

Dear Colleagues in NASW West Virginia Chapter,

After working on this all week, THE FINAL REPORT IS FINALLY DONE!!!

I was hoping to have word of the vote on the Budget, but do not have it at this time and I wanted to get the report out to you.

Thanks again for your involvement during the 2007 Legislative Session. The work of our ELAN (legislative action) and NASWAC (political action) teams really paid off for us!

Hope to see you all at our NASW Spring CE Conference, April 25 - 27 in Charleston, and at our NASWAC Reception on Thursday, April 26 beginning at 5:30 pm.

Have a good weekend.

Thank you!

BE THE CHANGE YOU WANT TO SEE IN THE WORLD
THE POWER OF SOCIAL WORK!

Membership dues support the work that we do. Thank you! Your involvement is very important to us. If your membership is about to expire, you can renew online and continue receiving the benefits of NASW membership by visiting: www.NASWWV.org.

Susan Sobkoviak, BSSW
Government Relations Director
National Association of Social Workers West Virginia Chapter

2007 West Virginia State Legislature: Report of NASW-WV Chapter Involvement

March 2007

Susan Sobkoviak, BSSW, Government Relations Director

The WV Chapter of the National Association of Social Workers had a very active role in the 2007 Legislative session. The session started out very slowly although many positive changes took place in the House of Delegates with new leadership. Social Workers fared quite well with our issues. Throughout the session, we took advantage of opportunities to speak at public hearings, provide testimony during committee meetings, address issues of importance to social workers on talk radio, participate in press conferences, develop fact sheets on various pieces of legislation, speak to other organizations on legislative issues and were part of the successful "Children's Day at the Legislature" and "Social Work Day at the Legislature".

As you know, there are many disciplines in the social work profession and our policy agenda is equally broad. One issue we always advocate for is an improvement in social work salaries. **NASW continues to work to improve social work salaries.** We were able to get the \$250,000 funds for the Pay Equity Reserve Account, Secretary of Administration. This is victory for social workers, as it will have a further impact on social work salaries. NASW has been very active in securing higher salaries for state social workers through the Equal Pay Commission. This commission was established in 1998 and is continued until July 1, 2010. The Commission is to study both the methodology and funding for the implementation of a gender discrimination prohibition, which includes an analysis of state job descriptions which measure the inherent skill, effort, responsibility and working condition of various job classifications. The commission reviews similar efforts to eliminate gender-based wage differentials implemented by other governmental entities in this and other states.

Commission consultants found that several female dominated job classifications, particularly social workers within DHHR, were underpaid in comparison to positions with similar workloads. It will take \$5 to \$7 Million to equalize pay across all of these job classifications. The WV Legislature has appropriated one million dollars over the last 6 years to begin the process of correcting the pay disparity. With matching federal funds, about \$2 million has been allocated to raise the salaries of social workers and other job classifications that were found by the Commission to be severely underpaid. It looks like we were successful this year in a 3.5% across the board pay raise for all state employees and securing a \$2000 raise for state social workers. The plan is for another \$2000 next year and a \$1000 raise for the third year for a total of \$5000. However the final budget has not been voted on yet and we will

continue to monitor this and push for social work salaries. **NASW HAS LONG ADVOCATED FOR HIGHER SALARIES FOR ALL SOCIAL WORKERS**, but can only have a direct impact on salaries in the public sector.

As always, the majority of bills introduced did not even get addressed in committee. 2037 bills were introduced during the 2007 Legislative Session. 272 passed into law. **Some of the highlights of the session include:**

Mental health parity, HB 2578, was adopted. Mental health parity requires insurance companies to offer the same benefits for mental illness as they offer for other kinds of illness. The current mental health parity law had a sunset provision of March 31, 2007. HB 2578 removes any sunset provision, and was adopted on the final day of the session. There may be federal legislation requiring mental health parity in the future.

Expanding tests for newborn children, HB 2583. Currently, WV only screens newborn babies for 8 diseases. HB 2583 expands newborn screening to all twenty-nine screenings recommended by the March of Dimes and the American Academy of Pediatrics. The tests will be phased in over a two-year period.

HB 2940, raising the age to which **parents can keep their dependent children on their family health insurance plan**. Currently in WV, parents can keep their full-time college students on their health insurance until age 23. Dependent children who do not attend college can stay on their parent's policy only until age 19, the most restrictive law in the country. With passage of HB 2940, WV joins 6 other states in allowing parents to keep their children on their policy until at least age 25. It is far preferable to have these young adults covered by their own insurance than to pay for their health care through the cost shift.

The Legislature gave final approval to HB 2718 that would allow **WV's four racetracks to pursue blackjack, roulette and similar casino table games** by permitting local elections in each of the four track counties on whether to authorize the games. The tracks have pursued a table games bill since 2004, promising to add more and higher-paying jobs in exchange. The racetrack table games fund is funded by 35% tax on gross revenues and would be distributed for race prize purses (2.5%), horse and dog breeding funds (2%), racetrack counties (1%), and 2% to racetrack municipalities. Three percent of the funds go to the Lottery Commission to administer and enforce regulations, including up to \$500,000 for the Compulsive Gambling Treatment Fund. A Community Service-based Fund for in-home senior care would be funded by a \$1.5 million initial license fee from each track and a \$2.5 million annual renewal fee from each track.

Gambling interests contributed more than \$393,000 to legislative candidates during last year's elections. Gambling foes and other critics have blocked previous efforts. Bill critics argue that voters statewide must amend the constitution to add such games to the lottery system. Some opponents have not ruled out a legal challenge if the legislation becomes law.

Combining medical power of attorney and living will, HB 3093, was passed. Currently, both a sample living will (making your wishes known about how you want to be treated at the end-of-life) and a medical power of attorney (designating someone to make medical decisions for you if you are unable to) are already part of state law. The form combining both documents is not in state law.

Legislators closed out the 2007 regular session Saturday by passing a centerpiece of Gov. Joe Manchin's agenda, a bill he touted as the next significant step to make **WV coal mines safer**. Several Legislators said they were happy the bill (SB68) had passed, but saddened that it took disasters at the Sago and Aracoma mines in 2006 to spur the Legislature to pass safety laws.

Another key piece of Manchin's legislative agenda — to allow the state to sell the rights to the next 20 years of **tobacco settlement payments** — passed after the House agreed to accept a Senate requirement that the bond sale raise at least \$800 million. Manchin plans to use the anticipated money from the bond sale to help pay down the huge unfunded liability in the Teachers' Retirement System.

One bill resurrected at the 11th-hour would **phase out the business franchise tax** over six years, saving businesses \$75 million in taxes a year. House amendments pushed the tax cuts back to 2009. Many concerns have been expressed as to how this will impact the state budget.

Electronic prescribing passed (SB 69). E prescribing is technology that allows a physician to email a prescription to the pharmacist of the patient's choice. Eliminating handwritten prescription, and having the prescription screened to ensure that there is no drug-to-drug inaction or that the patient is not allergic to the drug, greatly improves patient safety and reduces cost. WV was one of only two states that prohibited e prescribing. This bill had to be vetoed as

there were mistakes in the bill drafting. However, it is expected to be corrected and passed in the Special Session this week.

Breastfeeding bill, SB 148, also was adopted. SB 148 bill ensures that breastfeeding is not considered indecent exposure. This bill also had to be vetoed due to technicalities with bill drafting, but is also expected to be taken care of in Special Session.

Add six new circuit court judges in districts across the state, including an eighth judge in Kanawha County (SB400).

Allow 25 percent tax credits **to lure major film and television productions to shoot in WV** (HB3145). Actress Jennifer Gardner, formerly of Charleston, pushed this bill with friend and former classmate, Del. Corey Pumbo.

Impose fines, community service time, and driver's license suspensions **for juveniles convicted of under-aged drinking** (SB76).

Allow **victims of domestic violence to register through the Secretary of State's office** to avoid having a record of the victim's home address on file at the voter registration office (SB2787).

(HB3106) to **add 10 family court judges**, and to realign nine districts to balance caseloads for all judges.

The following summary highlights key bills of interest that passed during the Legislative Session. For the full bill text, or additional legislative information, please visit the state website at: www.legis.state.wv.us:

[SB 66](#) Relating to WV Community Corrections Fund

[SB 67](#) Relating to school access safety generally

[SB 76](#) Setting particular penalties for underage drinking

[SB 117](#) Relating to determining competency to stand trial

[SB 139](#) Denying petition for name change in certain cases

[SB 141](#) Providing family court jurisdiction over sibling visitation petitions

[SB 148](#) Providing breast feeding not considered public indecency

[SB 149](#) Repealing code section relating to Child Assessment or In-State Placement Fund

[SB 185](#) Creating Tobacco Settlement Finance Authority

[SB 187](#) Relating to WV Performance Review Act

[SB 196](#) Clarifies that the law enforcement agency that takes a juvenile into custody or places a juvenile under arrest is responsible for the youth's initial transportation to juvenile detention center or residential facility. DJS may refuse to accept the juvenile if they are need of medical treatment by a physician.

[SB 205](#) Clarifying violations of protective orders

[SB 278](#) Authorizing Department of Health and Human Resources promulgate legislative rules

[SB 319](#) Authorizing miscellaneous boards and agencies promulgate legislative rules

[SB 335](#) Providing funding for WV Affordable Housing Trust Fund

[SB 361](#) Establishing work programs for qualified inmates

[SB 400](#) Appointing additional circuit court judges

[SB 411](#) Creating Correctional Center Nursery Act. allows imprisoned pregnant women to keep their infants with them in a special housing unit.

[SB 412](#) Imposes penalties on minors using cell phones when driving from \$25 for a first offense to up to \$75 dollars for a third offense

[SB 413](#) Relating to hearings before Magistrates involving seizing abandoned, neglected or cruelly treated animals

[SB 416](#) Creating misdemeanor offenses for attempting to defeat drug or alcohol screening test

[SB 442](#) Relating to grievance procedures for certain state and educational employees

[SB 447](#) Regulates opioid treatment centers through a moratorium on new clinics pending further study, but would allow any clinics that have already received a certificate of need (CON) to continue to become licensed and to operate. Additional requirements for operation of these treatment facilities are included in the legislation.

[SB 489](#) Relating to PROMISE scholarship graduates report to Legislative Oversight Commission on Workforce Investment for Economic Development

[SB 512](#) Prohibiting requirement of polygraph examination in certain sexual offense allegations

[SB 517](#) Conforming WV Works Program with federal law requirements and continues to count and support eligible adults attending post-secondary courses for a two or four year degree as part of federally defined work activities.

[SB 529](#) Prohibiting requirement that sexual offense victims pay costs of forensic examination

[SB 557](#) Relating to judicial review of juvenile proceedings. Requires quarterly judicial reviews and orders stating where DHHR has made reasonable efforts to finalize a permanency plan for a child. Timely filings of orders will make the state eligible for federal IV-E dollars.

[SB 573](#) Creating programs to monitor physicians, podiatrists and physician assistants who are recovering substance abusers

[SB 610](#) Relating to electronic voting systems generally
[SB 626](#) Relating to child advocacy centers and their roles in investigative and treatment multidisciplinary teams
[SB 708](#) Modifying registration requirements of charities with the Secretary of State's Office
[SB 709](#) Authorizing circuit courts grant custodial and noncustodial improvement periods to certain juveniles.
 SB 758: Appropriation for DHHR for federal transformation grants in the amount of \$14 million for Medicaid redesign. The bill raises the appropriation level to allow the federal dollars to be spent by the Division of Medical Services.
[HB 2027](#) Allowing awards under the crime victims compensation program to be made to victims of identity theft
[HB 2141](#) Raising the age at which a person may request to be excused from jury duty from sixty-five to seventy
[HB 2253](#) Providing certain correctional officers be transferred into the civil service system as covered employees
[HB 2380](#) Exempting the purchase of certain drugs, durable medical goods, etc., from the consumers sales and service tax
[HB 2498](#) Relating to sexual offenses involving children
[HB 2527](#) Revising the sunrise review process
[HB 2544](#) Increasing the penalty for driving under the influence causing death
[HB 2568](#) Extending the sunset provision regarding racial profiling analysis
[HB 2574](#) Continuing the Board of Social Work Examiners until 2017
[HB 2578](#) Continuing current mental health parity laws for group insurance plans
[HB 2583](#) Relating to the expansion of newborn testing
[HB 2718](#) Authorizing West Virginia Lottery Table Games at State Racetracks
[HB 2745](#) Increasing the fine for furnishing alcohol to persons under 21 years of age
[HB 2777](#) Relating to compensation of public school teachers and school personnel
[HB 2787](#) Creation of the Address Confidentiality Program
[HB 2825](#) Eliminating the provision that allowed private clubs segregated on the basis of race or color to obtain a license to sell alcoholic beverages
[HB 2870](#) Authorizing the court to order payment into the Domestic Violence Legal Services Fund under certain circumstances
[HB 2926](#) Relating to providing notification that a domestic violence protective order has been extended
[HB 2940](#) Increasing the age of dependents for health insurance coverage
[HB 2944](#) Enhancing the end-of-life care given to residents of nursing homes. Requires that nursing home residents that are terminally ill will be given information about the option of hospice palliative care
[HB 3057](#) Relating to programs for all-inclusive care of the elderly, known as "PACE"
[HB 3072](#) Relating to defining "charitable exemptions" for purposes of the municipal business and occupation tax
[HB 3093](#) Providing a form for a combined medical power of attorney and living will
[HB 3106](#) Includes an additional ten family court judges for a total of 45 family court judges across the state and realigns the circuits
[HB 3184](#) Relating to confidentiality, disclosure and authorization for disclosure of mental health information
[HB 3223](#) West Virginia Health Care Authority Revolving Loan and Grant Fund

In addition to the passed bills, there were several resolutions of interest that passed during the session. For complete list please go to:

http://www.legis.state.wv.us/Bill_Status/res_all_pass.cfm?year=2007&sessiontype=rs&btype=res

HR 16 Vacating the seat heretofore designated for Delegate-elect Ron Thompson, of the County of Raleigh, and of the 27th Delegate District

SR 19 Designating February 14, 2007, "Children's Day"

HR 26 Designating February 21, 2007, as "Social Work Day"

SR 29 Designating February 21, 2007, "Social Work Day"

HCR 40 Requesting the establishment of a Children's Services Redesign Group

HCR 42 Requesting the Joint Committee on Government and Finance reconstitute Select Committee A on Children, Juveniles and Other Matters

HCR 75 Requesting the Joint Committee on Government and Finance to make a study of the needs of soldiers and veterans who have been injured in the Iraq/Afghanistan wars

SCR 82 Requesting Joint Committee on Government and Finance appoint select interim committee to study health care reform options

As in any Legislative session there were many bills that did not pass---some were good, some bad, and some VERY bad. One of the very good ones that did not make it was the "clean elections" bill that we worked very hard on. Under the current system it is increasingly difficult for ordinary citizens to participate in our democracy, either to be elected to public office or to be heard above special interests that finance campaigns. As a result, issues essential to the public good often take a back seat to issues important to big donors.

Despite strong support in the Senate, the Senate leadership blocked the ATV safety bill.

They didn't revamp efforts to try to reduce prescription drug costs. With the defeat of HB 3164, the Pharmaceutical Cost Management Council will continue to operate under current law. The Council has the authority to issue regulations requiring drug companies to report their marketing and promotion expenses. They can also begin the negotiations with the drug companies for discounts that exclude these costs. Governor Manchin stated he will push for these provisions. NASW and several other groups will stay on top of this. However, Legislators adopted a resolution calling for a legislative interim committee to study health-care reform options, including ways to reduce the overall cost of health care, improve the health status of West Virginians and extend health-care coverage to uninsured. It is possible that this resolution (SCR 82) could lead to consideration of comprehensive reform during the 2008 Legislative session.

Substance abuse legislation that did not pass include long-term commitment and payment for substance abuse treatment programming, mandatory drug tests for student athletes, increasing taxes on alcohol and beer to pay for treatment options, and establishment of the Commission for Drug-Free WV.

Another disappointment was the loss of HB 2866, which would have opened-up the Medicaid process. This would have required the Department of Health and Human Resources (DHHR) to hold three public hearings around the state before they made major changes to Medicaid. This requirement would have made Medicaid more accountable to the public. DHHR has promised the Legislature that they will be more open with the Legislature but opening the process to the public would have been a more important step. HB 2866 also would have expanded the membership of the Medicaid Advisory Council to include two legislators.

Also not passing was SB 219, which would have prohibited smoking in cars when children are present. In a report issued by the US Surgeon General, it was clear that there is no safe level of involuntary smoke.

Establishing a license for marriage and family therapists did not pass. The legislative auditing committee that reviews applications for new licenses/board through "sunrise review" stated the new license was not necessary as this provision was already covered through the Social Work and LPC licenses.

We were very pleased that no additional changes were made to the state parental notification law regarding abortions for minors as current law has been very effective. We also spent a lot of time helping to defeat some dangerous child welfare legislation that was being promoted by the MAD Dad's group (Men Against Discrimination). We felt this legislation would have been extremely harmful to victims of child abuse and family violence and would have deterred people from reporting suspected abuse.

In a surprise move late in the session, the Senate voted 22-12 to raise lawmakers' salaries to \$25,000 a year by 2009. The bill followed the advice of The Citizens Legislative Compensation Commission. The commission recommended increasing both annual salaries and various per-day and expense payments for the 100 delegates and 34 senators, who now receive a base pay of \$15,000. If passed, WV would have had the highest-paid legislature of its kind in the country, according to the latest national figures. The bill caused quite a public uproar and was not taken up by the House of Delegates.

NASW again used the "Legislative Action" link on our NASW website to help social workers know of issues and contact their Legislators.. The Legislative Action Team for Children & Families hosted a website for its members which included *the National Association of Social Workers - WV Chapter, WV Coalition Against Domestic Violence, WV Healthy Kids and Families Coalition, WV KIDS COUNT Fund, and WV Welfare Reform Coalition. The online Legislative Action Center is managed by Prevent Child Abuse West Virginia.* During the session, NASW members and other advocates for children and families sent e-mails to their legislators in response to our legislative alerts. We thank all of you who took interest in these issues and made your voices heard on behalf of the social work profession and West Virginia's children and families.

This was a very busy session for us. WE MUST CONTINUE OUR WORK THROUGHOUT THE YEAR!!! WV-NASW continues to establish ourselves as a viable force in policy making and we are often sought out for our recommendations and testimony. The media often contacts us for comments on pending legislation. As social workers, we need to stay involved in public policy issues. Interims will be held on a monthly basis where issues for the next legislative session will be discussed. The formation of many policy decisions is made outside of the regular session. NOW is the time to contact your representatives. During the Session, they often do not have a lot of time to meet with constituents. Let them know you are a social worker and are concerned about social policy. YOU have expertise in many areas that they are unfamiliar with.

We encourage you to become involved with NASW in your region's political activities. If you would like to learn how to become more involved, please contact our office or visit our website at: www.naswwv.org. Legislators are now in their home communities. Invite them to your organizations! Attend town meetings and let them know of your

issues and concerns. Take the time to meet them! They make decisions every day affecting YOU and the people YOU serve.

NASW will continue our work with various coalitions in forming policy issues throughout the year. For additional information on legislation or how you can become more involved with issues please give us a call at 345-NASW (6279).

Thank you to everyone who made phone calls, wrote letters, sent e-mails, attended "Social Work Day at the Legislature", and met with representatives. NUMBERS TALK. The more social workers that get involved, the stronger our voice is in shaping public policy. THANK YOU for your assistance in shaping policy for West Virginia.