

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box
Filing Date

FILED

2003 FEB 11 3:08

WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Board of Examiners of Psychologists TITLE NUMBER: 30-21

CITE AUTHORITY: 30-21-6(a)(4)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____ SERIES 1, Fees

TITLE OF RULE BEING AMENDED: TITLE 17

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The West Virginia Board of Psychologists is entrusted by law to protect West Virginia citizens from unethical Psychologists. An increase in fees is urgently needed because the Board's budget is low and nearing a deficit. The Board is totally funded by its fees, which are charged to applicants, supervised psychologists; and licensed school psychologists and psychologists. The Board uses zero state funds.



Authorized Signature

Use additional sheets if necessary

Brief Summary of the Need for Filing a Proposed Emergency Rule for Series 1-Fees

The purpose of the Series 1 rule is to authorize the West Virginia Board of Examiners of Psychologists to collect fees, which fund the Board's operation. The Board is proposing to amend this rule to increase revenue to avoid an impending budget deficit. This projected deficit will occur because the Board has incurred increased expenses to process ethical inquiries, and operation costs have increased.

The Board's last increase was in 1998. Since then, the Board:

- Enacted a more prompt and responsive system of processing ethical inquiries via two new legislative rules.
- Developed a computerized register of licensed and supervised Psychologists and School Psychologists.
- Enhanced more timely conduction of oral examinations and processing of applications.
- Dramatically improved responsiveness to general public requests for information.

In addition, if fees are increased the Board will fully develop a website which will enable the West Virginia citizens to have immediate access to ethical inquiry forms, the ethical code, psychology licensure law, legislative rules and regulations, past ethical violations, and other pertinent information. The website will also afford applicants, licensees, and supervisees with downloadable forms for applications, renewals, and etc.

This rule is filed on an emergency basis because the budget balance has become extremely low. As of this date, February 14, 2003, the cash balance is **\$2,669.00**. The balance leaves the board with a very narrow margin for error. Bills are being paid on a selective basis. Necessary supplies are not being purchased. If the board continues to operate on the basis of the current fee schedule, it will incur a deficit by the end of this fiscal year. It will be unable to meet payroll.

Finally, the Board needs the increased fees because these fees are its only source of income. The Board is fiscally self-sufficient. It uses zero state funds to fulfill its mission of protecting the public and assuring that Psychologists and School Psychologists are competent and ethical.



EMERGENCY RULE QUESTIONNAIRE

DATE: 2/12/03

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Examiners of Psychologists
PO Box 3955, Charleston, WV 25339-3955
304-558-3040

EMERGENCY RULE TITLE: TITLE 17, SERIES 1, Fees

1. Date of filing 2/14/03

2. Statutory authority for promulgating emergency rule:

WVa. Code §30-21-6(a)(4) powers and duties of board; funds of board. "(a) The Board shall; (4) ...set reasonable fees and record them in legislative rules, TITLE 17, SERIES 1."

3. Date of filing of proposed legislative rule: 2/14/03

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? _____

The emergency rule amends the current rule.

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.

The Board's primary mission is to protect the public from harm from Pschologists. To fulfill this mission, the Board will need to increase revenue to prevent a budget deficit projected for the end of this fiscal year. The new funds will enable the Board to continue to investigate ethical inquired and assure that West Virginia Psychologists are ethical, qualified, and competent.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

The Board requires increased funds to maintain a balanced budget so it may complete its primary mission to protect West Virginia citizens from unethical psychologists, in particular to cover increased costs of investigating ethical complaints.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Examiners of Psychologists

Address: Street Address: 1205 Quarrier Street, Charleston, WV 25301

Mailing Address: PO Box 3955, Charleston, WV 25339-3955

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

There are zero additional expences because fees are being raised to increase revenue.

3. Objectives of These Rules:

The objective of increasing revenue is to assure that the Board shall meet its mission to protect the public and assure that psychologists and school psychologists are ethical and competent.

Rule Title: 30-21

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

There is zero economic impact on State government because the Board doesn't use State funds.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: Not Applicable

C. Economic Impact on Citizens/Public at Large.

Date: 2/14/03

Signature of Agency Head or Authorized Representative:

**TITLE 17
LEGISLATIVE RULE
BOARD OF PSYCHOLOGISTS**

**SERIES 1
FEES**

FILED
2003 FEB 14 3:08
THE VIRGINIA
STATE

'17-1-1. General.

1.1. Scope. -- This legislative rule establishes the fees for applications, examinations, temporary permits, license renewals, and registers for psychologists and school psychologists.

1.2. Authority. -- W. Va. Code '30-21-6.

1.3. Filing Date. -- April 7, 1998.

1.4. Effective Date. -- April 7, 1998.

'17-1-2. Summary Of Fees.

The following fees were approved by the Board ~~June 14, 1997~~ January 10, 2003;

2.1. Application fee (whether by standard procedure, reciprocity, or verification by American Board of Professional Psychology): ~~Seventy-five dollars (\$75.00)~~ One hundred dollars (\$100.00).

2.2. Temporary permits: ~~Seventy-five dollars (\$75.00)~~ One hundred dollars (\$100.00).

2.3. Biennial psychologist and dual license renewal fee: ~~Two hundred fifty dollars (\$250.00);~~ Four hundred dollars (\$400.00) Non-practicing and/or non-resident psychologists, ~~fifty dollars (\$50.00);~~ One hundred dollars (\$100.00); School psychologists, triennial renewal fee, ~~fifty dollars (\$50.00);~~ One hundred fifty dollars (\$150.00); psychological assistants annual renewal fee, one hundred (\$100.00); school psychologists independent practitioners triennial renewal fee, two hundred twenty five dollars (\$225.00); licenses which have been placed on inactive status, no (\$0.00) renewal fee.

MAR 21 2003

FILED

JOE MANCHIN III
WV SECRETARY OF STATE

Office of the Secretary of State
State of West Virginia
Attn: Judy Cooper

2003 MAR 21 A 10:17

March 20, 2003
OFFICE WEST VIRGINIA
SECRETARY OF STATE

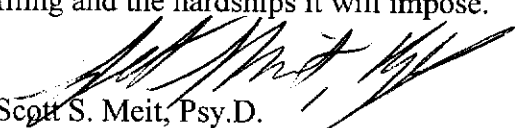
Re: WV Board of Examiner's filing of "emergency rule" fee increases

Dear Ms. Cooper,

At a time when many health care providers are closing their WV practices due to intolerable increases in practice costs, it is especially unfortunate to bear witness to the Board of Examiners of Psychologists' emergency filing for fee increases. I have personally heard from several of my psychologist colleagues, who practice on WV borders (e.g. WV/PA; WV/KY). They indicate that such formidable fees increases (as proposed) may force them to move their practices across state lines. My own summation is that the proposed fees increases will impose hardships, close practices, and reduce available psychological services to residents of our state.

In considering the fee structure for license renewal alone, please know that the **existing** WV fee for 2-yr renewal (\$250) is already more than twice the Pennsylvania 2-yr renewal fee (\$120). I know this to be a fact as I hold a current Pennsylvania license as a psychologist. Consider that the Board of Examiners of Psychologists **propose** to increase the \$250 renewal fee to \$400 (an increase of 60%!).

The Board of Examiners of Psychologists cites that state law requires them to be solvent. That is fine and good, but perhaps the efficiency and appropriate conduct of their operations command first scrutiny. The Board of Examiners has significantly expanded staff and concomitant operations costs within the past 2 years – perhaps contributing directly to the financial crisis they now cite. In the interests of preserving capacity to provide quality psychological services to West Virginia residents, I ask that your office and all governmental offices that are stake holders in the health care of West Virginians direct full attention and full scrutiny to this emergency rule filing and the hardships it will impose.


Scott S. Meit, Psy.D.
Licensed Psychologist # 602
Associate Professor of Family Medicine
West Virginia University, School of Medicine

- Executive Committee of the West Virginia Psychological Association, WV Rep to the American Psychological Association Council of Representatives
- Past President of the West Virginia Psychological Association (term 2000)
- Member, American Psychological Association Committee on Rural Health
- Current Fellow (class of 2003), US Dept of Health and Human Services Primary Health Care Policy Fellowship

Department of Family Medicine

Robert C. Byrd Health Sciences Center
PO Box 9152
Morgantown, WV 26506-9152

Phone: 304-598-6920
Fax: 304-598-6921

2.4. Registers: ~~Ten dollars (\$10.00)~~ Twenty five dollars (\$25.00).

2.5. Copies of licensure law and legislative rules: ~~Ten dollars (\$10.00) each~~ Twenty five dollars (\$25.00).

2.6. Examination fee: The fee for the Examination for Professional Practice in Psychology shall cover the fee established by the Association of State and Provincial Psychology Boards and shall include ~~forty dollars (\$40.00)~~ fifty dollars (\$50.00) for administrative costs. An applicant for licensure shall pay the fee to the Board at least thirty (30) days prior to the date of the examination.

2.7. Oral examination fee for each examination: ~~Two hundred fifty dollars (\$250.00)~~ Three hundred fifty dollars (\$350.00). Continued Oral examination fee: One hundred dollars (\$100.00).

2.8. Annual supervision fee: ~~Fifty dollars (\$50.00)~~ One hundred dollars (\$100.00).

2.9. ~~All of the fees contained in this section are nonrefundable.~~ Computerized registers sold to for-profit organizations: two hundred fifty dollars (\$250.00).

3.0 Mailing and handling of application-packet fee: twenty five dollars (\$25.00).

3.1 Reinstatement fee: one hundred dollars (\$100.00).

3.2 Initial licensure fee: psychologists, two hundred fifty dollars (\$250.00); school psychologists (\$150.00).

3.3 Continuing education program application for approval fee, two hundred dollars (\$200.00).

3.4 Duplicate license certificate fee, twenty five dollars (\$25.00).

3.5 All fee are nonrefundable.