



STATE OF WEST VIRGINIA
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January 23, 2001

VIA HAND DELIVERY

Secretary of State Joe Manchin, III
Attn: Administrative Law Division
State Capitol Complex
Building 1, Room 157-K
Charleston, WV 25305

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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Re: Request to Withdraw Emergency Rules

Dear Secretary Manchin:

I am writing on behalf of the West Virginia Board of Examiners of Psychologists ("Board") to request withdrawal of emergency rules Title 17, Series 4, Disciplinary and Complaint Procedures for Psychologists and Title 17, Series 5, Contested Case Hearing Procedures effective March 1, 2001. In support of this request the Board states as follows:

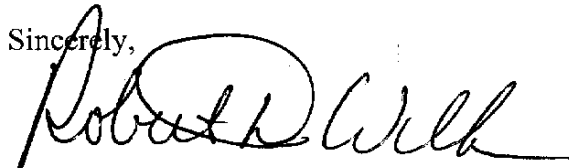
During the 2000 regular legislative session, the Legislature enacted House Bill 4062 which in part amended W.Va. Code § 30-1-8(h) to require the state's professional licensing boards to adopt legislative rules governing the investigation and resolution of complaints against their respective licensees on or before July 1, 2000. Subsequently, the Kanawha County Circuit Court entered an Order requiring the Board to enact such rules as emergency rules prior to July 1, 2000. Consequently, the Board filed the emergency rules in question.

On November 14, 2000, during a special legislative session, the Legislature enacted House Bill 207, which in part amended W.Va. Code § 30-1-8(h) to require the state's professional licensing boards to adopt procedural rules governing the investigation and resolution of complaints against their respective licensees. In addition, H.B. 207 redesignated all proposed legislative rules filed pursuant to the prior enactment of this subsection as procedural rules. Further, H.B. 207 requires the licensing boards to final file the rules required by this subsection on or before January 31, 2001.

Consistent with Legislature's mandate, the Board has this day final filed Title 17, Series 4, Disciplinary and Complaint Procedures for Psychologists and Title 17, Series 5, Contested Case Hearing Procedures as procedural rules with an effective date of March 1, 2001. With the exception of minor grammatical, syntactic and stylistic amendments these procedural rules are identical to the emergency rules in question. Accordingly, the Board requests to withdraw said emergency rules effective March 1, 2001.

Any questions, comments or further correspondence in regard to these matter may be directed to me at: **Office of the Attorney General, State Capitol Complex, Bldg. 1, Room E-26, Charleston, West Virginia 25305**, or at the telephone or fax numbers listed above. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Williams". The signature is fluid and cursive, with a large, prominent loop at the beginning of the first name.

Robert D. Williams
Assistant Attorney General

RDW

cc: West Virginia Board of Examiners of Psychologists