

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

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Form #8

Effective Date

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

WEST VIRGINIA BOARD OF
AGENCY: EXAMINERS OF PSYCHOLOGISTS TITLE NUMBER: 17

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 10-1-91

IS THIS THE FIRST EMERGENCY AMENDMENT TO THE ORIGINALLY FILED EMERGENCY RULE:

YES

IS THIS THE SECOND EMERGENCY AMENDMENT TO THE ORIGINALLY FILED EMERGENCY RULE:

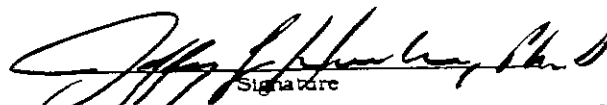
NO

DATE OF FIRST EMERGENCY AMENDMENT: N.A.

SERIES NUMBER OF RULE: 3 TITLE OF RULE: QUALIFICATIONS
FOR LICENSURE AS A PSYCHOLOGIST

THE ATTACHED IS AN EMERGENCY AMENDMENT TO AN EXISTING EMERGENCY RULE. THIS EMERGENCY AMENDMENT BECOMES EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY AMENDMENT ARE AS FOLLOWS: THE ORIGINAL 7.5c REQUIREMENT FOR SCHOOL PSYCHOLOGISTS WITH CERTIFICATION TO MEET THE STANDARDS OF 30-21-7d(2) WAS IN ERROR BECAUSE CERTIFIED SCHOOL PSYCHOLOGISTS ARE BEING GRANDPARENTED AS APPLICANTS FOR LEVEL II. THEY STILL MUST COMPLETE TWO YEARS OF BOARD APPROVED SUPERVISION AND PASS AN ORAL EXAMINATION. THE BOARD IS UNANIMOUS IN ITS OPINION TO FILE THIS AMENDMENT.


Signature

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), 30-21-1.3. 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

degree, excluding internship, practicum, master's thesis, and dissertation hours shall have been earned through on-campus classes of the degree granting university. 2.9. Adequacy of course study for a Ph.D. in Psychology is defined as including a predoctoral or post-doctoral internship. Thus, an applicant who has not had such an internship or its equivalent may be required to have an additional year of Board approved supervision. 2.10. An acceptable formal one year internship or its equivalent must meet all of the following criteria. 2.10.1 The internship was an organized training program, in contrast to supervised experience or on-the-job training, designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose is assuring breadth and quality of training. 2.10.2 The internship agency had a clearly designated staff psychologist who was responsible for the integrity and quality of the training program and who was actively licensed/certified by the state board of examiners in psychology. 2.10.3 Internship supervision was provided by a staff member of the internship agency or by an affiliate of that agency who carried clinical responsibility for the cases being supervised. At least half of the internship supervision was provided by one or more psychologists. 2.10.4 The internship provided training in a range of assessment and treatment activities conducted directly with clients, agencies, or organizations seeking psychological services. 2.10.5 At least 25% of the trainee's time involved direct contact with clients, agencies, or organizations seeking psychological services (Minimum 375 hours). 2.10.6 The internship included a minimum of two hours per week (per 40 hour work week) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with psychological services rendered directly by the intern. There must also have been at least two additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision. 2.10.7 The internship experience (minimum 2,000 hours) was completed within 24 months. The 24-month criteria may be waived by the Board under exceptional circumstances.

17-3-3. ADEQUACY OF EXPERIENCE. 3.1. Acceptable experience must have involved the "Practice of Psychology," as defined in section two (a), article twenty-one, chapter thirty, 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 preprofessional 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 experience 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. 3.2 It is expected that the work described in Section 3.1 of these rules would have been done under the supervision of a psychologist with training and experience equivalent to that required by this state for licensing and 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 Section 6 of this Series of rules and regulations.

3.3. The term "Year" shall mean twelve (12) 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. 3.3.1. In cases of full-time employment, the work schedule of the employing agency, clinic, institution or organization will be accepted as meeting the requirement. 3.3.2. 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 forty (4), 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 this applicant. Example: Applicant employed from July 1, 1970 through October 31, 1971, on an average of twenty (20) hours per week, total period—sixteen (16) months at one-half time. Applicant is credited with eight (8) months experience.

3.4. The law specifies that when the degree held is a master's, five (5) 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 ten to thirteen (10-13) semester hours, up to twenty (20) hours per week experience could be credited; when enrolled for six to nine (6-9) semester hours, up to forty (40) hours per week work experience could be credited. 3.5. The law specifies that when the degree held is a Ph.D., one (1) year of experience acceptable to the Board subsequent to receiving said degree will be required. 3.6. 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 (1) or more months later, and if the candidate has begun work which meets the standards described in Subsection 3.1 and 3.2 of these rules, the 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 advisor that such a situation existed for the candidate will be requested. 3.7. Independent private practice shall not be considered an 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.

17-3-4. **PROFESSIONAL ETHICS.** 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.

17-3-5. **RESPONSIBILITIES OF LICENSEES.** 5.1. 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. 5.2. In keeping with section eight, article twenty-one, chapter thirty, the holder shall conspicuously display the obtained license at his principal place of practice. 5.3. The holder shall be responsible for submitting a letter requesting renewal of his license together with the fee, at least one (1) month prior to the expiration date. 5.4. 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. 5.5. The holder shall be responsible for submitting information and reports as described in Section 6 of this Series of rules regarding persons for whom he is providing supervision.

17-3-6. **STANDARDS FOR THE SUPERVISION OF PERSONS WORKING UNDER THE DIRECT AND REGULAR SUPERVISION OF LICENSEES.** 6.1. Who needs supervision. 6.1.1. All individuals who provide psychological services and who are not either currently licensed or specifically exempted by law (West Virginia Code, subdivisions (1), (3) and (5), subsection (e), section two, article twenty-one, chapter thirty) should provide such services under the critical observation of a person who is competent to evaluate those services. Such individuals will fall into one (1) of three (3) categories; 6.1.1a. Individuals who are working for the purpose of gaining experience required for a license; 6.1.1b. Assistants or technicians with less than a master's degree in psychology who would not qualify for licensing; or 6.1.1c. Students who engage in activities as part of a course of study in an institution of higher learning. 6.1.2. It is recognized that persons hired by the state, county or local governments would be of the 6.1.1a or 6.1.1b descriptions as given above.

6.2. Who may supervise 6.2.1. A supervisor must be a holder of a current license or temporary permit issued by the West Virginia Board of Examiners of Psychologists. 6.2.2. 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. 6.2.3. A licensee is expected to limit his supervision obligations to an extent which can be adequately managed.

6.3. Improper supervision prohibited; notification of Board. 6.3.1. 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. 6.3.2. 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 (10) days of such discontinuation of supervision. Licensees shall also notify the Board in writing whenever they discontinue supervision for any other reason, notification to be made within ten (10) days of the discontinuation of such supervision.

6.4. Minimum standards of supervision. 6.4.1. For people described in Section 6.1.1a or these rules. 6.4.1a. Such persons must be supervised directly by a licensed psychologist. 6.4.1b. A minimum of one (1) hour of individual supervision for every twenty (20) hours of psychological activities engaged in shall be required. 6.4.1c. 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. 6.4.1d. 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.

6.4.2. For people described in Section 6.1.1b of these rules. 6.4.2a. Such persons may function directly under a 6.1.1a 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 6.1.1a person is still ultimately responsible for the quality of the activities of persons under him. 6.4.2b. In such cases the 6.1.1a person should be a full-time employee of the agency or firm employing the assistant or technician. 6.4.2c. The licensee has the responsibility to keep himself informed of all the psychological activities engaged in by the assistant or technician. 6.4.2d. The licensee is expected to use his/her best professional judgment in determining how much time is necessary for the 6.1.1a person to spend with the assistant or technician to assure himself of the quality of services being performed.

6.4.3. For people described in Section 6.1.1c of these rules. 6.4.3a. 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 those limitations, of course, must be licensed. 6.4.3b. 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 course.

6.5. Records of supervision required. 6.5.1. For people described in Section 6.1.1a of these rules. 6.5.1a. 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. 6.5.1b. 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 the supervised persons, names of licensed psychologists furnishing the supervision and the times when such supervision has occurred. 6.5.1c. 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 semiannual 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. 6.5.1d. Whenever supervision is terminated, a final report is due within thirty (30) days of the termination date. The final report may also serve as one (1) of the semiannual reports.

6.5.2. For people described in Section 6.1.1b of these rules. 6.5.2a. On the semiannual schedule described above, the licensee will provide to the Board a list of assistants or technicians being supervised by him along with a brief description of the principal responsibility for each such assistant.

5.2b. Supervisory times and topics need not be logged in the detailed way as required for 6.1.1a people. Similarly, individual semiannual reports of supervision are not expected as for 6.1.1a people.

6. Supervision for licensure in another state that took place prior to the date the candidate files application for West Virginia licensure may be partially or entirely credited to the candidate's record if the supervision meets the standards of the West Virginia Board.

17-3-7 Rules and Regulations for School Psychology Licensure

7.1 School Board Property: School board property may include buildings or office space which is owned, rented, or leased by the County School Board or the West Virginia Board of Education. It also includes donated office space or buildings and private or parochial school facilities. This regulation does not prohibit the provision of school psychology services in the student's home (i.e., homebound services) when the services are part of the school psychologist's contract with the school board.

7.2 School Psychology Representative Membership on the Board: It is required by 30-21-5a that "at least one member of the Board shall be a licensed school psychologist". This does not exclude a licensed school psychologist (Level II) from serving on the Board. Furthermore, it also does not exclude a professional psychologist who is a standard provision licensed psychologist who also possesses a school psychologists' license (Level I or Level II).

7.3 Written Examination: The National Association of School Psychologists (NASP) certification examination (National School of Psychologists Examination) shall be adopted as the examination which applicants for Level I and Level II licensure must pass. The

minimum passing score applicants must obtain shall be equal to or above one-half deviation below the mean (rounded up) for CAS examinees or their equivalents.

7.4 Supervision

7.4a Providers of Supervision For Level I Provision Applicants: Supervised experience for Level I licensure shall be provided by Level I, Level II, or, when necessary, standard provision licensees. Standard provision licensees will only be approved to be supervisors upon satisfactory documentation of school psychology experience.

7.4b Providers of Supervision For Level II Provision Applicants: Supervised experience for Level II licensure shall be provided by Level II, or, when necessary, standard provision licensees. Standard provision licensees will only be approved to be supervisors upon satisfactory documentation of school psychology expertise.

7.4c General Requirements For Supervision For Level I and Level II Applicants: (Supervised Experience) noted in 30-21-7b (2) and "Board Approved Supervision" noted in 30-21-7c shall consist of a minimum of one (1) hour of individual supervision for every twenty (20) hours of school psychology services provided by the applicant. When the supervisor is not located at the same work site, the supervisor and supervisee must meet together for a supervision session. The supervisor shall be available to their supervisees for

telephone consultation during the work day. If the supervisee is a contractor with the school board, the reports must be co-signed by the supervisor. If the supervisee is a full-time employee, the reports may be logged in the supervision record and need not be co-signed. However, all work must be reviewed by the supervisor.

7.4d Specific Supervision Requirements For Level I Supervision As Described In 30-21-7b: Supervision during the Level I process shall include all aspects of the applicant's professional practice. The aspects include, but are not limited to: evaluations, consultations, ethics, record-keeping, and professional development. It is the applicant's responsibility to maintain all forms and submit reporting forms to the Board. The duration of the supervision shall be thirty (30) months.

7.4e Specific Supervision Requirements for Level II Supervision As Described in 30-21-7c: Supervision during the Level II process shall include all aspects of the applicant's professional practice, as described in 7.4d above. In addition to the above, the applicant shall receive supervision in the provision of the independent (private) professional services. During the twenty (20) additional supervision months required for the Level II license, the supervisee must receive supervision experience which provides competency in the following: record-keeping, emergency psychology, duty issues, liability issues, abandonment concerns, confidentiality concerns, court concerns, business issues, supervision of other licensees, and professional

practice ethics. The supervisee may acquire these competencies either through actual private practice experience or through supervision preparation. It is strongly suggested but not required, that the applicant receive on-the-job experience in a private practice setting during the supervision experience. If the applicant works in a private practice setting, all creative work must be co-signed by the supervisor. It is the responsibility of the supervisee and the supervisor to adequately prepare the applicant for Level II practice.

7.4f Supervision of Doctoral Candidates: The required supervision for doctoral candidates shall include the activities as described in 7.4d and 7.4e above. The amount of time required for the doctoral applicant shall be one (1) year if an internship was performed and two (2) years if an internship was not performed.

7.4g All Applicants Shall Submit Supervision Report Forms On A Quarterly Basis.

7.5 Grandparenting:

7.5a Grandparenting Of Certified School Psychologists At Level I: All certified school psychologists have been practicing school psychology for a period equaling three (3) academic years and who possess a certificate of advanced study or its equivalent, shall be issued a Level I license upon passing the oral examination as required by 30-21-7d.

7.5b Grandparenting of Standard Provision Licensed Psychologists At Level I: Standard provision licensed psychologists may apply for licensure at Level I if they have been approved by the State Department of Education to provide school psychology services to the schools. Level I licensure is recommended for these individuals if they perform services to the schools but do not refer to themselves as "School Psychologists". School psychological services provided by these individuals shall be limited by their areas of documented competence and experience, the adequacy of which shall be determined by the Board. As required by 30-21-7d, Lines 10, 11, and 12; such applicants are required to pass an oral examination given by the Board.

7.5c Grandparenting Of Certified School Psychologists At Level II: Certified school psychologist applicants for Level II licensure on a grandparenting basis are required to have completed the equivalent of three academic years of experience prior to their application and complete two (2) years of additional Board approved supervised experience as described in 7.4e or the equivalent thereof, and pass an oral examination given by the Board. Such applicants are not required to meet the requirements of 30.21b. Certified school psychologists who have earned a doctor of philosophy in school psychology or its equivalent must meet all requirements cited in this paragraph but must only complete one year of Board approved supervision as described in 7.4e.

7.5d Grandparenting of Standard Provision Licensed Psychologists Who Practice As School Psychologists:

Standard provision licensed psychologists who are certified school psychologists are not "seeking eligibility" as independent practitioners as described in 30-21-7d (2). These individuals may possess eligibility for independent practice by virtue of their standard license. These individuals may be granted a Level II, provided they pass an oral examination given by the Board.

Standard provision licensed psychologists who are not certified school psychologists but who practice as school psychologists in a private practice setting are not "seeking eligibility" as independent practitioners as described in 30-21-7b (2). These individuals already possess eligibility for independent practice by virtue of their standard license. Such applicants shall provide satisfactory documentation of training and experience, and are required to pass an oral examination given by the Board.

7.6 School Psychologists Exemption: As described in 30-21-2g (3), a certified school psychologist who is employed as described in 30-21-2k, need not be licensed as a Level I or Level II. However, such individuals shall not refer to themselves as "licensed" nor may they offer services as a contractee to any other county board nor shall they offer private psychological services.

7.7 Continuing Education Requirements: Standard provision licensees who are grandparented by 7.5 as described above shall need only to maintain their standard license renewal requirements in order to maintain their Level I or Level II license.

7.8 Educational Accomplishments: It is acknowledged that certificate of advanced study (CAS) applicants have earned an additional twenty-four (24) graduate course work credits including an internship beyond a master's degree. The CAS (or EDS) is a six-year academic degree.

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help we can get)

February 14, 1992

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Board of Examiners of Psychologists

RULE: Amendments, Series 3, Qualifications for Licensure as
as a Psychologists

DATE FILED AS AN EMERGENCY RULE: January 24, 1992

DECISION NO. 8-92

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be disapproved. A copy of the complete decision with required findings is available from this office.

A handwritten signature of Ken Hechler in cursive script.

KEN HECHLER
Secretary of State

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SECRETARY OF STATE

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(Plus all the volunteer
help we can get)

DECISION

EMERGENCY RULE DECISION (ERD 8-92)

AGENCY: Board of Examiners of Psychologists
RULE: Amendments, Series 3, Qualifications for Licensure
as a Psychologists
FILED AS AN EMERGENCY RULE: January 24, 1992

- par. 1 The Board of Examiners of Psychologists (Board) has filed the above amendments as an emergency rule.
- par. 2 West Virginia Code 29A-3-a requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule: 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [(29A-3-a(a))].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the emergency rule decision is issued or the expiration of the thirty-five day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.

par. 6 The Board filed this emergency rule with supporting documents with the Secretary of State January 24, 1992 and with the LRMRC January 24, 1992.

par. 7 It is the determination of the Secretary of State that the Board has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.

par. 8 (B) Statutory Authority -- WV Code §30-21-6(a)(4) reads in part:

(4) Promulgate reasonable rules and regulations implementing the provisions of this article and the powers and duties conferred upon the board, hereby, including, but not limited to, reasonable rules and regulations establishing standards to insure the proper supervision of all persons working under the direct and regular supervision of a licensee under the provisions of this article, all of which reasonable rules and regulations shall be promulgated in accordance with the provisions of §29A-3-1 et seq. of this code, set reasonable fees and record them in legislative rules.

par. 9 WV Code §30-21-7d(2) states also:

(2) Such persons seeking eligibility as a licensed school psychologist independent practitioner must meet the provisions of section 7b of this article, must have completed the equivalency of 2 years supervised experience and shall complete an oral examination before the board, submit require documentation, pay appropriate fees and complete additional supervision and training requirements as determined by the board. Applicants seeking eligibility pursuant to this section must make application on or before the first day of July, one thousand nine hundred ninety-two.

par. 10 WV Code §30-21-7b further reads:

To meet minimum requirements for this license the applicant must:

(1) Have obtained a valid certificate of school psychology granted by the state superintendent of schools, have obtained a certificate of advanced study in school psychology and obtained a master's degree in school psychology from a board-approved institution of higher education, or have received equivalent training as determined by the board;

(2) Have completed at least three academic years of supervised experience in school psychology which includes a one year post degree internship or externship towards completion of the requirements for a certificate of advance study in school psychology or similar designation approved by the board: Provided, That such supervised experience shall include at least one face to face meeting between the supervisor and supervisee per month;

(3) HAVE PASSED A STANDARDIZED NATIONAL EXAMINATION IN SCHOOL PSYCHOLOGY PROMULGATED BY THE NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS OR OTHER SIMILAR ORGANIZATIONS AND APPROVED AS A STANDARDIZED TESTING VEHICLE FOR SCHOOL PSYCHOLOGISTS BY THE BOARD; (Emphasis added)

(4) Have passed an oral examination conducted by the board; and

(5) Complete appropriate application and other forms, provide evidence of credentials and pay appropriate fees as determined by the board.

par. 11 Section 7.5c of these rules read as follows:

Certified school psychologist applicants for Level II licensure on a grandparenting basis are required to have completed the equivalent of three academic years of experience prior to their application and complete two (2) years of additional Board approved supervised experience as described in 7.4e or the equivalent thereof, and pass an oral examination given by the Board. Such applicants are not required to meet the requirements of §30-21-7d(b). Certified school psychologists who have earned a doctor of philosophy in school psychology or its equivalent must meet all requirements cited in this paragraph but must only complete one year of Board approved supervision as described in 7.4e. (Emphasis added.)

par. 12 It is the determination of the Secretary of State that the Board has clearly exceeded its statutory authority in promulgating this emergency rule.

par. 13 (C) Emergency WV Code 29A-3-15(g) defines "emergency" as follows:

(g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.

par. 14 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.

par. 15 The facts and circumstances as presented by the Board are as follows:

The original 7.5c requirement for school psychologists with certification to meet the standards of §30-21-7d(2) was in error because certified school psychologists are being grandparented as applicants for level II. They still must complete two years of board approved supervision and pass an oral examination. The Board is unanimous in its opinion to file this amendment.

par. 16 It is the determination of the Secretary of State that this proposal does not qualify under the definition of an emergency as defined in §29A-3-15(g) and is disapproved.

par. 17 This decision shall be cited as Emergency Rule Decision 8-92 or ERD 8-92 and may be cited as precedent. This decision is available from the Secretary of State and has been filed with the Board of Examiners of Psychologists, the Attorney General and the Legislative Rule Making Review Commission.

KEN HECHLER
Secretary of State

Entered _____

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