

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE March 15, 1989
ADMINISTRATIVE LAW DIVISION

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

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

RULE TYPE: Procedural; CITE AUTHORITY 30-21-5,6(a)(6)

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Organization & Procedures of the
Board of Examiners of Psychologists

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: April 14, 1989 TIME: 11:00 a.m.

LOCATION OF PUBLIC HEARING: Cannan State Resort

Route 1, Box 330

Davis, WV 26260

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Dr. Jeff Harlow

202 Glass Drive

Cross Lanes, WV 25313

The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Dr. Jeff Harlow

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 or 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 statu-

tory provisions.

4.2.3. A completed and notarized application form shall be required from the applicant to initiate consideration for licensing.

~~4.2.4. Other supporting documents will be required only if information received from the other state(s) (referred to in 4.2.1 of these rules) leaves the determination unclear as to whether the requirements were at least as great as those of West Virginia.~~
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 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 or 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) psychologists 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 of 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 follows.

§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 (1) standard deviation below the mean on this national objective 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 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 psy-

chologist 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 re-take 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 licensing will be required along with whatever endorsement procedures are required according to that person's 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 for 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. ABEPP 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 the granting of the license.

9.2. Thirty (30) days prior to expiration date of each license, the secretary of the Board shall notify each licensee who is due for renewal. Failure to receive such a 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. A license may be renewed once without examination. On subsequent applications 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 ten (10) contact hours of organized continuing education experience. Programs having the approval of the American Psychological Association 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.