



# **THE DEPARTMENT OF HUMAN SERVICES**

**AVERIL E. GEORGE  
COMMISSIONER**

## **COMMITTEE ON HEALTH, HOSPITALS AND HUMAN SERVICES**

*Tuesday, 27 May 2025*

**SENATOR RAY FONSECA  
CHAIRMAN**

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## **TESTIMONY ON BILL NO. 36-0050**

*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: Senator Novelle E. Francis, Jr.*

***Presented by the Virgin Islands Department of Human Services***

Good day Honorable Senator Ray Fonseca, Chairman of the Committee on Health, Hospitals and Human Services, Committee members and other Senators present, colleagues, and the listening and viewing audience. My name is Averil George, Commissioner of the Virgin Islands Department of Human Services (DHS). Joining me today is Assistant Commissioner Carla Benjamin. Thank you for the opportunity to provide testimony on Bill No. 36-0050, a measure intended to update the statutory framework governing the profession of social work in our territory.

The Department of Human Services supports the intention behind this legislation and acknowledges the importance of revising and reenacting Chapter 20 of Title 27 of the Virgin Islands Code to better align our social work licensure laws with current standards of practice, education, and workforce realities. We also appreciate that this legislation brings long-needed clarity to licensure levels and empowers the Virgin Islands Board of Social Work Licensure with stronger regulatory oversight.

The Department would like to raise several important concerns and suggest technical corrections for the Committee's consideration. These suggested revisions aim to enhance the accuracy, fairness, and practical implementation of the bill—particularly in the context of the Department's urgent workforce needs and the realities of professional licensure in the Virgin Islands.

### **I. LANGUAGE RECOMMENDATIONS AND TECHNICAL CORRECTIONS**

#### **1. Use of "Master's" vs. "Master" or "Graduate" (Page 3, Line 3 and elsewhere)**

Throughout the bill, we recommend replacing the word "master's" with either "master" or "graduate" when referring to the licensure level. The licensure title is a competence designation, not an educational degree descriptor. Other licensure levels—such as Licensed Social Worker (LSW) or Licensed Clinical Social Worker (LCSW)—do not reference degree types in their titles.

Additionally, jurisdictions across the United States typically use the terms "master" or "graduate" rather than "master's." This would correct a grammatical inconsistency akin to referencing a "driving license" instead of a "driver's license."

## 2. Reordering of Licensure Levels in §533 (Page 4)

Subsections (b) through (e) of §533 list the types of licenses available through examination. For clarity and logical flow, we recommend reordering the levels from least credentialed to most credentialed:

Social Work Associate

Licensed Social Worker

Licensed Master (or Graduate) Social Worker

Licensed Clinical Social Worker

This reordering makes the information easier to follow and understand for both professionals and the public. at large.

## 3. Correction of Licensure Title (Page 5, Line 12)

The reference to 'licensed independent clinical social worker' appears to reflect an unintentional blending of outdated and current terminology.

We recommend striking "independent" and using only "**Licensed Clinical Social Worker**," the correct and current title.

## 4. Protection of Degree Titles (Page 6, Lines 6–13)

The bill currently proposes to prohibit individuals from using terms, letters, and symbols—including "**BSW**," and "**MSW**." These are academic degree designations, not licensure titles. Individuals earn the right to use these degree initials through rigorous academic study and significant financial investment. Prohibiting the use of these terms is not only unconscionable, but it misinterprets the distinction between educational attainment and professional licensure.

Displaying an earned academic credential does not equate to practicing as a licensed social worker. We strongly urge the Committee to re-word this section to protect against the unauthorized use of licensure titles—not academic degrees.

## 5. Terminology Cleanup (Page 7, Line 3; Page 8, Lines 4–6 and Line 20)

**Page 7, Line 3:** After "redesignated as a," strike the word "certified."

**Page 8, Lines 4–6:** Greater clarity is needed regarding the future status of Certified Independent Social Workers. If this title is being retired, why is it being preserved for a subset of individuals? If these professionals do not qualify for the new Clinical license, what level do they practice at now? If a retirement-tier license is the goal, it should be crafted intentionally and clearly.

**Page 8, Line 20:** **Section 3** opens with references to the proposed new titles but lapses into outdated terminology in line 23.

We ***recommend:***

**Strike** “certified” after “the” and before “social” (line 23)

**Strike** “certified” again at the end of the line

**Strike** “independent” at the start of line 24

**Insert** “licensed clinical” before the word “social”

## **6. Legal Clarity (Page 11, Line 7)**

Please clarify where in Virgin Islands statutes the regulation of judicial review of administrative action is codified, as referenced. The bill should cross-reference this statutory framework explicitly to avoid confusion and to ensure due process.

## **7. Clarification on Existing Board Authority**

The current Board of Social Work Licensure was established in 1983 by §538 of Title 27, Chapter 20, and later amended in 1987. This bill does not create a new Board but instead transfers its governance to new sections (§§546–547). The legislation should clearly repeal or amend §538 to avoid confusion and ensure that the authority of the Board is codified in a single, coherent section.

## **8. Establishment of a Registry for Licensed and Inactive Social Workers**

The Department respectfully recommends that Bill No. 36-0050 include provisions requiring the creation and maintenance of an official registry of licensed social workers — both active and inactive — in the Virgin Islands. This is a standard practice in many states, where such registries serve as vital tools for workforce planning, public transparency, and regulatory oversight.

We believe that the Virgin Islands Board of Social Work Licensure, in collaboration with the Department of Licensing and Consumer Affairs, should be explicitly authorized and required to maintain a regularly updated, publicly accessible registry. This registry would provide clear, centralized information on the licensure status of individuals, including:

- Full name and licensure level
- License number and issuance date
- License expiration date or inactive status

Such a resource would benefit employers, institutions, and the general public by allowing for easy verification of credentials, reducing the risk of title misuse, and enhancing accountability. It would also support more effective workforce analysis by giving policymakers a better understanding of the availability and mobility of qualified social workers within our territory.

The Department urges the Senate to consider including this registry requirement in the final version of the bill to ensure that our licensure framework aligns with best practices and meets the needs of a modern regulatory environment. This need not require significant additional resources as the jurisdiction already has a functioning business search tool on the DLCA website, the search results would just need to be expanded.

## **II. WORKFORCE IMPACT ON THE DEPARTMENT OF HUMAN SERVICES**

The Virgin Islands faces an acute shortage of social workers, and the Department of Human Services is one of the largest employers of social workers in the Territory. Filling these positions has always been a challenge; the proposed licensure requirements could unintentionally worsen an already precarious situation.

### **Supervision Requirements (§532 Practice of Social Work):**

This section proposes that all levels of licensed social workers be supervised by a Licensed Master Social Worker (**LMSW**) or a Licensed Clinical Social Worker (**LCSW**). This provision has the potential to disenfranchise a significant number of qualified and experienced professionals currently employed by the Department. Many of our licensed social workers:

- have over 25 to 30 years of experience, but do not hold an MSW due to historical availability of programs.
- hold graduate degrees in Education or other related fields because no MSW programs were available in the Territory at the time.
- are current supervisors who are deeply embedded in the social work system and essential to the functioning of child welfare and adult services.

Disqualifying them from supervisory roles would be not only demoralizing but destabilizing to the entire DHS structure. The legislation must be revised to include a pathway for experienced practitioners, especially those already employed in supervisory roles—to continue supervising social work personnel. Grandfather clauses or equivalency provisions should be added.

We do appreciate that the legislation repeatedly describes the licensure exams as “the examination designated by the Board.” This provides welcome flexibility for the Board to designate appropriate examinations that consider workforce realities and regional access to licensure preparation.

## **III. WORKFORCE PROPRIETARY DISCLAIMER**

The Department fully agrees with the definition of “Practice of Social Work” as described in §531(b). These duties are indeed ones commonly performed by social workers. However, the list provided is not exhaustive, nor are these duties exclusive to social workers.

Many of the same tasks are performed—at varying levels—by professionals and paraprofessionals across the human services continuum. As in the medical field, where roles range from Certified Nursing Assistants to physicians, social services also encompass a broad array of roles and expertise. At DHS, this includes Social Service Aides, Intake Counselors, Case Workers, Family Services Specialists, Social Workers, and others. These roles require qualifications ranging from high school diplomas to advanced degrees and certifications.

We strongly oppose any interpretation of the bill that would suggest individuals in these other roles—who do not misrepresent themselves as social workers—are violating the law by performing overlapping tasks. Their contributions are critical to DHS operations and must be protected under this revised statute.

#### **IV. CONFIDENTIALITY/RESPONSIBILITY REGARDING MINORS**

Section 537(a)(3) states that social workers may be required to testify in court in matters involving crimes against minors. This is a valid point but should not be read in isolation.

Under current Virgin Islands law, particularly 5 V.I.C. §2544 (Mandated Reporter) and §2538 (Abrogation of Privileged Communication), social workers are already required to report suspected child abuse and may not claim confidentiality in such cases. Their duty begins at the point of disclosure, not just when called to testify. We recommend that this section be revised to reflect these legal realities and reinforce the priority of protecting children over preserving confidentiality in abuse-related cases. For example, by stating the social workers are mandated reported and must report suspected child maltreatment, that privileged communication is abrogated in such matters and that they may be required to testify in court.

#### **V. CLOSING**

The Department thanks the sponsor of this bill and the members of the 36th Legislature for giving thoughtful attention to the long-standing and critical issue of social work regulation. Updating our licensure framework is a necessary and meaningful step toward ensuring that the profession remains credible, consistent, and competent across all levels of service. This bill—if implemented with careful attention to technical accuracy and workforce realities—has the potential to bring the Virgin Islands in line with best practices across jurisdictions while also preserving the unique strengths and lived experience of our local professionals.

At the same time, this legislation cannot be advanced in a vacuum. It must respond to the operational realities faced by public agencies like the Department of Human Services, where many of our most seasoned and impactful social workers have served for decades. Their knowledge, experience and contributions cannot be erased by well-intentioned, but overly rigid requirements. Rather, their expertise must be preserved and recognized through inclusive provisions that allow them to continue mentoring and supervising the next generation of social workers.

With the recommended revisions and clarifications outlined in this testimony, the Department believes **Bill No. 36-0050** can achieve its intended purpose: to elevate the profession of social work, protect vulnerable individuals and families, and establish a forward-looking, flexible, and enforceable system of licensure that reflects both national standards and local needs.

The Department of Human Services stands ready to collaborate with the Committee, the bill sponsor, and the Virgin Islands Board of Social Work Licensure to finalize a statutory framework that works in practice—not just on paper. We urge this body to proceed with care and partnership, mindful of the balance between progress and practicality, and the lives that will ultimately be impacted by this legislation.

Thank you again for the opportunity to present this testimony, and for your continued commitment to strengthening the social work profession in the Virgin Islands.