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Department of Licensing and Consumer Affairs**

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**H. Nathalie Hodge
Commissioner**

Testimony Before the 36th Legislature of the Virgin Islands

**Honorable Ray Fonseca, Chair
Committee on Health, Hospital and Human Services**

An Act Amending Title 27, Virgin Islands Code, Chapter 20 Relating to Amending the Provisions of the Chapter Relating to the Practice of Social Work to Modify and Update Licensure Requirements, and for Other Related Purposes.

May 27, 2025

"Serving Businesses & Assisting, Educating and Protecting Consumers"

1 Good Day Senator Ray Fonseca, Chair of the Committee on Health, Hospitals, and
2 Human Services of the 36th Legislature of the Virgin Islands; Senators of the Committee
3 on Health, Hospitals, and Human Services, non-committee senators present, and the
4 listening and viewing audience. I am Nathalie Hodge, Commissioner the Department of
5 Licensing and Consumer Affairs, hereinafter referred to as “DLCA”. Today, I am joined
6 by General Counsel, Geraldine P. Vaval, and Mrs. Juliette Millin, Board Chair for the VI
7 Board of Social Work Licensure. Thank you for giving me the opportunity to testify before
8 the 36th Legislature on Bill No. 36-0050 and Bill No. 36-0051, an Act amending Title 27
9 of the Virgin Islands Code by repealing and reenacting with amendments Chapter 20
10 relating to the licensure and practice of social work (hereinafter referred to as this “Act”).

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12 Since the profession of social work profoundly affects the lives of the people of the
13 Virgin Islands, it is the purpose of this Act to ensure the public is protected by setting
14 standards for those engaged or seeking to be engaged in the practice of social work within
15 the territory. Social workers, based on their level of experience and licensure, may engage
16 in services including, but not limited to, case management, coordination, consultation,
17 clinical diagnosis, and mental health therapy. The services that social workers provide are
18 vital in supporting the quality of life for the residents of our territory.

19
20 Presently, oversight of social workers in the Virgin Islands falls under the authority
21 of the VI Board of Social Work Licensure, which operates under the umbrella of DLCA’s
22 Office of Boards and Commissions. The Board is responsible for vetting applications for

23 licensure, verifying credentials and experience, approving candidates for examination,
24 issuing licenses, and enforcing compliance with ethical and professional standards. The
25 Board also reviews complaints, conducts investigations, and has the authority to take
26 disciplinary actions against licensees when warranted. However, the existing laws and
27 structure have not kept pace with the evolving standards and scope of practice required in
28 the field today. This has limited the Board's ability to address supervision gaps, ensure
29 clarity on practice authority, and adapt to national standards in licensure and credentialing.

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31 If passed into law, this Act will clarify what constitutes the practice of social work
32 and the scope of practice permitted by each respective license type. It further sets
33 requirements, through the promulgation of rules and regulations, to impose existing
34 examination requirements, and to establish the following:

- 35 1. Procedures and qualifications for licensure,
- 36 2. Continuing education requirements, and
- 37 3. Appropriate supervision standards for social workers.

38
39 The Act specifies those individuals who are exempt from licensure. It permits
40 licensure by endorsement, encouraging social workers to be licensed and assisting in any
41 current or future shortages of social workers in the territory. The Act also strengthens
42 grounds for disciplinary action to ensure that licensees abide by professional ethical
43 requirements and codes of conduct. Overall, this Act sets higher standards and modernizes

the laws governing the practice of social work to more national standards. However, there are areas in which the Board recommends additional minute changes:

1. We request that Section 531 (Declaration of Purpose) be returned to the legislation as the DLCA and the Board find it to be of great importance to avoid any misinterpretation and to ensure the rules and regulations are consistent with the underlying legislative goals and avoid unintended consequences.
2. Due to the limited availability of licensed clinical social workers who are able to provide direct clinical supervision of licensed clinical social worker candidates, the DLCA believes that the Board should have discretion to approve alternative supervisors so that a licensed clinical social worker candidate can meet the experience requirements under the direct supervision of a licensed clinical social worker or other individual approved by the Board.
3. In addition to barring an individual from using any title or symbol to indicate licensure under Chapter 20, it should be made clear that individuals must not hold themselves out to the public by title or description of service as being engaged in the practice of social work.
4. At least one member appointed to the Board may be a retired licensee.
5. There are other minor suggested changes, including ensuring consistency with the changes of license types proposed in the pending legislation. (The complete proposed amendments to the pending bills are attached to this Testimony.)

65 The DLCA is in full support of the proposed legislation and looks forward to its
66 passage into law as it will undoubtedly be in the best interest of the public. This Act is a
67 classic example of how the law ought to keep up with the practice of social work standards
68 to protect the public's welfare. To this end, we welcome the opportunity to continue to
69 participate in the legislative process in order to ensure that the final legislation reflects the
70 best interests of the Virgin Islands community.

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72 We appreciate the support of Governor Albert Bryan Jr., the Bryan/Roach
73 Administration and the Legislature in these efforts and stand ready to provide any
74 additional information necessary to advance consumer rights in the U.S. Virgin Islands. I
75 would also like to express my gratitude to Senator Novelle E. Francis, Jr. and his Office,
76 for not just sponsoring these two bills, but for recognizing the great importance and lasting
77 impact that they will have. Last, but certainly not least, I would like to thank the hard-
78 working staff members of the DLCA's Office of Boards and Commissions. Thank you for
79 all that you do. We stand ready to answer any questions this Body may have.

ATTACHMENT 1

Proposed Changes to Bill No. 36-0050

Return the declaration of purpose as § 531 to read:

“§ 531. Declaration of Purpose

Because the profession of social work profoundly affects the lives of the people of the Virgin Islands, it is the purpose of this chapter 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 by promoting the high standards of professional performance of those presently practicing as social workers and for those who will be licensed to practice social work in the territory.”

§ 532(b)(1) – page 3, line 9: insert at the end of the sentence “or, as applicable, a person who retains the license of certified independent social worker in accordance with § 536(b)”.

§ 532(b)(2) - page 3, line 12: insert “educational” before “institution”.

§ 532(d) – page 4, line 5: insert at the end of the sentence “or, as applicable, a person who retains the license of certified independent social worker in accordance with § 536(b)”.

§ 533 – pages 4 to 5: consider reordering license types by level:

- (b) social work associate
- (c) licensed social worker
- (d) licensed master’s social worker
- (e) licensed clinical social worker

§ 533(a) - page 4, lines 9-11: Sentence is not coherent. “Every applicant for a license as a social worker shall submit to the Board, in the form prescribed by the Board, evidence satisfactory to, and that the applicant is of good moral character and meets the education, experience, and training requirements.”

- 533(a) suggested revision: “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.”

§ 533(c)(1) - page 4, line 2: insert “not less than” before “two”.

§ 533(c) – page 4, line 18: insert “licensed” before “social”.

§ 533(e)(2) – page 5, line 11: delete “independent”.

§ 533(e)(2) – page 5, line 12: after “worker” insert “or other individual approved by the Board”.

§ 534(a) – page 5, line 16: insert “to” after “satisfied”.

§ 534(a) – page 5, line 16: awaiting word from Ms. Millin whether the applicant for a license by endorsement must have a current license it reads “is or has been licensed”.

§ 534(a) – page 5, line 18: change “substantially” to “substantial”.

§ 535(a) – page 6, line 1: replace “a individual” with “an individual”.

§ 535(b) – page 6, line 10: delete “social worker” after “person is a”.

§ 535(b) – page 6, line 12: after “chapter” insert “or hold themselves out to the public by title or description of service as being engaged in the practice of social work”.

§ 535(c)(3) – page 7, line 3: before “clinical” delete “certified” and insert “licensed”.

§ 535(c) – page 6, line 16: insert “a” after “to”.

§ 535(d) – page 7, line 9: at end of last sentence insert “or other penalties permitted under this chapter, including § 539(b)”.

§ 536(b) – page 8, line 6: add final sentence “A certified independent social worker is subject to all provisions of this chapter.”

§ 537(a)(1) – page 8, lines 13 to 15: to read “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, their personal representative, or other person authorized to sue on their behalf”.

§ 537(a)(2) – page 8, line 16: delete “licensed” before “social work associate” and replace with “a”.

§ 537(a)(3) – page 8, line 20: delete “this”.

§ 537(a)(3) – page 8, line 21: delete “licensed” before “social work associate” and replace with “a”.

§ 537(a)(4) – page 9, line 4: delete “licensed” before “social work associate” and replace with “a”.

§ 537(a)(3) – page 8, lines 23 to 24: delete “the certified social worker, the social worker, the certified independent social worker, or the social work associate” insert “or when the social work associate, licensed social worker, licensed master’s social worker, or licensed clinical social worker”.

§ 537(a)(4) – page 9, line : delete “licensed” before social work associate”.

§ 537(b) - page 9, line 8: delete “social worker” replace with “licensed master’s social worker, licensed clinical social worker, or other individual who may be providing direct clinical supervision as required by § 533(e)(2)” [Would be 534 if the declaration of purpose is reinserted.]

§ 539(b) - page 10, line 17: delete “a” before “regulations”.

§ 539(b) - page 10, line 19: delete “a” before “regulations”.

§ 539(b) - page 10, line 19: insert after “regulations” “of the Board”.

§ 542 - page 12, line 12: replace “published” with “publish”.

ATTACHMENT 2

Proposed Changes to Bill No. 36-0051

§ 546(a) - page 1, lines 12 – 15, 3rd sentence: consider replacing “and” with “or” (though it is the public who receives social work services).

“Not less than two members must be a licensed master’s social worker or licensed clinical social worker, one member must be a licensed social worker, one member who may be a licensed social worker, a licensed master’s social worker, or licensed clinical social worker and one member of the public who has never been licensed under this chapter.”

- “Not less than two members shall be licensed master’s social workers or licensed clinical social workers, one member shall be a licensed social worker, and two other members who may be an **active or retired** licensed social worker, licensed master’s social worker, licensed clinical social worker, **or one of the two may be a member of the public** who has never been licensed under this chapter.”