

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 3261

BY DELEGATE YOUNG

[Passed March 11, 2023; in effect ninety days from passage.]

1 AN ACT to amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended; and
2 to further amend said code by adding thereto a new section, designated §49-2-110a all
3 relating to social work and child welfare generally; directing that provisional social workers
4 who are laid off or ill during the four year provisional licensure period may request the
5 West Virginia Board of Social Work allow a reasonable interruption in service and allow
6 additional time to complete the licensure requirements; declaring a crisis exists in certain
7 parts of the state due to an absence of child protective services, youth services workers,
8 youth case workers and support staff; defining affected geographical areas; establishing
9 a three year pilot program in two judicial circuits; designating the 14th and 23rd judicial
10 circuits as the pilot program judicial circuits; authorizing the hiring of persons not on the

Be it enacted by the Legislature of West Virginia:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

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) Have a baccalaureate degree in a related field, as provided by legislative rule;
6 (4) Have obtained regular supervised employment, or the reasonable promise of regular
7 supervised employment, contingent upon receiving a provisional license, in a critical social work
8 workforce shortage position, area, or setting requiring a social work license: *Provided*, That such
9 employment shall not be as an independent practitioner, contracted employee, sole proprietor,
10 consultant, or other nonregular employment;

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

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

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

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

22 (9) Meet any other requirements established by the board.

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

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

27 (1) Be continuously employed for four years as a social worker and supervised: *Provided*,
28 That should an individual lose his or her employment due to a reduction in force, or be unable to
29 work due to medical reasons, the individual may request that the Board allow for a reasonable
30 interruption in continuous employment and provide additional time for the individual to complete
31 the requirements of the provisional license. The board shall promulgate by legislative rule the
32 supervision requirements;

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

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

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

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

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

CHAPTER 49. CHILD WELFARE.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-110a Bureau of Social Service authority to hire and employ workers who are not social workers in geographical areas of critical shortage.

1 (a) The Legislature hereby finds that there is a crisis in West Virginia in certain
2 geographical regions of the state, that is caused by an absence of people employed by the
3 Department of Health and Human Resources as child protective services workers, youth case
4 workers, and support staff for these positions.

5 (b) Notwithstanding any other provisions of this code to the contrary, the Bureau of Social
6 Services, pursuant to the provisions of this section, may establish a pilot program to employ
7 persons who do not hold a social worker's license and persons who are not on the social work
8 register to work for the bureau as child protective services workers, youth case workers and
9 support staff, in geographical areas of critical shortage of this state.

10 (c) For purposes of this pilot program and this section, "geographical areas of critical
11 shortage" means the counties comprising the 14th judicial circuit and the 23rd judicial circuit as
12 of the effective date of the amendments to the section enacted during the 2023 regular session
13 of the Legislature.

14 (d) Workers hired by the bureau under this section to work in geographical areas of critical
15 shortage may be employed by the bureau and work in said geographical areas as child protective
16 services workers, youth service workers, case managers, clerical staff and in other related
17 positions for the bureau. Wherever possible, workers hired pursuant to this section shall be
18 supervised by a licensed social worker.

19 (e) The provisions of this section shall operate independently of, and in addition to, any
20 other provisions of law or policy that allow persons to be employed in these jobs, and the
21 provisions of this section do not eliminate any other provisions of law that permit persons to be
22 employed in the jobs described in this section.

23 (f) In order for a person to be eligible for employment under this section, he or she shall:

24 (1) Be at least 18 years of age.

25 (2)(A) Have an associate's degree or higher in social work, human services, sociology,
26 psychology, or social services from an accredited college, university, community and technical
27 college, community college or junior college; or

28 (B) Be an honorably retired law enforcement officer or be an honorably retired parole
29 officer or honorably retired federal or state probation officer.

30 (3) Provide to the bureau three letters of recommendation from persons not related to the
31 applicant.

32 (4) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this
33 code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of
34 the bureau, be evidenced by participation in an acknowledged substance abuse treatment and/or
35 recovery program, may be considered;

36 (5) Satisfy the requirements of the West Virginia Clearance for Access Registry and
37 Employment Screening Act, §16-49-1 *et seq.* of this code; and

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

39 (C) Meet any other requirements established by the bureau.

40 (g) The bureau shall provide training to any and all persons hired and employed
41 hereunder, as the bureau deems appropriate.

42 (h) The provisions of this section authorizing the hiring of persons shall sunset, expire,
43 and be of no force and effect on or after the 31st day of December 2026, but shall not serve to
44 require the termination of persons hired pursuant to this section.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor