

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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AUG 30 9 22 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

CITE AUTHORITY 30-21

AMENDMENT TO AN EXISTING RULE: YES NO

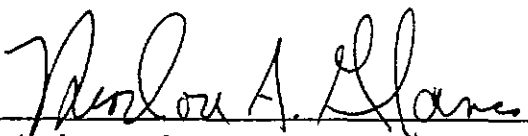
IF YES, SERIES NUMBER OF RULE BEING AMENDED: SERIES I

TITLE OF RULE BEING AMENDED: Title 17, Legislative Rule, Psychologists, FFES

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

12.20

FILED

AUG 30 9 22 AM '96

1

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.

DATE: August 30, 1996

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV Board of Examiners of Psychologists

LEGISLATIVE RULE TITLE: Title 17, Series I, Fees

1. Authorizing statute(s) citation 30-21

2. a. Date filed in State Register with Notice of Hearing

June 26, 1996

b. What other notice, including advertising, did you give of the hearing?

The attached card, which notified everyone of the public hearing,
was sent to all 583 licensees and all 137 applicants for licensure.

c. Date of Hearing(s) July 27, 1996 Martinsburg, WV

August 01, 1996, Charleston, WV

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

Attached XXX No comments received

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

August 30, 1996

f. Name and phone number(s) of agency person(s) to contact for additional information:

Theodore A. Glance, Executive Director, 367-2709

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: 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.

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	NEXT	HEREAFTER
ESTIMATED TOTAL COST	\$ N.A.	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates: See Attached Note

3. Objectives of these rules: See attached Note

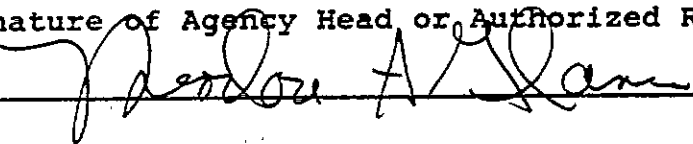
Rule Title: Title 17 Psychologists Series I Fees

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: August 30, 1996

Signature of Agency Head or Authorized Representative





STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

Summary of Title 17, Series I Fees Changes

The Board is currently unable to meet the fiscal demands placed upon it by the current burden of licensees, candidates, public, and mental health care providers.

The Board made an attempt to improve its performance by hiring an Executive Director. The licensure process has been improved and the paperwork and response time vastly improved. However, the demands keep growing and the demands require money to address. The Board is currently at an all time financial low and unable to pay the bills beyond a two month period. The Board does not have any mechanism to raise funds if expenses exceed income. For example, there is a great likelihood that a single ethic investigation and hearing would totally deplete available funding for a six month period.

The fee increases are modest. They allow for the paying of bills and the paying of bills that may be unexpected. The increases DO NOT create a fund so vast that it can handle anything that comes along but allows for a special assessment if the bill is too great and the account balance is too small to pay the bill. A limit is placed on the special assessment which insures against too frequent use. The mechanism for the Special Assessment is tied directly to the available account balance issued by the Auditor.

No comments were made against the increases during either of the two public hearings.



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

Fiscal Note Explanations

Question 2: **Explanation of Fee increases.** The proposed increases are as follows:

Renewal fee: Increase from \$100.00 to \$250.00 every two years.
Application fee: Increase from \$75.00 to \$150.00.
Registers: Increase from \$10.00 to \$20.00.
Copies of Law and Rules: Increase from \$10.00 to \$20.00.
Examination fee: Increase from \$40.00 to \$75.00.
Supervision Fee: Increase from \$50.00 to \$75.00 yearly.
Mailing labels: A new fee of \$110.00 each set.
Late Fee: A new fee.
Special Assessment Fee: A new fee to enable the Board to raise funds if needed.

NOTE: THIS FEE WAS PROPOSED BY THE BOARD AND REVIEWED BY THE ATTORNEY GENERAL AND GIVEN APPROVAL AS PROPER.

The fees are anticipated to raise about \$53,000.00.

Question 3. **Objective of the Rules.**

The need for the increase is needed because of three factors.

1. The hiring of a contracted Executive Director. The cost is \$33,000.00 a year. The need for the Executive Director was dictated by the demands of modern practice. Gone are the days of having a Board member run the Board through their secretary while they teach school. The numbers, candidates, and mental health practice dictates an Executive Director. The Association of State and Provincial Psychology Boards informs West Virginia that West Virginia is not a Small Board. It is bigger than Mississippi, Tennessee, Wisconsin, and every province in Canada. The Board would have a Full Time Executive Director, with a staff secretary and a salary of about \$58,000.00 with benefits. The current Executive Director runs the Board out of the basement of his house for

Fiscal Note Explanations

Page-2-

\$2750.00 a month straight contract. No payment is made for overhead, such as electric, storage, or office space. He has no secretary and gets no benefits.

2. The demands of the Board far exceed the opportunities to address them. The Board anticipates an increase of responsibility in reaction to increase demands by the public, practitioners, and managed care companies.

3. The Board had a choice between increasing fees to cover anticipated/unforeseen costs or keeping fees lower and having the ability to raise funds if unforeseen costs are incurred, such a protracted ethics complaint hearing (where a court reporter could easily cost \$5,000.00). The Board opted for the latter through the adoption of the Special Assessment Fee.

In summary, the objective is to raise enough fees to cover regular and predicted costs and to enable the Board to increase the duties of the Executive Director if needed. Unforeseen costs, if they deplete the budget, will be handled through the Special Assessment provision.

TITLE 17
LEGISLATIVE RULES
PSYCHOLOGISTS

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STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

Written Comments received during the comment period and Board reactions

During the written comment period, June 26, 1996 through July 27, 1996, two written comments were received.

One from Fred Krieg, Licensed psychologist, was presented and he subsequently presented the same concerns at the public hearing, and one from the WV Psychological Association.

Dr. Krieg wrote to voice his concerns about the limiting of the number of candidates for licensure that a licensee could supervise. The Board subsequently took Dr. Krieg's concerns to heart and voted NOT to limit the number.

The letter from the WVPA stated general approval of the proposed changes and asked if the rules would be written to include the same changes for school psychologists as well as the standard provision licensees. The Board did equalize the standards for both licenses. The WVPA also had some concerns for the supervision process. The concerns were addressed by eliminating ambiguities and streamlining duties between licensees and candidates.

*Fred Jay Krieg, Ph. D.
& Associates*

Grand Plaza
1100-B 9th Street
Vienna, WV 26105
(304) 295-9391

July 22, 1996

Hal Slaughter
Supervision Coordinator
West Virginia Board of Examiners
for Psychology
PO Box 910
Barrackville, WV 26559-0910

Dear Hal:

It is my understanding that the Board of Examiners in Psychology is considering restricting the number of potential supervisees a psychologist may supervise. I am writing this letter to address my concerns with that proposed restriction.

I believe that restricting the number of supervisees will make it more difficult to secure supervisors for individuals needing that service. As an Associate Professor of Psychology at the West Virginia Graduate College, I am aware of the fact that our recent graduates are already having difficulties securing supervisors.

Given the litigatory nature of our society and the liability associated with supervision, fewer psychologists are willing to accept supervisees. We have a limited number of people who are willing to take on this responsibility now, and if you decrease the number of people they can serve, then less psychologists will be able to be supervised. The net result of this change will be to decrease the number of new psychologists at a time when the demand for psychological services is on the rise.

It takes supervisees a period of time to understand the supervision process. Likewise, it takes time for the supervisor to understand the supervision process. Several years ago, the Board allowed me the opportunity to experiment with group supervision. Despite the fact that this experiment worked out very well for those eight people being supervised, no follow-up was done in implementing group supervision. The goal at that time was to help fill the need

for supervisors. At that time, I gave the Board a copy of a paper I had written about supervision. I think that if one reviews that paper, you will see the areas of competence it takes to be a quality supervisor. Being a good supervisor consists of more than just knowing how to be a psychologist. Supervision is, in fact, a skill that supervisors need to acquire. Like any skill, it gets better with practice and opportunity. The more you do, the more you learn. It also requires some seasoning in the profession, and the more years you do supervision the better you are as a supervisor. To improve the supervision process, the Board should offer courses and material to teach psychologists about how to be better supervisors.

Given the above information, I see no reason why someone could not choose to make supervision a profession. The American Psychological Association recognizes supervision as a viable employment opportunity for psychologists. Our state statute requires one hour of supervision for every twenty hours of work or two hours per 40 hour week. Assuming supervision were a full time occupation, it would be possible for a supervisor to have twenty people under supervision and still not be "overworked." I should indicate that should the Board choose to restrict the number of people a supervisor could supervise that would constitute a restraint of trade issue since those individuals who choose to make supervision a career should be allowed to perform that function. The amount of time a psychologist spends during supervision should be up to the individual psychologist to decide.

Of the most recent revision in Board regulations for the school psychology independent license is that those being supervised for the clinical license cannot count their supervision simultaneously. If one was to want both licenses one would have to have a Master's degree and undergo ten years of supervision. This requires more supervision time from supervisors than was needed prior to this revision. At a time when we need more supervisors, the Board is

considering reducing their numbers. Twenty years ago, when I was supervised, it was the custom not to charge supervisees for supervision as it was deemed as a "service to the profession." Although I continue to maintain that position, I am aware that many supervisors are now charging supervisees for that service. Reducing the number of supervisees that supervisors can supervise will produce a greater burden for supervisees to secure supervision and perhaps increase the cost of supervision for recent graduates, who for the most part can ill afford it.

It would appear to me that we are dealing with an issue of supply and demand. If the demand for supervisors increases, but the Board limits the number of people a supervisor can supervise, we are creating a demand for supervision and a short supply. The long range result of such action will be to reduce the number of psychologists.

It is my understanding that the purpose of the WV Board of Examiners is to protect the public interest and to do what is in the best interest of the public (and hopefully the profession at the same time). It seems to me that by reducing the number of qualified psychologists which would be the end result of this supply and demand situation, that the board will be doing a disservice to the public.

Overall, it is my opinion that Total Quality Management (TQM) teaches us that the more psychologists that are available, the greater the need for psychological services will be. The public's best interest is served by psychologists who are clearly better trained and more qualified than other mental health professionals to provide mental health services. I would urge the West Virginia Board of Examiners to work in any way it can to not only increase the quality of psychologists, but also the quantity of psychologists as that is in the best interest of the public and the profession.

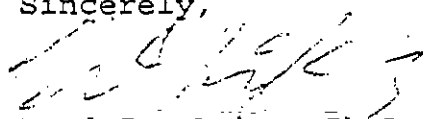
At the present time, I am doing more supervision than I have ever done. For the first ten years that I had a license, I did no supervision at all. I do, however, at this time feel that having 22 years of experience as a psychologist in a variety of settings doing a variety of types of clinical work makes for a better quality supervisor. I think it is important to realize that a negative relationship does not exist between quantity and quality. A bigger issue is working in a direct relationship with the supervisee. All of the psychologists that I presently supervise work in an environment in which I am directly on site maximizing contact and the opportunity for supervision. I am at a point in my career where I feel that I have the necessary experience, training and interest to make a good supervisor. I think there are some concerns about the number of people I am supervising, but I should indicate that I am following the Board rules and regulations and that I am interested in continuing to do teaching and supervision as a major part of my career employment.

My experience with supervision has taught me the personal benefits of supervision. When supervisees come to you and are very trustful, they ask difficult questions. What I have learned is that supervisees make me think and rethink and look at things with a new and different perspective. I have enjoyed the supervision experience, because I have found that "by my students I will be taught". I have learned a great deal by the questions that they ask me and the situations that arise. Students make me clarify what I think I know and help me expand my horizons. Supervision makes me a better faculty member for new students. I learn what they need to know in their training and the shortcomings of our present program.

I hope the Board will encourage more psychologists to do supervision, but I also hope the Board will not restrict those who are presently doing their fair share, or more than their fair share.

I hope the Board will review this letter in the constructive way that it is intended, and if I can be of any further assistance in providing further information please do not hesitate to contact me.

Sincerely,



Fred Jay Krieg, Ph.D.
Clinical Psychologist
WV License #141

FJK/ca

cc: Board Members
Theodore Glance, Executive Director

West Virginia Psychological Association

P. O. Box 1347
Charleston, WV 25325
304-345-1588
Fax: 304-345-1538

July 24, 1996

Mr. Ted Glance, M. A.
Executive Director
West Virginia Board of Examiners of Psychologists
P. O. Box 910
Barrackville, WV 26559

RE: Proposed legislative rules

Dear Ted:

Please consider the following unedited comments with reference to these rules. These comments come from members of our organization and John Law, our governmental relations representative.

Title 17, Legislative Rules, Psychologists, Series 1

Generally, we have no objection to the increase in fees, other than to suggest that an incremental increase might have been accepted more readily.

Title 17, Procedural Rules, Psychologists, Series 2

In §17-2-3.1.1 a new section is added giving the board specific powers to employ [emphasis mine] an executive director. You may want to change this language to allow the board to employ or contract with an executive director.

In §1-2.6.1 you require applicants to take the written examination the first time it is offered after application for licensure. Isn't this current practice? If no, is there a grandfathering provision? What about the applicants who are currently in the pipeline? Will they be required to take the first examination following enactment of these rules? Lowering the required EPPP score to 70 percent following the practice of many other states is reasonable. Possibly, you might consider accepting such scores from psychologists who did not pass under the current requirement.

The same principle is in effect for §17-2-6.2.1. There is new language added requiring the supervision log to be presented at the time of the oral examination. Is this currently in effect? Will it be in effect for all new applicants after the approval of the rule, or will it be retroactive to those who are already in the pipeline? Language could clarify this.

One of what we consider to be the major ambiguities of the rule is pointed up in 17-2-6.9.1. There is new language added which states that if the applicant fails to pass the written examination within the allowed exempted supervision period (up to two years for doctoral applicants and five years for master applicants) their application for licensure is voided, and their work must be performed under the direct and regular supervision of a licensee as prescribed in Series Three of the Rules.

This is a special class of practitioner as we understand it? We are either licensed or not. The Board must function under this assumption to fulfill your mission to protect the public. If this person does not pass the necessary examinations, he or she is unlicensed and would be subject to the regulations of other unlicensed personnel addressed in the rules. Additionally, the Board would have no direct regulatory authority over this individual. The only level of regulatory authority would seem to be over the supervising psychologist. Are we reading it correctly?

There seems to be some ambiguity in §17-2-6.1.1 which requires applicants to take the written examination the first time it is *offered* [emphasis mine] after the application of licensure while 17-2-6.11 states, "Applicants must take the written examination the first time it is offered *after application* [emphasis mine] is approved for licensure."

The requirement that the secretary notify each applicant by certified mail, or even by mail, for that matter, is removed. In light of some of our discussions regarding the licensure law, you may wish to revise the language as follows:

The secretary ~~Executive Director~~ shall notify each applicant in a timely manner by mail of his or her success or failure on the written and oral examinations. Normally, there will be no disclosure of test scores.

Because board scores may be relevant to applications in other states, could transcripts of scores be provided?

Title 17, Legislative Rule, Psychologists,

Series 3

Qualifications for Licensure as a Psychologist and/or a School Psychologist

Generally, there is some lack of parallel structure with regard to psychologists and school psychologists. This may require a more thorough rewrite at a later date. In §17-3-8.2, applicants who are obtaining the required supervised experience are added as a category eligible to be supervised. They are to be referred to and sign work as a supervised psychologist. There is no similar provision for the school psychologist.

Individuals who do not have a master's degree and would not qualify for psychology licensure are to be referred to and sign work as a Psychological Assistant/Technician/or Psychometrist. Former applicants who have not passed the required written examination are referred to and sign work as psychological assistant. Again, there is no provision for school psychologists in this circumstance, and aren't the titles redundant? Is the former applicant nothing more or less than the psychological assistant without a master's degree? The individual may be a more qualified psychological assistant, but he or she is unlicensed, and therefore not directly subject to the control of the Board.

There is also some discussion in §17-3-8.3 as to whether supervision should be expanded or the supervision differentiated between candidates for licensure and technicians. We appreciate the attention to the number of unlicensed personnel that a licensed psychologist may supervise. Possibly, a distinction might be made between supervision of candidates for licensure and supervision of psychometrists/technicians, I. E., psychotherapists would need more supervision than personnel doing highly structured tasks such as testing.

In §17-3-9 we are again faced with the conundrum of the board requiring supervision for those applicants who have been unable to pass their examinations. Again the question arises, who is sanctioned if

Mr. Ted Glance

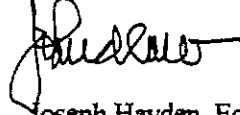
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July 24, 1996

the supervision does not occur, the unlicensed individual, the mental health facility, or the licensed psychologist.

Thank you for considering these suggestions. If you have any questions, I can be reached directly at Wheeling Jesuit College. That number is 304-243-2322.

Sincerely,



for

Joseph Hayden, Ed., D.
President

West Virginia Psychological Association

WVPA.003



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

**NOTICE OF PUBLIC HEARINGS
WV BOARD OF EXAMINERS OF PSYCHOLOGISTS**

SATURDAY, JULY 27, 1996
9:00 AM., COMFORT INN, MARTINSBURG, WV
and
THURSDAY, AUGUST 1, 1996
4:30 PM., PROCESS STRATEGIES INSTITUTE, CHARLESTON,
WV

Public hearings will be held to take input on proposed Rules and Regulation changes. The major changes include: limiting the number of supervisees; establishing the EPPP passing score at 140; limiting the amount of time a candidate for licensure has to obtain a license to supervision time requirement; increasing fees; changing school psych. Written score to NASP NCSP passing score; and other minor changes.



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

**Recording of the Proceedings of the
West Virginia Board of Examiners of Psychologists**

Public Hearing

Comfort Inn
Martinsburg, WV
9:00 am
July 27, 1996

Participants:

Harold Slaughter, WV Psychology Board
Theodore A. Glance, Executive Director, WV Psychology Board
Victor Sepsi, Psychologist
Leroy Stone, Psychologist
Nar Roberts, Psychologist
Judy Poley, School Psychologist
Mary An Garfold, School Psychologist
James Keefer, Licensure Psychologist

Hearing Called to Order: 9:00 am

An introduction of all present is made.

Mr. Slaughter: At this hearing we would like to go over the Proposed changes in the Rules and Regulations, word for word as they are proposed to be changed. We will then ask each of you to make any comments that you would like to make or would like to propose yourself.

Mr. Glance: I will now go over the Rules and Regulation proposed changes. The material is the exact copy of the Rules and Regulations that were submitted to the Secretary of State's office.

NOTE: The entire Series I, II and II were read into the Record.

NOTE: At the end of the reading, each participant was asked for comment.

Public Hearing Martinsburg, WV
July 27, 1996
Page-2-

Nar Roberts: I have not general suggestions, I believe that many of the changes are long overdue.

Judy Poley: I would like to say that I am in favor of the change in the test score on the EPPP. I would also suggest that limiting of the number of supervisees is not a good idea. If someone wishes to have more than four and if they can show that the proper supervision will be done, then why not let them do it. I really have nothing else to say.

Ms. Garfold: I have to catch a plane, I was really here to see how school psychology is affected. I think the changes are within reason.

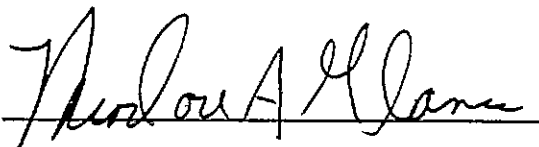
Mr. Keefer: I am here to see how the supervision process is going to be changes, particularly the test score. I think it is a good idea. I really don't have anything else.

Mr. Stone: I would like to know how this relates to the new licensure law to stop the licensing of sub-doctoral practitioners.

Mr. Slaughter: These are Rules and Regulation, the law is totally separate and not of concern here.

If there are no further comments, we can talk among ourselves but I would like to conclude the meeting if no one has anything more to present. Any questions or comments? None, then this meeting is adjourned.

10:35 am



prepared by:

Theodore A. Glance
Executive Director



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS
Attendees at the Charleston Public Hearing

Jeffrey Harlow, WV Psychology Board
Gail Michaelson, Assistant Attorney General

Marsha Newman, Supervised Psychologist, Logan General Hospital
Tammy Alderman, Supervised Psychologist.
Nancy Rogier, Psychologist
Candy Gardner, Psychologist
Scott Coleman, Fred Krieg and Associates
Fred Krieg, Psychologist
Beverly Winter, School Psychologist
John Koch, Psychologist
Elena Moffatt, Supervised Psychologist
Elizabeth Evans, Psychologist
Robert Childers, Psychologist
Janet Adkins, Psychologist
Michelle Akers, Supervised Psychologist
Angela Sabo, Supervised Psychologist
Carl Adkins, Cammack Child Center
Lois Holloway, Psychologist



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

Comments and Responses to Series I, Fees from public hearings

No comments were made directly to any fee increases.

The Board discussed the proposed increases and decided to keep the fees low and institute the Special Assessment Fee if it is needed.

WEST VIRGINIA BOARD OF EXAMINERS OF PSYCHOLOGISTS

DATE: 8/1/96

TIME: 4:35 P.M.

SUBJECT: Public hearing into the matter of some proposed changes in the legislative rules and procedures is being conducted.

Jeff Harlow: "John Koch asked a question about whether or not supervisees were full-time or part-time, and I'm going to read the clause which is on page 16 of the last set of rules and regulations."

Licensees shall not supervise more than four applicants and/or individuals specified in 17-3-8.2B or D.

"Dr. Kreig pointed out that there is also a reference to this on page 15, Section 8.3, and it reads:

Licensees shall supervise no more than four (4) candidates per licensure (those individuals identified in 17-3-8.2A) or psychological assistant technicians and psychometricians (those identified in 17-3-8.2B and D) or any combination thereof.

The question put forth by John Koch and clarified by Dr. Kreig, is whether or not it needs to be a full-time person, and if you had three people who were a third-time, would that count as one, and the Board will take that point under consideration and address that when we have our meeting to finalize the rules and regulations. I'm curious as to, John, what do you think it should be?"

John Koch: "It would seem reasonable to me that you would include some equivalency so that if what you are trying to solve is supervisor's time being spread thin, that you could have four people 40 hours a week, 160 hours a week, that if you needed eight people to get the 160 hours a week, you could do that. That would be not taxing the supervisor's time requirements, or whatever it is you're trying to address, any more than the four people doing 40 or 50 hours or whatever. You don't relate it to hours so that you could have four people doing 50-hour weeks, you could have 200 hours being supervised meeting that same thing, and I don't know if that is what you intend or what problem it is that you are trying to assume, put putting the

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psychometrist under this, too, I think you are going to run out of supervisor capability. I don't think they ought to be counted as supervisees in the same way that the other people are. I think that needs to be rethought. And you may just want to do some numeric projections about how many supervisees and psychometrists there are in the State and how much more time would be required to do what you're proposing to do. Have you all done that? If you look at what would be the time requirements if we implemented what you're proposing based on today's functioning of people, how would that work out. Basically, you haven't said in this, I don't think, like if we're supervising psychometrists, what exactly do you mean, is that two hours/40 or what is it? What you need to do in terms of supervising them I presume is different than what you do if you're doing people that are preparing reports and doing the more broad range of activity."

Fred Kreig: "First thing I'd like to do is, I wrote all of the Board members a five page letter that I sent certified to the Board members regarding this issue, and actually, John, I addressed that issue of supply and demand, and what I'd like, Jeff, is a copy of that letter to be entered into the Public Record. I'd like first, before any of us speak, I'd like to know what the intent or purpose of limiting the number of supervisees is. What is the Board trying to accomplish by putting in that regulation, and several other concerns, but it seems to me that we can't answer any of the questions until we know what the goal or purpose of doing that is. At the time I wrote this, I wasn't aware of the information about supervisees for psychometricians or for the restricted people who didn't pass the exam. So I wrote this letter saying, 'It is my understanding that the Board of Examiners and Psychologists are considering restricting the number of potential supervisees a psychologist may supervise, I am writing this letter to address my concerns with that proposed restriction. First, I believe the restriction to limit supervisees will make it more difficult to secure supervisors for individuals that need service. As an associate professor of psychology at WV Graduate College, I am aware of the fact that our recent graduates are already having difficulty securing supervisors.' I then went on to talk about the process of supervision in terms of what the Board has done, and should share with some of you that several years ago, Jeff, when you were president of the Board, I actually did a supervision of eight people in a group as an experiment, which worked out very well, and which the Board was looking at rather than one-on-one, and now this seems to

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be kind of a change in reverse position on that. I also checked with the APA, and found out that they recognize supervision as a professional occupation. That is, you can be a full-time supervisor according to the American Psychological Association if that is how you choose to spend your time. There are other issues that I point up here regarding the school psychology independent practitioner license and some regulations that have come about as a result of that, that have restricted and made, in fact, you can no longer count the independent and the clinical at the same time, so that also extends the number of people needed to do supervision, and my concern is that we'll have a huge demand for psychological supervision, and a very, very strict supervision about how many people can do it. I wanted to know what the national standard was for the number of supervisees in other State Boards. I just know the social workers just sent a letter to the Social Work License people asking them to restrict their people to 15, which is different than four, and my concern is that in the last several years there seems to be a very strong movement to restrict the number of people at the Master's level who can get licenses, and I think that we have several times tried to get a bill through the legislature and we keep fighting about that, and that now by rule what we're doing is basically the same thing, that we're going to make it more expensive, we're going to make it take longer, we're going to make it harder, and as soon as you get supply and demand, Economics 101 says supervisors are going to charge more because there are going to be fewer who are willing to take the liability that goes along with supervising somebody without being reimbursed, so they're going to charge the people more. The Board is going to raise the fees for every single part of the process, and what happens, therefore, is it becomes more and more expensive for a master's person to get a license and more and more difficult to get it, and so the burden is going to be on master's level people, and that affects us at the Graduate Program in terms of student enrollment and those kind of issues, but it also seems to me it's an attempt to get through in regulations what we haven't been able to decide in the Legislature. In addition, the change in the regulations regarding independent licensed school psychologists has produced the same kind of effect. I think that rather than being negative, let me be positive, what I really think should happen is that we should all get our act together, and by that all I mean the Board, the West Virginia Psychological Association, the West Virginia School Psychological Association, get together and produce a new bill that we can all live with and all support that rather than try to make a new law by regulation rather than going through the legislative

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process. Some questions I'd like to ask are again, 1) what is the purpose and intent? 2) Is there Board agreement on these proposals? 3) Has the Attorney General's office been contacted, because according to the way it looks to me, there is a restraint of trade issue here according to APA, 4) I'd like to know what's the time line, what's the grandfathering provision? and last, but not least, 5) If we have to supervise our psychometricians by being on site, does that mean that the Medical Board is going to tell nurses that they can only draw blood when a physician is present in the hospital? If psychometricians just are technicians, why do they need two hours of supervision, when they are not interpreting, they're not scoring, they're just administering, they're just drawing the blood. I am concerned about that issue, too. I think there are a lot of questions in this proposal that need research. What is it in other states, what does APA say about it, what does the Attorney General say about it, is it a restraint of trade, and is the Board opening itself up to a law suit from every single master's level supervised person in the state? Is there going to be a restriction on the amount of money supervisors can charge supervisees, or are we going to let the marketplace and supply and demand direct that? I think there are many, many issues here, and again, I would propose that instead that rather than doing this through regulation that we get one bill together to make it work."

Jeff Harlow: "First of all, there is not one clause in here in the proposed rules and regulations that address the issue of whether or not master's people should be licensed. That's just not in there. The reason we started looking at supervision is the majority of supervisors have less than four supervisees. But there are some people who have a great many supervisees, and the current rule for supervision of supervised psychologists is that there must be one hour of direct supervision between the supervised psychologist and the supervising psychologist for every 20 hours of work. So that has not changed, that's been in effect since 1971, or for a long time. In terms of following the rules and procedures for making rules and regulations proposed changes, we have followed them to the tee. We have registered the rules and regs with the Secretary of State's office and they have been published in the State Register, and, as a matter of fact, the Secretary of State's office told us that we didn't even have to have public hearings, but we said we want to have public hearings, we want to give people their say, and we are going to take into consideration everything that is said in the hearings when we go into finalize the proposed changes. We are following the

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procedures and legal steps. What motivated the Board on this issue in terms of placing a limit, is that if someone was supervising ten people, ten supervised psychologists and they were full-time, that means that individual would be doing 20 hours of direct supervision face-to-face per week. That just seems to be untenable unless that was their full-time job. If that's all they were doing, then it seems like it's logical that the supervisee would be getting the supervision required by law.

Fred Kreig: "You say a 20-hour week is a full-time job?"

Jeff Harlow: "No, I'm saying that doesn't leave you much time for the rest of your practice or whatever business you're in. The Board is trying to assure that people get adequate supervision."

Janet Adkins: "In supervising more than one person, every hour does not have to be one-on-one, face-to-face, does it? What I last understood was that each of the supervisees needs to have at least one hour of the two hours a week individual, face-to-face. So that they're having two hour supervision for a 40-hour week, that you could have more than one supervisee at that hour. This is clinical psychology."

Jeff Harlow: "I think what happened is when we did the experiment when we were doing the school psychology supervision, when the school psychology law was written, and there was real crunch in terms of getting these people supervision because they were working in the schools, but what they needed was some private practice-type supervision, so we worked with Fred here, and he had already had a group going doing this type of supervision, and so we allowed some of that supervision in that situation. Now I would have to read in here, I'm not sure that we ever changed the rule to read that one hour of the two could be in a group setting. I don't think we did, but that's something we should consider when we're doing this round of regulation alteration."

FRED KREIG: "That was a proposal, but never adopted. We really are one hour for every 20 hours face-to-face, one-on-one. That was discussed several times when that experiment was going on because it was working, but never adopted as a rule. So when you look in there, I'm pretty sure it says, 'one hour for every 20 face-to-face, one-on-one.'"

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Jeff Harlow: "One other thing I wanted to mention, and this is completely different from this topic, but I didn't say it in the beginning, one of the other major changes that we are making or proposing to make is that the cutoff score for the national exam will be 70%, which is a score of 140, and it will be consistent. It will stay that way every time, and that the cutoff for the NASPT Test will also be 70%, and I believe that figure is 640. Is that right, Bev?"

BEVERLY HUNTER
"No, it's..." (*undecipherable*).

Jeff Harlow: "We're going to write it as 70% so that we will be consistent with both tests."

BEVERLY HUNTER:
"I just wanted to speak to that issue because I checked with that at the delegate assembly and the NASP exam, I don't know about the EPPP, but I do know their test design and the way they construct and the cutoff score, the test publisher, which is the Educational Testing Service, feels like that in itself is valid, and to deviate from that would not be good test practice. I don't know if you recall, because I had asked that question when the licensing bill was being changed, to see if it could be consistent with EPPP, and they threw a fit at the Educational Testing Service to the point that, I don't know if you remember me calling you and saying you were going to have to call them, and I asked a question and they followed that up and they weren't going to be happy until they talked to the Chair Person of the Board of Examiners, and I would suggest that part, I don't have copy of the proposed rules and regs and I'd like to get a copy of that, but I would suggest that part of it be reworded just to state that the passing score would be determined by that testing service, because apparently in their design of that test, they made certain decisions about how they would even come up with that, and they feel like unless we can count on a statewide with that and documentation why we would do that different, then to do otherwise. Just arbitrarily say we were going to do so smacks of very poor practice. I will just be honest with you, and I didn't know if you remembered that or not, but I do, so I would just stay with whatever it is and it's gone up since the original people went through, and that was my main purpose of coming here. The only other thing that I wanted to say was that I would suggest that you reconsider that a person that is trying to do private practice licensure for school psych. and clinical, could combine at least two of these

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five years. Because there is a point that it is very similar, some of the things that you do. I was in that group with Dr. Kreig and those eight people, and there was some strength to that. People could talk about issues and things that I haven't even encountered yet, but I know that when I do that, I will have at least of had some discussion on it. I don't know if I every would have talked to Dr. Kreig about that had someone else not come into the group with that, and, of course, we had all been working for a while when we went in there so we weren't back on some of the more basic things you would probably start off with somebody. I would say at least toward the end of the five years you could collapse that, and collapse people in a group as well. Collapse the two, the supervision for license clinical if you were in your area, say children or school, whatever would be parallel, and collapse professionals with so many years of experience into a group for supervision."

Fred Kreig: "I want to go back to that experiment because I think there's a lot the Board learned and said it was going to do as a result of that, that I would like to see incorporated. First of all, what I heard you say is the purpose of this is the quality of supervision, and at that time, we had huge discussions about the quality and how you get quality supervision. There are several issues in quality. The Board said at the time that they were going to offer training for supervisors, that they were going to try and get together with WVPA. I had written an article that I had shared with the Board at that time about supervision in that there are some key elements, and we should train our supervisors. They are the agent of the Board of Examiners, and we need to make them the best possible supervisors they can be, because the role of the Board is to provide and to protect for the public and make good psychological services, and that means good supervision. There is some benefit that you get in a group that you don't get individually. There are some things that occur over time, and the Board has looked over, the 20 years I've been involved, that at one point it used to be eight years to get a license, and they cut it to five years because it turned out the time requirement was not near as important as the quality. I would like the Board to look at, and here are some issues that I would like to identify, 1) the forms we were operating were adopted about 15 years ago as a temporary draft edition of the supervision forms; they're horrible, and everybody has admitted they're horrible, including the Board at one point. We need to redo the forms, we need to look at issues we are examining and find out what is the best way that we can examine the issue of quality supervision.

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So my issue with the Board is we need better forms that can document what you have done. We need a process, we need training for supervisors. I like the idea that the Board is taking that quality supervision protects the public interest. However, the Board is making a huge mistake when they think that quantity and quality are related, because the fact is that an experienced clinician, an old-timer whose been around 20 years, has a lot to offer somebody, and if you spread it around, you're going to end up with people with less experience. I've stopped practicing in terms of patients because I like doing supervision, it fits my role of teaching at the university. I think I'm good at it, and the fact of the matter is, it's the most interesting thing because I always get everybody's problems. I would encourage old-timers, if you have the experience, to take the hardest cases, and that's what you get in supervision. Somebody could be a full-time career supervisor. Another thing I want to share with you, and I appreciate the joke of 20 hours, I work 60-80 hours a week, I do my first supervision at 7:00 in the morning some mornings and my last one at 9:30 at night. Last night I was in Wheeling and finished supervision at 11:10 p.m. Board members have called me at 9:30 at night, and they can talk to the supervisee if they want. I'm not seeing patients at 9:30. I think that we should very, very much work on the issue of quality supervision, but I think that the assumption that the Board is making that quantity and quality are directly related is not supported in the literature, and, in fact, you can be a professional supervisor. Read a book like Ann Alonzo's book on the quiet profession, for example, and it talks about those issues. I think we need to do a better job of training our supervisors and I think the Board should take that position."

Jeff Harlow: "Before we go any further, I want to clearly and emphatically state that in no way was any of this based on the Board's motive, which they don't have, to create a new doctoral licensure law. This has nothing to do with that. That is not our intent, that is not our motive, we are addressing some issues that we wanted to address in the licensure law and, in fact, we did write into the licensure law, like the passing exam, etc., but our motive is not to rewrite and write out master's people and do it through rules and regulations. That is just patently ridiculous, it's untrue, and I think it's an affront to the Board. That is not our motive, that's not our purpose, we don't want to do that. I can say that without even talking to the other Board members because we've talked about it a lot, and some of you may or may not know a couple

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of the Board members were opposed to the licensure law for doctoral candidates only. So that's just not true."

"What I'd like to do at this point is pass the recorder around to the people who have not spoken and give them a chance to speak. I would like you to identify yourself for the tape, and somebody keep an eye on the tape."

Candy Gardner: "Somewhere along the way, and I remembered at the spring business meeting, was it just an assumption that you couldn't have more than three. Just historically I've always heard that you could not have more than three supervisees, and when I started my supervision in 1978, I had to wait for someone to finish so that the psychologist at Fairmont State College could take me on because he thought he could only have three. Was that just something unwritten? When I was at Shawnee Hills, I didn't get supervision for a couple of months because some guy had three."

Jeff Harlow: "I do believe at one point that I do remember . . . there was an informal unwritten understanding that three was the limit, but that's all I know about it. There was never anything in the rules and regulations . . ." (*Undecipherable*).

Candy Gardner: "I think it's an incredible task to try to regulate quality and I think that's a difficult task for the Board. Since I've been at Highland Hospital I get to read psychologicals from all over the place, even some of my old ones, and people have signed off reports that I feel fairly certain had they read them, they would not have signed them. I remember the supervision at that time, we were concerned about people just rubber stamping things which has to do certainly with quality. I think those types of supervisors, whether they had one or ten people, would probably do that. And I just wondered if there is some mechanism, how do you regulate that?"

Tammy Alderman: "I'm a supervised psychologist and I'm here to see how these proposed changes will affect me. I'm particularly interested in finding out about the time constraints as far as how long you have to become licensed. My understanding is that there are some proposals to limit the time that you had. I was interested in that."

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Alana Moffit: "I'm a supervised psychologist, and I'd like to know when they are going to implement that 140 cutoff for the EPP."

Jeff Harlow: "If the rules and regulations are approved by the legislature, they would go into effect probably at the end of the next legislative session."

_____ : "Will there be grandfathering for people who are presently under supervision or will they have to find . . ." (*undecipherable*).

JEFF HARLOW: "Grandfathering? What do you mean 'grandfathering?'"

_____ : (*Undecipherable*).

Gale Michaelson: "I'm with the Attorney General's office. I represent the Board, but I'm also here to see that all the proper procedures are being followed in this open meeting about the rules and regulations."

Betsy Evans: "I have a private practice in Huntington, and I just am here primarily to listen as a member of the Executive Committee of WVPA. Just here to kind of hear what everybody has to say about this. I guess there is still a little bit of confusion, I can just validate what Jeff said about the Board. This was done, we found out about it in terms of legislative issues, there is no connection. The rules and regulations came to us as proposed, came to WVPA a couple weeks ago, which is long after any thing regarding the proposed licensing law change, but that's been under discussion for many, many years, and just wanted to say, Dr. Kreig, that I'm not really sure if it's possible to design a law a whole lot different than the one that's been under consideration for the last several years. I would be kind of interested to hear if you have a different proposal for that."

FREA KREIG : "For the people who came in late, it is to require the supervisor to also provide supervision for psychometrists, so those of you who are under supervision are going to have to compete with psychologists for the person's time, and the count limit of four people. If I have two or three psychometrists, in my case, I use a number of psychometrists one day a month or two or three days a month, and that might use up

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my four people if you go with what you are proposing, which I think we were talking earlier before some of you came in about looking at the supervision requirements in terms of hours of work supervised maybe as a substitute for just the same number. That's why I think . . ." (*Undecipherable*).

Jeff Harlow: "Let me pass this on so we can get this phase, and then I will address that issue."

Bob Childers: "I just have one question in looking through here for the proposed changes. I see where it says 20 direct hours for standard level psychologists in terms of CEU's, whereas for school psychologists, it has 30 hours. Am I missing something there in terms of what is the discrepancy there, what is the purpose for this discrepancy?"

Jeff Harlow: "Technically, there is not a discrepancy because the school psychologists are relicensed every three years, so it's 10 hours per year, and the 20 hours is for every two years, which is 10 hours every year. We talked about equalizing the number of hours, because when you and I and Karen wrote the law, you all wanted it to be the 75 hours from the NACT or whatever it was, and then after we got down the pike and everything was in effect, we all kind of realized that's not fair, it should be the same number of hours."

_____ : (*Undecipherable*) . . .

Jeff Harlow: "Now in terms of the supervision of the psychometricians, there are some Board members that are going to propose that instead of doing that, that what will be required is we will set up some minimum qualifications for psychometricians meaning that they must at least have like a high school degree, and preferably they have some psychology college courses, but at the minimum of a high school degree, because we found out about a couple who don't even have a high school degree. In addition to that, that the psychometricians undergo some training, like a three-hour seminar or something, to become psychometricians and that they have to refresh this training maybe once every two to three years. As it is now, there are absolutely no regulations or requirements of the psychometrician and there is no requirement for

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them to have any kind of training or keep training, and I think that would address the issue that the Board is concerned about is that we have gotten feedback that there are some psychometricians that are undertrained and maybe not doing the best work that they could do. In my opinion, if those kind of proposals were enacted, we wouldn't have to have the two hours a week of direct supervision. I think there should be some amount of direct supervision requirement, and I'd like to ask you what you think would be an appropriate amount."

John Koch: "It seems like you're . . . why don't you kick the butt of the supervisors. You can't ever get away from the fact that if the supervisor doesn't care, and you guys don't make them care. If you have a complaint that somebody misscored somebody, doesn't the final protection of the public come down to you guys calling the person whose name's on the report in and counseling them about what's being done wrong. No matter what you do otherwise, . . ." (*undecipherable*).

Jeff Harlow: "I agree John, that there is some merit to that argument, but don't you think that there should be at least some minimum requirements for psychometricians? The way it is now, you just hire them, they're not required to have any training or any qualifications really."

Candy Gardner: "Does APA have any standards for psychometricians?"

Jeff Harlow: "To my knowledge, the answer is 'no.' I'm going to go to the National Association of Licensing Board's meeting in October, and I know that some states in their licensure law have standards, they have requirements. Before we get into this, I would look at the other states, I'm not going to wait until October, I'm just going to call some people I know and find out what they're doing. I want some feedback from you on those ideas, maybe like a minimum high school degree, and maybe three hours of training when they start out, and then an hour every two or three years."

Candy Gardner: "I just have had one psychometrician in my life, it turned out to be a graduate student at COGS. He does not administer any tests that he has not had a graduate class in."

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Fred Kreig: "Just let me comment on that, as a graduate faculty member, and that is we're having trouble especially on tests like the Wechsler where they have to do ten of each, getting teachers to teach it because of the amount of time. If you put a requirement in there that we have to have those classes for other people, we're going to get _____. I want to make a comment on the issue of quality is absolutely the issue. The question we have to address is what's the best way to get quality. I'd like to know what other associations are doing, what other states do, to look at that issue."

Gale Michaels: "I can say that the Omnibus bill that just passed, which speaks out on the WV code which Chapter 30, Section 1-1, states that any Board that falls under Chapter 30, in which your Board falls under as well as the psychometricians, are they mentioned in your statute?"

Jeff Harlow: "The only thing we say about them in the old rules and regs is that if a licensed psychologist employees a psychometrician, they must notify the Board of what they have done."

Gale Michaels: "My point is there is a lot on psychometricians in these regs and the scope of the regs are Chapter 30. The Omnibus bill does state that everybody included in Chapter 30 has to have some kind of continuing education requirement. Beauticians now have to have a continuing education requirement. You might be able to get out of it, but I'm just telling you the wave is to have some continuing education."

BETSY EVANS: "A good way to address that, because they do these at national conferences and I can never get to one of these workshops, but they have at every conference workshops on people who are supervising psychologists. So maybe that could be something that the Board of Examiners could develop a workshop. The State Psych Association has two conferences a year and perhaps one of those every year, that could be a workshop and those people could have some training, too, to be supervisor."

Jeff Harlow: "We did have one of those. On the psychometricians, what I'm proposing is that at those conferences, both school psych and psych, that the Board

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would make arrangements for someone, I don't think it has to be a Board member, but that someone would have a three-hour seminar for psychometricians and training them to do what to do, and they're required, especially when they are first hired, they have to get one of those. Maybe every three years they have to go for an update, something like that. I still haven't heard whether you think that's a good or a bad idea."

CANDY GARDNER "I think it's a good idea."

Betsy Evans: "I think that a high school diploma is appallingly low. I think that is too low a standard given that when people are coming for this kind of evaluation, you really want somebody with a little bit broader range of experience and training to know what's not going right. If everything goes okay, that's not so bad, but if something doesn't go well, then it seems to me that a high school diploma would not be enough. I always thought that you had to have minimally a college class, graduate level class, in administering an IQ test. I didn't know there was such a thing as an undergraduate class in administering an IQ test. It seems to me that would be too low."

BEVERLY HUNTER: "I just want to clarify one thing, when I was talking about workshops for supervision, it was to train supervised psychologists so that you were going to get through people who are candidates to be psychologists that you feel like were appropriately certified, and I think that you know enough from meeting with people and oral examination to know which people seem to come through best prepared, and what people seem to be meeting those needs best, and maybe if other people knew that, they, too, could do that as well. As far as the psychometrician, school psychologists don't use them, we can't, it's because of our legal decision. So that's not an issue for us, you're going to have to have an EDS to do it, but I know the clinical people do use that routinely, but I do think you should have a college degree and course work in test administration before you are a psychometrician."

JOHN KOCH: "I've used a couple people that were trained by another psychologist a couple of times and they did okay. It would seem like to me instead of getting hung up in credentialism, maybe we ought to have something where the person would come

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in after some training, and score five tests, and if they do it right, you let them do it, and if they do it wrong, you send them back to recycle through their training or don't let them do it. That's a test that actually measures the competency to do the job rather than how many years of schooling that you have. And particularly I think for some people in rural areas, where it's not easy to hire a college graduate trained in this stuff. It seems like to me what you ought to measure is whether the guy can do the job or not, rather than whether they've been to school."

NANCY ROBIER: "I guess it's your license, whoever's license is on the line, whoever signs off on that if they use a psychometrician, but I myself think that in giving that test, you learn a lot about that person beyond their particular response on that item. And I can't imagine signing off on a report if I didn't test the kid. That's my background and the way I was trained."

FRED KRISIG: "I don't want to get into the argument of how much training, I think that can go to a task force. I'm really concerned with John's opening question, and I want to change hats, I obviously have some vested interest in this, but my other part is, I'm concerned that there won't be enough supervisors, that if you restrict them to the psychometrician who they can hire at a Bachelor's level for whatever, and versus taking the role, and I don't charge for supervision because my supervisor didn't charge me, and I really believe that a professional responsibility for all of us, so that the profession can grow, is supervision. I think you have to be good at it, and some are better than others, and I have to tell you, I never supervised anybody until the 90's. I really didn't. I never had anybody that I supervised until the 90's after I was at for 15 years. I think that if this law goes into effect, and I have a psychometrician, and people forgot also if somebody's out five years and doesn't pass the exam, they count as one also. That's the "D" status. There aren't going to be any supervisors around. Supervisors need to understand that not only do you take the responsibility when you sign the report, you take the liability in a very litigated society. So when you supervise people, you're liable for what they do. Who's going to do this? Who's going to help us? I have license #141 and there are only a few of us around, but I will tell you at the Graduate College, we're turning out a significant number of graduates a year now, and where are they going to get supervision? I had a student come to me today and say, 'I can't find a supervisor.' Who's going to do it? Second issue, and I want to address this to you, is I wonder if there is a restraint of trade issue here?"

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MICHAELS : "I couldn't answer that, but I will say this, in talking about protecting the public health and welfare, there's a different standard. So there may not be, but don't quote me on it. I can look at it when I get back to the office, but I don't think so."

_____ : "Can there be a restraint of trade if he is not charging for the supervision?"

FRED KREIG : "First issue is, I have practices in three places and I supervise for a living. If they put this law in, I have to change the way I make a living including the investment in two other offices I've got, or hire someone to do something I was doing myself, which is an option, of course, I have. The question is, I'm a control freak, and I want to supervise everybody that does my work. And I'm picky, and the answer is that I was there at 11:10 fighting with my supervisee about the format of the psychological. My point is that it would significantly affect the way I'm making a living and my attorney tells me, 'Let them do it, you'll get rich.' And his answer is because I have a considerable investment, my concern is, I'm willing to switch, I'm not really interested in litigating this. What I'm really interested in is the concern that we're going to have a huge problem in the State. I have to tell you that I'm still, maybe it's because I teach, in favor of Master's level psychologists. I have a Ph.D. for the record. I want my students to continue to have the opportunity and I want the Marshall students to continue to have it, too, because we need psychologists in the State. I went to the Board in August, and my concern is every other profession is getting bigger and we're getting tighter and smaller. My concern is that in the managed care environment, it's going to affect us. I want to keep a channel open for master's level people to continue to function in this state. In order to do that, they have to be able to find supervisors, quality supervisors. I can't tell you how much I'm in support of that, but they have to have enough to be able to do it. The Board has to protect the Public's interest by allowing people to get into this tract and complete this tract. That is true that maybe it was a tale when we were going up that you could only handle three. I'd like the Board to come in and follow me around for a week and you can take two guys to do it, and we'll start at 7:00 in the morning in Parkersburg and I'll show you how you can do this. It can be done, and it can be done well. Quantity and quality are not related, and I'm very concerned about the law of supply

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and demand. I don't want to see people charging people \$200.00 an hour. You said that it wasn't a master's, Ph.D. issue, but let's go back to John's issue. If I have a choice of taking a Ph.D. under supervision that I can get licensed in a year, or somebody who is going to take me five years, I'm going to choose the Ph.D. because I can get him in and out quicker and use him because it only takes one year compared to five. A psychometrician is going to be in my financial best interest, a Ph.D. is going to be in my time best interest, master's level people are going to be affected by this law more than anybody else. The master's level people who can't pass the exam is a problem for our graduate program and for Marshall's . . ." (Side one of tape ran out).

_____ : "You asked that question, can I address that issue about the law?"

Jeff Harlow: "Let me address what Fred said again. He's made this point twice now and I will restate my point that the Board's motive is not to restrict master's people's ability to get a license. I'll give you one good example of why that is not our intent. When we looked at this cutoff score, by making it 70%, and we did a study on this, we will increase the number of individuals that pass the test. It's not a whole lot, there will be maybe six or seven a year that would now pass the test that would not pass it if we left the rule as it is. So if our intent is to restrict and curtail master's people, we would not be doing that. We will take into account Fred's argument about this and find out if, in fact, this other rule will have that effect. But that is not our goal, that is not our purpose, that is not our intent. We are taking all of this information when we meet later this month, we're going to read all this and talk about it and discuss it."

"I want to make another point that we haven't really talked about and it goes back to a question from over on this side of the room. There is a clause in here on page seven, 6-9.1, and basically what this says is that the applicant must take the written examination the first time it is offered after they are approved for licensure. Then is also says that no matter how many times you take it, you must have passed it by the end of your supervision period. If you are a doctoral candidate, you get four tries, if you're a master's candidate, you get ten tries. Here is why we are doing this, the way it is now, we have a group of supervised psychologists that have gone past the five

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years, and some of them are not even attempting to take the test, and they are content to remain in what I would call a 'quasi licensed status.' They're going to be perpetual supervised psychologists because they can't become licensed, they can't take the oral exam unless they pass the written exam. So they're out there, they're working for supervisors, usually working in their office, and they're being supervised, and they're doing what they're doing and all their work has to be signed and reviewed, and there is a place in the law which we refer back to for this clause, our previous lawyer told us that the way the law reads is that's not supposed to happen. The way the law reads is that you have the five years, and if you don't pass it, then your candidacy to become a psychologist is over. You are no longer an applicant, you are no longer a supervised psychologist. On page 14 it says 'Former applicants for licensure who have failed to pass the written examination, the allowed supervision, are referred to and assigns work as psychological assistant.' They become a psychological assistant."

Fred Kreig: "It used to be two, and then with special permission from the Board you could take it a third time. When did that change?"

Jeff Harlow: "The current rule says two with permission from the Board to take three, but in the 80's, the Board allowed someone to take the test a fourth time, and we were advised by our attorneys then that now if anybody asks us to take the test again, they can. So we did. But what we're doing now is we are codifying that or regulating that and just saying you can take it as many times as you want during the five or two year period."

_____ : "My concerns were not about passing the test so much as do I have to have five year straight through supervision. I'm concerned that if I'm taking some time off to have children or things like that, that I'm not pressured to go five years."

Jeff Harlow: "I know under the current regulations, if you went half-time, let's say you went 20 hours a week, then it would take you ten years to get supervised, but I think as far as passing the national exam, you would have to do that within the five years."

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John Koch: "Why put that burden on people, I'll tell you one thing, when you first get out of school and you're trying to put this on people, I don't know if you remember, or maybe your situation was different than mine, but I was poor as a church mouse. I couldn't come up with all this money to take and retake this thing all the time, especially if you're working part time or you have some kids, and I think the provisions you're talking about limiting time are going to differentially disadvantage women who take time off to have kids and raise them for maybe five years, until they hit school. What's the point if they can eventually pass the test and get their supervision done, what's the point of keeping these people out of the profession when they've invested all this time to get the education and have the skills. If you can't pass the test that's one thing, but a lot of people have to go off and take these special seminars and all this happy stuff to pass this test, and I don't see how it protects the public that you preclude a person who has eventually passed the test and done their supervision over how many years they need to do it. I've had some people work for me that have dropped out for 10-15 years to raise kids and weren't in the profession or were peripherally in it, or were in other states. I don't think this recognizes some of the realities of family requirements, particularly like the money. We're not throwing money at these people we hire, except maybe Fred is, I don't know. That's an issue, and mandating when you take the test when you aren't going to pay for it for them. is to me unfair."

Jeff Harlow: "First of all, John, we are not saying that you have to take the test ten times in five years, or that you have to take it four times. All we're saying is when you first apply, let's say you get out of graduate school and you don't apply for three years, but whenever you first apply, we want you to take the test. And the reason is there are people that have taken this test many, many times, and are not even close. They're getting scores in the 90's. So what we would like to do, is we would like the applicant at their first possible time to take the test so they can get an idea of where they are and what they need to do. Do they need to go back and get some more courses? Or is this just going to be impossible for them? Are they going to take it and say, 'Well, hey, I got an 89 and the cutoff is 140 and I'm not going to make it, I'm not going to be licensed.' See that's why we're saying take it that first time. Now if they don't want to take it again until their fifth year or until their second year, that is their choice, but we're saying you can take it as many times as you want, but you should take it the first time so you get a judgement of where you are."

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FRED KREIG : "The WV Graduate College, because we think this is a very good idea, although I didn't know it was in the Board's plan, the reason we have changed our comps to match the National Board questions is so our students, and our cutoff score is lower, is first of all we tell them as soon as you finish school take the National because you're as prepped as you're ever going to be. So we think that's consistent with the Board, and we're trying to work with the Board to turn out the best possible product we can. The other thing we do is give them an exam, and they should have a ballpark figure. Here's what you did on questions, and they allow us to use questions after they're two years old, so it doesn't change all that much. So we give them the questions, they know where they are, and I encourage all of them. Now just one question about, there are some employers who make their supervised psychologists take the exam as part of the condition of employment. The Board should not be as upset as it is about 8 out of 32 people passing because some people go in taking it only because that's their condition to work for the next six months so they must take it every time it comes available in order to keep their job. So we get a skewed reputation in West Virginia. We were concerned about low people doing it. We found out some employers say you must take it every time, and so that's why you have people getting 89. They walk in cold turkey to take that exam, that's not a very good idea. The other thing I want to tell you is that up until this cut in the Board, I think people needed to know that West Virginia had the highest score in the United States to pass the National Exam for the clinical license. If you look at the scores across the country. My score that I got my license on 20 years ago, and the test, of course, has changed, wouldn't pass these days because we've gotten so high up and I think it's a very good move and I want to go on record that cutting the score is a good idea. Making people have a time limit is a good idea. I'm not opposed to all the elements of this thing. I also want the Board to know that I think that the quality issue is in the line of the Board and is a very good idea. The question is how do you get the quality that we're trying to get both as a graduate school and as a Board to protect the public, and I question that part of it."

"I want to address your question about a law. It's pretty easy to kill a bill. What we need to do is get together and try to get one passed, and that takes everybody working together. When a legislature calls someone and they're told everybody's in favor of this, and they call someone and say, 'Are you in favor of this?' and the answer is, 'No,

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I'm not,' then the credibility is shot. I strongly again thing that the Board needs to work with the School Psych Association and with the WV Psych Association so that the three of us can get together and sing the same song to the legislature. And again the song needs to be we are doing everything we can to protect the public, and we also need to protect the profession because that protects the public."

Jeff Harlow: "Any other questions?"

Candy Gardner: "I agree with limiting supervisees simply because I don't believe, Fred, that most people work like you. And I think that I'm wondering whether you cannot limit it and then as a supervisor if you would like to be more professional, if there's not an option to petition the Licensing Board, then you could demonstrate to the Board how you spend your time."

Jeff Harlow: "One of the suggestions made in the Martinsburg hearing was something to that effect. It was that it would read that, 'The Board prefers or the Board establishes a limit of four, but an individual psychologist may make an appeal to the Board for an exception.' Something like that, that's not going to be the exact wording, but something to that effect."

FRED KREIG : "I'll just go on record in saying that if that were in there, because I'd like to make supervision my full-time career, besides teaching, I would be really in favor of most of these revisions with the modifications we have talked about. I really like the idea of having quality, and I would be willing, as I have in the past, to tell the Board I am willing to share writings, teach seminars. I study supervision, it's one of the things I do that's an interest of mine, and I would be willing to do whatever. I would help develop forms. I'm the first one to say let the Board come watch me work, and I also want you to know that the statement was made earlier, there is huge power in doing some group supervision, and everybody in the nation knows it. We need to look at changing that and this is the time to do it before this bill goes through, so I'd ask that you'd also do that. Look at the issue of perhaps one hour individually, and one hour in a group because in our office, even if you have a license, you have to come to supervision."

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Jeff Harlow: "One other comment I wanted to make is that recently the Board established a supervised licensed card. There is a clause in here that formalizes that process. The reason for the card is we were having people coming to us and saying, 'It's time for my oral or it's time for my National Exam,' and we basically had nothing on them. One very good supervisor called me one day and he said, 'Well, Jeff, I didn't know because this guy walked in and he presented himself as if he had been in supervision for two years, and he seemed like a reliable guy, and I just took his word for it and started supervising him.' Well, he didn't even have an application into the Board. Then two months later he calls us and says I want to take the National Exam on such and such a date and Ted says, 'Who are you? I don't even have a chart on you.' Then we called the supervisor and it really upset him, and that happened more than once, but from this particular supervisor is where we got the idea of having this card so that if somebody walks into your office you can say, 'Well, where's your card?' showing that you are in the application process."

Alana Moffit: "I want to know what is the Board doing regarding managed care, because it does affect a lot of supervised psychologists, psychologists, master's level. I've talked to many and they don't seem to want to accept anybody except for a Ph.D. Clinical Psychologist. It's affected me in the sense that I've lost clients because they said they will not pay or reimburse for my services even though I'm supervised by master's level psychologists. It's a very big issue and it needs to be addressed because you're raising all these fees and I don't know how people can afford to pay these fees with all honesty."

FRED KREIG : "I want to make one other little comment. I would suggest that you put something in the supervision change that would allow the Board to grant special options to people such as even if you don't do the group thing formally, such as teleconferencing. I think within the next couple years the way computer stuff is moving and the Internet, people using that technology and other technologies may be able to do a face-to-face without being in the same room that would allow people perhaps to get some speciality supervision from somebody in the state or maybe even out of state with your permission under a plan to upgrade their skills in certain areas that are not accessible to them in their immediate geographical area. Having lived and worked and been supervised down in southern West Virginia, there was a very limited

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amount of stuff that I had access to with just the experience of my supervisor that had I wanted to say maintain some kind of a supervision thing doing a specialty kind of thing that was outside my supervisor's range, that wasn't possible in the old days, but with the technology that's coming online, maybe you could build into the law some latitude where if people come to you with a plan to do something a little innovative, you don't have to stick to the same old stuff that they've been doing since the Stone Age."

Jeff Harlow: "In terms of your question about managed care, the Board and me personally have been a strong advocate of trying to take some form of action to amend managed care and end the proposed licensure law which was, by the way, killed by two people. I had written in several clauses dealing with managed care. But something I see a little different than you, is I think they're doing it both ways. There are some of the companies that only want Ph.D.'s, then there are other companies that only want Master's people because they are "cheaper." So it goes both ways, and my M.D. friends, both psychiatric and nonpsychiatric, they're really feeling the crunch, too. We even looked into a law in Maryland. Maryland has successfully passed a law which addresses the issue very satisfactorily and South Dakota or Wyoming, somewhere out there, they have a law where there is no managed care of any kind, which is cool."

"We're going to have to wrap this up, so Fred say a few words."

Fred Kreig: "I was going to mention I sent the Maryland bill and I have copies of that still. That's the best one I've seen. It's a freedom of choice for the consumer bill. One other thing, I do some of my best supervision on the telephone and with a fax machine. Fax me that down and let me look at that. I call them up and look at that a say, 'This paragraphs's stupid.' I had a \$45.00 supervision call from Alabama one time because my supervisee needed to get it out that day, and I don't even know if you can legally fax a signature, but I made him fax it down, read the whole thing, and then I argued with him on the phone for a while, and then I signed the draft that came through. Now there is no provision for that counting as supervision, some of my best work sometimes. When John talks about alternative methods, because we have a hard time getting stuff through, needs to look at the future about how this needs to be done.

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There needs to be quality, but there needs to be some flexibility in how that's done. I really think this need not be adversarial, and I really do think in the long run, I went into it adversarially. I really felt like I took this very personally, and I really think that my concern is both, I want Master's people to survive in West Virginia, otherwise we're going to be dead, and I want good psychologists because every one of the people who gets a license represents every one of us, and I think that's very important, and the Board's responsibility is to do that and I think there are lots of people who would help you do it, and I think that we need to put some time and effort not into making rules, but into getting a system that works. _____ in their 1989 study from the Brookings Institute said, 'The more rules and regulations you make, the lower the product,' and you need to think about that."

Jeff Harlow: "I wanted to reiterate something that Fred said on two topics. One, on a bill to deal with, or a law change to deal with managed care, and Fred has been very cooperative in that regard, that what it would take, just like with the licensure law, is it would take all the major groups, school psych, psych, the Board, and everybody out there to accomplish it, and I think there's a big opening to even bring the M.D.'s into it, and to give you an example, in that APA practice document that comes out they talked about at their national conference two years ago, a psychiatrist came into speak and they ended up with a brawl between the psychiatrists and the psychologists on stage and it spilled over into the audience, and anyway, the next president of the APA came back, or somebody from APA, and he gave this rousing speech against managed care and he got a standing ovation. So they are ready also to join with us to fight this and whether we get the licensure law itself changed or the managed care, we're going to have to cooperate and work it all out."

Fred Kreig: "I think we're ready to do that. We are really willing to work on both issues and we want one bill, and I think I have to be honest and say, we need to start now because it's easy to kill it in the eleventh hour. We need to start now, we need to politic with the people who are running for office. There is a lot that has to be done to get a bill through. It's easy to block them, it's hard to get one through."

Jeff Harlow: "I have one other comment that is unrelated to the rules and regs, but as the president of the Board, this is something that I have become aware of recently

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and it's just some advice to all the psychologists, the licensed people, and the supervised psychologists. About five years ago, a psychiatrist in Clarksburg wrote a report and sent it to the U.S. Postal Service and said that an employee who was seeking to return to her job, she had worked there for several years, she came back to her job. This psychiatrist was hired to evaluate her for job fitness. She had someone, a secretary, give her the MMPI, and the psychiatrist made her statement that he woman was unemployable based on her interpretation of a computerized MMPI, and she never met for one minute face-to-face with this lady. So her lawyer knowing he has a good case, sues and it is settled in the hundreds of thousands of dollars. In my role as monitoring ethics, I have received some rumors, no one will file a complaint, that some psychologists are doing their evaluations without ever seeing the person. All I'm saying is, I would advise you that you see them, because if you don't, you're going to be subject to this same suit."

"This meeting is adjourned."

JH/am