy on his or her life, health or physical condition;
(2) When a communication reveals the contemplation of a crime or harmful act;
(3) When the person waives the privilege by initiating formal charges against the independent clinical social worker, certified social worker, graduate social worker or social worker;
(4) When the person is a minor under the laws of this state and the information acquired by the independent clinical social worker, certified social worker, graduate social worker or social worker indicates that the minor has been the victim or subject of a crime, and the independent clinical social worker, certified social worker, graduate social worker or social worker may be required to testify fully in any examination, trial or other proceeding in which the commission of a crime is the subject of inquiry; or
(5) Where otherwise required by law.
(b) Nothing in this section shall be construed, however, to prohibit any board licensee from testifying in juvenile proceedings concerning matters of adoption, child abuse, child neglect or other matters pertaining to the welfare of children.

§30-30-13.
Repealed.