

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #7

Do not mark in this box  
Filing Date

FILED

SEP 13 9 51 AM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: WV Board of Examiners of Psychologists TITLE NUMBER: Title 17 Series I Fees

CITE AUTHORITY: 30-21

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series I Fees

TITLE OF RULE BEING AMENDED: Legislative Rules Psychologist-Series I Fees

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

TITLE OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

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 WV Psychology Board is broke. See Attached.

Use additional sheets if necessary

  
Signature

5.00

DATE: September 13, 1996

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV Board of Examiners of Psychologists

EMERGENCY RULE TITLE: Title 17 Series I Fees

1. Date of Filing September 13, 1996

2. Statutory authority for promulgating emergency rule:

30-21

3. Date of filing of proposed legislative rule: August 30, 1996

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

Amends current rule and adds a new fee

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.

SEE ATTACHED

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.

The State law requires the existence of the Board and if the Board cannot pay its expenses then the Board cannot fulfill its statutory function.

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

SEE ATTACHED

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Question Number 6.

The fee is in need if immediate enactment due to the FACT that the Board does not have the funds to pay current invoices. All monies are needed and payment due invoices are soon to arrive and no money is available to pay next month's bills.

For example, as of August 30, 1996 the Board's cash balance is \$8,182.34. The Board has two (2) invoices currently due, Executive Director \$2750.00 and The Professional Examination Service \$6,505.00 are now due. The total \$9,255.00 breaks the Board's account. Note: copies of Account Status Report and invoices are attached.

If the Board cannot pay its bills, the Board cannot function and the public is harmed because the entire reason for the Board's existence is for the PUBLIC GOOD.

Question Number 8.

The facts are that the monies which were thought to be incoming have not kept pace with the expenses. The fees are insufficient to manage the Board as the deficit shows.

The Board does not receive any State funds and is SOLELY dependent upon licensure fees to exist. The changes in the office management, the hiring of an Executive Director, Due process demands, and the cost of doing a responsible job for the public and profession, have exhausted funds.

Complaint investigations, mailings, telephone calls, examinations, and processing of current candidate materials will be stopped if the Board cannot fulfill its contractual obligation to the Executive Director and vendors.

Individual Board members would have to shoulder ALL costs of the Board meetings and find the time to run the Board at their own costs and with their own resources/personnel.



INVOICE  
#EXDIR0016  
09-01-96

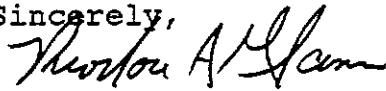
Theodore A. Glance  
P.O. Box 15  
BARRACKVILLE, WV 26559  
363-8943

Please consider this an invoice for services to the West Virginia Board of Examiners of Psychologist as Executive Director for the month of August, 1996.

The agreed upon fee (as indicated on the contract agreement form previously submitted with my July, 1996 invoice) is \$2750.00 per month.

Thank you for your attention to this invoice.

Sincerely,



Theodore A. Glance

09-01-96



# PROFESSIONAL EXAMINATION SERVICE

*We see the wisdom  
of credentialing*

PRESIDENT  
Craig G. Schoon, Ph.D.

July 29, 1996

WV Board of Examiners of Psych  
Attn.: Theodore Glance  
PO Box 910  
Barrackville, WV 26559

Dear Mr. Glance,

We have not received payment of \$6,505 for invoice 5052. Please remit payment as soon as possible. If there are questions or concerns regarding payment of this invoice, please call.

Thank you for your assistance.

Sincerely,

Susan T. Vernasco  
Assistant Controller

Enclosure



PROFESSIONAL EXAMINATION SERVICE

475 RIVERSIDE DRIVE  
NEW YORK, N.Y. 10115  
(212) 870-3161

FEDERAL TAX I.D.# 23-7097173

INVOICE NO.	INVOICE DATE	CUSTOMER NO.
1 0005052-IN	11/14/95	00-00716WV

WV Board of Examiners of Psych  
Att: Theodore Glance  
P.O. Box 910

Barrackville WV 26559

Please mail your check and green copy  
of this invoice to:

Professional Examination Service  
P.O. Box 73634  
Rochester, N.Y. 14673-3634

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CLIENT CONTACT	EXAM DATE	TERMS	REPRESENTATIVE	STATE
Theodore Glance		NET 30 DAYS		

ITEM NO.	DESCRIPTION		UNIT PRICE	EXTENDED AMOUNT
EP	26 Candidates - EPPP Exam	26.000	250.000	6,500.00
HC	Handling Charges: \$5.00 for 1 book ordered in excess of 3 allowed. (30 ordered) Tested: 10/18/95	1.000	5.000	5.00
P A S T D U E P L E A S E R E M I T				

PLEASE REMIT THIS AMOUNT TOTAL

ORIGINAL

INVOICE NO.

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Title 17 Psychologists Series I

Type of Rule:  Legislative  Interpretive  Procedural

Agency WV Board of Examiners of Psychologists

Address P.O. Box 910  
Barrackville, WV 26559

**1. Effect of Proposed Rule**

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEW	RECAPITAL
<u>ESTIMATED TOTAL COST</u>	\$ N.A.	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

**2. Explanation of above estimates:**

NA.

**3. Objectives of these rules:**

NA

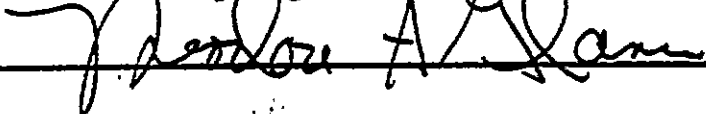
Rule Title: Title 17 Psychologists Series I Fees

4. **Explanation of Overall Economic Impact of Proposed Rule.**

- A. **Economic Impact on State Government.** None, all costs will be carried by licensees and applicants.
- B. **Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.** The WV code does not allow for any state funds, therefore all costs must be born by the users of the Board. The public is NOT charges for any service by the Board, i.e. complaint investigations.
- C. **Economic Impact on Citizens/Public at Large.** None

Date: September 13, 1996

Signature of Agency Head or Authorized Representative





STATE OF WEST VIRGINIA  
BOARD OF EXAMINERS OF PSYCHOLOGISTS  
RATIONALE FOR THE FEE INCREASE AND EMERGENCY RULE

The best way to inform the LRMRC of the rationale is easy, **WE ARE BROKE.**

The Board does not have enough money to pay current bills let alone the next months of bills. This is how we have come to get in the financial squeeze.

The Board was run from 1971 to 1987 by university professors through their secretaries and subsidized by the university at which the Board secretary worked, i.e. Jim Carruth at WVU, Larry Barker at Marshall, and John Linton at WVU. The number of licensees was low and the process, let's say was informal.

In 1987 Rick Workman became the Secretary and he was a private practitioner. He carried the financial burden by using his office secretary. The number of licensees and candidates for licensure was increasing and the monies started getting tighter.

In 1988, Ted Glance became the Secretary. He was a school psychologist in Marion County Schools. The school system was not in the position to subsidize the Board's operating expenses. Mr. Glance ran the Board through from the basement of his house. No expenses for office space, heating, etc. were incurred. But the demands on the Board were growing every year.

Mr. Glance was laid-off from Marion County Schools in 1993. He was still the Secretary of the Board. He ran the Board from his basement office. He received no additional money for the thirty hours a week he needed to perform to get the Board's business completed.

Mr. Glance left the Board in May, 1995. The Board consisted of private practitioners and working school psychologist. No one was interested in taking on the duties of Secretary as Mr. Glance had done. They knew that it would COST them too much money.

The Board decided to hire an Executive Director, a position for which Mr. Glance applied and obtained. The position is a contracted one, with NO benefits or reimbursement for office space, (his basement is still home for the Board), heating,

Rationale

Page-2-

electric, and overhead expenses.

Mr. Glance is contracted for twenty-two (22) hours a week. The hours are not nearly enough to meet the demands of the consumers, professionals, and mental health care companies.

Also, Dr. Joseph Panepinto, Board Secretary contracts with a secretary to do so of his work, as does Harold Slaughter, supervision Coordinator.

The demands of the job far exceed the personnel and financial resources allocated. Randolph Reeves, Executive Director of the Association of State and Provincial Psychology Boards informed the Board that West Virginia is not a small Board. It is bigger than many states, including Mississippi, Tennessee, Wisconsin and EVERY Province in Canada.

He stated that the West Virginia Board should have a full time Executive Director with a full time secretary and a state office. The average salary for that position is \$58,000.00. Mr. Glance's contract is \$2750.00/mo.

The State Auditor's office informed the Board that the cash balance should be at least a 90 day or quarterly allotment level. The West Virginia Psychology Board has \$0.00.

The Board has no way of getting money other than by raising fees. The fee increases were arrived at by the following reasoning.

The Board could either raise fees dramatically and raise enough money to pay ANY unforeseen expense, such as a protracted ethics hearing where the court reporter alone could cost \$7,000.00, or the Board could raise fee modestly and raise enough money to keep the Board afloat from quarter to quarter with the mechanism in place to raise funds if the balance fell below quarterly allotments. The Board opted for the second choice.

The greatest source of money will come from the increase in renewal fees. The 250 licensees that renew every year will generate an additional \$37,500. That will be sufficient to cover the cost of the Executive Director's contract. The additional money, approximately \$10,000.00 will be sufficient

to cover related processing costs, such as postage, printing, and telephone.

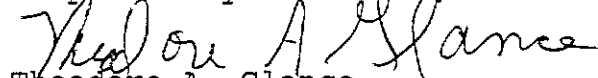
Some data about fees in surrounding States

<u>State</u>	<u>Number</u>	<u>Renewal fee/period</u>	<u>Application Fee</u>
Ohio	3762	\$165.00/2 yrs.	\$ 75.00
Pennsylvania	8000	\$120.00/2 yrs.	\$105.00
Kentucky	682	\$300.00/3 yrs.	\$100.00
Maryland	2200	\$250.00/2 yrs.	\$100.00
<b>Proposed WV</b>	<b>585</b>	<b>\$250.00/2 yrs.</b>	<b>\$150.00</b>

However, it is not possible to cover the cost of the Board business without considering the levying of a special assessment fee to get the Board's cash balance to the point where Board meetings, secretarial help, and consumer investigations, can be adequately performed. The Board meets about five (5) times a year and the costs currently far exceed funds. The Board members would have to bear all related costs themselves as well as losing money as a result of taking time off of work.

In summary, the Board receives no State funds. The Board has been robbing Peter to pay Paul for the last eight years and now both are broke. The demands on the Board are too great to run on the limited monies available and fee increases and a special assessment are desperately needed.

Respectfully Submitted,



Theodore A. Glance  
Executive Director  
September 13, 1996

FILED

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SEP 13 9 52 AM '96

TITLE 17  
LEGISLATIVE RULES  
PSYCHOLOGISTS

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 1  
FEES

§17-1-1. General.

1.1. Scope. -- These legislative rules establish the fees for applications, examinations, temporary permits, license renewals and registers.

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

1.3. Filing Date. -- June 30, 1993

1.4. Effective Date. -- June 30, 1993

§17-1-2. Summary Of Fees.

The following fees were approved by the Board May 1, 1993:

2.1. Application fee (whether by standard procedure, reciprocity or verification by American Board of Examiners in Professional Psychology diploma): ~~Seventy five dollars (\$75.00)~~  
One hundred fifty dollars (\$150.00).

2.2 Temporary permits: ~~Seventy five dollars (\$75.00)~~ Fifty dollars (\$50.00).

2.3. License renewal fee (every two (2) years): ~~One hundred dollars (\$100.00)~~  
Two Hundred fifty dollars (\$250.), except for ~~non-practicing and/or non-resident psychologists and school psychologists for whom the fee is fifty dollars (\$50.00)~~  
One hundred twenty-five dollars (\$125.00) and for those with licenses which have been placed on inactive status or semi-retired (less than 20 hours of practice a month) status for whom there is no renewal fee.

2.3.1 To re-activate or to take a standard or school license out of retirement and return to active professional practice the cost will be two hundred fifty dollars (\$250.00) or one hundred twenty five dollars (\$125.00) respectively.

2.4. Printed or disk copied Registers: Ten dollars (\$10.00) Twenty dollars (\$20.00).

2.5. Copies of licensure law and legislative rules: ~~Ten dollars (\$10.00)~~  
(Twenty dollars (\$20.00) each.

2.6. Examination fee: The fee for the Examination for Professional Practice in Psychology will cover the fee established by the American Association of State Psychology Boards plus ~~forty dollars (\$40.00)~~ Seventy-five dollars (\$75.00) for administrative costs. The fee must be paid to the Board at least thirty (30) days prior to the date of the examination.

2.7. Oral examination fee for each examination: One hundred twenty five dollars (\$125.00). A License Activation Fee of Two Hundred Fifty dollars (\$250.00) will be required for the first two years of practice. The fee is payable after successful completion of the oral examination.

2.8. Annual supervision fee: Fifty dollars (\$50.00) Seventy -five dollars (\$75.00).

2.9. Mailing labels: One hundred ten dollars (\$110.00).

2.10 Late Fee: A penalty late fee of 25% of the applicable fee will be assessed for payment after the due date of a fee. "Late" will be defined as being postmarked after the due date of the fee.

2.101 Special Assessment fee. A special assessment fee of up to One hundred dollars (\$100.00) when the available balance of the Board drops below the quarterly allotment as defined in the approved yearly budget as approved by the State financial office.  
No more than one special assessment may be made during a fiscal year.

2.11. All of the above fees are non-refundable.



FILED

OCT 22 8 25 AM '96

STATE OF WEST VIRGINIA  
BOARD OF EXAMINERS OF PSYCHOLOGISTS

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

October 22, 1996

Ken Hechler  
Secretary of State  
State Capitol Building  
Charleston, WV 25305

Dear Mr. Hechler,

Please withdraw from consideration the Board's request to have Title 17, Series I, Fees, enacted as emergency rules.

Thank you.

Sincerely,

*Theodore A. Glance*  
Theodore A. Glance  
Executive Director