

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**
Form #7

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Filing Date

FILED

2003 OCT 28 A 9:40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: WV Board of Examiners of Psychologists TITLE NUMBER: 17

CITE AUTHORITY: 30-21-6

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 17-1

TITLE OF RULE BEING AMENDED: Title 17 Legislative Rule, Board of
Examiners of Psychologists, Series 1 Fees

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:



Authorized Signature

Use additional sheets if necessary

West Virginia Board of Examiners of Psychologists **Need for an Emergency Rule**

The Board needs to file Legislative Rule Title 17 Series 1 as an emergency rule because the Board's budget deficit is curtailing the Board's ability to fulfill its legal mission to protect the public from unethical Psychologists and individuals falsely presenting themselves as Psychologists. Specifically, the Board will be unable to reimburse the Administrative Law Judges, Court Reporters, and Attorneys for ethical hearings.

In addition, the Board must continue to investigate ethical claims, as well as assure that new and current licensees are knowledgeable of their ethical responsibilities. Due to its budget deficit the Board isn't paying its Ethical Investigator, Executive Director, or Legal Council, provided by the Attorney General's Office. All of these individuals are involved in addressing ethical issues along with the Board members who are not being reimbursed for their travel expenses and per diems.

Beyond these individuals, the Board is unable to pay other State agencies. The Board's expected deficit for fiscal year 2004 is \$35,000. This deficit was not evident by the Board until fiscal year 2003. The Board held a sum of money from year to year in the amount of ten to twenty thousand dollars from fees collected for a national test taken by licensure candidates. The money collected from these tests was held in reserve until payment was made during the following year. The testing company changed its procedure for collecting monies. Candidates were then expected to pay the testing service directly, instead of through the Board. The Board's cash flow began to plummet to its current low level in fiscal year 2003.

In order to increase its fees, the Board filed paperwork to begin the process of changing Title 17, Series 1 Fees on February 14, 2003. A comment period was held from February 19, 2003 to April 30, 2003. The Board notified the public by placing advertisements in newspapers throughout the State and mailed 770 written notices of the fee increases to all Licensed Psychologists and Supervised Psychologists. The Board also notified the WV Psychological Association (WVPA) and the WV School Psychologist Association (WVSPA). The Board met with the Executive Committee of WVPA, conducted an open meeting with the WVPA membership, and met with the presidents of WVPA and WVSPA during a Board meeting. The Board received 33 pieces of correspondence, including comments from interested parties. In consideration of all this feedback the Board reduced some specific fees. Notice of Agency Approval of a Proposed Rule was filed on June 18, 2003. Comments were included in this document as required by the Legislative Rule Making Committee. The Board appeared before the Legislative Rule Making Review Committee on August 4, 2003. The committee approved the rule on August 8, 2003. Thus, the Board has completed much of the Legislative Rule Making process and has clearly met its obligation to notify and respond to the public and affected parties.

Due to the urgency of the Board's current negative financial state, the Board respectfully submits its request for an emergency rule fee increase based on its financial condition. Approval of such, will afford the Board the ability to continue its mission to protect the public.

Comparison of Psychology Board and Similar Board Budgets

WV BOARD	EXPENSES	REVENUE	DIFFERENCE
Psychology	\$111,402	\$76,543	\$-34,859
Optometry	\$104,225	\$148,919	+\$44,694
Radiologic	\$135,506	\$121,185	\$-14,321
Physical Therapy	\$129,846	\$135,803	+\$5,957
Counseling	\$62,215	\$107,713	+\$45,498



EMERGENCY RULE QUESTIONNAIRE

DATE: 10/22/03

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Jeffrey Harlow, Ph.D., Executive Director

West Virginia Board of Examiners of Psychologists
Address: PO Box 3955, Charleston, WV 25339-3955 Phone: 304-558-3040

EMERGENCY RULE TITLE: Title 17, Series 1, Fees

1. Date of filing 10/22/03

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: 10/22/03

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 of Psychologists' primary mission is to protect the public from harm from psychologists. It's current operating budget is \$78,000. 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 inquires and assure that WV 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.

Not Applicable

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 budget that can complete its primary mission to protect WV citizens from unethical psychologists, and to cover increased costs of investigating ethical complaints.

■
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 17 Series 1 Fees

Type of Rule: Legislative Interpretive Procedural

Agency: WV 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 no additional expenses, fees are being raised to increase revenue.

3. Objectives of These Rules:

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

Rule Title: Title 17 Series 1 Fees

4. Explanation of Overall Economic Impact of Proposed Rule:

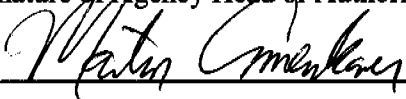
- A. Economic Impact on State Government:
There will be no economic impact on State Government, the Board of Psychologists does not use State Funds.

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

- C. Economic Impact on Citizens/Public at Large.
None

Date: 10/22/03

Signature of Agency Head or Authorized Representative:



Brief Summary of Proposal

The West Virginia Board of Examiners of Psychologists proposes to increase its fees which are charged to applicants, supervised psychologists, school psychologists, and psychologists. The Board 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 and uses zero in state funds.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 11, 2003

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

Phone: 304-558-3040

LEGISLATIVE RULE TITLE: Title 17, Series 1, Fees

1. Authorizing statute(s) citation W.Va. Code 30-21-6(a)(4)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

February 19, 2003

b. What other notice, including advertising, did you give of the hearing?
The Board mailed a letter to each active psychologist, school psychologist, and supervised psychologist

explaining the need for the rule change and asking for their comments. The Board also advertized in

the newspapers of the larger cities in WV with a notice of the rule changes and asking for comments...

c. Date of Public Hearing(s) or Public Comment Period ended:

The comment period ended April 30, 2003

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached 33

No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Kathleen Lynch, Administrative Assistant
PO Box 3955
Charleston, WV 25339-3955

Phone: 304-558-3040
Fax: 304-558-0608

email: klynch@mail.state.wv.us

- g. **IF DIFFERENT FROM ITEM 'f',** please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Jeffrey Harlow, Ph.D., Executive Director
PO Box 3955
Charleston, WV 25339-3955

Phone: 304-415-4050
Fax: 304-415-0608

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

FILED

TITLE 17
LEGISLATIVE RULE
BOARD OF PSYCHOLOGISTS

2003 OCT 28 A 9:40

SERIES 1
FEES

OFFICE WEST VIRGINIA
SECRETARY OF 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.
- 1.4. Effective Date.

17-1-2. Summary Of Fees.

The following fees were approved by the Board ~~June 14, 1997~~ January 10, 2003; May 16, 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 license renewal fee: Two hundred fifty dollars (\$250.00); Non-practicing and/or non-resident psychologists, fifty dollars (\$50.00); School psychologists, triennial renewal fee, fifty dollars (\$50.00); licenses which have been placed on inactive status, no (\$0.00) renewal fee.~~ Licensing Fees:

2.3.1. Biennial Psychologist and Dual License renewal fee: Two hundred fifty dollars (\$250.00); Three hundred fifty dollars (\$350.00).

2.3.2. Non-practicing and/or non-resident Psychologists, fifty dollars (\$50.00); One hundred dollars (\$100.00).

2.3.3. School psychologists, triennial renewal fee, fifty dollars (\$50.00); One hundred fifty dollars (\$150.00).

2.3.4. School Psychologists Independent Practitioners triennial renewal fee, two hundred dollars (\$200.00).

2.3.5. Psychological Assistants annual renewal fee, one hundred (\$100.00).

2.3.6. Licenses which have been placed on inactive status, no (\$0.00) renewal fee.

2.4. Printed 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, with the submission of their test application materials.~~

2.7. Oral examination fee for each examination: ~~Two hundred fifty dollars (\$250.00)~~ Oral Examination Fees:

2.7.1. Oral examination fee for each new examination: ~~Two hundred fifty dollars (\$250.00)~~ Three hundred fifty dollars (\$350.00),

2.7.2. 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);~~

3.2 Continuing education program application for approval fee, (Note: this fee is to be charged to for-profit organizations only): two hundred dollars (\$200.00).

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

3.4 All fees are nonrefundable.