

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: PSYCHOLOGISTS TITLE NUMBER: 1&

CITE AUTHORITY: §30-21-2(e), (1,2,3,4,5,6,7)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, 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 ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS July 6,, 1989

[Signature]

TITLE 17
INTERPRETIVE RULES
PSYCHOLOGISTS

SERIES 3
QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST

§17-3-1. General.

1.1. Scope. -- These interpretive rules define the qualifications of training, experience, supervision, professional ethics and responsibilities required for licensing as a psychologist.

1.2. Authority. -- W. Va. Code §30-21-2(e)(1, 2, 3, 4, 5, 6, 7), §30-21-3, §30-21-7, §30-21-7(a)(2, 4), §30-21-

1.3. Filing Date. -- June 7, 1985

1.4. Effective Date. -- June 7, 1985

§17-3-2. Adequacy of course study.

2.1. A degree shall be deemed to be in psychology if the course of study was taken in a department of psychology, a department of educational psychology or a department of education and psychology, or any university department whose official designation contained the words "Psychology" or "Psychological" but not otherwise.

2.2. The term "Accredited" is interpreted to mean universities that meet standards such as the North Central Association of Schools and Colleges. In any case, the degree must come from a university whose academic standards are no lower than those of the State of West Virginia's two (2) graduate degree-granting institutions--West Virginia University and Marshall University. The Board reserves the right to investigate the credentials of a university in its attempt to evaluate an applicant's training.

2.3. When the degree is at the master's level (West Virginia Code, subdivision (3), subsection (a), section seven, article twenty-one, chapter thirty), the law clearly states that the applicant must hold a "Master's Degree in Psychology." It is expected that a minimum of twenty-four (24) semester hours of graduate credit, in courses clearly identified by title and course content as being psychological in nature, would have been required by a department in a university granting such a degree.

Course study for the master's degree in psychology shall be deemed adequate if eighty percent of the required courses to earn the master's degree, excluding the practicum and master's thesis, are earned through on-campus classes of the degree granting university.

2.4. When the 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 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 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 each 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 (e), 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 experiences include tasks which depend upon the application of skills, concepts and principles made available during the applicant's formal

professional education, e.g., administering and interpreting unstructured psychological tests; providing clients or patients assistance in solving their professional or personal problems; designing original research projects; analyzing and reporting research data; or teaching a psychology course.

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 the case 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 credited 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 (40), and the resulting fraction shall be applied to the number of months of employment reported to determine the number of months to be credited to 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 of 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.

tion 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 the 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 the 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 supervisory 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 of 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 of 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 supervised persons, names of licensed psychologists furnishing 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.

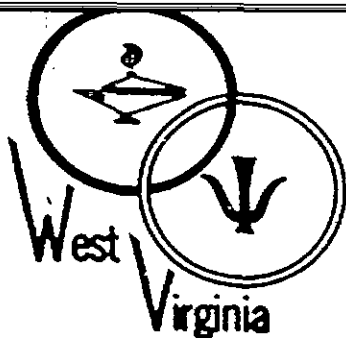
6.5.1d. Whenever supervision is terminated, a final report is due within thirty (30) days of the termination date. The final report may also serve as one (1) of the semiannual reports.

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 designation 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.



West Virginia School Psychologists Association

MEMORANDUM

TO Ken Heckler, Secretary of State

FROM Beverly Winter, School Psychologist
President-Elect WV School Psychologists' Association

DATE January 2, 1992

RE Request for an Emergency Amendment to the
Emergency Rule--Proposed Interpretative Rules
for School Psychologists

Please find enclosed a copy of a letter that I sent to Dr. Jeff Harlow, Chairman of the WV Board of Examiners of Psychologists. In this letter I requested an emergency amendment to the emergency rule that your office has granted him as it relates to the proposed interpretative rules for school psychologists.

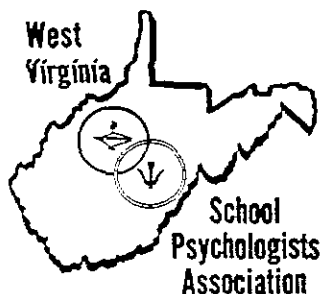
In a telephone conversation with Dr. Harlow just before Christmas, he stated that he would make the request to your office for the emergency rule.

I would like to have a copy of his request. Please advise me if the request has been received and of the nature of the request. You may send this information to my home. The address is:

304 Circle Street
Beckley, WV 25801

Your prompt attention in this matter is greatly appreciated. If there is a copying charge, please contact me (256-4555).

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West Virginia School Psychologists Association

304 Circle Street
Beckley, WV 25801
December 10, 1991

Jeff Harlow, Ph.D.
Box 3146
Charleston, WV 25301

Dear Jeff:

If we can get through the grandparenting process...

We would like to take this opportunity to thank you, and the Board of Examiners, for the tremendous amount of work that has gone into the passage of the bill. The writing of the proposed interpretative Rules and Regulations for School Psychologists indicates the Board's concern for our issues.

It is our belief that psychologists across disciplines have more similarities than differences. We hope that communication and trust can grow to the point where agreement on issues outweigh points of contention. There are great benefits to uniting psychology within West Virginia. Not only will it improve communication among psychologists across disciplines, it would allow psychologists to speak in a unified voice on issues related to psychology, education, health, and economic interest. A united psychology will help to clarify our public image and reduce financial and other costs by pooling our resources and eliminating duplication. We need to move on in a proactive manner.

At the WVSPA Fall Conference, Karen Edgell presented the application form for licensure and the proposed interpretative rules to the WVSPA membership. She experienced considerable difficulty from various WVSPA members at the business meeting. The recurring theme of the concerns was that there is virtually NO grandparenting for certified school psychologists at Level II. However, provisions for exemptions from the bill have been provided for standard provision licensees. Again, an inequitable situation has developed with certified school psychologists, once again, being held to the rule while standard provision licensees are excused. This letter is designed to address this concern and to offer a possible solution.

This letter is a follow up to our telephone conversation after the WVSPA Fall Conference. It was at the conference that many of us became aware that we would be required to comply with Section 330.21.7b. It was our understanding that in order to be grandparented at Level II, currently certified school psychologists would need to take an oral exam on private practice issues and submit verification of additional work experience. It was also our understanding that certified school psychologists with many years of experience would have some equivalency determination by the Board of Examiners. It was not our understanding that certified school psychologists would be required to take the NASP examination for grandparenting purposes.

I am enclosing a copy of the "change in amendment" form that was completed regarding this issue. This change was agreed upon by you, representing the Board of Examiners, and Beth Ann Young, Karen Binkley, and myself, representing WVSPA. It clearly states the above in section 30-21-7d (1).

In view of the fact that this bill has passed with a grievous error, we are asking that the Board of Examiners make an emergency amendment to the emergency filing of the proposed "Interpretative Rules...School Psychologists." We are asking that the same consideration be given to certified school psychologists as the Board has given to standard provision licensees. That is, if the Board of Examiners can excuse standard level licensees from complying with the provisions of 30-21-7d(2), then the same must hold true for certified school psychologists--particularly those who have the NCSP credential.

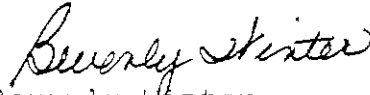
We are specifically requesting the following emergency amendment to the emergency rule:

7.5c Grandparenting of Certified School Psychologists at Level II: Certified school psychologists who have the equivalent of three academic years of experience shall not be required to comply with the provisions of section seven-a and seven-b, article twenty-one, chapter thirty of the code, with the exception of completing an additional two years of supervision or its equivalent as determined by the board and passing an oral examination by the board.

Any person who is a certified school psychologist, has earned a doctor of philosophy in school psychology or its equivalent, and has the equivalent of three academic years of experience shall complete an additional year of board approved supervision or its equivalent as determined by the board and pass an oral examination by the board.

Please discuss this with the Board of Examiners at your meeting this week. If there are problems, please contact me as soon as possible. We may need to meet at our Executive Board meeting in January in Charleston to talk about alternatives.

Sincerely,

A handwritten signature in cursive script that reads "Beverly Winter".

Beverly Winter
WVSPA President-Elect

cc: Karen
Edgell

Enclosure

SENATE OF WEST VIRGINIA
REGULAR SESSION OF 1991

S.B. _____

H.B. 2765

Mr. _____ moved to amend the bill

on page 26, section 30-21-7d, on the title line, and lines 1-9, by striking the words "Eligibility of doctoral applicants." and also striking lines 1-9 in this section.

Insert the following new section

"30-21-7d Eligibility for currently certified school psychologists to apply for licensure as a licensed school psychologist independent practitioner."

- "(1) On the effective date of this section, any person who is a certified school psychologist, has earned a certificate of advanced study or its equivalent, and has the equivalent of three academic years of experience shall not be required to comply with provisions of section seven-a and seven-b, article twenty-one, chapter thirty of this code, with the exception of completing an additional two years of supervision or its equivalent as determined by the board and passing an oral examination by the board;
- (2) On the effective date of this section, any person who is a certified school psychologist, has earned a doctor of philosophy in school psychology or its equivalent, and has the equivalent of three academic years of experience shall complete an additional year of board approved supervision or its equivalent as determined by the board; and
- (3) Submit to the board documentation of credentials, application forms, and pay appropriate fees by the first day of July, one thousand nine hundred ninety-two."

Adopted

Rejected