

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Filing St.

FILED
1992 APR -1 PM 3:51
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

#7

Effective Date

NOTICE OF AN EMERGENCY RULE

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

CITE AUTHORITY: 30-21-7

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED _____

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

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____


THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

This rule was originally filed October 1, 1991 but was not reviewed in time for legislative action due to an unusually large number of rules filed for this legislative session. The reason I waited to file the rule in October is that in previous years I had filed rules at that time and they were reviewed and passed by the legislature. In fact, when this rule was filed in October, I was told by legislative rule personnel that it would probably be reviewed in time for this session.

The emergency rule is necessary to balance the Board's budget, which uses zero state funds and is entirely supported by applicants and licensed psychologists.

Use Additional Sheets if Necessary.


Signature

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 17 --1 Penalties and Fees

Type of Rule: Legislative Interpretive Procedural

Agency WV Board of Examiners Address P.O. Box 3146
of Psychologists Charleston, WV 25331

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ NONE	\$ NONE	\$ NONE	\$NONE	\$NONE
Personal Services	NONE	NONE	NONE	NONE	NONE
Current Expense					
Repairs and Alterations					
Equipment					
Other	NONE	NONE	NONE	NONE	NONE

2. Explanation of above estimates:

Board is supported by fee payments from licensed psychologists and licensure applicants.

3. Objectives of these rules:

Provide enough funds to support operation of this Board.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None - State funds are not used.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Cost for psychologists to obtain and maintain their licenses will increase.

C. Economic Impact on Citizens/Public at Large.

None - Public funds are not used

Date: 11-14-91

Signature of Agency Head or Authorized Representative



DATE: 3-22-92

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: W.V. Board of Examiners of Psychologists

EMERGENCY RULE TITLE: Penalties and Fees

1. Date of filing: 6-21-91

2. Statutory authority for promulgating the emergency rule:

30-21-7

3. Date of filing of proposed legislative rule: 10-1-91

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

Amends

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

No

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

By law, the Board's mission is to assure that the public

receives competent psychological services, and protect

it from unscrupulous providers of psychological services.

To the extent that budget constraints hamper operations,

the Board's mission is restricted. Currently, the Board's

budget is tight.

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

Not Applicable

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

The emergency rule would enable the Board to complete
its mission of protecting the public, as described
in the response to Item six, by giving the Board the
means to balance its budget.

SUMMARY

The West Virginia Board of Examiners of Psychologists is raising it's fees to cover increased costs of operation. Zero state funds are used and the Board is totally supported by fees paid by licensure applicants and licensed psychologists.

STATEMENT OF CIRCUMSTANCES REQUIRING THIS RULE

West Virginia Code 30-21 provides that all expences incurred by the Board be paid via fees generated from licensure canidates and licensed psychologists. . Rising costs of operation cause the board to increase fees to balance it's budget.

TITLE 17 LEGISLATIVE RULES BOARD OF EXAMINERS OF
PSYCHOLOGISTS

SERIES 1 PENALTIES AND FEES

17-1-1 General. 1.1 Scope. These legislative rules establish the fees for applications, examinations, temporary permits, license renewals and registers and establish the penalties for licensees who do not abide by the Rules and Regulations of the Board. 1.2 Authority - West Virginia Code 30-21-6,7,8,9,10,13, & 14. 1.3 Filing Date - June 6, 1989. 1.4 Effective Date - June 6, 1989. 1.5 Repeal of former rule - this legislative rule repeals West Virginia Rule "Psychologists, Chapter 30-21, Board of Examiners of Psychologists Rules and Regulations, Chapter 1, Section 5 (legislative), and Chapter 1, Section 8 (a) (procedural)." 1.6 Effective July 1, 1991 the West Virginia Legislature via House Bill 2765 amended West Virginia Code Section 30, Article 21 to eliminate designation of specific fees in Section 30, Article 21. Thus, all fees may be established in Title 17, Series 1.

17-1-2 Summary of Fees. ~~2.1~~ The following fees were approved by the West Virginia Legislature effective ~~February 29, 1972~~ _____ 19__ : 2.1 ~~a~~ Application fee (whether by standard procedure, reciprocity, or verification by American Board of Examiners and Professional Psychology Diploma): ~~Fifty dollars (\$50.00)~~ Seventy-five dollars (\$75.00). ~~2.1 b~~ 2.2 Temporary permits: ~~Fifty~~ Seventy-five dollars ~~(\$50.00)~~ (\$75.00). ~~2.1 c~~ 2.3 License Renewal Fee - (every two years): ~~Thirty dollars (\$30.00)~~ One hundred dollars (\$100.00), except

for non-practicing and/or non-resident psychologists and school psychologists for whom the fee is fifty dollars (\$50.00). Another exception is for those with licenses which have been placed on inactive status who pay no renewal fee. ~~2.1~~ 2.4 Registers: Ten dollars (\$10.00). 2.5 Copies of licensure law and legislative rules: Ten dollars (\$10.00) each. ~~2.2 The following fee was approved by the West Virginia Legislature effective February 12, 1985:~~ ~~2.2~~ 2.6 Examination Fee - the fee for Examination for Professional Practice in Psychology will cover the fee established by the American Association of State Psychology Boards plus ~~twenty~~ forty ~~(\$20.00)~~ (\$40.00) for administrative costs. The fee must be paid to the Board at least thirty (30) days prior to the date of the examination. ~~2.3~~ 2.7 Oral Examination Fee for Each Examination: One hundred and twenty five dollars ~~(\$100.00)~~ (\$125.00). ~~2.4~~ 2.8 Annual supervision fee : fifty dollars (\$50.00). ~~2.5~~ 2.9 All the above fees are non-refundable.

17-1-3. Penalties. Failure by licensees to abide by the regulations shall be sufficient grounds to call for investigation by the Board and if found verified shall require revocation of the license as provided in Sub-Section (b), Section 10, Article 21, Chapter 30 of the Code; such infringements shall be subject to the legal remedies provided by the Sections 13 and 14, Article 21, Chapter 30 of the West Virginia Code.