

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

Form #5

**FILED**  
SEP 13 9 50 AM '96

OFFICE OF WEST VIRGINIA  
SECRETARY 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

RULE TYPE: PROCEDURAL xxx INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW \_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES xx, NO \_\_\_\_\_

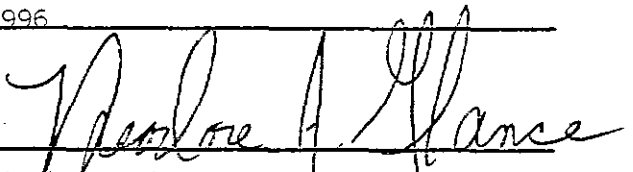
IF YES, SERIES NUMBER OF RULE BEING AMENDED: II

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 13, 1996

  
\_\_\_\_\_  
Authorized Signature

5.00

DATE: September 13, 1996

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV Board of Examiners of Psychologists

LEGISLATIVE RULE TITLE: Organization and Procedures of the Board of Examiners of Psychologists

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 was sent to each of the 583 licensees and 137 applicants in the licensure process.

---

- c. Date of Hearing(s) July 27, 1996 in Martinsburg, WV  
August 01, 1996 in Charleston, WV
- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached NA No comments received
- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)  
September 13, 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.

NA.

---

---

b. Date of hearing: NA.

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA.

---

d. Attach findings and determinations and reasons:

Attached NA.



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.

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

**Rule Title:** Organizational and Procedures of the Board of Examiners of Psychologists

**Type of Rule:**      Legislative      Interpretive   XX   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
<u>ESTIMATED TOTAL COST</u>	\$ NA.	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

**2. Explanation of above estimates:**

NA. No impact on State Government

**3. Objectives of these rules:** Meet needs of modern licensees

**Rule Title:** Organization and Procedures of the Board of Examiners of Psychologists

**4. Explanation of Overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government.**

NA.

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

NA.

**C. Economic Impact on Citizens/Public at Large.**

NA

**Date:** September 13, 1996

**Signature of Agency Head or Authorized Representative**

*Theodore A. Blance*



STATE OF WEST VIRGINIA  
BOARD OF EXAMINERS OF PSYCHOLOGISTS

Date: September 13, 1996

To: State of West Virginia  
Hon. Ken Hechler  
Administrative Law Division

From: WV Board of Examiners of Psychologists  
Theodore A. Glance *Theodore A. Glance*  
Executive Director

Subject: Procedural Rule Changes

The WV Board of Examiners has conducted meetings and public hearings for the purpose of amending the current Procedural Rules, Series II of Title 17.

The primary changes involve three areas:

1. The passing score on the written examination was changed to a criterion score of Seventy percent correct. This will make the passing score consistent from one administration to another and eliminate the passing score varying from one test to another and avoid a candidate from failing one time and the failing the next but having scored high enough to pass the previous time.

2. The licensure applicant will have the amount of time to pass the written examination as the applicable supervision time requires. The master applicant will have five (5) years and the doctoral candidate will have two (2) years to pass the written examination.

If the candidate fails to pass the examination in five or two years, whichever is applicable, the rule specifies that the candidate is no longer eligible to licensure, must perform all work under the supervision of a licensee, and sign all work as PSYCHOLOGY ASSISTANT.

3. The supervisor's log will be required at the candidate's oral examination. This will insure that supervision processes are documented as required in the Rules.

Page-2-

4. The rule will require a licensee who returns to school subsequent to getting licensed and upgrades, i.e. gets a doctoral degree, to submit the additional degree to the Board, complete all required forms, and successfully complete an oral examination BEFORE the licensee represents himself/herself to the public as licensed at the higher level, i.e. calling himself or herself Dr. instead of Mr./Ms.

5. Specifies continuing education credits for School Psychologists as thirty (30) hours or a valid NASP certification card.

Please note in previous materials on other rule changes (Series I and III), that NO negative comments were made about Series II changes.

FILED  
SEP 13 9 50 AM '96  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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~~President 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~~President 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 or contract with an Executive Director to perform duties as set forth by the Board.

3.2. The ~~chairman~~ President 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~~ Executive Director in writing of ~~his~~ their 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 an applicant fails to appear after indicating he/she would do so, he/she will have to show reasons why his temporary permit should not be revoked. the 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~~ the candidate 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 The Board, upon its discretion may approved a prior raw score of 70 % correct as a passing score on the written examination, provided the applicant petition the Board for consideration of the request.

6.1.2. Applicants are strongly urged to take the written examination the first time it is offered after application for licensure.

6.1.2 Approved applicants currently in the process who have not taken the written examination are strongly urged to take the examination the first time it is offered after the enactment of these rules unless otherwise excused from the examination by the Board. All approved applicants will have the applicable amount of time to pass the examination, that is, a master level candidate will have five (5) years and the doctoral candidate up to two (2) years to obtain a raw score of 140 on the 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~~ their knowledge and judgment ~~and to assure that the applicant appropriately limit the scope of their independent practice to~~

the extent of their training and supervision experience.

6.2.1 The supervision log (as required in 17-3-9.4 of Series 3 of the Board's Rules and Regulations) must accompany all applicant's to their oral examination. After the examination the supervision logs will be returned. All supervision logs created after the enactment date of these rules will be required at the applicant's oral examination.

6.2.2. At the applicant's oral examination, three work samples, a final report of supervision, a demonstrable competency form (completed by the applicant's supervisor/s) shall be submitted. These materials, will serve as the basis for the applicant's scope of independent practice.

6.2.3 If the licensee plans to change their scope of practice subsequent to licensure, the licensee shall notify the Board. The Board may request completion of new materials and another oral examination.

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) the candidate will not longer be eligible for independent practice. Their work must be performed as a Psychological Assistant under the direct and regular supervision of a licensee as prescribed in Series Three of the Rules and Regulations. These individuals shall not supervise any work performed by other classifications of practitioners.

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

6.11 If an licensee obtains a graduate degree, in most cases this will be a master level licensee obtaining a doctoral degree, subsequent to being licensed, the licensee is required to make application to the Board, pay all required fees, complete all required materials, and set for an oral examination in order for the licensee to be considered licensed at the new degree level.

The purpose of the process is to approve the degree as acceptable to the Board, that the degree meets all statutory requirements, and for the licensee to present new or additional competencies and professional practice intentions. Until the process is successfully completed, the licensee shall continue to present themselves a the original degreed licensee.

#### **§17-2-7. Notification.**

7.1. The ~~secretary~~ Executive Director shall notify each applicant, ~~by certified mail,~~ by mail and in a timely manner of his or her success or failure on the written ~~and/or~~ 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. 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~~their license if ~~he~~the licensee 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 or a valid National Certification card issued by the National Association of School psychologists are/is 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.