

BILL NO. 36-0050

Thirty-Sixth Legislature of the Virgin Islands

March 28, 2025

An Act repealing and reenacting with amendments title 27 Virgin Islands Code, chapter 20, relating to the regulation of the profession of social work and social workers

PROPOSED BY: Senators Novelle E. Francis, Jr. and Marvin A. Blyden
Co-sponsors: Ray Fonseca and Milton E. Potter

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code, chapter 20 is repealed and reenacted with the following amendments:

§ 531. Definitions

As used in this chapter:

(a) “Board” means the Virgin Islands Board of Social Work Licensure.

(b) “Practice of social work” means applying the formal knowledge base, theoretical concepts, specific functional skills, and essential social values that are used to effect change in human behavior, emotional responses, and social conditions, and it also entails helping individuals, couples, families, groups, and community organizations enhance or restore their capacities for personal and social functioning while preventing and controlling social problems. Social work practice is the professional application of social work values, principles, ethics, and techniques in the following areas:

(1) information, resource identification, referral services, mediation services, advocacy services, and education of individuals, groups, couples, and families;

(2) preparation and evaluation of assessments and development and implementation of social work service plans;

(3) case management, coordination, casework intervention, and monitoring of social work service plans in the areas of personal, social, or economic resources, conditions, or problems;

(4) administration and development of social service programs, policies, community organization, planning, implementation, and involvement in the evaluation of social systems and social policies;

(5) social work consultation and resource development;

(6) research through the formal design and methodology of data collection and the analysis and evaluation of data, social work programs, social systems, and social policies;

(7) psychosocial assessment, diagnostic impressions, treatment of individuals, couples, families, and groups, prevention of psychosocial dysfunction, disability, or impairment, including emotional, mental, and behavioral disorders, and evaluation of practice effectiveness; and

(8) clinical diagnosis or psychotherapy, or both, provided by a licensed clinical social worker.

§ 532. Practice of social work

(a) Unless otherwise exempted, no person may engage in the practice of social work unless the person is licensed under this chapter as a social work associate, licensed social worker, licensed master social worker, or licensed clinical social worker.

1 (b) The scope of the practice of social work is limited as follows:

2 (1) A “social work associate” or “SWA” may perform duties set forth in
3 paragraphs (1) to (3) of section 531(b) as an employee of a governmental agency,
4 a health facility, an educational institution or other entity approved by the Board
5 providing social services under the supervision of an individual who is licensed as
6 a licensed master social worker or licensed clinical social worker.

7 (2) A “licensed social worker” or “LSW” may perform duties set forth in
8 paragraphs (1) to (4) of section 531(b) as an employee of a governmental agency,
9 a health facility, an educational institution or other entity approved by the Board
10 providing social services under the supervision of an individual who is licensed as
11 a licensed master social worker or licensed clinical social worker or, as applicable,
12 a person who retains the license of certified independent social worker in
13 accordance with § 536(b).

14 (3) A “licensed master social worker” or “LMSW” may perform duties set
15 forth in paragraphs (1) to (7) of section 531(b). A licensed master social worker
16 may not engage in clinical social work, except for the purpose of obtaining
17 experience required to be a licensed clinical social worker, or as applicable, a
18 person who retains the license of certified independent social worker in accordance
19 with § 536(b).

20 (4) A “licensed clinical social worker” or “LCSW” may perform duties set
21 forth in paragraphs (1) to (8) of section 531(b).

22 (c) No social work associate may practice except under the supervision of a licensed
23 master social worker or licensed clinical social worker or, as applicable, a person who retains
24 the license of certified independent social worker in accordance with § 536(b).

(d) No person may engage in the independent practice of social work unless licensed under this chapter as a licensed clinical social worker, or as applicable, a person who retains the license of certified independent social worker in accordance with § 536(b).

(e) The practice of social work without a license is a misdemeanor punishable by a fine of not less than \$100 but not more than \$500.

§ 533. License by examination

(a) Every applicant for a license under this chapter shall submit to the Board, in the form prescribed by the Board, evidence satisfactory to the Board that the applicant is of good moral character and meets the education, experience and training requirements.

(b) In addition to the requirements in subsection (a), the Board shall issue a license as a “social work associate” to an applicant who:

(1) has a baccalaureate degree in a non-social work field from a college or university approved by the Board; and

(2) has passed the examination designated by the Board.

(c) In addition to the requirements in subsection (a), the Board shall issue a license as a “social worker” to an applicant who:

(1) has a baccalaureate degree in social work from a college or university approved by the Board or has a baccalaureate degree in a non-social work field or discipline, and not less than two years’ post-baccalaureate degree experience in a social work capacity; and

(2) has passed the examination designated by the Board.

(d) In addition to the requirements in subsection (a), the Board shall issue a license as a “licensed master social worker” to an applicant who:

(1) has a doctorate or master's degree in social work from a college or university approved by the Board; and

(2) has passed the examination designated by the Board.

(e) In addition to the requirements in subsection (a), the Board shall issue a license as a “licensed clinical social worker” to an applicant who:

(1) has a doctorate or master’s degree in social work from a college or university approved by the Board or other individual approved by the Board; and

(2) has had not less than two years of post-doctorate or post-master experience in the practice of social work under the direct clinical supervision of a licensed clinical social worker; and

(3) has passed the examination designated by the Board.

§ 534. License by endorsement

(a) The Board may issue a license without examination to an applicant who has satisfied to the Board that the applicant has passed an examination and is or has been licensed or registered under the laws of another state, territory, or political subdivision of the United States, whose standards, in the opinion of the Board, are the substantial equivalent of the requirements of section 533, and whose license has not been suspended or revoked by the licensing jurisdiction.

(b) An applicant for licensure under this section is only eligible for licensure at the equivalent designation recognized in the jurisdiction in which the applicant for a license by endorsement is currently licensed.

§ 535. License requirement

(a) Except as otherwise provided in this chapter, it is unlawful for an individual to engage, or otherwise attempt to engage, in the practice of social work unless licensed as a social work associate, licensed social worker, licensed master social worker, or licensed clinical social worker under the applicable provisions of this chapter. No persons licensed under this chapter may engage in the practice of social work beyond the scope of their license.

(b) No person may purport to be a social worker or qualified to engage in the practice of social work, by using the titles “social work associate”, “licensed social worker”, “licensed master social worker” or “licensed clinical social worker”, or use the letters “SW”, “SWA”, “BSW”, “LSW”, “MSW”, “LMSW”, or “LCSW” or use any or symbols indicating or tending to indicate that the person is a social worker, social work associate, licensed social worker, licensed master social worker, or licensed clinical social worker, or engage in the practice of social work as defined in this chapter or hold themselves out to the public by title or description of service as being engaged in the practice of social work without meeting the applicable requirements and holding a license as set forth in this chapter.

(c) The Board shall reissue the appropriate redesignated license to a person licensed before the passage of this chapter as a “social worker”, “certified social worker” or “certified independent social worker”. Notwithstanding the foregoing, a license issued to “social worker”, “certified social worker” or “certified independent social worker” continues to be valid for the duration of the license or until the Board issues an appropriate redesignated license. A person licensed by the Board as a “social worker”, “certified social worker”, or “certified independent social worker” may continue to use the prior designated licensure titles for a period of two years or as otherwise provided by the Board. Except as specifically provided otherwise, licensure titles are redesignated as follows:

- (1) a “social worker” is redesignated as a “licensed social worker”;
- (2) a “certified social worker” is redesignated as a “licensed master social worker”; and
- (3) a “licensed independent social worker” is redesignated as a “licensed clinical social worker”.

(d) A person who, after a hearing, the Board finds to have unlawfully engaged, or attempted to engage, in the practice of social work, or a person who knowingly assisted a person

1 to unlawfully engage in the practice of social work, is subject to a fine of not less than \$100,
2 but not more than \$1,000 for each offense. Violations of this section are also subject to the
3 penalties outlined in § 532(e), or other penalties permitted under this chapter, including §
4 539(b).

5 **§ 536. Exemption from requirement**

6 (a) Licensure under this chapter is not required of:

7 (1) a person licensed in the Virgin Islands doing work within the scope of
8 practice or duties of the person's profession and ethics of their respective professions that
9 overlaps with the practice of social work; provided the person does not hold themselves
10 out to the public by title or description of service as being engaged in the practice of
11 social work;

12 (2) a student enrolled in an accredited educational institution in a recognized
13 program of study leading toward attainment of a degree in social work; provided, that the
14 student's activities and services are part of a prescribed course of study supervised by the
15 educational institution and the student is identified by an appropriate title such as "social
16 work student", "social work intern", or any other title which clearly indicates the
17 student's training status; or

18 (3) a person who is a duly recognized member of the clergy; provided, that the
19 person functions only within the person's capacities as a member of the clergy; and
20 provided further that the person does not purport to be a social worker.

21 (b) Notwithstanding the provision of 535(c)(3), a person licensed under the laws of the
22 Virgin Islands as a certified independent social worker who does not engage in clinical practice
23 shall maintain the license designation of certified independent social worker. A certified
24 independent social worker is subject to all the provisions of this chapter.

(c) A person exempted under this section is not engaged in the unlawful practice of social work.

§ 537. Confidentiality

(a) No social work associate, licensed social worker, licensed master social worker, or licensed clinical social worker shall disclose any information acquired from or provided by a client or from persons consulting with the social worker in a professional capacity except:

(1) with the written consent of a client or persons consulting with the social worker in a professional capacity or their personal representative or, in the case of death or disability, the person's personal representative, or other person authorized to sue on his behalf;

(2) that a social work associate, licensed social worker, licensed master social worker, or licensed clinical social worker is not required to treat as confidential a communication that reveals the contemplation of a crime or of a harmful act;

(3) when the person is a minor under the laws of the Virgin Islands and the information acquired by a licensed social work associate, social worker, licensed master social worker, or licensed clinical social worker indicates that the minor was the victim or subject of a crime, or when the social work associate, licensed social worker, licensed master social worker, or licensed clinical 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;

(4) when the person waives the right of confidentiality by bringing charges against the social work associate, licensed social worker, licensed master social worker, or licensed clinical social worker; or

(5) pursuant to the order of a court of competent jurisdiction.

(b) A person having access to records or anyone who participates in providing social work services, or who, in providing any human services, is supervised by a licensed master social worker, licensed clinical social worker or other individual who may be providing direct clinical supervision as required under § 533(2)(2) is similarly bound to regard all information and communications as privileged in accordance with this section.

(c) Violation of this section is a misdemeanor punishable by a fine of not less than \$100.

§ 538. Bribery, fraud, misrepresentation and false statements

The following are misdemeanors punishable by a fine of not less than \$500, but not more than \$1,000:

(1) obtaining or attempting to obtain a license, certificate, or renewal thereof by bribery or fraudulent representation;

(2) knowingly making a false statement in connection with or on an application; or

(3) knowingly making a false statement on a form or in relation to a regulation promulgated by the Board.

§539. Grounds for disciplinary proceedings

(a) The Board may deny an application or, after a hearing, refuse to renew, suspend, revoke, censure, reprimand, restrict, or limit a license issued on proof that the person has engaged in unprofessional conduct within the five years preceding the filing of the complaint or the initiation of disciplinary action, including:

(1) conviction of a felony;

(2) conviction of a misdemeanor under this chapter;

(3) conviction of fraud or deceit in connection with the practice of social work as defined in this chapter or in establishing qualifications under this chapter;

(4) aiding or abetting a person not licensed under this chapter who is falsely representing themselves as a social worker licensed under this chapter;

(5) failing to be relicensed and continuing to represent themselves as licensed after the expiration of their license;

(6) committing an act of gross negligence or condoning the act by an employee or supervisee in the practice of social work;

(7) addiction to habit-forming drugs, which impairs the ability to perform their work; or

(8) has knowingly violated a regulation of the Board.

(b) In addition to disciplinary powers provided in subsection (a), the Board may, after a hearing, levy and collect administrative fines for violations of this chapter or a regulation of the Board of not less than \$100 but not more than \$1,000, for each violation. Each violation of this chapter or regulations of the Board pertaining to unlawfully engaging in the practice of social work constitutes a misdemeanor punishable by a fine of not less than \$100, but not more than \$1,000.

§ 540. Disciplinary proceedings

(a) The Board shall conduct all hearings, which must be recorded by stenograph. Board decisions must be made by majority vote. The Board shall give not less than 20 days advance notice of a hearing, which notice must be served personally or by registered mail.

(b) The respondent has the right to:

(1) representation, either by counselor otherwise;

(2) cross-examination of witnesses;

(3) to call witnesses on the respondent's behalf; and

(4) to subpoena witnesses and documents.

1 (c) Judicial review of the refusal to allow an examination, to grant a license, or the
2 review of a disciplinary hearing must be in accordance with Virgin Islands statutes regulating
3 judicial review of administrative action.

4 **§ 541. Renewal of licenses**

5 (a) All licenses are effective when issued by the Board.

6 (b) A license issued under this chapter is valid for two years from the date of
7 issuance and expires on the last day of the month of February.

8 (c) A license may be renewed by the payment of the renewal fee and by the completion
9 and submission—on a form provided by the Board—of a sworn statement by the applicant that
10 the license has been neither revoked nor is currently suspended.

11 (d) Failure of a licensee to renew the license biennially and before expiration as
12 established under subsection (b), deprives the licensee of the right to practice until
13 reinstatement of the license. The license may be reinstated at any time during the first 24
14 months immediately following the date the license expired by payment of any penalty or
15 reinstatement fees established by the Board, in addition to the established renewal fee. Failure
16 of a licensee to be reinstated during the first 24 months immediately following the date the
17 license expired requires the individual, before resuming practice in the Virgin Islands, to submit
18 an application on the prescribed form, and to meet all other requirements for licensure. This
19 subsection may not be construed to permit a person to engage in the practice of social work in
20 the Virgin Islands without a valid and active license.

21 (e) The Board shall adopt a program of continuing education to ensure that all licensees
22 remain informed of those professional subjects that the Board considers appropriate to the
23 practice of social work. The Board may by regulation describe the methods by which the
24 requirements of the program must be satisfied. The licensee failure to meet the requirements
25 of continuing education results in nonrenewal of a license.

(f) A person licensed under this chapter who is not engaged in the practice of social work or who does not live in the Virgin Islands may request, in writing, that the Board place that person's license in inactive status.

§ 542. Fees

The Board shall establish and published fees. The Board shall file an annual report of its activities with the Governor of the Virgin Islands and the report must include a statement of all receipts and disbursements.

§ 543. [Reserved for Future Use.]

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BILL SUMMARY

This bill repeals and reenacts the provisions regulating the profession of social work and social workers. Specifically, the bill sets forth the scope of practice within the profession and the qualifications that must be met to be qualified in each practice area; it provides for the requirement for reciprocity of licensed social worker from another jurisdiction, providing the requirements that must met; it also provides the circumstance under which a license is not required to practice social work in the Virgin Islands; it list the circumstances that client confidential must be maintained; the grounds upon which disciplinary action will be taken against a social worker, and the nature and procedure for disciplinary action; it sets for the punishment for the commission of bribery, fraud, misrepresentation or provide false statements to the Virgin Islands Board of Social Work Licensure; it also sets for the procedure and requirements for license renewal; and finally, it gives the Board the authority to establish and publish fees and requires the Board to file an annual report of its activities to the Governor.

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