

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED

1991 OCT -1 PM 4:26

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV BOARD OF EXAMINERS OF PSYCHOLOGISTS TITLE NUMBER: 17

CITE AUTHORITY WV CODE 30-21-6 (a)3

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

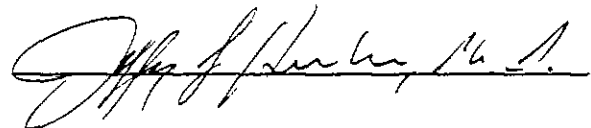
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: QUALIFICATIONS FOR LICENSURE
AS A PSYCHOLOGIST

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 17 Qualifications for Licensure as a Psychologist

Type of Rule: X Legislative Interpretive Procedural

Agency WV Board of Examiners Address P.O. Box 3146
of Psychologists Charleston WV 25331

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ NONE	\$ NONE	\$ NONE	\$ NONE	\$ NONE
Personal Services	NONE	NONE	NONE	NONE	NONE
Current Expense	NONE	NONE	NONE	NONE	NONE
Repairs and Alterations	NONE	NONE	NONE	NONE	NONE
Equipment	NONE	NONE	NONE	NONE	NONE
Other	NONE	NONE	NONE	NONE	NONE

2. Explanation of above estimates:

Board is supported by fee payments from licensed psychologist and licensure applicants.

3. Objectives of these rules:

Provide rules and regulations to facilitate licensure of School Psychologists in response to House Bill 2765.

DATE: 11-17-91

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA BOARD OF EXAMINERS OF PSYCHOLOGISTS

LEGISLATIVE RULE TITLE: Qualifications for Licensure as a Psychologist

1. Authorizing statute(s) citation 30-21-6-(a)(4)

2. a. Date filed in State Register with Notice of Hearing:

6-26-91

b. What other notice, including advertising, did you give of the hearing?

Notified WV School Psychology Association and
WV Psychological Association

c. Date of hearing(s): 7-30-91

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

10-1-91

f. Name and phone number(s) of agency person(s) to contact for additional information:

Jeffrey Harlow, Ph.D.

P.O. Box 3146

Charleston, WV 25331

DATE: 10 - 1 - 91

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WU BOARD OF EXAMINERS OF PSYCHOLOGISTS

LEGISLATIVE RULE TITLE: QUALIFICATIONS FOR LICENSURE
AS A PSYCHOLOGIST

1. Authorizing statute(s) citation § 30-21-6 - (a)(3)

2. a. Date filed in State Register with Notice of Hearing:

6-26-91

b. What other notice, including advertising, did you give of the hearing?

NOTIFIED W.V. SCHOOL PSYCHOLOGY ASSOCIATION
AND WU PSYCHOLOGICAL ASSOCIATION

c. Date of hearing(s): 7-30-91

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached ☒ No comments received ☐

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

10-1-91

f. Name and phone number(s) of agency person(s) to contact for additional information:

JEFFREY L HAKLOW PH.D.

P.O. Box 3146

CHARLESTON, WV 25331

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

7-30-91
HEARING

THE COMMENTS OF THE REPRESENTATIVES OF THE SCHOOL PSYCHOLOGISTS ATTENDING THE HEARING OF 7-30-91 ARE BEST SUMMARISED BY THE ATTACHED LETTER FROM BEVERLY WINTER, PRESIDENT-ELECT, WV SCHOOL PSYCHOLOGISTS ASSOCIATION. ALSO IN ATTENDANCE WERE OTHER OFFICERS AND MEMBERS OF THAT ASSOCIATION, INCLUDING BUT NOT LIMITED TO BETH ANN YOUNG, KAREN BINKLEY, STEVEN WAMSLEY, AND DR STEVEN O'KEEFE.

LINDA WORKMAN REPRESENTED THE WEST VIRGINIA PSYCHOLOGICAL ASSOCIATION. BEVERLY WINTER MADE IT CLEAR THAT HER COMMENTS DID NOT MEAN SHE WAS SPEAKING FOR HER ASSOCIATION.

A COMPLETE TEXT OF THE HEARING IS AVAILABLE UPON REQUEST.

AS A RESULT OF THE HEARING THE RULES WERE ALTERED TO REQUIRE ALL GRANDPARENTING APPLICANTS TO PASS AN ORAL EXAMINATION, THE POSSIBLE GRANTING OF EQUIVALENCE FOR LEVEL II APPLICANTS WAS MADE CLEARER, AND THE CAS WAS NOTED TO BE A SIX YEAR DEGREE. CHANGES WERE MADE AS RESULT OF LOGICAL COMMENTS SUBMITTED TO BOARD.

SUMMARY

School psychologists are now licensed by the Board of Examiners of Psychologists as a result of House Bill 2765. Rules and regulations for school psychology licensure (17-3-7) provide for the following: clarifies definition of school board property, explains that a Level II School Psychologist can serve as a member of the Board, adopts as the Board's written examination the certification examination given by the National Association of School Psychologists and sets the passing score, establishes qualifications of supervisors, defines minimum quantity of required supervision hours for each level of licensure, establishes requirements for competency in specific areas of professional practice for each level of licensure, defines application requirements for all types of grandparenting candidates, requires all such candidates to pass an oral examination, explains the exemption for school board employed school psychologists who provide zero contracted and/or independent services, permits standard provision licensed psychologists to meet standard provision continuing education requirements, and acknowledges that Certificate of Advanced Study is a six year academic degree.

CIRCUMSTANCES WHICH REQUIRE PROMULGATION OF THESE RULES

House Bill 2765 was passed by the legislature March 8, 1991 and went into effect ninety (90) days later. The grandparenting period ends July 1, 1992. Thus, it is necessary to issue rules and regulations so the Board may begin to process grandparenting and regular applications for school psychology licensure. The Board anticipates conducting 50 to 80 oral examinations by July 1, 1992. Other reasons include clarification and explanation of terms within the law, definition, and establishment of specific requirements.

TRANSCRIPT OF 7/30/91 HEARING

WEST VIRGINIA BOARD OF EXAMINERS OF PSYCHOLOGISTS
1991

Voice: We are now going to adjourn the public hearing in the matter of the revised school psychologists' rules and regulations and at this point in time we open the meeting to anyone that would like to make their comments to the board.

Beverly Winter: I am a school psychologist in Raleigh County and I'm here to represent the feedback that I got from school psychologists in two counties. Their names are on there. There were several issues that we were all in agreement on and two that maybe one or a couple of psychologists _____ toward the end of the letter. The four issues that we were all in agreement on were:

1. Standard provision licensed psychologists should also take an oral exam at Level 1.
2. Standard provision licensed psychologists who are not also certified school psychologists are not eligible for licensure at Level 2.
3. We wanted to know about the documentation efforts for determining which standard provision licensed psychologists who are not also certified school psychologists have been approved to work in the school setting by the State Superintendent of Schools.
4. We wanted some clarification still on the CAS and EEF as recommendation of a six-year degree.

On page two, what I did was to go over Item 1 that standard provision licensed psychologists should also take an oral exam at Level 1. If you look at the bottom of the page, and I copied this right out of the bill, in House Bill 2765, Section 30217B it states that you have to have a CAS or its equivalent or, as you can see, any licensed psychologist who has been approved by the State Department of Education, on the effective date of this section and, if you go down and look at the last sentence, it says, "provided that such applicants pass an oral exam given by the Board of Psychologists." There is no exclusion there for standard provision licensed psychologists in the bill. Furthermore, it talks about only those licensed psychologists who have been approved by the State Superintendent. I think to exclude from him at that point from an oral exam is not consistent with what you're requiring certified school psychologists to do who are specifically trained in that area. Also it is just inconsistent with the law.

Number 2 talks about whether or not what standard provision licensed psychologists who are not also certified school psychologists being eligible for licensure at Level 2. In the law in Section 7B it says, "such persons seeking eligibility as a licensed school psychologist independent practitioner must meet the provisions in Section 7B of this article, must have completed the equivalency of two years' supervisory experience and so on, and shall complete an oral exam by the Board." Going back to Section 7B of the article; the bill, you have to have obtained a valid Certificate of School Psychology granted by the State Superintendent of Schools, have attained 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 received equivalent training as determined by the Board. The way that I read that and the other psychologists read that, in order to get grandparented at Level 2 you're going to have to have two things -- a valid Certificate of School Psychology issued by the State Superintendent of Schools. In order to get that you have to have appropriate education in that field. I don't see how most standard provision licensed psychologists will have the Certificate and the education with the exception of possibly a child psychologist in education the course looks virtually identical. It looks like the only people who stand a fair chance of being grandfathered at Level 2 are those licensed people who are also Certified School Psychologists and probably have a degree in child psychology.

3. For determining which standard provision licensed psychologists who are not also school psychologists who have approved to work in the school setting, the law says that that is to pertain to those people who were approved on the effective date of this section, which is May, 1991. In talking with Barbara, the head of certification, she said that you can get a computer listing of everyone who was approved during the last year. For people who were approved before, it might have missed a year last year or maybe hadn't gotten that in through oversight, she said there should be a letter on file where their County Superintendent actually has to write a letter to the State Superintendent recommending that person for employment in that county and they keep all those letters. That would be something you would need to ask for. Again, I wanted to make sure in Number 4 that it is recognized that a Certificate of Advanced Study and/or an educational specialist is a six-year degree. It is not a certificate awarded by the State Department of Education. I think there's always been some confusion about that. They have been authorized by the Board of Regents to award that. You can get a CAS in several fields, including school psychology, several counseling areas, and some other areas as well that are outside mental health issues. They are awarded at whatever school is approved to do that. It is an academic degree. I think where the confusion and concern is, is the State Department of Education also awards a Certificate in School Psychology and what they've been doing that we all probably have a problem with is, they will award temporary permits or certificates who have 42 hours of coursework and may not have graduated because there are not enough school psychologists and they have a constitutional right to do that.

Then you have a situation where people who hold a certificate and have not yet been awarded an educational degree. I think that a lot of people get confused on that. Other issues that were acknowledged by either one or a couple of psychologists were: they wanted to know about the equivalency of ten years of supervised experience for grandparenting at Level 2 and, if you had ten years of experience, were you going to get a break on that.

A couple of people wondered about cutoff score for the passing school mass exam. Some of them felt it should be consistent with mass standards and there had been a study conducted by mass to determine the cutoff but not everyone is interested in that.

Voice: I'd like to go back to your Issue #4 about the CAS. Are you suggesting that the Rules and Regs say that it must be a CAS degree or its equivalent? I remember we wrote in there "or its equivalent" to cover people that prior to a CAS degree they couldn't get one. How would you technically propose we correct this?

Beverly: On Page 5 in bold letters I would like it to say something like this, "it is acknowledged that the CAS or its equivalent, for example and EDS" you might want to put a 60-hour masters program there as opposed a masters degree earned in a specialization school of psychology as the entry level degree requirement for full credentialing required by mass standards and the WV Department of Education for permit certification. In order to have national certification by mass or in order to hold a permanent certificate by the State of WV you can't hold a permanent certificate or masters degree. You have to have the CAS or an EDS or the 66L to graduate with a masters. You have to have specific classes that year of an internship and I think we also have the same argument over whether you need a doctorate and we want that want that recognized because we're always referred to as masters level practitioners.

Voice: Does the State Board of Education still admit people to the practice of school psychology without getting the degree, do they still do temporary permits?

Beverly: I called this summer to find out about that because I was supervising some people in a practicum. Unless they had 42 hours the only testing that could be used for placement purposes, like I had them do an evaluation, but I would have to followup and do one as well. If the parents agree that they did still have that in there about the 42 hours of coursework, if the County Superintendent recommended because he couldn't find someone to work there, they would provide what is called a temporary permit. In order to get that, you can get one year on recommendation and then you have to work six hours worth of coursework for your degree every year for maybe three years and then you can no longer get it.

Voice: Are you saying that we should not accept someone without the actual degree or Level 1?

Beverly: Yes, we all share concerns about that.

Voice: We would not be interfering with their right because these people would not be contacted, they are going to be full-time employees.

Beverly: Right. I personally feel that to be licensed you need to have a degree.

Voice: Does the Board have any other questions?

Voice: The question that would be raised by many other folks, "could the Board still give a standard provision applicant, just say a school psychologist who is not certified, he chooses not to go into the Level 1 or Level 2, Bob Childers for example, say Bob wasn't certified and he gets out of school and decides to get a standard provision track. Could a standard provision applicant come before and obtain a license standard provision to practice school psychology.

Beverly: It appears to me, if you read the bill, that it says that only standard provision licensed psychologists who have a valid certificate of school psychology granted by the State Superintendent of Schools, which would mean that those people would need to go and get a copy of their state certificate and have the appropriate training, would be eligible.

Voice: Therefore, no applicant need apply to get a standard provision license in school psychology because, in a sense, you have taken school psychology out of the standard provision track and say if you want to be a school psychologist or practice at CAMC or Chestnut Ridge or Valley in a setting other than a school system, you would have to get a Level 2.

Beverly: If you look at 7B on Page 5, it says you have to meet all the minimum requirements for eligibility as a licensed school psychologist. Those are: 1. Have obtained a valid Certificate of School Psychology granted by the State Superintendent of schools. My question is, how can you work around that?

Voice: Let's say that somebody came to the Board and had a CAS degree. For some reason they wanted to undergo the five years of supervision and the standard provision, is it your point of view that if we grant them a general psychology license, we should not license them to do school psychology. Is that an option for that person?

Beverly: I think you should practice in the area you have training in.

Voice: I have a question. How about the psychologist who has a child or adolescent specialty with a standard provision license and sees children and gets referrals and in fact may do some work in the schools, doesn't call himself a school psychologist. This is a child clinical psychologist or neuropsychologist. What is your view in that regard?

Beverly: That's why I say with the exception of someone who had a degree in child psychology can obtain a certificate I would think that person could do that.

Voice: This Board is going to have to address the distinction between a school psychologist and a child psychologist practicing in the schools.

Beverly: My personal response is that I refer all the time to people who have specialization in adolescent and children's clinical psychology. We contract with people that are licensed to come in and provide specific types of counseling that go beyond some specialized group work, etc. because we don't have the time or it is a pretty serious problem.

Voice: What do you think of the suggestion that this law would only be meant for Certified School Psychologists, that the question of grandparenting standard people into it would be moot?

Beverly: It would narrow the intent of this bill to make it difficult for people who are licensed practitioners who do contract work who come in and do work to be excluded. That is not what we want in this bill. We do want to be recognized as a parallel profession, people who are adequately trained. We do want to be able to continue to work within the school system in this state and do private work also.

Voice: What about the folks who are in hospitals, mental health centers, who do similar types of work which a private practitioner would do?

Beverly: As long as they are not saying, "I'm a school psychologist" that's okay.

Voice: The State Board of Education could suddenly say that only Level 1's and Level 2's could enter into the school systems and then everybody else would be out. It could be a devastating blow to the folks who perform that service; needed or not.

Beverly: Those people are able to go for Level 1 and be licensed. That would take care of the work they are approved to do. They are taken care of. They are already in private practice at another level. Licensing at the private level, at Level 2 without the training and a valid Certificate of School Psychology, that's where the problem lies and they were excluded in the bill.

Ted: Your interpretation runs counter to my interpretation in terms of the term "seeking eligibility". My interpretation of that states that previously licensed psychologists who have been practicing as school psychologists with a standard provision license, those individuals were doing that with the blessing of the Board. A new law comes along that says in order to do that, that's what grandparenting is about. Standard provision licensed school psychologists are not seeking eligibility as Level 2. They already have it. Such persons seeking eligibility are folks who don't have it now but are henceforth seeking it. Individuals who have been doing it for years are not seeking eligibility.

Beverly: There are 20 people who have those credentials.

Voice: Those people you are referring to could not have been practicing as licensed school psychologists because that term was not until the four agencies were working together to get this bill changed. There was never anything like that before. How could they have been that before?

Voice: We're going to have to determine some type of equivalency.

Beverly: I think it should be consistent with the law, which is pretty clear.

Voice: What about these 20 people who are licensed standard provision and many of them have called themselves school psychologists. Should those people not be grandparented at Level 2 or what?

Beverly: I say if they're certified and licensed standard provision they should go right into Level 2. The people who have been approved by the State Superintendent can be grandparented in at Level 1. They should not advertise themselves as a school psychologist, but a psychologist who works with children and adolescents. According to state policy 2419, an independent evaluation can be accepted as long as it is approved.

Voice: The point is, where does one draw the line between what a person with a standard provision licensed who has been trained as a school psychologist, what can they do or not do that a Level 2 can or cannot do. Will there ever be that point where that question is asked?

Beverly: I've already asked it the other way. If I'm in private practice as a school psychologist, what is it that I will be doing that will be different than a standard provision licensed psychologist who is a child psychologist?

Ted: If you are in private practice and get a kid who went wild one night and get a court order to do an evaluation on this kid, as a Level 2 could you see that kid? Is that a school psychology referral from a court to work with a family on delinquent type behavior, or could a Level 2 have to say that that is not school psychology. Would you take that case?

Beverly: I work with them every day. There's a fine line.

THERE IS SOME UNINTELLIGIBLE CONVERSATION HERE FROM PEOPLE WHO ARE TOO FAR AWAY FROM THE MICROPHONE.

Ted: The fear is that someone would come along and say, you're doing school psychology in your office, and then the question becomes, so what?

Beverly: If that Level 1 school psychologist also holds a standard provision license and is adequately trained by virtue of experience and curriculum, then they ought to be able to do school psych work. One time in a Board meeting we were asked the difference between school psychology and psychology. There are some differences, but a lot is very similar. You're worried now that the State Department is going to change their interpretation and say that only Level 1 or Level 2 can work.

Dr. Keith: If it happened that standard provision psychologists were grandfathered in at Level 1, then for some reason the school board changed their regs, wouldn't all these people be covered? At Level 1 they can go into the school and work, right? The State Board could say that we want people to work who are fully certified. The reason they said up until now that they would take clinicians, etc. is because they don't have enough. When they get enough, they will only allow certified people. Beginning the 31st of March, anyone with a permit and has not been fully certified, their position will be vacated. It is a real concern. Whether they also will accept a third party evaluation, there is no question. But they won't be able to apply for a position as a psychologist, as they have been in the past.

Beverly: The precedent has been set in past years for administrators, where they've allowed some of the regulations for certification, that might be something to be considered on behalf of people like you and we need to be in agreement. If there was a certification procedure for someone who has graduated from some clinical program and has worked 20 years in the school setting, they've done that for administrators. As long as they didn't have a lot of opposition, it shouldn't be a problem.

Voice: There was a version of this bill that said that anyone who is licensed as a school psychologist would automatically qualify for certification to practice in the schools, and they said absolutely not.

Ted: Is there a scenario that they would dig through the Level 1 even and write into their Regs "only certified Level 1 practitioners will be allowed to perform in the school?"

Voice: I don't think so because as soon as they do it acknowledges that they don't have the right to decide.

Ted: Do you think it will reach into contracting?

Voice: I didn't think it would reach into employment.

Ted: That's the same rationale that motivated Karen and me to get the certificate.

Voice: Didn't you tell me that someone in the State School Board office that is currently interpreting the law to mean that only people who are licensed under this law can practice school psychology?

Ted: I have a copy of the letter I wrote to Marockie.

Beverly: Our next move is to go the State Department to resolve this issue.

Ted: You go broke at Level 2.

UNINTELLIGIBLE CONVERSATION HERE.

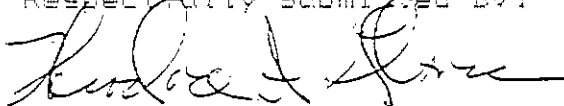
Voice: What happened in the initial version of these rules and regulations we did not have the term "equivalency". We've added the term to show you that when someone wants to be licensed at Level 2 we're going to take into account the quality and what they have learned. It's not necessarily the number of years of experience, it's what that experience has meant. If they can show us that they have developed some expertise dealing with those specific issues we can grant partial or full credit for the two years.

Ted: We have people who have been practicing in other places and have never sought licensure before. The question is licensure supervision equivalency. The difficulty with some folks is the difference between "experience" and "supervised experience". Is working 20 years equivalent to having received two years of licensure supervision? With standard provision we have a demonstrable competence form. You have to document supervision in these areas. If a supervisor will say that you have training in all the things private practitioners do, you've had equivalent supervision of those issues, it's granted frequently. It's called the Linten rule.

Voice: I think it's the quality of the experience. If you can present to us in the oral exam that you know these things, if you can relate back to your court experience and we would give you some credit. In some other areas you may have no experience and we would ask you to go back and get that.

Voice: Any more comments? This meeting is adjourned.

Respectfully Submitted By:



Theodore D. Glance
Secretary

NOTE PAGES 1 THROUGH 5
ARE EXISTING RULES
AND REGULATIONS!
ALTERATIONS START ON
PAGE 6

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. 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.

6.5.2b. 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.

6.6. 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.

NEW RULES START
ON NEXT PAGE

School Psychology Licensure Law Interpretative Rules and Regulations

13-3-7 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 unsatisfactory 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: As required by 30-21-7d (2). No individual seeking eligibility for Level II licensure shall be grandparented without first having met the requirements of 30.21.7b and complete two (2) years of additional supervised experience. This experience is the experience described in 7.4e, or the equivalent thereof.

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.

September 9, 1991

Jeff Harlow, Ph.D.
Box 3148
Charleston, WV 25331

Dear Jeff:

In reference to the revised Proposed Interpretative Rules for School Psychologists, the following feedback has been given to me from the following individuals:

Raleigh County: Michael Pauley
Mary Prentice
Suzanne Elliott
Jo Perez
Beverly Winter

Fayette County: Cheryl Mills
Ed Winter
David Sweet
Bobbie McClung

This letter focuses on four areas that all were in agreement by all psychologists:

1. Standard provision licensed psychologists should also take an oral examination for licensure at Level I.
2. Standard provision licensed psychologists (who are not also certified school psychologists) are not eligible for licensure at Level II.
3. Documentation methods for determining which standard provision licensed psychologists (who are not also certified school psychologists) have been "approved" to work in the school setting by the state superintendent of schools.
4. Clarification of the difference between a Certificate of Advance Study (CAS) or Educational Specialist (Ed.S.) as a sixth year degree from a certificate to work as a school psychologist issued by the W. Va. Department of Education.

- (1) Standard provision licensed psychologists should also take an oral examination for licensure at Level I.

Proposed Interpretative Rules for School Psychologists
Section 7.5b Grandparenting of Standard Provision
Licensed Psychologists At Level I.

This section states that standard provision licensed psychologists who have been approved by the State Department of Education to provide school psychology in the schools can be grandparented by merely submitting an application--no oral examination.

7.5c Grandparenting of Standard Provision
Licensed Psychologists Who Practice As
School Psychologists

This section states that they are already independent practitioners by virtue of their standard provision license and can be grandparented at Level II without an oral examination.

However,

H.B. 2765, Section 30-21-7d states:

Eligibility for current school psychologist

- (1) Any person who holds a current certificate of advanced study and has the equivalent of three academic years experience in school psychology or any licensed psychologist who has been approved by the state department of education on the effective date of this section shall not be required to comply with the provisions of section seven-b, article twenty-one, chapter thirty of this code. Such persons shall submit appropriate documentation of credentials to the board, application form, and pay an application fee: Provided, That such applicants pass an oral exam given by the board of psychology.
- a. As stated above, all applicants must pass an oral examination given by the board of psychology. It does not exclude the standard provision licensed psychologist. It only includes those standard provision licensed psychologists who were "approved" by the state superintendent of schools.

Proposed Interpretative Rules for School Psychologists

To exclude standard provision licensed psychologists (who are not also certified school psychologists) from an oral examination is not consistent with what is required of certified school psychologists who have been specifically trained in the specialization of school psychology.

Furthermore, it is inconsistent with the law.

- (2) Standard provision licensed psychologists (who are not also certified school psychologists) are not eligible for licensure at Level II.

H.B. 2765 Section 30-21-7d (2) states:

- (2) Such persons seeking eligibility as a licensed school psychologists independent practitioner must meet the provisions of section seven-b of this article, must have completed the equivalency of two years supervised experience and shall complete an oral examination before the board,...

Referring back to section seven-b of the article, the following requirements are established:

- (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:

It appears from the above statement that only standard provision licensed psychologists who are also certified school psychologists are the only standard provision licensed psychologists who are eligible for grandparenting at Level II.

Other standard provision licensed psychologists

- a. do not have a valid certificate of school psychology granted by the state superintendent of schools,
- b. and have^{not} obtained the appropriate training (with the possible exception of a child psychologist).

Proposed Interpretative Rules for School Psychologists

- (3) Documentation methods for determining which standard provision licensed psychologists (who are not also certified school psychologists) have been "approved" to work in the school setting by the state superintendent of schools.

In reference to H.B. 2765 Section 30-21-7d Eligibility for current school psychologist, the following points are to be considered:

- a. Lines 3-6. ...any licensed psychologist who has been approved by the state department of education on the effective date of this section....

The WV Department of Education, Certification Department, will provide a compilation of approved licensed psychologists who were approved on the effective date of the section (May, 1991).

Standard provision licensed psychologists must be able to verify this criteria. To be approved, he/she must have a letter on file in the WV Department of Education Certification Department from a county school superintendent requesting approval for that individual psychologist to be approved to work in the county as a contract evaluator.

- (4) Clarification of the difference between a Certificate of Advance Study (CAS) or Educational Specialist (Ed.S.) as a sixth year degree from a certificate issued by the W. Va. Department of Education to work as a school psychologist.

Section 7.8 Educational Accomplishments:

Please realize that the Certificate of Advance Study, an Educational Specialist (Ed.S), etc, is a sixth year degree. It is not a certificate awarded by the W. Va. Department of Education. In West Virginia, it is a sixth year degree which has been approved by the WV Board of Regents. It is the entry level for practicing school psychology for full accreditation.

Remember--it is separate from the certificate awarded by the WV Department of Education. It is a sixth year degree. Please consult Mike Underwood,

Proposed Interpretative Rules for School Psychologists

Admissions Office, UWVCOGS, or Steven O'Keefe, Psychology Department at UWVCOGS if you need further clarification.

It is important that this distinction is recognized.

Please amend this section to read:

It is acknowledged that the CAS (or its equivalent, e.g., Ed.S.) is a post-master's degree earned in the specialization of school psychology. It is the entry level degree requirement for full credentialing required by NASP standards and WV Department of Education for permanent certification for the practice of school psychology.

Other issues raised by one or a few of the school psychologists in Fayette and Raleigh County include the following:

- A. Regarding the "equivalency of two years of supervised experience"--how does this translate for the certified school psychologist with nine or more years of school experience? Will additional supervision be required when a certified school psychologist has that many years of school experience?
- B. Section 7.3 Written Examination: Several school psychologists felt that the passing score should be consistent with NASP standards. A study was conducted by NASP to determine the cutoff score on more than 1,700 individuals who took the test.

We would like to take this opportunity to express our appreciation. The revised "Interpretative Rules for School Psychologists" is an improved version. With the above exceptions, we were pleased with the results.

Presented on behalf of
the above:



Beverly Winter, President-Elect
WV School Psychologists
Association

cc: Board of Examiners

NOTE: FOR CLARIFICATION, PLEASE NOTE THAT THIS LETTER HAS
BEEN EDITED. REVISIONS DATED 7/30/91.

304 Circle Street
Beckley, West Virginia 25801
July 29, 1991

Jeff Harlow
P.O. Box 3146
Charleston, WV 25331

Dear Jeff:

I am writing in response to the "Proposed" Interpretative Rules for the School Psychology Licensure Law. At this point, all I can say is that I have never encountered a document so blatantly biased against a specific professional group. It appears that when our association turned a deaf ear to the WV Department of Education, as well as individual members, regarding the adversary nature of the Board of Examiners, we were foolish. I distinctly remember conversations regarding a "pulling together of the two associations," "the development of collegial relationships," etc. I feel that if the "Proposed" Interpretative Rules for School Psychologists go through as written, then we have been discriminated against. We bargained with you in good faith. I am very disappointed with the "Proposed" Interpretative Rules.

I am familiar with the existing interpretative rules for the psychology licensure bill. The requirements for school psychology, in several cases, go over and beyond what is required for the general licensure. IT IS MY FEELING THAT THE "PROPOSED" INTERPRETATIVE RULES MUST STAY IN LINE WITH THE EXISTING INTERPRETATIVE RULES. When the Board of Examiners take such a restrictive role toward school psychologists, and does not maintain the same written standard for other psychologists, there is definitely a problem.

I was fearful that this would happen--that is, something printed would develop that would be controversial. That is why we asked to have some input in the development of the interpretative rules. I even suggested having school psychologists from the National School Psychologist Certification Board meet with the Board of Examiners for technical assistance.

It is also a concern of mine that this letter will not be addressed seriously, since that happened last year when the Board of Examiners pursued the contract issue in spite of

protests from school psychologists and clinical psychologists at your public hearing. (By the way, that interpretative rule has not been pulled, as you stated. Ken Heckler's office has requested the interpretative rule be pulled in writing from you, since Ted Glance called and put a stop to your request to rescind it). When Beth Ann and I met with you during the legislative session, we informed you of this. The Secretary of State's Office wanted the request in written form, since there were conflicting messages.

Given the above concerns, I will go further to say to you that I have supported you and the Board of Examiners in many instances. I do feel that the oral examination is a good idea, since it gives the Board of Examiners an opportunity to meet with each school psychologist. I have stated that if a school psychologist cannot pass an oral examination on competency and ethics, then some intervention is necessary. I believe that the Board of Examiners will be pleasantly surprised at the quality of school psychologists.

You must know by now, however, that many feel that no oral examination was necessary. This feeling is due to the fact that in the original licensure law (or for any other professional group) during the grandparenting period only application for licensure was required.

I also feel that you bargained with us in good faith, and I do not feel you personally are responsible for this document. It appears that someone that was not active during the legislative process has written this. Now it is difficult to say that there are problems in the document without causing hard feelings. For this reason a collaborative effort on the development of the document was necessary. The worst case scenario has developed.

Given this, please consider the following recommendations to the "Proposed" Interpretative Rules for School Psychologists:

1. 7.3 NASP EXAMINATION.

- a. Since clinical psychologists must meet a score of 1/2 standard deviation below the mean on the APA examination, then this should be consistent with the NASP examination if you feel you must pursue this avenue.
- b. Since the interpretative rules for clinical psychologists do not have different cutoff scores for different degree level, then the NASP examination should not.
- c. The sensible and logical approach would be to respect the cutoff score established during the normative process, as NASP standards provide.

"Proposed" Interpretative Rules for School Psychologists

The Board of Examiners should review the standardization sample for the NASP examination before they are led to believe that the normative group was school psychologists with master's degrees. You may find your assumption faulty.

- d. Therefore, I would like to see this section say:

The National Association of School Psychologists (NASP) examination) shall be adopted as the nationally standardized exam which applicants for licensure as school psychologists must pass. The minimum score for applicants shall be equal to or above the cutoff score established for the examination by the test publisher in consideration of national performance of the standardization sample of the examination.

2. 7.4 Required Supervision For Level-1 Standard-Provision Applicants: Leave out the word "truly." The inclusion of the word "truly" implies that there may be some doubt regarding the applicant's willingness to obtain the services of a qualified supervising psychologist. This terminology is not in the existing interpretive rules--it has no place in the "Proposed" interpretative rules.
3. 7.5 Supervision Requirements For Level-2 Standard Provision Applicants:

- a. Since you do not specify that clinical psychologists must have at least ten hours of professional private practice activity per week during their work week to become licensed, then it is discriminatory for you to require school psychologists to do so.

For example, if a psychologist working for community mental health is supervised for licensure and becomes eligible to do private practice work, he/she is not required to do part of the supervised work in an independent setting. In reality, they are supervised during the work week on activities incurred during the work week.

While the intent may be commendable, it is still requiring a school psychologist who is most likely working for school system to work an additional 10 hours outside the work setting per week (a 50 hour work week for two academic years). Since I personally know of no

"Proposed" Interpretative Rules for School Psychologists

certified school psychologist who is also licensed that was required to do this during their supervision, I have some problems with this. Again, it is not consistent with the existing interpretative rules for clinical psychologists.

As long as this is not required of clinical psychologists, then it should not be required of school psychologists.

4. 7.7 Supervision Requirements for Level-2 Grandparenting Applicants:

- a. This is no grandparenting clause. It is ludicrous to expect a psychologist to be required to adhere to the same supervision requirements mandated under the licensure law for grandparenting, especially when many school psychologists have well more than five years experience. REMEMBER, WHEN THE ORIGINAL BILL WAS WRITTEN, TO BE GRANDPARENTED ALL AN APPLICANT HAD TO DO WAS APPLY--NO ORAL EXAMINATION, NO FURTHER SUPERVISION. This must be changed.

I would recommend the following:

For grandparenting at the Level 2, an applicant must have at least five years of experience.

---After all, this is still much more restrictive than the original law for clinical psychologists which only required an application to the Board of Examiners.

5. 7.9 Grandparenting of Licensed Psychologists at Level -1:

Left out of this section is the fact that the licensed psychologist must have been an "approved licensed psychologist" of by the West Virginia Department of Education on the date this bill was approved. A list of those approved licensed psychologists is available from the state department of education. The bill did not include every psychologist who has done work in a school system. It does not include psychologists who were approved in previous years but not this past academic year. A letter, from the county superintendent, must be on file at the state department for each year and for each county in which a psychologist is working and seeking approval.

This will be monitored.

It is my suggestion, then:

Licensed psychologists may apply for grandparenting at Level-1 if they have been approved by the State Department of Education on the date of passage of the bill (June, 1991). Included in the application process will be:

- a. an oral examination, and
- b. documentation from the WV Department of Education that the licensed psychologist was approved on the date the bill was passed.

The "Proposed" Interpretative Rules for School Psychologists did not include an oral examination for licensed psychologists who were grandparented at Level-1 as school psychologists--but you did require an oral for school psychologists. This is not logical. A licensed psychologist who is not specifically trained in school psychology, must have an oral examination. Heck, you are requiring school psychologists who have graduated from approved university programs to take an oral examination. Be consistent and fair.

6. 7-10 Grandparenting of Licensed Psychologists Who Are Also School Psychologists at Level-2-- You have included a whole group of "licensed psychologists who have practiced as school psychologist under their standard license." There was no provision for these individuals to become licensed at the Level 2 level--only level 1. Unless, of course, you are referring to a psychologist trained in child psychology.

7-10 should read:

Standard provision licensed psychologists who are also certified school psychologist shall be grandparented at Level-2 without an oral examination, provided that such applicants submit required documentation of training and experience in school settings and such training and experience is deemed sufficient by the Board. School psychological services provided by such individuals

shall be limited by their areas of demonstrated competency and experience, the adequacy of which shall be determined by the Board.

7. Educational Accomplishments:

a. The CAS is a degree awarded during graduation ceremonies at a college or university. It has been authorized by the Board of Regents to provide this level of degree status. During graduation ceremonies, they march after the Master's level degree recipients and before the doctoral level degree recipients.

b. This should read:

It is acknowledged that the CAS (or its equivalent, e.g., Ed.S.) is a post-master's degree earned in specialization of school psychology. It is the entry level degree requirement (not master's degree level) as required by NASP standards and the WV Department of Education for permanent certification for the practice of school psychology.

8. 17-1-2 Summary of Fees

a. It appears that the fees have been at least doubled, and at times tripled, in the "Proposed" Interpretative Rules. The timing is poor. It appears that to become licensed as a school psychologist, it will take two to three times as much as it would have become licensed as a clinical psychologist.

9. I understand that the bill is being interpreted to mean that school psychologists with a master's degree that is equivalent to 60+ hours or an Ed.S. are being excluded from the grandparenting process. The bill states repeatedly that the educational requirement is a CAS or its equivalent.

Since you know the above to be true, and since there is already controversy regarding this, then I recommend that you add another section stating:

The educational requirements of a Certificate of Advance Study (CAS) in school psychology, shall be synonymous with those psychologists who have equivalent education in school psychology programs or advanced degrees in school

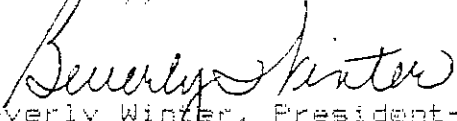
psychology.

It is my request that you suspend pursuing the existing "Proposed" Interpretative Rules for School Psychologists. I am asking for a meeting of the Board of Examiners and certain members of the executive board of the West Virginia Association of School Psychologists in order to resolve this matter. This "Proposed" Interpretative Rules for School Psychologists is a volatile document. I strongly urge that you call a meeting as soon as possible.

This whole idea of being a licensed school psychologist as being something less than a licensed psychologist is not satisfactory. It is analogous to a pediatrician as opposed to a general practitioner. We were glad to define--not limit--our area of expertise. I'm growing weary of licensed psychologists stating that they feel "sorry" for us. That is, they can do whatever they want but we cannot. Isn't the point of licensure to stay within one's area of expertise? Isn't that what this law developed?

Please respond to Beth Ann Young, WVSPA President, regarding a time when we can get together as a group and iron out our differences. In this way, we can be insured of a document that will be supported throughout the years. You may contact her by telephone at 842-7457.

Sincerely,


Beverly Winter, President-Elect
WV School Psychologists Association

cc: Board of Examiners in Psychology
WV Department of Education
Beth Ann Young, WVSPA President

304 Circle Street
Beckley, West Virginia 25801
August 4, 1991

Jeff Harlow
Box 3146
Charleston, West Virginia 25331

Dear Jeff:

Please find enclosed a copy of my previous letter that has been corrected, as well as further explaining some points that were brought out in the public hearing. I apologize for the inconvenience, however, I only had a few days to read and respond to the "Proposed" Interpretative Rules for School Psychologists. In trying to get my thoughts together so quickly, my letter was not as clear as it needs to be. Judging from the feedback, it appears that even members on the Board of Examiners had just a few days to review the proposal.

I am also going to take this opportunity to clarify four issues that came up during the public hearing. The issues are:

1. It appears that at least two members of the Board of Examiners are under the impression that a licensed school psychologist independent practitioner will not be able to go into private practice. Private practice was the purpose for the second level licensing. I thought the definition in the bill was clear enough.

A "licensed school psychologist independent practitioner" means a school psychologist who provides school psychology services to an individual or the public on school board or nonschool board property, and provides such services for a fee or other compensation, or as a school board employee or contractee.

However, another definition was developed by you to be submitted as an amendment. I still have my copy of the proposed amendments to the bill. These amendments were approved by you, representing the Board of Examiners, Karen Binkley, President of the WV School Psychologists Association, Dr. Keith Smith, Associate Superintendent W. Va. Department of Education, and representatives from the West Virginia Psychological Association (as these amendments were taken to Steve Dryer and Dave Claymen via the lobbyists--John and Carol). It was your concern that this definition be clear and also distinctly different from the level one definition. It read:

"Licensed school psychologist independent practitioner" means a school psychologist who provides school psychological services to an individual or the public on school board or nonschool board property, including a private office, and provides such services for a fee or other compensation, or as a school board employee or contractee.

Clearly, the intent of private practice at level two was the goal of the legislation. Would you please advise the Board of Examiners.

2. It was stated at the public hearing that one must have a certificate of advanced study to be grandparented. It was further stated that those who had the 60 hour masters degree (before the certificate of advance study was developed by the state of West Virginia) or equivalent degrees (Ed.S), would not be grandparented.

It was the intent of the legislation that any person who had a certificate of advance study -- or its equivalent-- would be grandparented. You stated this during the legislative session and the spring conference of the WV School Psychologists Association.

3. I was called a liar by Ted Glance regarding the statement in my letter referring to him pulling the interpretative rule that went into effect on October 10, 1990. Let me clarify this.

- a. On October 30, 1990, Ken Heckler received a letter from Ted Glance that was contradictory. It stated in the second paragraph that the Board wished to suspend enforcement of the interpretive rule for several months. The letter turned around in the last paragraph and stated that, "This action, in no manner whatsoever, changes the Board's interpretation of the West Virginia Code as filed.

The attorney for Mr. Heckler stated that the interpretative rule cannot be suspended. It either stands or it does not. Since the letter sent a mixed message, the office of the Secretary of State determined that the interpretative rule would stand.

For that reason, during the public hearing when you stated the interpretative rule had been pulled, we disagreed with you. After the public hearing someone called the Secretary of State's office. Apparently you called the Secretary of State to tell them to pull the interpretative rule after the public hearing on the bill.

However, on February 21, 1991, at 11:20 a.m. Ted Glance called the Secretary of State's office. He stated "...in no way is the Board withdrawing any rules or changes to the rules." You may obtain a photocopy of the letter dated October 30, 1990, with the above handwritten note on the bottom from Ken Heckler's office, upon request, for payment of the copying charges.

Again, the office of the Secretary of State had conflicting messages, so the interpretative rule was not pulled as you thought. When Beth Ann Young and I were informed that the interpretative rule was standing, we were informed that a letter was necessary from you. The secretary of state, by this time, wanted a letter from the chairperson stating that the interpretative rule be pulled. Beth Ann and I came to your office and told you that you needed to write a letter that same day.

As of this date no letter has been received by the Secretary of State. At this time, the interpretative rule still stands in spite of the fact that numerous people have been advised otherwise.

It is not my intent to convey that you purposely did not write the letter to the Secretary of State regarding. I am aware you have been focused on the bill itself. I believe this was an oversight. Since this has been brought to your attention, however, would you please write the letter to rectify this.

4. You were given credit for the development of writing the "Proposed" Interpretative Rules for School Psychologists. I find that hard to believe. It appeared from observers at the public hearing that several of the Board of Examiners were uncomfortable with the proposed interpretative rules. I still want to believe that these were written by a person unfamiliar with the agreements determined during the legislative session. There is no one on the board, except you, that was present at any of the meetings. Since you were unable to attend this public hearing, it appears that incorrect assumptions were rampant. The school psychologists who did attend were greeted by a member whose verbal and nonverbal actions were unprofessional. As you can see from the above, many problems surfaced.

Again, we asked to have input with the Board of Examiners during the development of the interpretative rules. We were fearful that this type of action would develop. In fairness to the Board of Examiners and the school psychologists in the state, these procedures need to be developed in an appropriate manner.

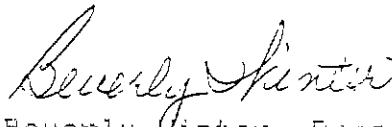
If you have a member with an axe to grind, then this needs to be resolved outside of these proceedings. The actions of the Board of Examiners will affect the professional lives of approximately 100 clinical and school psychologists. The Board of Examiners needs to have full information upon which to make decisions. You need to be present since you were the representative during the legislative session.

Again, we would like to have the opportunity to meet with the Board of Examiners to answer questions and for input into the interpretative rule.

In closing, let me just say that we are all too busy--both professionally and personally--to become involved in personal problems. These interpretative rules should be written in the spirit of the dialogue and agreement reached during the legislative session. The interpretative rules are to be fair and not discriminatory against school psychologists. I urge you to reconsider the current "Proposed" Interpretative Rules for School Psychologists.

Please feel free to contact me at home if you have any questions regarding my letters (253-4641).

Sincerely,



Beverly Winter, President-Elect
WV School Psychologists Association

cc: WV Board of Examiners
Beth Ann Youn
Karen Binkley
Lex DeGruyl

FILED

September 9, 1991

1991 SEP 12 PM 5:28

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Jeff Harlow, Ph.D.
Box 3146
Charleston, WV 25331

Dear Jeff:

In reference to the revised Proposed Interpretative Rules for School Psychologists, the following feedback has been given to me from the following individuals:

Raleigh County: Michael Pauley
Mary Prentice
Suzanne Elliott
Jo Perez
Beverly Wintan

Fayette County: Cheryl Mills
Ed Winter
David Sweet
Bobbie McClung

This letter focuses on four areas that all were in agreement by all psychologists:

1. Standard provision licensed psychologists should also take an oral examination for licensure at Level I.
2. Standard provision licensed psychologists (who are not also certified school psychologists) are not eligible for licensure at Level II.
3. Documentation methods for determining which standard provision licensed psychologists (who are not also certified school psychologists) have been "approved" to work in the school setting by the state superintendent of schools.
4. Clarification of the difference between a Certificate of Advance Study (CAS) or Educational Specialist (Ed.S.) as a sixth year degree from a certificate to work as a school psychologist issued by the W. Va. Department of Education.

Please file
with Public Hearing
✓ new revised
proposed interpret
rules

- (1) Standard provision licensed psychologists should also take an oral examination for licensure at Level I.

Proposed Interpretative Rules for School Psychologists
Section 7.5b Grandparenting of Standard Provision
Licensed Psychologists At Level I.

This section states that standard provision licensed psychologists who have been approved by the State Department of Education to provide school psychology in the schools can be grandparented by merely submitting an application--no oral examination.

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

This section states that they are already independent practitioners by virtue of their standard provision license and can be grandparented at Level II without an oral examination.

However,

H.B. 2765, Section 30-21-7d states:

Eligibility for current school psychologist

- (1) Any person who holds a current certificate of advanced study and has the equivalent of three academic years experience in school psychology or any licensed psychologist who has been approved by the state department of education on the effective date of this section shall not be required to comply with the provisions of section seven-b, article twenty-one, chapter thirty of this code. Such persons shall submit appropriate documentation of credentials to the board, application form, and pay an application fee: Provided, That such applicants pass an oral exam given by the board of psychology.
 - a. As stated above, all applicants must pass an oral examination given by the board of psychology. It does not exclude the standard provision licensed psychologist. It only includes those standard provision licensed psychologists who were "approved" by the state superintendent of schools.

To exclude standard provision licensed psychologists (who are not also certified school psychologists) from an oral examination is not consistent with what is required of certified school psychologists who have been specifically trained in the specialization of school psychology.

Furthermore, it is inconsistent with the law.

- (2) Standard provision licensed psychologists (who are not also certified school psychologists) are not eligible for licensure at Level II.

H.B. 2765 Section 30-21-7d (2) states:

- (2) Such persons seeking eligibility as a licensed school psychologists independent practitioner must meet the provisions of section seven-b of this article, must have completed the equivalency of two years supervised experience and shall complete an oral examination before the board,...

Referring back to section seven-b of the article, the following requirements are established:

- (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:

It appears from the above statement that only standard provision licensed psychologists who are also certified school psychologists are the only standard provision licensed psychologists who are eligible for grandparenting at Level II.

Other standard provision licensed psychologists

- a. do not have a valid certificate of school psychology granted by the state superintendent of schools,
- b. and have obtained the appropriate training (with the possible exception of a child psychologist).

- (3) Documentation methods for determining which standard provision licensed psychologists (who are not also certified school psychologists) have been "approved" to work in the school setting by the state superintendent of schools.

In reference to H.B. 2765 Section 30-21-7d
Eligibility for current school psychologist, the following points are to be considered:

- a. Lines 3-6. ...or any licensed psychologist who has been approved by the state department of education on the effective date of this section....

The WV Department of Education, Certification Department, will provide a compilation of approved licensed psychologists who were approved on the effective date of the section (May, 1991).

Standard provision licensed psychologists must be able to verify this criteria. To be approved, he/she must have a letter on file in the WV Department of Education Certification Department from a county school superintendent requesting approval for that individual psychologist to be approved to work in the county as a contract evaluator.

- (4) Clarification of the difference between a Certificate of Advance Study (CAS) or Educational Specialist (Ed.S.) as a sixth year degree from a certificate issued by the W. Va. Department of Education to work as a school psychologist.

Section 7.8 Educational Accomplishments:

Please realize that the Certificate of Advance Study, an Educational Specialist (Ed.S), etc, is a sixth year degree. It is not a certificate awarded by the W. Va. Department of Education. In West Virginia, it is a sixth year degree which has been approved by the WV Board of Regents. It is the entry level for practicing school psychology for full accreditation.

Remember--it is separate from the certificate awarded by the WV Department of Education. It is a sixth year degree. Please consult Mike Underwood,

Admissions Office, UWVCOGS, or Steven O'Keefe, Psychology Department at UWVCOGS if you need further clarification.

It is important that this distinction is recognized.

Please amend this section to read:

It is acknowledged that the CAS (or its equivalent, e.g., Ed.S.) is a post-master's degree earned in the specialization of school psychology. It is the entry level degree requirement for full credentialing required by NASP standards and WV Department of Education for permanent certification for the practice of school psychology.

Other issues raised by one or a few of the school psychologists in Fayette and Raleigh County include the following:

- A. Regarding the "equivalency of two years of supervised experience"--how does this translate for the certified school psychologist with nine or more years of school experience? Will additional supervision be required when a certified school psychologist has that many years of school experience?
- B. Section 7.3 Written Examination: Several school psychologists felt that the passing score should be consistent with NASP standards. A study was conducted by NASP to determine the cutoff score on more than 1,700 individuals who took the test.

We would like to take this opportunity to express our appreciation. The revised "Interpretative Rules for School Psychologists" is an improved version. With the above exceptions, we were pleased with the results.

Presented on behalf of
the above:



Beverly Winter, President-Elect
WV School Psychologists
Association

cc: Board of Examiners