

WEST VIRGINIA
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KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: WV Board of Examiners of Psycho]ogists TITLE NUMBER: 17

AMENDMENT TO AN EXISTING RULE: YES x, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: SERIES III

TITLE OF RULE BEING AMENDED: Qualiffcations for Licensure as a Psychologist or
School Psychologist

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 209

SECTION , PASSED ON April 12, 1997

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 01, 1997

Therfor A. Glance
Executive Director

WVBOEP
Therfor A. Glance

TITLE 17
LEGISLATIVE RULE
PSYCHOLOGISTS

SERIES 3
QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST
AND/OR A SCHOOL PSYCHOLOGIST

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§17-3-1. General.

1.1. Scope. -- This legislative rule defines the qualifications of training, experience, supervision, professional ethics and responsibilities required for a person to become licensed as a psychologist or school psychologist.

1.2. Authority. -- W. Va. Code §§30-21-6

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal and Replace -- This legislative rule repeals and replaces West Virginia Board of Examiners of Psychologists, Qualifications for Licensure as a Psychologist and/or School Psychologist, Title 17, Series III, effective June 30, 1993.

§17-3-2. Requirements of Graduate Degree Granting Institutions.

2.1. A degree is in psychology if the applicant took the course of study in a department of psychology, a department of educational psychology, or a department of education and psychology, or in a university department with the official designation containing the words "psychology" or "psychological".

The term "accredited institute of higher learning" is defined as colleges or universities that are approved by accreditation associations such as the North Central Association of Schools and Colleges. In any case, the degree must come from a university with academic standards no lower than those of the State of West Virginia's three (3) graduate degree-granting institutions -- West Virginia University, Marshall University and the West Virginia Graduate College. The Board reserves the right to investigate the credentials of any university in order to evaluate an applicant's training.

§17-3-3. Masters Level Training Requirements.

3.1. W. Va. Code §30-21-7 requires that master's level applicants hold a "master's degree in psychology." For this degree to be adequate, the applicant shall have earned 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. A Psychology master degree course study is adequate only if eighty

percent (80%) or more of the required courses to earn the masters degree, excluding the practicum and masters thesis, are earned through on-campus classes of the degree granting university.

§17-3-4. Doctoral Level Training Requirements.

4.1. W. Va. Code §30-21-7 requires that doctoral level applicants possess a doctor of philosophy degree (Ph.D.), or its equivalent. The Board or its Committee shall evaluate all equivalency applications. It is the responsibility of equivalency applicants to prove that their degrees are equivalent to a Ph.D. degree in psychology. The Board will not automatically grant equivalency status. Applications based on an equivalent degree may require more time to process because of the need to obtain more information.

4.2. At least half of the doctoral courses completed for credit beyond the masters degree shall be clearly identified by title and course content as being psychological in nature, and must be shown to have been taught by a psychologist. The Board may interpret a specific course to be psychological in nature even though it is not labeled as a psychology course. The Board shall render this opinion if it believes that the course is psychological in content and it has been taught by a psychologist.

4.3. For doctoral applicants, eighty percent (80%) or more of the required courses to earn the doctoral degree shall be earned through on-campus classes of the degree granting university, excluding internship, practicum, master thesis, and dissertation hours.

The Doctoral degree course study in psychology shall include a pre-doctoral or post-doctoral internship approved by the American Psychological Association (APA) or its equivalent. The Board may require an applicant who has not completed either a pre-doctoral or post-doctoral internship or their equivalent or completed an American Psychological Association approved pre-doctoral or post-doctoral internship to have an additional year of Board approved supervision beyond the required one year.

4.4. An acceptable formal one-year internship or its equivalent shall meet all of the following criteria:

- a. The internship shall be 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;
- b. Its primary purpose shall be to assure breadth and quality of training;
- c. There shall be a clearly designated licensed psychologist who was responsible for the integrity and quality of the internship program;
- d. Internship supervision shall be provided by a staff member of the internship agency who was clinically responsible for the cases being supervised;
- e. At least half of the internship supervision shall be provided by one (1)

or more psychologists;

f. The internship shall provide training in a range of assessment and treatment activities conducted directly with patients, agencies, or organizations seeking psychological services;

g. At least twenty-five percent (25%) of the intern's time shall involve direct contact with clients, agencies, or organizations seeking psychological services (minimum 375 hours);

h. The internship shall include a minimum of two (2) hours per week (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;

i. The intern shall participate in at least two (2) additional hours per week in learning activities such as case conferences, seminars, co-therapy, and group supervision, and additional individual supervision; and

j. The internship experience (minimum 2000 hours) shall be completed within twenty-four (24) months, although the Board may waive this requirement under exceptional circumstances.

§17-3-5. Adequacy of Supervised Experience.

5.1. To meet the requirement of acceptable supervised experience, the applicant shall be involved in the "practice of psychology," as defined in W. Va. Code §30-21-2 and shall perform competently at a professional level in order for the experience to be considered satisfactory in scope and quality. The Board shall not accept experience limited to essentially repetitious and routine tasks at the pre-professional level, e.g., administering and scoring structured tests, computing statistics by hand or machine, or assisting an instructor in psychology courses. Satisfactory professional experience includes 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. This acceptable experience shall be performed under the supervision of a licensed psychologist or by a psychologist with training and experience equivalent to that required by this state for licensure. The supervising psychologist shall be competent in the area of psychology in which the applicant was engaged. The supervision shall be conducted according to the ethical standards described in Section 6 of this rule.

5.2. The term "year" is defined as twelve (12) average work months, including leaves for vacation with pay, during which the applicant was engaged in employment on a full-time per week basis, except that in the case of academic employment the term "year" means the number of months normally associated with full-time employment in that institution. In the case of full-time employment the work schedule of the employing agency, clinic, institution or organization shall be

accepted by the Board as meeting the requirement. In the case of part-time employment, the Board shall extend credit for such periods of employment on a pro-rated 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 to determine the number of months credited to the applicant. For example, the Board would give an applicant employed for sixteen (16) months, who worked twenty (20) hours per week would be given credit for eight (8) months of experience.

5.3. W. Va. Code §30-21-7a(4) specifies that masters degree applicants shall earn five (5) years of post-graduate and Board approved supervised experience. When applicants obtain this experience while simultaneously pursuing graduate work toward the doctorate degree, the following guidelines apply. During the period in which an applicant was enrolled for ten to thirteen (10-13) semester hours, the Board may credit up to twenty (20) hours per week supervised experience; and when an applicant was enrolled for six to nine (6-9) semester hours, the Board may credit up to forty (40) hours per week supervised experience.

5.4. When the applicant holds a Ph.D. or its equivalent, W. Va. Code §30-21-7a(4) requires one year of Board approved supervised experience. If all requirements have been met for a degree and the only reason that 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 applicant has begun work which meets the standards described in subsection 5.1 and 5.2 of this rule, the Board may count the work experience from the time that all requirements of the degree were met. In those cases the Board will request verification from the university's or college's department chairperson or program advisor.

5.5. Independent private practice does not meet the requirements for supervised experience. "Independent" is defined as private practice where the psychologist does not maintain regular consultative relationships in regard to the management of his or her case load.

§17-3-6. Professional Ethics.

The Board hereby adopts the Code of Ethics of the American Psychological Association as part of this rule, and all provisions of this Code of Ethics have the effect as if they were specifically promulgated rules of the Board.

§17-3-7. Responsibilities Of Licensees.

7.1. Licensees are responsible for familiarizing themselves with the provisions of W. Va. Code 30-21-1 et seq. and the Code of Ethics of the American Psychological Association and for practicing psychology in accordance with the law and this rule.

7.2. In accordance with W. Va. Code §30-21-8 the licensee shall conspicuously display the license at his or her principal place of practice. The licensee is responsible for submitting a letter requesting renewal of his or her license together with the appropriate fee, at least one (1) month prior to the expiration of the license.

7.3. The licensee is responsible for keeping the Board's Executive Director informed of any changes in names, address, place of employment, types of psychological activities or any other pertinent changes.

7.4. As set forth in section 9 of this rule, the licensee is responsible for submitting information and reports in regard to persons for whom he or she is providing supervision.

7.5. Licensed Psychologists and Licensed School Psychologists (Level I) and Licensed School Psychologist Independent Practitioners (Level II) shall, prior to utilizing a psychometrician who administers and scores or scores psychological tests, notify the Board's Executive Director that a psychometrician will be utilized, that the psychometrician has been properly trained, and that the licensee shall provide the proper supervision of the psychometrician. Only psychometricians who have obtained an Associate degree in psychology or higher will be granted Board approval to administer and score or score psychological tests.

7.6. When Licensed Psychologists, Licensed School Psychologist (Level I), or Licensed School Psychologists, Level II) use psychometricians to administer psychological tests, the licensee shall identify the psychometrician in all reports generated on the basis of the test's administration.

§17-3-8. Standards for the Supervision of Persons Working Under the Direct and Regular Supervision of Licensees.

8.1. All persons who provide psychological services and who are not either currently licensed or specifically exempted from licensure by W. Va. Code §30-21-2 shall perform their work under the general supervision of a licensee. These persons shall provide psychological services under the critical observation of a licensee who is competent to evaluate those services.

8.2. Persons requiring supervision by a licensee fall into one (1) of the following four (4) categories:

a. Applicants for licensure who are obtaining the required supervised experience; a person in this category shall refer to himself or herself and sign all work as: Supervised Psychologist.

b. Technicians, or psychometricians with less than a master's degree who would not qualify for psychology licensure; a person in this category shall refer to himself or herself and sign all work as: Psychological Technician/or psychometrist. A licensee shall supervise a person in this category at all times.

c. Students engaging in psychological activities as part of a course of study in an institution of higher learning; a person in this category shall refer to himself or herself and sign all work as: Student; and

d. Former applicants for licensure who have failed to pass the written

examination in the required supervision period; a person in this category shall refer to himself or herself and sign all work as: Psychological Assistant. A licensee shall supervise a person in this category at all times.

8.3 Supervisors shall be licensed as a psychologist or school psychologist or granted a temporary permit by the West Virginia Board of Examiners of Psychologists. The Board may deny or rescind a licensee's supervision approval upon review of reasonable evidence of incompetence. Incompetence may include, but is not limited to the following: failure to provide adequate supervision; or failure to provide prompt evaluation of the supervised performance.

8.4 The licensee shall assume supervision obligations to an extent which he or she can adequately manage. A licensee shall supervise no more than four (4) candidates for psychology or school psychology licensure, or persons working as psychological assistants, technicians, psychometrists, or any combination thereof, unless otherwise exempted as described in subsection 8.5 of this section.

8.5 A licensee who wishes to supervise more than four persons as specified in subsection 8.2 of this section is required to obtain a special exemption from the Board. The Board shall issue a written exemption if the licensee has provided a written supervision program. The program of supervision shall specify the time, dates, and location of the supervision activity as well as specify the availability of the licensee for supervision during the work time of the supervised person.

§17-3-9. Standards for Supervision of Applicants for Licensure.

9.1. A licensee shall not enter into the direct and regular supervision of applicants unless he or she is satisfied that the applicants are meeting the standards for supervision set forth in this rule. A licensee shall cease supervision when applicants, firms, or agencies employing applicants fail to comply with standards set forth in this rule. A licensee shall notify the Board, in writing, within ten (10) days, whenever he or she discontinues supervision of an applicant.

9.2. Applicants shall meet the following standards of supervision. They shall be supervised directly by a licensee. For every twenty (20) hours of psychological activities, a minimum of one (1) hour of individual supervision is required. Individual supervision is defined as a face-to-face and private interaction between the supervising licensee and the applicant. When the supervisor is not a full-time employee of the same firm or agency as the applicant, the individual supervision shall occur at least twice in each calendar month. The supervisor shall also be available to the applicant for telephone consultation at all times during regular business or professional practice hours. All psychological reports or other professional opinions rendered by the applicant shall be countersigned by the supervisor.

9.3. When applicants for licensure supervise a psychological technician, psychological assistant, or a psychometrician that supervision activity must be discussed with a applicant's licensed supervisor. The licensed supervisor is responsible for the quality of work produced by the applicant and the

psychological technician, psychological assistant or the psychometrician. When supervising psychological technicians, psychological assistants, or psychometricians, the applicant shall be a full-time employee of the agency or firm which employs the psychological technician, psychological assistant or psychometrician. The licensed supervisor shall keep informed of all the psychological activities of the psychological technician, psychological assistant, or psychometrician. The licensed supervisor shall use his or her best professional judgment in determining how much time is necessary for the applicant to spend with the psychological technician, psychological assistant or psychometrician to assure the quality of the services provided.

9.4. The supervisor shall keep a separate diary listing the time and places of the individual supervision sessions and consultations for each applicant, as well as a brief notation of the subject matter, without identification of characteristics of the client or clients who may have been discussed during supervision. Firms or agencies employing a licensee for the purpose of providing supervision shall keep a diary listing the names of applicants and licensees and the times when individual supervision has occurred.

The supervisor shall submit supervision reporting forms to the Board on a quarterly basis as follows:

1. For the quarter beginning January 01 and ending March 31, the report shall be mailed by April 31;
2. For the quarter beginning April 01 and ending June 30, the report shall be mailed by July 31;
3. For the quarter beginning July 01 and ending September 31, the report shall be mailed by October 31;
4. For the quarter beginning October 01 and ending December 31, the report shall be mailed by January 31.

9.4a The applicant shall pay the annual supervision fee, as required in West Virginia Board of Examiners Rule, Fees, 17CSR1. or the Board will not process the applicant's file or accept the applicant's supervision reports.

9.5. The Board may credit, either in part or in its entirety, supervision toward licensure in another state, which took place prior to application for licensure in West Virginia, if the supervision meets the standards of the Board.

9.5a. The Board shall not give an applicant supervision credit for supervised work performed prior to its actual approval of the applicant's application for licensure.

9.6. After approval of the applicant's application for licensure and upon the Board's approval of the submitted supervision reports from the preceding supervision periods, the Board shall, at the beginning of the new calendar year, issue a card identifying the applicant as a "Supervised Applicant for Psychology Licensure". The card is documentation that the applicant is in good standing.

with the Board. The card remains valid only as long as the applicant and supervisor remain in compliance with this rule. An applicant shall apply for a new card if he or she changes supervisors. The Board shall approve the new supervision before the applicant begins work under the new supervisor.

§17-3-10. Standards for Supervision of Students.

Students shall work directly under supervision of the course instructor. Instructors who function only within their regularly assigned college or university functions are not required to be licensed. Those instructors who provide psychological services outside of their regularly assigned college or university functions shall be licensed. In all cases, instructors and students shall follow ethical principals and procedures in dealing with persons and materials which become part of course work.

§17-3-11. Standards for Supervision of Psychological Assistants, Psychological Technicians, or Psychometricians.

Every January 01, all licensees who supervise applicants for licensure, psychological assistants, psychological technicians, or psychometrists shall provide the Board with a list of those persons whom he or she supervises. Detailed logs of supervisory times and topics for technicians, psychometrists or assistants are not required. Individual quarterly supervision reports are also not required.

§17-3-12. Licensure of School Psychologists.

12.1. Definitions:

a. A "Level I School Psychologist" is a "licensed school psychologist" as defined in W. Va. Code §30-21-2;

b. A "Level II School Psychologist" is a "licensed school psychologist independent practitioner" as defined in W. Va. Code §30-21-2;

c. "Licensed psychologist" is a person who has obtained a license to practice psychology independently through the provisions of the provisions of the West Virginia Code 30-21-1 et. seq..

d. An "applicant with a 'Certificate of Advanced Study' (CAS) is a person who has earned an additional twenty-four (24) graduate course work credits, including an internship, beyond a masters degree, and the CAS (or Ed.S.) is a six (6) year academic degree.

12.2. W. Va. Code §30-21-2(n) provides that a Level I school psychologist shall provide his or her services on school property. School property includes buildings or office space which is owned, rented, or leased by the county school board or the West Virginia State Board of Education. It also includes donated office space or buildings and private or parochial school facilities. This rule does not prohibit a Level I School Psychologist from providing school psychology

services in the student's home (i.e., home bound services) when the services are part of the school psychologist's contract with the school board.

12.3. School Psychology Representative Membership on the Board: W. Va. Code §30-21-5a requires that "at least one member of the board be a licensed school psychologist". This does not exclude Level II school psychologists from serving on the Board. Furthermore, it does not exclude a licensed psychologist, who also possesses a Level I or Level II school psychology license, from meeting the representation requirement.

12.4. Applicants for licensure as a Level I or Level II school psychologist shall pass the National Association of School Psychologists (NASP) certification examination (National School Psychologist Examination). The applicant's score shall be a raw score of seventy percent (70%) correct or greater in order to pass the examination.

12.5 Applicants for school psychology licensure are strongly encouraged to take the written exam as soon as it is possible after application for licensure.

12.6 Approved applicants for School Psychology licensure shall successfully pass the school psychology written examination within thirty (30) months if he or she is a master or C.A.S. or Ed.S. applicant or ten (10) months if he or she is a doctoral applicant.

12.7 If the applicant does not pass the written examination for school psychology licensure within the specified time, the applicant is no longer eligible for Level I or Level II licensure. The person will be required to perform all work under the supervision of a licensed school psychologist or independent practitioner and sign all work as "School Psychologist Assistant".

§17-3-13. Supervision Requirements for School Psychologist Applicants.

13.1. Level I School Psychology applicants shall be supervised by Level I, Level II, or when necessary licensed psychologists. The Board shall approve licensed psychologists to be supervisors only upon satisfactory documentation of school psychology experience.

13.2. Level II School Psychology applicants shall be supervised by Level II school psychologists, or when necessary licensed psychologists. The Board shall approve licensed psychologists to be supervisors only upon satisfactory documentation of school psychology expertise.

13.3. The supervision of applicants for School Psychology licensure 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. Individual supervision is defined as face-to-face and private interaction between the applicant and the supervisee. When the supervisor is not located at the same work site, the supervisor and applicant still shall meet together for individual supervision sessions. The supervisor shall be available to the applicant for telephone consultation during the work day. If the applicant is a contractor with the school board, all school psychological reports must be co-signed by the

supervisor and logged in the supervisors diary. If the applicant is a full-time employee of a local school board, his or her reports shall be logged in the supervisor's diary and need not be co-signed. However, all work must be reviewed by the supervisor.

13.4. Specific Supervision Requirements for Level I Applicants as Described in W. Va. Code §30-21-7b: Supervision of an applicant for Level I licensure shall include all aspects of the applicant's professional practice. These aspects include, but are not limited to, evaluations, consultations, ethics, record keeping, and professional development. The applicant shall maintain all forms and submit reporting forms to the Board.

13.4a. Applicants for the Level I School Psychology license who possess a master's, C.A.S., or Ed.S. degree, shall be required to complete thirty (30) months of supervision. If an internship was required for the degree, ten (10) months of supervision shall be accepted as part of the required thirty (30) months.

13.5. Applicants for School Psychology Level II licensure who possess a master's, C.A.S., or Ed.S. degree shall complete twenty (20) months of supervision which shall include all aspects of the applicant's professional practice, as described in Section 13.4 of this rule. The applicant shall be informed of the requirements of the provision of independent and private school psychology services. During the twenty (20) additional supervision months required for the Level II license, the applicant must receive experience which provides competency in, but not limited to, the following: record keeping; emergency psychology; duty issues; liability issues; abandonment concerns; confidentiality; court concerns; business issues; supervision of school psychology applicants; and professional practice ethics. The applicant may acquire these competencies either through actual private practice experience, interaction with his or her supervisor, or through formal instruction. The Board suggests, but does not require, that the applicant receive on-the-job experience in a private practice setting during the Twenty (20) month period. If the applicant works in a private practice setting, all psychological work must be co-signed by the supervisor. It is the responsibility of the applicant and the supervisor to adequately prepare the applicant for Level II school psychology practice.

13.6. Applicants for School Psychology licensure are required to complete that activities as described in sections 13.4 and 13.5 of this rule. The amount of supervision time required for the doctoral applicant is one (1) calendar year if an internship was required or two (2) calendar years if an internship was not completed as part of the degree requirement.

13.7. A person who is certified as a school psychologist by the West Virginia State Board of Education and who is a full time employee of a local school board, need not be licensed as a Level I or Level II school psychologist. However, these individuals shall not refer to themselves as "licensed" nor may they offer

services under contract to any other county school board nor shall they offer school psychological services on a private or independent practice basis.

§17-3-15. School Psychology Continuing Education Requirements for Licensed Psychologists.

Licensed psychologists who obtained their school psychology licensure under the grandfather provisions of the original school psychology licensure law, shall maintain their school psychology license as long as he or she meets the renewal requirements for his or her psychology license.

7755

H. B. 2366

1 Bill-Psychs, Qual

(By Delegate(s) Douglas, Hunt, Compton,
Faircloth, Linch and Riggs)

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[Introduced March 3, 1997; referred to the
Committee on Government Organization then the
Judiciary.]

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9

10 A BILL to amend article nine, chapter sixty-four of the
11 code of West Virginia, one thousand nine hundred
12 thirty-one, as amended, by adding thereto a new
13 section, designated section eight, relating to
14 authorizing the board of examiners of psychologists to
15 promulgate a legislative rule relating to
16 qualifications for licensure as a psychologist or
17 school psychologist.

18 *Be it enacted by the Legislature of West Virginia:*

19 That article nine, chapter sixty-four of the code of
20 West Virginia, one thousand nine hundred thirty-one, as
21 amended, be amended by adding thereto a new section,
22 designated section eight, to read as follows:

23 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND**

1 **BOARDS TO PROMULGATE LEGISLATIVE RULES.**

2 **§64-9-8. Board of examiners of psychologists.**

3 The legislative rule filed in the state register on
4 the thirtieth day of August, one thousand nine hundred
5 ninety-six, under the authority of section six, article
6 twenty-one, chapter thirty, of this code, modified by the
7 board of examiners of psychologists to meet the objections
8 of the legislative rule-making review committee and refiled
9 in the state register on the twenty-eighth day of February,
10 one thousand nine hundred ninety-seven, relating to the
11 board of examiners of psychologists (qualifications for
12 licensure as a psychologist or school psychologist, 17 CSR
13 3), is authorized.

14
15 **NOTE:** The purpose of this bill is to authorize the
16 Board of Examiners of Psychologists to promulgate a
17 legislative rule relating to Qualifications for Licensure
18 as a Psychologist or School Psychologist.

19
20 This section is new; therefore, strike-throughs and
21 underscoring have been omitted.

Senate Bill No. 203

(By Senator(s) Ross, Anderson, Macnaughtan,
Boley and Buckalew)

[Introduced March 3, 1997; referred to the
Committee on Health and Human Resources; and
then to the Committee on the Judiciary.]

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11 code of West Virginia, one thousand nine hundred
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21 underscoring have been omitted.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Board of Examiners of Psychologists

Subject: Qualifications for licensure as a Psychologist or School Psychologist, 17CSR3

PERTINENT DATES

Filed for public comment: June 26, 1996

Public comment period ended: August 1, 1996

Filed following public comment period: August 30, 1996

Filed LRMRC: August 30, 1996

Filed as emergency:

Fiscal Impact: None

ABSTRACT

The proposed rule amends a current legislative rule. The following is a synopsis of the substantive amendments.

Subsection 2.2 has been amended to reflect that the State has 3 rather than 2 degree graduate degree-granting institutions and to specifically mention the West Virginia Graduate College.

Subsection 4.3 has been amended to require that a Ph. D. course study in psychology include a pre-doctoral or post-doctoral internship **approved by the American Psychological Association or its equivalent.**

Subsection 7.5 is new. It requires licensed psychologists and school psychologist to notify the Board prior to using a psychometrician to score or administer psychological tests and to inform the Board that the psychometrician is properly trained and will be supervised.

Subsection 7.6 is new. It requires that the psychometrician be identified in all reports based upon a test which he or she administered.

Subsection 8.2 has been amended to add a fourth category of person who must be supervised by a licensee, former applicants for licensure who have failed to pass the written examination within the required time period.

Subsection 8.3 has been amended to prohibit a licensee from supervising more than four persons unless he or she is granted an exemption by the Board.

Section 9 has been amended to require supervisors to file reports quarterly rather than semiannually; to provide that an applicant will not be given supervision credit for work performed prior to the Board's approval of the applicant's application for licensure; to provide for the issuance of a card by the Board identifying the supervised applicant.

Subsection 12.4 has been amended to require to score at least 70% on the written examination for passage and to set maximum times in which the examination must be passed.

Section 14 has been amended to delete obsolete provisions relating to the grandfathering of school psychologists.

AUTHORITY

Statutory authority: W.Va. Code, §30-21-6, which provides, in part, as follows:

(a) The board shall:

(4) Promulgate reasonable rules and regulations implementing the provisions of this article and the powers and duties conferred upon the board hereby, including, but not limited to, reasonable rules and regulations establishing standards to insure the proper supervision of all persons working under the direct and regular supervision of a licensee under the provisions of this article, all of which reasonable rules and regulations shall be promulgated in accordance with the provisions of article three, chapter twenty-nine-a of this code, set reasonable fees and record them in legislative rules, Title 17, Series 1...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

No.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

Yes. The proposed rule is extremely poorly written and should be completely rewritten.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has numerous technical modifications to suggest and recommends that the Board start from scratch and repeal and replace the current rule. Also, from reading the public comments contained in this filing, it appears that Series 2 which has been filed as a procedural may in fact be a legislative rule and should go through the legislative rule-making review process.