



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

June 25, 1996

Honorable Ken Heckler
Secretary of State
Att.: Judy Cooper
State Capitol Building
Charleston, WV 25305

Dear Mr. Heckler and Ms. Cooper,

Please find the enclosed material which provides notice that the West Virginia Board of Examiners of Psychologists intend to change the Rules and Regulations of the Board. The Board intends to change the Procedural Rules, Title 17, Series II.

Here is a brief summary of the major changes and the reasons for the changes.

1. Change of the passing score on the written examination. Title 17 Series II, 17-2-6.

The passing score currently is a normative one, resulting a great fluctuation in the passing score, for example going from 143 to 153. This is unfair to the applicant who may take the exam on administration and fail but their score may have been high enough on a previous examination to pass. The criterion score of 140 is in line with a majority of the states and is set for all regardless of administration date. The change results in a slight general lowering of the cut-off, that is the passing score have not bee below 140, but the lowering is very slight, for example the recent testing cut-off was 143.

2. Change of when the candidate for licensee takes the written examination. Title 17, Series II, 17-2-1.1.

The candidates are waiting to take the examination and are not doing well on the examination. Requiring them to take the exam as soon as possible after their formal schooling should improve the performance on the test.

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3. Change of allowing the candidates to remain eligible for licensure after their supervision time has elapsed. Title 17, Series II, 17-2-6.9.1.

The Board was informed by counsel that the WV Code has not been interpreted correctly by the Board. The candidates are exempt from the law requiring a license to practice only for the time that they are obtaining the required supervision for licensure at their respective degree level. By allowing a candidate to remain under supervision forever after their time period has expired, i.e. for masters candidates five years and doctoral candidates up to two years, the Board is running contrary to the law.

The rule change would require the candidate to pass the examination within the required time period and if they did not, their application would become null and void and they would no longer be eligible for licensure. However, they could continue to work as a psychologist as they had been doing, under the supervision of a licensee, but they would no longer be eligible for their independent licensure.

4. Change number of continuing education hours required for School Psychology licensure renewal. Title 17, Series II, 17-2-9.3.

This brings the School Psychology renewal into line with the standard licensees.

I have enclosed the Rule with strike-throughs and underlining of the new language as required.

If you need anything further of this Board in order to set the wheels of change in motion, please give me a call at 367-2709.

Sincerely,

Theodore A. Glance
Executive Director

enclosures: Title 17: Legislative Rule, Series II

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 17

Type of Rule: Legislative Interpretive Procedural

Agency: WV Bd of Examiners of Psychologists

Address: PO Box 910
BARRACKVILLE, WV 26559

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES	30,000	-			
CURRENT EXPENSE	30,000 ²⁵		80,000 ²⁵	110,000 ²⁵	110,000 ²⁵
REPAIRS & ALTERNATIONS	0		0	0	0
EQUIPMENT	0				
OTHER					

2. Explanation of above estimates:

Fees increased to cover Cost of Executive Director Position.

3. Objectives of these rules:

Govern practice of Psychology

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. -- September 10, 1990

1.4. Effective Date. -- October 10, 1990

§17-2-2. Organization Of Meetings Of The Board.

2.1. The Board shall hold its annual meeting each year ~~early in June~~ in the Spring 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.

3.1.1. The Board may employ an Executive Director to perform duties as set forth by 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 completed 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) 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. their application should not be voided.~~

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.

§17-2-6. Examinations.

6.1. The Board shall adopt the examination provided by the ~~American Association of State Psychology Boards~~ Association of State and Provincial Psychology Boards as part of its official examination. For licensure, ~~an applicant's raw score may not be lower than one half (1/2) of one (1) standard deviation below the mean the examination on this national objective examination the applicant must correctly answer seventy percent of the questions on the examination.~~

6.1.1. Applicants must take the written examination the first time it is offered after application for licensure.

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.

6.2.1 The supervision log (as required in 17-3-9.4 of Series 3 of the Board's Rules and Regulations) of the applicant's supervisor(s) must accompany the applicant to their oral examination. After the examination the supervision logs will be returned to the supervisor.

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~~ application 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 oral 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 oral exam at a second sitting. If the applicant fails the oral 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.

6.9.1 If the applicant fails to pass the written examination within the allowed exempted supervision period (up to two (2) years for doctoral applicants and five (5) 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 and Regulations.

6.10. The Board may require an applicant to retake only part of the ~~examination~~ oral examination.

6.11 The applicant must take the written examination the first time it is offered after being approved for licensure.

§17-2-7. Notification.

7.1. The secretary shall notify each applicant, ~~by certified mail,~~ of his success or failure on the written and oral 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 W. Va. Code §30-21-7(a)1, 7(a)2, 7(a)3, 7(a)4, 7(a)6, and 7(a)7. Granting a temporary permit by the Secretary does not assure the future granting of a regular license.

8.2. For W. Va. Code §30-21-9(a)(1), in addition to the completed application form, a letter of request for a temporary permit must accompany the letter.

8.3. For W. Va. Code §30-21-9(a)(2) 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 W. Va. Code §30-21-9(a)(1) 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 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. 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. 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. 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.

9.3.1. Thirty (30) hours of continuing education credits are required for the renewal of a Level I or II School Psychology license. Programs having the approval of the National Association of School Psychologists and its affiliated regional organizations, or of the West Virginia School Psychologists Association will be approved by the Board.

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. The register will also include the names, addresses, and supervisor/s of all approved candidates for psychology or school psychology licensure.

10.2. A charge per copy shall be made to all persons requesting a copy of the register.