

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**  
Form #7

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2011 JUN 10 PM 3:09

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Effective Date

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Board of Examiners of Psychologists TITLE NUMBER: 17

CITE AUTHORITY: 30-21-6

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Title 17, Series 3 Requirements for Licensure as a Psychologist and/or a School Psychologist

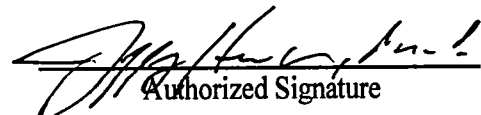
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Use additional sheets if necessary

  
Authorized Signature

STATE OF WEST VIRGINIA  
**BOARD OF EXAMINERS OF PSYCHOLOGISTS**  
P.O. BOX 3955 \* CHARLESTON \* WV \* 25339-3955


June 7, 2011

Natalie Tennant  
Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

Dear Secretary of State Tennant:

The Board of Examiners of Psychologists voted to submit an emergency rule for Title 17, Series 3, when we became aware of individuals practicing psychology without a license or supervision. The enclosed revisions include language specific to these individuals in order to provide the necessary safety mechanisms that will ensure public safety. Further elaboration is included in the statement of concern.

Sincerely,

A handwritten signature in cursive script that reads "Tina M. Yost, Ed.D.".

Tina M. Yost, Ed.D.  
President, WV Board of Examiners of Psychologists

**EMERGENCY RULE QUESTIONNAIRE**

DATE: 6/7/11

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Board of Examiners of Psychologists  
1205 Quarrier St., Charleston, WV 25301  
304-558-3040

EMERGENCY RULE TITLE: Requirements for Licensure as a Psychologist and/or a School Ps

1. Date of filing 6/8/11

2. Statutory authority for promulgating emergency rule:  
30-21-6

3. Date of filing of proposed legislative rule: 6/8/11

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? Adopts new language.

5. Has the same or similar emergency rule previously been filed and expired?  
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.  
To provide oversight to unlicensed individuals who are practicing psychology without the required education and training.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

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N/A

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8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

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These individuals are currently engaging in the practice of psychology without a license and without oversight

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### **A Brief Summary of the Proposed Rule**

The changes to Title 17, Series 3:

Since Certified Behavior Analysts practice psychology, the rule changes make certain that Certified Behavior Analysts are under the regulation of the WV Board of Examiners of Psychologists and that licensed psychologists shall supervise the work of such persons at all times.

## **A Statement of Circumstances Which Require This Rule**

Title 17, Series 3 Requirements for Licensure as a Psychologists and/or a School Psychologist

A situation constituting an immediate threat to public safety has come to the attention of the West Virginia Board of Examiners of Psychologists. There is a relatively small, but most likely soon to increase, group of individuals engaging in the practice of psychology who are not licensed and who do not meet the minimum education and training requirements for licensure. They are not prepared to practice independently, lack oversight, and constitute a serious and immediate concern to public safety. WV Code 30-21-2 is clear that the activities performed by applied behavior analysts and certified behavior analysts constitute the practice of psychology. By law, the practice of psychology requires licensure. Discussion with the board's attorney from the Attorney General's office resulted in the board's decision to request an emergency rule change to our Series 3 Rules that would provide appropriate oversight to these individuals, thus providing protection for the public.

We therefore respectfully request the submitted revisions to our Series 3 Rules be implemented as an Emergency Rule as provided for under Code 29A-3-15(f).

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Title 17, Series 3 Requirements for Licensure as a Psychologist and/or a School Psychologist

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Board of Examiners of Psychologists

Address: PO Box 3955, Charleston, WV 25339  
Street Address: 1205 Quarrier Street, Room 200, Charleston, WV 25301

Phone Number: 304-558-3040 Email: (Kathy Lynch) klynch@mail.state.wv.us

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

None.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Title 17, Series 3 Requirements for Licensure as a Psychologist and/or a School Psychologist

Rule Title: \_\_\_\_\_

Rule Title: \_\_\_\_\_

- 3. Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

There will be no increase or decrease of fees.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

None.

Date: 6/9/11

Signature of Agency Head or Authorized Representative



2011 JUN 10 PM 3:10

**TITLE 17  
LEGISLATIVE RULE  
PSYCHOLOGISTS**

OFFICE OF THE CLERK  
WEST VIRGINIA  
LEGISLATURE

**SERIES 3  
REQUIREMENTS FOR LICENSURE AS A PSYCHOLOGIST  
AND/OR A SCHOOL PSYCHOLOGIST**

**§17-3-1. General.**

1.1. Scope. -- These legislative rules define the rules of practice for licensed psychologists and/or school psychologists including professional ethics, responsibilities, and psychological testing. These legislative rules also define degree and training requirements, the application process, examinations, notifications, temporary permits, supervision, Continuing Education (CE), and renewals.

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

1.3. Filing Date. -- ~~April 16, 2010.~~

1.4. Effective Date. -- ~~June 1, 2010.~~

**§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, a department of education and psychology, or in a university department with the official designation containing the word "psychology" or "psychological." Core graduate level coursework required to be considered as a potential candidate for independent licensure as a psychologist includes, but is not limited to, all of the following areas: clinical interviewing, diagnosis and treatment planning, psychopathology, biological bases of behavior, ethics, assessment of children and adults, individual psychotherapy, clinical practicum, clinical internship, and tests and measures. These core areas are deemed by the Board to be fundamental to the practice of psychology as defined in WV Code § 30-21-2.

2.2. The term "accredited institute of higher learning" is defined as colleges or universities that are accredited by one of the six nationally recognized regional accrediting agencies (North Central Association of Colleges and Schools, Western Association of Schools and Colleges, Southern Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Middle States Association of Schools and Colleges), or their successor associations. 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 program of study shall include a minimum of 50 semester hours of graduate credit. Coursework shall be clearly identified by title and course content as being psychological in nature. Psychology master's degree course of study is adequate only if eighty percent (80%) or more of the required courses to earn the master's degree, excluding the practicum and masters thesis, are earned through on-campus classes of the degree granting university. The same core coursework requirements listed in §17-3-2.1. apply to all new applicants effective on January 1, 2012.

**§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 the equivalent. The Psy.D. is determined to be equivalent to the Ph.D. The Board or its Committee shall evaluate all equivalency applications. It is the responsibility of equivalency applicants to prove equivalency. The Board may 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, for those with an equivalency application, shall be clearly identified by title and course content as being psychological in nature, and must have been taught by an individual with a graduate degree in psychology. 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 has been taught by an individual with a graduate degree in psychology.

4.3. The doctoral degree course study in psychology shall include a pre-doctoral or post-doctoral internship approved by the American Psychological Association or arranged through a program of study at an accredited institution of higher learning. The Board shall require an applicant who has not completed such an 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 the following criteria:

4.4.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;

4.4.b. Its primary purpose shall be to assure breadth and quality of training;

4.4.c. There shall be a clearly designated licensed psychologist responsible for the integrity and quality of the internship program;

4.4.d. Internship supervision shall be provided by a staff member of the internship agency; the staff member is clinically responsible for the cases being supervised;

4.4.e. At least half of the internship supervision shall be provided by one (1) or more psychologists;

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

4.4.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 500 hours);

4.4.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;

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

4.4.j. The internship experience, shall be full time based on APA standards, and 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 supervised-psychologist 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; the psychological evaluation, prevention, and improvement of adjustment problems of individuals and groups; providing clients or patients assistance in solving their professional or personal problems; and other activities outlined in W. Va. Code §30-21-2. For the purposes of this rule, the supervised professionally oriented teaching, supervising and research activities of applicants who are full time, university clinical faculty members may apply toward the required hours of supervised work experience. This acceptable experience shall be performed under the supervision of a licensed psychologist. The supervising psychologist shall be competent in the area of psychology in which the supervised-psychologist is 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 supervised-psychologist is engaged in employment on a full-time per week basis. 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 prorated basis, in such a manner that the number of hours actually worked per week shall 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 supervised-psychologist; for example, a supervised-psychologist 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 Board-approved supervised experience. When applicants obtain the required supervised experience while simultaneously pursuing graduate work toward the doctorate degree, some limits exist regarding the number of hours of supervised experience the Board shall credit per week of work as a supervised-psychologist. The following guidelines apply. During the period in which an applicant was enrolled for ten to thirteen (10-13) semester hours, the Board may allow up to twenty (20) hours per week of work performed as a supervised-psychologist toward licensure; 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. Midway through the five-year period of supervision, the supervisee shall submit for review by the Board three (3) work samples representative of the supervised practice. After review of the submitted work samples the Board shall make recommendations regarding the continuation of supervision, including areas requiring remediation or changes required by the Board to facilitate effective progress toward professional competency and independent licensure.

5.4. When the applicant holds a Ph.D. or the equivalent, W. Va. Code §30-21-7(a)(4) requires at least 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 shall 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 means private practice wherein the psychologist does not maintain regular consultative relationships, or does not require supervision, in regard to the management of his or her case load.

**§17-3-6. Professional Ethics.**

6.1. The Board hereby adopts the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association as part of this rule, and all provisions of this Code of Ethics have the same effect as if they were specifically promulgated rules of the Board. In addition to the APA Code of Ethics, School-Psychologists are also bound by the National Association of School Psychologists Principles for Professional Ethics.

**§17-3-7. Responsibilities Of Licensees.**

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

7.2. The licensee shall conspicuously display the license at his or her principal place of practice.

7.3. The licensee is responsible for keeping the Board 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, Licensed School Psychologists (Level I), and Licensed School Psychologists Independent Practitioners (Level II) shall notify, prior to utilizing a psychometrician who administers or scores psychological tests or a certified behavior analyst, the Board's Executive Director that a psychometrician or certified behavior analyst will be utilized and that the psychometrician or certified behavior analyst has been properly trained and that the licensee shall provide the proper supervision of the psychometrician or certified behavior analyst.

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

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

8.1. All individuals who provide psychological services and who are not either currently licensed or specifically exempted under 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. The APA Code of Ethics shall also apply to those working under the direct supervision of a licensee.

8.2. Individuals requiring supervision by a licensee fall into one (1) of these three (3 4) categories;

8.2.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.

8.2.b. Psychometricians are individuals who administer and score psychological tests, and shall refer to himself or herself and sign all work as Psychometrician. A licensee shall supervise a person in this category at all times. Those individuals ineligible for licensure who have had their license revoked or rescinded, or otherwise discontinued by the Board due to ethical violations, or who have been discontinued from the licensure track by the Board and who have at any time been determined by the Board (as evidenced by a finding of probable cause or a letter to cease and desist) to have acted outside the scope of ethical standards, may not act as a psychometrician.

8.2.c. Students engaging in psychological activities as part of a course of study in an institution of higher learning; a person in this category, unless the Board has specifically issued a gold card allowing them to sign as a supervised-psychologist, shall refer to himself or herself and sign all work as: Student.

8.2.d. Certified behavior analysts, having obtained either a bachelor degree or a graduate degree from a department of psychology at a board approved regionally accredited institution of higher education and national certification from an entity recognized by the WV Board of Examiners of Psychologists, shall refer to themselves as behavior analysts. Provision of services shall be restricted solely to behavior analysis. A licensed psychologist shall supervise the work of such persons at all times. Those individuals ineligible for licensure who have had their license revoked or rescinded, or otherwise discontinued by the Board due to ethical violations, or who have been discontinued from the licensure track by the Board and who have at any time been determined by the Board (as evidenced by a finding of probable cause or a letter to cease and desist) to have acted outside the scope of ethical standards, may not act as a certified behavior analyst.

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 and determination 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. In addition, no licensee having had a substantiated complaint resulting in any type of censure, sanction, restriction, or reprimand may be granted the privilege of providing supervision.

8.4. The licensee shall assume supervision obligations only to an extent that he or she can adequately manage. A licensee shall supervise no more than four (4) candidates for psychology or school psychology licensure.

8.5. As stated in §17-2-5, Supervisors and their Supervisees shall sign and adhere to the Board's Supervision Contract, which is based on Legislative Rule, APA Ethics Code as included in the Legislative Rules (see §17-3-6), and procedures determined by the Board to be fundamental to effective supervision. The Supervision Contract shall be signed and approved by the Board prior to initiation of supervised practice.

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

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

9.2. Supervised-psychologists shall meet the following standards of supervision. They shall be supervised directly by a licensee. Supervisors shall provide a minimum of 1 hour of individual supervision per 20 hours of the Supervisee's clinical practice, with a minimum of 1 hour per week regardless of hours spent in practice. Individual supervision sessions must occur no less frequently than every 2 weeks. Individual supervision is defined as a face-to-face and private interaction between the supervising licensee and the supervised-psychologist. The supervisor shall be available to the supervised-psychologist for telephone consultation at all times during regular business or professional practice hours. All psychological reports or other professional opinions rendered by supervised-psychologists shall be countersigned by the supervisor.

9.3. Supervised-psychologists may not supervise a psychometrician.

9.4. The supervisor shall keep a diary listing the time and places of the individual supervision sessions and consultations for each supervised-psychologist, 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 also keep a diary listing the names of supervised-psychologists and licensees and the times when the individual supervision has occurred.

9.4.a. The supervisor shall submit copies of supervision quarterly reporting forms, while maintaining the originals, to the Board on a quarterly basis as follows:

9.4.a.1. For the quarter beginning January 01 and ending March 31, the report shall be mailed by April 30;

9.4.a.2. For the quarter beginning April 01 and ending June 30, the report shall be mailed by July 31;

9.4.a.3. For the quarter beginning July 01 and ending September 30, the report shall be mailed by October 31;

9.4.a.4. For the quarter beginning October 01 and ending December 31, the report shall be mailed by January 31.

9.4.b. The supervised-psychologist shall pay the annual supervision fee, as required in West Virginia Board of Examiners Rule, Fees, §17 CSR1 or the Board may not process the supervised-psychologists' 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.

9.5.a. The Board shall not give a supervised-psychologist supervision credit for work performed other than during supervision toward licensure.

9.6. After approval of the application for supervision toward 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-Psychologist". The card is documentation that the supervised-psychologist is in good standing with the Board. The card remains valid only as long as the supervised-psychologist and the supervisor remain in compliance with this rule. A supervised-psychologist shall apply for a new card if he or she changes supervisors. The

Board shall approve the new supervision before the supervised-psychologist begins work under the new supervisor.

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

10.1. 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 with materials that become part of course work.

**§17-3-11. Reporting Supervisees and Psychometricians.**

11.1 Every January 01, all licensees who supervise supervised-psychologist for licensure, certified behavior analysts and/or psychometricians, shall provide the Board with a list of those persons supervised.

**§17-3-12. Special Procedures And Definitions For Board Consideration Of Applications Made For Licensure On The Basis Of ABPP Certification And Reciprocity.**

12.1. American Board of Professional Psychology.

12.1.a. When a person applies for licensure under this provision, the West Virginia Board of Examiners shall communicate with the American Board of Professional Psychology of the American Psychological Association to verify that the candidate has indeed been awarded a diploma by that body.

12.1.b. A completed and notarized application form shall be required from the applicant to initiate consideration for licensure. Such applicants shall pay all appropriate fees and complete other forms as required.

12.1.c. Applicants certified by the American Board of Professional Psychology shall meet with the Board to discuss their practice intentions.

12.2 Reciprocity provision.

12.2.a. When a person applies for licensure under this provision, the West Virginia Board of Examiners shall assume responsibility for obtaining information from the state (s) having licensed the psychologist to determine whether the requirements for obtaining such other license(s) or certificate(s) were at least as great as provided in the West Virginia Code.

12.2.b. License or certificate is interpreted to mean only those granted by other states under statutory provisions.

12.2.c. Reciprocity agreements with other states are not automatic. All reciprocity applicants must submit documentation showing that they meet all the requirements of the West Virginia Board. Required documentation includes, but is not limited to, a completed and notarized application form, official transcripts from the applicant's graduate degree granting institution, national exam scores, documentation of supervision, and any correspondence from licensure granting board(s) pertaining to disciplinary actions taken against the applicant.

12.2.d. Reciprocity applicants shall pay all required fees.

12.2.e. Portability. -- The Board may waive any or all of the required documentation of education and training if the applicant for doctoral level licensure is currently a holder of the Certificate of Professional Qualifications issued by the Association of State and Provincial Psychology Boards or a certificate from the National Register. Such applicants must meet all other requirements as described in §30-21-7 and within Title 17, Series 3.

12.2.f. All reciprocity applicants must pass an oral examination.

12.2.g. Notification. When a decision has been reached by the Board, the applicant shall be so informed, in keeping with the general procedure for such notification as provided in the Rules.

### **§17-3-13. Procedures For Processing Of Applications Requiring Written and Oral Examinations.**

13.1. A completed application file consists of the completed and notarized application form, official transcripts of all graduate work completed, endorser forms from two (2) psychologists familiar with the applicant's work experience, at least one (1) of whom must be a member of the West Virginia Psychological Association, the American Psychological Association and/or the American Psychological Society. If the application is for school psychology licensure, one endorser must be a member of the W. Va. School Psychology Association and/or the National Association of School Psychologists.

13.2. Once the application file is complete and the appropriate fees are received, the Board shall examine the transcript of every applicant to determine the adequacy of the applicant's graduate education as defined in Section 2 of the Legislative Rules, Series 3 of the Board.

13.3. The Board Secretary shall evaluate the acceptability of the professional experience presented by the applicant for consideration in keeping with Title 17, Series 3 of the Board's Legislative Rules. The Board Secretary shall also review the application materials and decide if the applicant qualifies to enter the licensure process as a psychologist. Qualified applicants are granted status as Supervised-Psychologists. The School Psychology Coordinator or the Board Secretary shall evaluate the application materials for those applying for a school psychology license. Qualifying applicants are granted status as Supervised School Psychologists.

13.4. Further procedures for processing applications under the standard provision are described in Section 14 of these rules, which follows.

### **§17-3-14. Examinations.**

14.1. The Board adopts the examination provided by the Association of State and Provincial Psychology Boards, the Examination For Professional Practice In Psychology (EPPP), as part of its official examination.

14.2. Licensure requires a passing score on the EPPP. The Board shall determine and set a passing score in consideration of prevailing national standards and in consideration of ensuring the public welfare. As the need arises, the Board may update the passing score and the said updated passing score shall then be in force.

14.3. All Supervised-Psychologists are required to take the EPPP at least once during the first 12 months of their status as a supervised-psychologist. Supervised-psychologists must pass the EPPP within 2 years. Those that do not meet this 2 year requirement must cease all psychological practice and must stop using the title of "Supervised-Psychologist" until they pass the examination. Individuals who have (a) not taken the EPPP within 12 months, or (b) not passed the EPPP within 2 years and have lost their status as Supervised-Psychologists are eligible to take the EPPP as often as they are able to do so during the succeeding 2 years. If they do not pass at the end of the designated period, they are no longer eligible

to take the EPPP. Those who pass the EPPP within the designated periods can renew their "Supervised-Psychologist" status. Those who fail to pass the EPPP within the designated periods will no longer be eligible for independent practice.

14.4. Supervised-psychologists shall also take a Board-prepared written and/or oral examination, which shall cover such matters as professional ethics, legal issues, competency, professionalism, knowledge and judgment, and to assure that the applicant appropriately limits the scope of independent practice to the extent of the applicant's training and supervision experience.

14.5. The supervision log as required in §17-3-9.4 of the Board's Rules must accompany all supervised-psychologists to their oral examination. After the examination the supervision logs shall be returned.

14.6. At the supervised-psychologist's oral examination, a minimum of three work samples, a final report of supervision, a demonstrable competency form (completed by the applicant and approved by his or her supervisors) shall be submitted. Work Samples must be submitted in support of each major area of intended practice (i.e. adult therapy, child assessment) and for any areas of intended practice considered specialty areas within the profession (e.g. forensics, neuropsychology, medical psychology, gerontology). Taken together, the work samples must represent the full range of applicant's intended scope of practice. These materials, as well as performance on the oral and/or written examinations shall serve as the basis for the Board's determination of the supervised-psychologist's scope of independent practice. Licensees practice independently only within the specified Board approved scope of practice.

14.7. Once licensed, no additions or expansions to the specified scope of independent practice as delineated at the oral examination, can be initiated without prior Board approval. The licensee must submit to the Board a statement describing the new intended practice area(s), and documentation of educational and supervised experience sufficient to support the application for enhanced scope of practice. Unless waived by the Board, requests for expanded scope of practice shall require an oral examination by the Board or a Board committee. Applicants shall be notified in writing of Board action on such requests.

14.8. The written and/or oral examination for each applicant shall be scored on pass/fail basis by each member of the Board present at the examination.

14.9. A passing score of sixty percent (60%) on the written and/or oral examination derived from the ratings of all examiners shall be required for passing. Percentage of passing scores based on total Board members deliberating shall be rounded up to the next whole number (e.g. When seven Board members vote, 60% equals 4.2, meaning that 5 members must pass the examinee). The results shall be recorded as either P or F only. The Board may choose to continue an individual's oral examination as outlined in 14.11.

14.10. Although the above criteria shall serve as guidelines, the final decision of the Board shall be based on all available information concerning the candidate's professional ability to function as a psychologist within the requirements of the law.

14.11. When the Board considers it warranted, an oral examination may be continued for a period up to one year. Such a continuation shall be accompanied by specific requirements for supervision activities and learning objectives that the candidate must complete during the period of the continuation. Obtaining a new supervisor may be a part of the requirements. The Board is not obligated to allow the additional time to prepare for licensure, but may do so if it so chooses. This grace period may be revoked at any time if the examinee fails to follow the Board requirements or directives.

14.12. Examinations shall be scheduled at least twice a year.

14.13. Those who fail the oral examination are no longer eligible for supervised practice or independent practice in the State of West Virginia.

14.14. The Board may require an applicant to retake only part of the oral examination.

14.15. If a licensee obtains an additional graduate degree, in most cases this is a master level licensee obtaining a doctoral degree, subsequent to being licensed, the licensee is required to make application to the Board, pay all required fees, submit an official transcript from the university conferring the new degree and complete all other required materials. When, as a result of the additional educational achievement, a licensee intends to expand his or her scope of practice or other aspects of his/her professional practice, the applicant is required to sit for a new oral exam in order for the licensee to be considered licensed at the new degree level. The purpose of the process is to approve the degree as acceptable to the Board, to insure that the degree meets all statutory requirements, and to allow for the licensee to present new or additional competencies and professional practice intentions. Until the process is successfully completed, the licensee shall continue to present himself or herself as the original degree licensee.

**§17-3-15. Notification.**

15.1. The Executive Director or Administrative Assistant shall timely notify each examinee by mail of his or her success, failure, or continuance on the written or oral examination.

15.2. In the case of denial of a license, the letter shall include a statement of reasons the Board used in making its decision and a description of the appeal possibilities open to the applicant.

15.3. Furthermore, verbal communications with individual Board members are not official and binding. Official Board statements or notices are provided in writing and represent the Board as a body.

**§17-3-16. Licensure of School Psychologists.**

16.1. Definitions:

16.1.a. A "Licensed School Psychologist" (Level I) as defined in W. Va. Code §30-21-2 means a school psychologist who provides school psychology services on school board property and is a school board employee or contractee.

16.1.b. A "Licensed School Psychologist Independent Practitioner" (Level II) as defined in W. Va. Code §30-21-2 means a school psychologist who provides school psychology services to an individual or the public on school board or non-school board property, and provides such services for a fee or other compensation, or as a school board employee or contractee.

16.1.c. A "Supervised-School-Psychologist" is a person who has earned a masters, Ed.S. or Certificate of Advance Study in an approved program from a regionally accredited institution of higher education and is applying for Level I or Level II licensure. Core coursework shall be relevant to the practice of school psychology as defined under WV Code §30-21-2.

16.1.d. "School board property" includes buildings or office space that 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 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.

16.1.e. School Psychology Representative Membership on the Board: W. Va. Code §30-21-5a indicates "at least one member of the board shall be a licensed school psychologist." This can be a Level I or Level II school psychologist or a licensed psychologist who also possesses a school psychology license, provided that the licensed psychologist's practice is oriented primarily toward the practice of school psychology.

16.2. To be eligible for licensure at Level I or Level II, supervised-school-psychologists shall pass the National Association of School Psychologists (NASP) certification examination administered by the Educational Testing Service. The Board shall determine and set a passing score in consideration of prevailing national standards and in consideration of ensuring the public welfare. As the need arises, the Board may from time to time update the passing score and the said updated passing score shall then be in force.

16.3. Supervised-school-psychologists shall take the written exam within the first 12 months of their status as a supervised school psychologist if they have not already taken it prior to application for licensure.

16.4. Supervised-school-psychologists shall pass the school psychology written examination within 2 years of their application for licensure. Those who do not meet this 2 year requirement shall become ineligible for Level I licensure and must cease all independent/supervised practice of school psychology. The applicant may, however, retake the exam anytime in the subsequent two year period and may renew their "Supervised School Psychologist" status upon passing the exam during that period. Those who fail to pass the exam within the designated periods will no longer be eligible for independent/supervised practice.

#### **§17-3-17. Supervision Requirements for School Psychologist Applicants.**

17.1. 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.

17.2. 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 or related practice expertise.

17.3. The supervision of supervised-school-psychologists shall consist of a minimum of 1 hour of individual supervision for every 20 hours of school psychology services provided by the supervised-school-psychologist. Individual supervision is defined as face-to-face and private interaction between the supervised-school-psychologist and the supervisor. When the supervisor is not located at the same work site, the supervisor and supervised-school-psychologist still shall meet together for individual supervision sessions. The supervisor shall be available to the supervised-school-psychologist for telephone consultation during the work day. If the supervised-school-psychologist is a contractor with the school board, all school psychological reports shall be co-signed by the supervisor. If the supervised-school-psychologist 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. Regardless of the supervised-school-psychologist's employment status, the applicant shall represent themselves and sign all reports as "Supervised-School-Psychologist" and all work must be reviewed by the supervisor.

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

17.4.a. Supervised-school-psychologists for the Level I School Psychology license who possess a master's, C.A.S., or Ed.S. degree are required to complete 3 school calendar years of supervision. If an internship was required for the degree, then one school calendar year of supervision shall be accepted as part of the required 3 school calendar years.

17.5. Supervised-school-psychologists for School Psychology Level II licensure who possess a master's, C.A.S., or Ed.S., degree shall complete 2 additional school calendar years of supervision which shall include all aspects of the supervised-school-psychologist's professional practice, as described in Section 17.4. of this rule. The supervised-school-psychologist shall be informed of the requirements of the provision of independent and private school psychology services. During the 2 additional school calendar years of supervision required for the Level II license, the supervised-school-psychologist shall receive supervised experience which provides competency in the following: record keeping, in-school crisis intervention, duty issues, liability issues, abandonment concerns, confidentiality concerns, court concerns, business issues, supervision of other licensees, and professional practice ethics. The supervised-school-psychologist 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 supervised-school-psychologist receive on-the-job experience in a private practice setting during the 2 school calendar year period. If the supervised-school-psychologist works in a private practice setting, all psychological work must be co-signed by the supervisor. It is the responsibility of the supervised-school-psychologist and the supervisor to adequately prepare the applicant for Level II school psychology practice.

17.6. Applicants for School Psychology licensure at the doctoral level are required to complete those activities as described in sections 17.4. and 17.5. of this rule. The amount of supervision time required for the doctoral supervised-school-psychologist is one (1) school calendar year; if an internship was required, or two (2) school calendar years if an internship was not completed as part of the degree requirement.

17.7. 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 psychology services on a private or independent practice basis. Only those properly licensed can provide services on a contract basis.

#### **§17-3-18. School Psychology Continuing Education Requirements for Licensed Psychologists.**

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

#### **§17-3-19. Temporary Permits.**

19.1. The Secretary of the Board is authorized to issue a temporary permit when the application is considered to meet the requirements of W. Va. Code §30-21-7(a)1, 7(a)2, 7(a)3, 7(a)4, 7(a)6, and 7(a)7. Granting a temporary permit by the Secretary does not assure the future granting of a regular license.

19.2. For W. Va. Code §30-21-9(a)(1), a letter requesting a temporary permit must accompany the completed application.

19.3. For W. Va. Code §30-21-9(a)(2) the regular application form for licensure shall be required along with the specified endorsement procedures as required according to that person's credentials. The fee for a temporary permit must accompany the application form.

19.4. Except for unusual circumstances specifically approved by the Board, holders of temporary permits under provision W. Va. Code §30-21-9(a)(1) shall be required to qualify and appear before the Board at the next available meeting for an oral examination to present their demonstrable competencies and to declare their practice intentions. Even though an applicant holds a license in another state, a temporary permit is not automatically granted. These applicants must first prove their applications for full licensure meet the requirements of a standard or reciprocity provision. Thus, such applicants shall submit proof of the existing license(s), any letter they have received from their Boards pertaining to non-standard licensure provisions and/or disciplinary actions, appropriate university transcripts, and national examination scores. Failure to provide documentation of any previous, current, or pending disciplinary actions may result in the license being denied or rescinded.

19.5. Applicants for temporary permits must meet the requirements of §30-21-7.

19.6. Holders of temporary permits must have such permits available for inspection on request.

19.7. ABPP and reciprocity applicants, holders of a certificate from the National Register and/or holders of the Certificate of Professional Qualifications issued by the Association of State and Provincial Boards of Psychology shall also be required to obtain a temporary permit in order to practice in the state until a regular license can be issued.

#### **§17-3-20. Renewals.**

20.1. License periods shall be dated quarterly (first day of January, April, July and October) and shall expire two (2) years after the granting of the license for psychologists and three (3) years after granting of the license for a school psychologist.

20.2. Thirty (30) days prior to expiration date of each license, the Board shall notify each licensee due for renewal via a letter to the last address of record filed with the Board. Failure to receive such a notice shall not relieve the licensee of the responsibility of renewing the license if the licensee intends to continue the practice of psychology in West Virginia.

20.3. Continuing Education (CE) -- Continuing Education (post degree education) is required of all Licensed Psychologists, Supervised-Psychologists, Licensed School Psychologists, Licensed School Psychologist Independent Practitioners, and Supervised School-Psychologists. On each application for renewal, the above cited individuals must present to the Board documentary evidence of the completion of appropriate and adequate CE.

20.4. Authorization -- The Board provides for authorization of Continuing Education in West Virginia. Continuing Education programs are automatically accepted if they are approved by the American Psychological Association or any of its sponsors, as well as the Academies of the Specialty Boards of the American Board of Professional Psychology, the West Virginia Psychological Association, The National Association of School Psychologists, its affiliated regional organizations, and the West Virginia School Psychological Association.

20.5. Required CE Hours -- Licensed Psychologists and Supervised-Psychologists are required to obtain a minimum of 20 Board approved Continuing Education hours per two year renewal cycle. Individuals holding licenses to practice psychology and school psychology may use the 20 hour Continuing Education requirement to satisfy the Continuing Education requirements for both licenses.

However, dually licensed psychologists shall obtain at least 3 approved Continuing Education hours per renewal cycle in each area, both the primary and secondary areas.

20.6. A minimum of 30 hours of Continuing Education credits per renewal period of 3 years or a valid National Certification card issued by the National Association of School Psychologists are/is required for a renewal for Licensed School Psychologists and School Psychologist Independent Practitioners.

20.7. Specific Continuing Education Requirements -- Three (3) hours of Continuing Education in the area of ethics are required within each renewal period for all license holders and supervisees.

20.8. A minimum of 50 percent of Continuing Education must be obtained from professional associations identified in 20.4. The remainder of continuing Education can be obtained from programs or activities including: 1. Presentation by a psychologist or other professional who has obtained recognized expertise in the specific subject area and is relevant to the field of psychology. The subject area must be relevant to the field of psychology. 2. APA approved self-study programs. 3. Formal professional presentations given by a licensee to a recognized professional audience. Licensees may acquire up to 6 continuing education hours for the initial presentation only. 4. Publications, Peer Reviewed Journals or Texts for up to 6 Continuing Education hours. 5. Grand Rounds from a medical institution with a clearly psychological focus. 6. Post Graduate Programs as specified in the Guidelines including successful completion of a graduate psychology course from a regionally accredited graduate institution. 7. Other options as noted in the Continuing Education Guidelines.

20.9. The Board reserves the right to renew a license after the normal expiration date if the circumstances justify such action.

20.10 If an ethical inquiry has been received regarding the competency or ethics of the licensee or supervisee, such licensees or supervisees may not circumvent or prevent investigation and/or resolution of the ethical complaint by deactivating their license or supervised-psychologist status.

### **§17-3-21. Psychological Assessment**

21.1. In accordance with W. Va. Code §30-21-2(e) the practice of psychology includes psychological testing which includes the administration and interpretation of tests of intelligence, special abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivation. The intent of this regulation is to provide a definition of psychological testing sufficient to allow this Board to regulate effectively this aspect of psychological practice. The ability to administer and interpret psychological testing requires formal academic training at the graduate level in statistics, test construction, sampling theory, tests and measurement, individual differences, and personality theory. In addition, the interpretation of psychological tests for diagnostic purposes requires formal academic training in the areas of abnormal psychology, psychopathology, mental health differential diagnosis, and in the case of neuropsychological assessment, training in neuropsychology. In addition to formal academic training at the graduate level, competent administration and interpretation of psychological tests also requires formal supervised practice experience.

21.2. "Psychological Testing" means the use of one or more standardized measurement instruments, devices, or procedures including the use of computerized psychological tests, to observe or record human behavior, and which require the application of appropriate normative data for interpretation or classification and includes the use of standardized instruments for the purpose of the diagnosis and treatment of mental and emotional disorders and disabilities, the evaluation or assessment of cognitive and intellectual abilities, personality and emotional states and traits, and neuropsychological functioning.

21.3. "Psychological Tests" means: individually administered tests for the evaluation of cognitive and intellectual abilities, examples of which are the current versions of The Wechsler Series; The Stanford-Binet; and The Kaufman Assessment Battery for Children.

21.3.a. Objective tests of personality, psychopathology, and emotional states and traits, which include but are not limited to: the current versions of The Minnesota Multiphasic Personality Inventory; The Millon Clinical Multiaxial Inventory; The Millon Adolescent Clinical Inventory and Personality Assessment Inventory.

21.3.b. Projective techniques, which include but are not limited to: The Rorschach Ink Blots; Thematic Apperception Test; and The Holtzman Ink Blots.

21.3.c. Individual tests of neuropsychological functioning, which include but are not limited to: The Halstead-Reitan Battery (original and expanded); The Luria-Nebraska Battery (original and expanded); The Lezak Battery or Kaplan Battery; and the current version of the NEPSY.

21.4. In accordance with W. Va. Code §30-21-3 services described as "Psychological Testing" in 21.2. of this legislative rule shall only be provided by persons licensed or credentialed by this board. "Psychological Tests" described in 21.3. et seq of this legislative rule shall only be administered and interpreted by persons licensed or credentialed by this Board or psychologists who meet the formal academic training and experience qualifications described above and who are otherwise exempt by statute (e.g. §30-21-2.)

21.5. Licensed Psychologists as well as other licensed or certified professionals may also use tests of language, education and achievement, as well as tests of abilities, interests, and aptitudes. With the exception of the test categories and psychological tests listed in 21.3. et seq of this legislative rule, the use of these other tests is not exclusively within the scope of this legislative regulation. These tests may also be used by other licensed or certified professionals. However, test categories and psychological tests listed in 21.2. and 21.3. et seq of this legislative rule shall only be used by persons credentialed by this Board.

21.6. Members of other professions may not train or supervise any person in the performance of psychological testing as defined in sections 21.2. and 21.3. et seq of this rule.

21.7. Current versions of psychological tests must be used no later than 18 months after their dates of publication. Licensed psychologists may not use tests that are obsolete and not useful for the current purpose unless there is appropriate clinical justification for using outdated tests.