



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

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December 21, 1982

The Honorable A. James Manchin
Secretary of State
Charleston, West Virginia 25305

Dear Secretary Manchin:

I have the honor to submit to you herewith two copies of the Rules and Regulations of the Board of Examiners of Psychologists.

They are offered to you in accordance with the provisions of Chapter 29A, Article 2, Section 5, of the West Virginia Code of 1931, as amended.

I am asking you to acknowledge their receipt and to file them according to the procedures of your office. Thank you.

Sincerely yours,

Quin F. Curtis

Quin F. Curtis, Ph.D.
Chairman

QFC:sc
enclosures

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-23-82
Administrative Law Division

State of West Virginia

Board of Examiners of Psychologists Rules and Regulations

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State of West Virginia

Board of Examiners of Psychologists Rules and Regulations

Chapter 1. Organization and Procedures

Section 1. Organization of Meetings of the Board. (30-21-5) - Procedural

- (A) The Board shall hold its annual meeting each year early in June for the purpose of organizing for the following fiscal year.
- (B) All other meetings shall be called as provided for in the Code.
- (C) The Board shall elect a chairman and secretary from its membership for the term of one year, such election to occur at the annual meeting.
- (D) 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 impartiality, that member of the Board may be excused from acting on that case.
- (E) 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.

Section 2. Employees of the Board. 30-21-6(a) (6) - Procedural

- (A) 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.
- (B) 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.

Section 3. Special procedures and definitions for Board consideration of Applications made for licensing under provisions other than standard, with examination.

- (A) American Board of Examiners in Professional Psychology 30-21-7(b)
 - (1) - Procedural
 - (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.

- (2) A completed and notarized application form shall be required from the applicant to initiate consideration for licensing.
- (B) Reciprocity Provision 30-21-7(b)(2) - Procedural
- (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 law.
 - (2) License or certificate is interpreted to mean only those granted by other states under statutory provisions.
 - (3) A completed and notarized application form shall be required from the applicant to initiate consideration for licensing.
 - (4) Other supporting documents will be required only if information received from the other state(s) (referred to in (1)) leaves the determination unclear as to whether the requirements were at least as great as those of West Virginia.
- (C) Notification
- (1) When a decision has been reached by the Board, the applicant shall be informed, in keeping with the general procedures for such notification as provided for in the rules and regulations.

Section 4. Procedures for processing of applications made under the standard provision, with examination. 30-21-7(d) - Procedural

- (A) A completed application file shall consist of the completed and notarized application form, transcripts of all graduate work completed, endorser forms from two psychologists who are familiar with the applicant's work experience, at least one of whom must be a West Virginia and/or American Psychological Association member.
- (B) 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 6 of these rules.
- (C) The Board shall evaluate the acceptability of the professional experience presented by the applicant for consideration in keeping with Section 7 of these rules.
- (D) When the application file (subsection A) 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.

- (E) Further procedures for processing applications under the standard provision are described in Section 5, 6, 7, and 8 which follow.

Section 5. Summary of Fees. 30-21-7,8,9 - Legislative

- (A) The following fees were approved by the West Virginia Legislature effective February 29, 1972:

Application Fee 30-21-7(d) (whether by standard procedure, reciprocity, or verification by American Board of Examiners in Professional Psychology diploma)	\$50.00
Examination, if needed 30-21-7(a) (5)	\$75.00
Temporary Permits 30-21-9(b)	\$50.00
License Renewal Fee every two years 30-21-8	\$30.00

- (B) All of the above fees are non-refundable.

Section 6. Adequacy of Course Study. 30-21-7 - Interpretive

- (A) 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 contains the words "psychology" or "psychological" but not otherwise.
- (B) 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 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.
- (C) When the degree is at the masters level, (30-21-3), the law clearly states that the applicant must hold a "master's degree in psychology." It is expected that a minimum of 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.
- (D) When the degree is at the doctoral level, (30-21-3), the law 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.

- (E) 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.
- (F) 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 D and E of this section.
- (G) 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.

Section 7. Adequacy of Experience. 30-21-7(a)(4) - Interpretive

- (A) Acceptable experience must have involved the "practice of psychology," as defined in 30-21-2(e), and must have been performed competently at a professional level in order to be considered satisfactory in scope and quality. Experience limited to essentially repetitious and routine tasks at the pre-professional level will not be accepted, e.g., administering and scoring structured tests, computing statistics by hand or machine, or assisting an instructor in psychology courses. Satisfactory professional experiences include tasks which depend upon the application of skills, concepts and principles made available during the applicant's formal professional education, e.g., administering and interpreting unstructured psychological tests; providing clients or patients assistance in solving their professional or personal problems; designing original research projects; analyzing and reporting research data; or teaching a psychology course.
- (B) It is expected that the work described in (A) of this section would have been done under the supervision of a psychologist with training and experience equivalent to that required by this state for licensing and who would have had particular competence in the skills and knowledge in which the applicant was engaged. It is further expected that such supervision would have been conducted according to standards at least equivalent to those described in Chapter 3 of these rules and regulations.
- (C) The term "year" shall mean twelve average work months, including leaves for vacation with pay during which the individual was engaged in employment on a full-time per week basis, except that

in the case of academic employment the term "year" shall mean the number of months normally associated with full-time employment in that institution.

- (1) In case of full-time employment, the work schedule of the employing agency, clinic, institution, or organization will be accepted as meeting the requirement.
 - (2) In the case of part-time employment credit for such periods of employment shall be extended on a pro-rata basis, in such a manner that the number of hours actually worked per week will be divided by 40, and the resulting fraction shall be applied to the number of months of employment reported to determine the number of months to be credited to the applicant. Example: Applicant employed from July 1, 1970 through October 31, 1971, on an average of 20 hours per week, total period--16 months at one-half time. Applicant is credited with 8 months of experience.
- (D) The law specifies that when the degree held is a master's, five years experience acceptable to the Board subsequent to receiving said degree will be required. When experience which meets all of the above requirements and which was obtained simultaneously to pursuing graduate work toward the doctorate is presented as part of the experience requirement, the following will serve as guidelines: during a period in which the candidate was enrolled for 10-13 semester hours, up to 20 hours per week experience could be credited; when enrolled for 6-9 semester hours: up to 40 hours per week work experience could be credited.
- (E) The law specifies that when the degree held is a Ph.D., one year of experience acceptable to the Board subsequent to receiving said degree will be required.
- (F) If all requirements have been met for a degree and the only reason that the awarding of the degree has been delayed is that the University's scheduled time for conferring degrees is one or more months later, and if the candidate has begun work which meets the standards described in subsections (A) and (B) of this section, that work experience can be counted from the time that all requirements for the degree were met. In such cases verification from the department chairman or program adviser that such a situation existed for the candidate will be requested.
- (G) Independent private practice shall not be considered as acceptable professional experience for purpose of the experience requirement. Independent is interpreted to mean private practice wherein the practitioner does not maintain regular consultative relationships in regard to the handling of his case load.

Section 8. Examinations. 30-21-7(a) (5) - Procedural

- (A) The fee for the examination will be \$75.00. This fee must be

paid to the Board at least 30 days prior to the date of the examination and is nonrefundable.

- (B) 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.
- (C) 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.
- (D) The essay and/or oral examination for each applicant shall be scored on a five-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
- (E) A mean score of 3.0 on the essay and/or oral examination derived from the ratings of all examiners will be required for passing.
- (F) Consideration of the applicant form and supporting material submitted by the applicant or obtained by the Board shall be considered an unassembled examination.
- (G) 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.
- (H) Final determination of pass/fail will be based on the majority opinion of the Board.
- (I) Examinations will normally be scheduled not more than twice a year.
- (J) 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 Chapter III, 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 failures.
- (K) The Board may require an applicant to retake only part of the examination.

Section 9. Notification. - Procedural

- (A) 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.
- (B) 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.

Section 10. Registers. 30-21-6(a)(7) - Procedural

- (A) 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.
- (B) A charge of \$2.00 per copy shall be made to all persons requesting a copy of the register.

Section 11. Renewals. 30-21-8 - Procedural

- (A) License periods shall be dated quarterly (1st day of January, April, July and October) and shall expire two years after the granting of the license.
- (B) Thirty 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.
- (C) 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 (2 years) immediately prior to the reapplication and must represent at least 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.

- (D) The Board reserves the right to renew a license after the normal expiration date if the circumstances justify such action.

Section 12. Temporary Permits. 30-21-9 - Procedural

- (A) The Secretary of the Board is authorized to issue a temporary permit when the application is considered to meet the requirements of 30-21-7(a)(1, 2, 3, 4, 6, 7). Granting a temporary permit by the Secretary does not assure the future granting of a regular license.
- (B) For 30-21-9(a)(1), in addition to the completed application form, a letter of request for a temporary permit must accompany the letter.
- (C) For 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 \$50.00 fee for a temporary permit must accompany the application form.
- (D) Except for unusual circumstances which have been specifically approved by the Board, holders of temporary permits under provision 30-21-9(a)(1) will be required to qualify for and take the examination at the next scheduled testing time.
- (E) Holders of temporary permits must have such permits available for inspection on request.
- (F) 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.

Section 13. Professional Ethics. 30-21-7(2) - Interpretive

- (A) The Board hereby adopts the Code of Ethics of the American Psychological Association as part of its rules, all provisions in said code to have effect as if they were specifically promulgated regulations of the Board.

Chapter 2. Responsibilities of Licensees. 30-21-8 - Interpretive

- Section 1. The holder of a license shall be responsible for familiarizing himself with the provisions of the law and the APA Code of Ethics and functioning within them.
- Section 2. In keeping with 30-21-8, the holder shall conspicuously display the obtained license at his principal place of practice.
- Section 3. The holder shall be responsible for submitting a letter requesting renewal of his license together with a fee of \$30.00, at least one month prior to the expiration date.
- Section 4. The holder shall be responsible for keeping the Board Secretary informed of any changes in names, address, place of

employment, types of psychological activities engaged in, and/or any other changes pertinent to his licensure.

Section 5. The holder shall be responsible for submitting information and reports as described in Chapter 3 of the rules regarding persons for whom he is providing supervision.

Chapter 3. Standards for the Supervision of persons working under the direct and regular supervision of licensees. (30-21-2(e) (2, 4, 6, 7)).

Section 1. Who needs supervision. 30-21-2(e) (4) - Interpretive

(A) All individuals who provide psychological services and who are not either currently licensed or specifically exempted by law (30-21-2(e) (1, 3, 5) should provide such services under the critical observation of a person who is competent to evaluate those services. Such individuals will fall into one of three categories.

(1) Individuals who are working for the purpose of gaining the experience required for a license (30-21-2(e) (4);

(2) Assistants or technicians with less than a master's degree in psychology who would not qualify for licensing (30-21-2(e) (7); or

(3) Students who engage in activities as part of a course of study in an institution of higher learning (30-21-2(e) (6).

(B) It is recognized that persons hired by the state, county or local governments (30-21-2(e) (2) would be of the (A) (1) or (2) descriptions as given above.

Section 2. Who may supervise. 30-21-2(e) (4) - Interpretive

(A) A supervisor must be the holder of a current license or temporary permit issued by the West Virginia Board of Examiners of Psychologists.

(B) The Board may revoke the privilege of supervising upon reasonable evidence of supervisor's incompetence; for example, during an investigation as to whether a license or temporary permit should be revoked; or failure to provide adequate supervision, or failure to provide prompt evaluation of supervisee's performance.

(C) A licensee is expected to limit his supervisory obligations to an extent which can be adequately managed.

Section 3. Improper supervision prohibited; notification of Board.
30-21-2(e) (4) - Interpretive

(A) No licensee shall enter into the direct and regular supervision

of a person engaged in the practice of psychology unless he has satisfied himself that the conditions of such supervision meet the standards set forth in these requirements.

- (B) Licensees shall cease their supervision whenever persons supervised by them or firms or agencies employing such supervised individuals fail to comply with the standards set forth in these regulations, and upon discontinuing their supervision shall notify the Board in writing within ten days of such discontinuation of supervision.
- (C) Licensees shall also notify the Board in writing whenever they discontinue supervision for any other reason, notification to be made within ten days of the discontinuation of such supervision.

Section 4. Minimum standards of supervision. 30-21-2(e) - Procedural

- (A) For people described in Section 1. (A) 30-21-2(e)(4).
 - (1) Such persons must be supervised directly by a licensed psychologist.
 - (2) A minimum of one hour of individual supervision for every twenty hours of psychological activities engaged in shall be required.
 - (3) When the supervising psychologist is not a full-time employee of the same firm or agency as the supervisee, the supervision must occur at least twice in each calendar month. The licensed psychologist, moreover, shall be available to his supervisee for telephone consultation at all times during regular business hours.
 - (4) All psychological reports or other professional opinions rendered by persons engaging in psychological activities without a license shall be countersigned by the licensed psychologist acting as their supervisor.
- (B) For people described in Section 1. (A) (2) 30-21-2(e)(7) - Interpretive
 - (1) Such persons may function directly under a Section 1. (A) (1) person if this activity is made part of the discussion in the latter's relationship with his supervisor. In other words, the licensed psychologist who is supervising the Section 1. (A) (1) person is still ultimately responsible for the quality of the activities of persons under him.
 - (2) In such cases the Section 1. (A) (1) person should be a full-time employee of the agency or firm employing the assistant or technician.
 - (3) The licensee has the responsibility to keep himself informed

of all the psychological activities engaged in by the assistant or technician.

- (4) The licensee is expected to use his/her best professional judgment in determining how much time is necessary for the Section 1. (A) (1) person to spend with the assistant or technician to assure himself of the quality of services being performed.
- (C) For people described in Section 1. (A) (3) 30-21-2(e)(6).
- (1) It is expected that such students would work directly under the instructor of the course. Instructors who function only within their regularly assigned college or university functions need not be licensed. Those who function outside of those limitations, of course, must be licensed.
 - (2) In all cases, it is expected that ethical principles and procedures will be followed in dealing with the persons and materials which become part of such a course.

Section 5. Records of supervision required. - Procedural

- (A) For people described in Section 1. (A) (1).
- (1) Supervisor shall be required to keep a diary listing the time, and places of supervision separately for each supervisee as well as a brief notation of the subject-matter of the supervision without identification of the characteristics of the client or clients who may have been discussed during such supervision.
 - (2) Firms or agencies employing psychologist(s) for the purpose of supervising persons practicing under these regulations shall be required to keep a diary listing the name of supervised persons, names of licensed psychologists furnishing supervision, and the times when such supervision has occurred.
 - (3) A report of initiation of supervision shall be filed with the Board. In addition, reports from the supervisor are to be sent to the Board according to a format specified by the Board on a semi-annual basis as follows:
 1. September 1 to February 28 or 29 - report of activities due on April 1.
 2. March 1 to August 31 - report of activities due on October 1.
 - (4) Whenever supervision is terminated, a final report is due within 30 days of the termination date. The final report may also serve as one of the semi-annual reports.

(B) For people described in Section 1. (A) (2).

- (1) On the semi-annual schedule described above, the licensee will provide to the Board a list of assistants or technicians being supervised by him along with a brief designation of the principal responsibility for each such assistant.
- (2) Supervisory times and topics need not be logged in the detailed way as required for Section 1. (A) (1) people. Similarly, individual semi-annual reports of supervision are not expected as for Section 1. (A) (1) people.

Section 6. Penalties. - Legislative

- (A) 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 30-21-10(b) of the code; such infringements shall be subject to the legal remedies provided by 30-21-13 and 30-21-14 of the Code.