

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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STATE OF WEST VIRGINIA
DEPT. OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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

CITE AUTHORITY: 30-21-6 (a)(3)

RULE TYPE: PROCEDURAL INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW _____

AMENDMENT TO AN EXISTING RULE: YES , NO _____

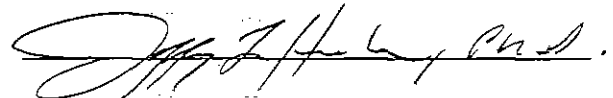
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 17-2-9

TITLE OF RULE BEING AMENDED: Organization and procedures of
the Board of Examiners of Psychologists

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 10, 1990





PLEASE NOTE: THIS SENTENCE
REPLACES SENTENCE ON
PAGE 10 (PART OF 9.5).

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

17-2-9.5

CONTINUING EDUCATION CREDITS

Licensed psychologists are required to acquire twenty (20) direct contact hours of Board-approved continuing education credits during their first two years of licensure and every two (2) years thereafter.

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STATE OF WEST VIRGINIA

TITLE 17 LEGISLATIVE RULES BOARD OF EXAMINERS IN PSYCHOLOGISTS

FILED

1990 SEP 10 AM 10:40

SERIES I 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.-W.Va. Code 30-21-6,7,8,9,10,13 and 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)."

17-1-2. **SUMMARY OF FEES.** 2.1 The following fees were approved by the West Virginia Legislature effective February 29, 1972: 2.1a. Application fee (whether by standard procedure, reciprocity or verification by American Board of Examiners in Professional Psychology diploma): Fifty dollars (\$50.00). 2.1b. Temporary permits: Fifty dollars (\$50.00). 2.1c License renewal fee (every two (2) years): Thirty dollars (\$30.00). 2.1d Registers: Ten dollars (\$10.00). 2.2 The following fee was approved by the West Virginia Legislature effective February 12, 1985: 2.2a 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 twenty dollars (\$20.00) 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 Oral examination fee for each examination: One hundred dollars (\$100.00). 2.4 Annual supervision fee: Fifty dollars (\$50.00). 2.5 All of the above fees are nonrefundable.

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 a license as provided in subsection (b), section ten, article twenty-one, chapter thirty of the Code; such infringements shall be subject to the legal remedies provided by sections thirteen and fourteen, article twenty-one, chapter thirty of the West Virginia Code.

TITLE 17 PROCEDURAL RULES PSYCHOLOGISTS

SERIES 2 - ORGANIZATION AND PROCEDURES OF THE BOARD
OF EXAMINERS OF PSYCHOLOGISTS

17-2-1. **GENERAL.** 1.1. Scope.-These procedural rules establish the organization of meetings and employees of the Board, the procedures and definitions for Board consideration and processing of applications for licensing, and the procedures for examinations notification, temporary permits, renewals and registers. 1.2. Authority.-W. Va. Code 30-21-5, 6(a)(6), 6(a)(7), 7(a)(5), 7(b)(1), 7(b)(2), 7(d), 8 and 9. 1.3. Filing Date.-June 7, 1985. 1.4. Effective Date.-June 7, 1985.

17-2-2. **ORGANIZATION OF MEETINGS OF THE BOARD.** 2.1. The Board shall hold its annual meeting each year early in June for the purpose of organizing for the following fiscal year. 2.2. All other meetings shall be called as provided for in the West Virginia Code. 2.3. The Board shall elect a chairman and secretary from its membership for the term of one (1) year, such election to occur at the annual meeting. 2.4. If, at a time that the Board is acting as an unassembled or oral-examination or investigation hearing body, either a member of the Board of an applicant before the Board judges that a member cannot act without partiality, that member of the Board may be excused from acting on that case. 2.5. No major action of the Board involving such matters as changes in the Rules and Regulations or approval or denial of licenses may be taken without the affirmative vote of a majority of the Board.

17-2-3. **EMPLOYEES OF THE BOARD.** 3.1. The chairman of the Board may employ a staff secretary, as funds permit, whose duty shall be to attend all meetings of the Board, to prepare formal minutes under the direction of the statutory secretary and to furnish such clerical assistance as may be

required for the proper functioning of the Board. 3.2. The chairman of the Board may, from time to time, on a per diem plus expenses basis, employ persons to function as consultants in such instances where the Board deems it necessary to obtain advice on substantive issues regarding the revocation of a license for reason of incompetence or malpractice.

17-2-4. SPECIAL PROCEDURES AND DEFINITIONS FOR BOARD CONSIDERATION OF APPLICATIONS MADE FOR LICENSING UNDER PROVISIONS OTHER THAN STANDARD, WITH EXAMINATION. 4.1. American Board of Examiners in Professional Psychology. 4.1.1. When a person

applies for licensing under this provision, the West Virginia Board of Examiners shall communicate with the American Board of Examiners in Professional Psychology of the American Psychological Association to verify that the candidate has indeed been awarded a diploma by that body. 4.1.2. A completed and notarized application form shall be required from the applicant to initiate consideration for licensing.

4.2 Reciprocity Provision. 4.2.1 When a person applies for licensing under this provision, the West Virginia Board of Examiners shall assume responsibility for obtaining information from the other state(s) needed to determine whether the requirements for obtaining such other license(s) or certificate(s) was (were) at least as great as provided in the West Virginia Code. 4.2.2. License or certificate is interpreted to mean only those granted by other states under statutory provisions. 4.2.3.

A complete and notarized application form shall be required from the applicant to initiate consideration for licensing. 4.2.4. Even if the West Virginia Board has a reciprocity agreement with another state, such reciprocity is not automatic. The Board only has a reciprocity agreement with Ohio. Reciprocity is not automatic, even with Ohio. All reciprocity applicants must submit documentation that shows that they meet all the requirements of the West Virginia Board, including, but not limited to, university transcripts, national exam scores, documentation of supervision, and any correspondence from licensure granting board(s) pertaining to limitations of disciplinary procedures.

4.3 Notification. When a decision has been reached by the Board, the applicant shall be informed, in keeping with the general procedure for such notification as provided for in the Rules and Regulations.

17-2-5. PROCEDURES FOR PROCESSING of applications made under the standard provision, with examination. 5.1. A completed application file shall consist of the completed and notarized application form, transcripts of all graduate work completed, endorser forms from two (2) psychologist

who are familiar with the applicant's work experience, at least one (1) of whom must be a West Virginia and/or American Psychological Association member. 5.2. The Board shall examine the transcript of every applicant to determine whether his degree was awarded by an accredited institution or higher learning with adequate course study in psychology as defined in Section 2 of the Interpretive Rules

(Series 3) of the Board. 5.3. The Board shall evaluate the acceptability of the professional experience presented by the applicant for consideration in keeping with Section 3 of the Interpretive Rules (Series 3) for the Board. 5.4. When the application file (5.1 of these rules) is complete and judged to be potentially acceptable by the Board, the applicant shall be notified in writing as to the time and place of the examinations. It shall be the duty of the applicant to inform the Board secretary in writing of his intent to appear for the examination(s), or to state the reasons why it is not feasible to appear at the time and place stated. If a candidate fails to appear after indicating he would do so, he will have to show reasons why his temporary permit should not be revoked. If a candidate is scheduled for the examination a second time and does not appear, without legitimate excused reasons, he may lose his eligibility for the examination. 5.5. Further procedures for processing applications under the standard provision are described in Section 6 of these rules, which follow:

5.3. The Board shall evaluate the acceptability of the professional experience presented by the applicant for consideration in keeping with Section 3 of the Interpretive Rules (Series 3) for the Board. 5.4. When the application file (5.1 of these rules) is complete and judged to be potentially acceptable by the Board, the applicant shall be notified in writing as to the time and place of the examinations. It shall be the duty of the applicant to inform the Board secretary in writing of his intent to appear for the examination(s), or to state the reasons why it is not feasible to appear at the time and place stated. If a candidate fails to appear after indicating he would do so, he will have to show reasons why his temporary permit should not be revoked. If a candidate is scheduled for the examination a second time and does not appear, without legitimate excused reasons, he may lose his eligibility for the examination. 5.5. Further procedures for processing applications under the standard provision are described in Section 6 of these rules, which follow:

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17-2-6. EXAMINATIONS. 6.1. The Board shall adopt the examination provided by the American Association of State Psychology Boards as part of its official examination. For licensure an applicant's raw score may not be lower than one-half of one standard deviation below the mean on this national examination. 6.2. Applicants shall also take a Board-prepared essay and/or oral examination, which shall cover such matters as professional ethics, for the purpose of determining the applicant's competency to conduct himself in a professional manner, and to probe his knowledge and judgment. 6.3. The essay and/or oral examination for each applicant shall be scored on a five (5) point scale by

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each member of the Board present at the examination, employing ratings as follows: 5.0 excellent, 4.0 good, 3.0 fair, 2.0 poor, 1.0 very poor. 6.4. A mean score of three (3.0) on the essay and/or oral examination derived from the ratings of all examiners will be required for passing. 6.5. Consideration of the applicant form and supporting material submitted by the applicant or obtained by the Board shall be considered an unassembled examination. 6.6. Although the above criteria will serve as guidelines, the final decision of the Board will be based on all available information concerning the candidate's professional ability to function as a psychologist within the requirements of the law. 6.7. Final determination of pass/fail will be based on the majority opinion of the Board. 6.8. Examinations will normally be scheduled not more than twice a year. 6.9. If an applicant fails the examination and expects to be engaged in psychological activities in the State of West Virginia, he must obtain supervision for his work, according to the specifications set down in Section 6 of the Interpretive Rules (Series 3) for the Board until such time as he takes and passes the exam at a second sitting. If the applicant fails the exam the second time, if he wishes to take it a third time, he must petition the Board for permission to do so, supporting such petition with evidence that he has taken action to correct the deficiencies which resulted in the first two (2) failures. 6.10. The Board may require an applicant to retake only part of the examination.

17-2-7. NOTIFICATION. 7.1. The secretary shall notify each applicant, by certified mail, of his success or failure on the examinations. Normally, there will be no disclosures of test scores. 7.2. In the case of denial of a license, the letter shall include a statement of reasons the Board used in making its decision and a description of the appeal possibilities open to the applicant.

17-2-8. TEMPORARY PERMITS. 8.1 The secretary of the Board is authorized to issue a temporary permit when the application is considered to meet the requirements of West Virginia Code, subdivisions one, two, three, four, six and seven, subsection (a), section seven, article twenty-one, chapter thirty. Granting a temporary permit by the Secretary does not assure the future granting of a regular license. 8.2. For West Virginia Code, subdivision (1), subsection (a), section nine, article twenty-one, chapter thirty, in addition to the completed application form, a letter of request for a temporary permit must accompany the letter. 8.3. For West Virginia Code, subdivision (2), subsection (a), section nine, article twenty-one, chapter thirty, the regular application form for licensure will be required along with whatever endorsement procedures are required according to that persons' credentials. The fee for a temporary permit must accompany the application form. 8.4. Except for unusual circumstances which have been specifically approved by the Board, holders of temporary permits under provision West Virginia Code, subdivision (1), subsection (a), section nine, article twenty-one, chapter thirty, will be required to qualify and take the examination at the next scheduled testing time. Even though an applicant holds a license in another state, a temporary permit is not automatically granted. These applicants must first prove their applications for full licensure would meet the requirements of a standard or reciprocity provision. Thus, such applicants shall submit proof of the existing license(s), any letter they have received from their Boards pertaining to non-standard licensure provisions, appropriate university transcripts, and national examination scores. 8.5. Holders of temporary permits must have such permits available for inspection on request. 8.6. ABEP and reciprocity applicants will also be required to obtain a temporary permit in order to practice in the state until the time that a regular license for the regular period can be issued.

17-2-9. RENEWALS. 9.1. License periods shall be dated quarterly (first day of January, April, July and October) and shall expire two (2) years after granting the license. 9.2. Thirty (30) days prior to the expiration date of each license, the secretary of the Board shall notify each licensee who is due for renewal. Failure to receive such notice will not relieve the registrant of the responsibility of renewing his license if he intends to continue the practice of psychology in West Virginia. 9.3. On each application for renewal the applicant must present to the Board documentary evidence of the completion of educational programs designed to improve the professional competence of the licensee. ~~These programs must be taken and completed during the license period (two (2) years) immediately prior to the reapplication and must represent at least eighteen (18) contact hours of organized continuing education experience.~~ Programs having the approval of the American Psychological

Association and its affiliated regional organizations, or of the West Virginia Psychological Association will be approved by the Board. If a complaint has been received regarding the competency or ethics of the licensee or an investigation is in progress, the renewal will not be issued until the investigation is concluded in such a manner as to satisfy the Board concerning the competency and ethics of the applicant. 9.4. The Board reserves the right to renew a license after the normal expiration date if the circumstances justify such action.

17-2-10. REGISTERS. 10.1. On or about July 1 of each year a register shall be prepared containing the names and occupational addresses of all persons who hold licenses or temporary permits in psychology. 10.2. A charge per copy shall be made to all persons requesting a copy of the register.

TITLE 17 - INTERPRETIVE RULES - PSYCHOLOGISTS

SERIES 3 - QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST

17-3-1. GENERAL. 1.1. Scope.-These interpretive rules define the qualifications of training, experience, supervision, professional ethics and responsibilities required for licensing as a psychologist. 1.2. Authority.-W. Va. Code 30-21-2(e)(1,2,3,4,5,6,7), 30-21-7, 30-21-7(a)(2,4), 30-21-1. 1.3. Filing Date.-June 7, 1985. 1.4. Effective Date. - June 7, 1985.

17-3-2. ADEQUACY OF COURSE STUDY. 2.1 A degree shall be deemed to be in psychology if the course of study was taken in a department of psychology, a department of educational psychology or a department of education and psychology, or any university department whose official designation contained the words "Psychology" or "Psychological" but not otherwise. 2.2. The term "Accredited" is interpreted to mean universities that meet standards such as the North Central Association of Schools and Colleges. In any case, the degree must come from a university whose academic standards are no lower than those of the State of West Virginia's two (2) graduate degree-granting institutions--West Virginia University and Marshall University. The Board reserves the right to investigate the credentials of a university in its attempt to evaluate an applicant's training. 2.3. When the degree is at the master's level (West Virginia Code, subdivision (3), subsection (a), section seven, article twenty-one, chapter thirty), the law clearly states that the applicant must hold a "Master's Degree in Psychology." It is expected that a minimum of twenty-four (24) semester hours of graduate credit, in courses clearly identified by title and course content as being psychological in nature, would have been required by a department in a university granting such a degree. Course study for the master's degree in psychology shall be deemed adequate if eighty percent of the required courses to earn the master's degree, excluding the practicum and master's thesis, are earned through on-campus classes of the degree granting university. 2.4. When a degree is at the doctoral level (West Virginia Code, subdivision (3), subsection (a), section seven, article twenty-one, chapter thirty), the law clearly specifies the Ph.D., or its equivalent. It is expected that, of the required course hours for the doctorate beyond the requirements for the master's degree shown on the applicant's transcripts, at least half are clearly identified by title and course content as being psychological in nature, and can be shown to have been taught by a psychologist. 2.5. The Board may interpret to be a psychology course a certain course, not labeled as psychology, but which in its opinion is psychological in content and has been taught by a psychologist. 2.6. It should be evident that applications based on an equivalent degree may require a longer period of time to process because of the need to obtain information such as that described in Subsections 2.4 and 2.5 of these rules. It is the responsibility of such applicants to prove that their degrees are equivalent to a Ph.D. degree in psychology and it is clear that the granting of equivalency status is not automatic. All equivalency applications shall be evaluated by the Board or its committee. 2.7. Graduates of foreign universities are excluded from the provisions of this regulation and the criteria for the evaluation of their formal education consists of documents and evidence tending to establish that their formal education is equivalent to a doctoral degree in psychology or educational psychology granted by a school approved by the Board. 2.8. For doctoral applications, course study shall be deemed adequate if eighty percent of the required courses to earn the doctoral