

7/5/2017

Dr. Kojza, Thank you for your comments! I'll pass these on to the Board members.  
Have a great day! Kathy

**Kathleen Lynch**  
*Administrative Assistant*

**From:** Dennis Kojza [<mailto:dkojsza@uscwv.org>]  
**Sent:** Wednesday, July 05, 2017 10:00 AM  
**To:** Lynch, Kathy G <[Kathy.G.Lynch@wv.gov](mailto:Kathy.G.Lynch@wv.gov)>  
**Subject:** Re: Comment Period Open

Hi Kathy,

License renewal fees are being increased another \$100.00 which is an additional burden to those who work in community mental health centers and have considerably less income than other psychologists.

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Jerry,

Thank you for your comments and observations! Good catch! I'll pass your comments on to the Board members. Have a great day! Kathy

**Kathleen Lynch**  
*Administrative Assistant*

**From:** Gerard Spiegler [<mailto:gerard.spiegler@prestera.org>]  
**Sent:** Monday, July 03, 2017 4:38 PM  
**To:** Lynch, Kathy G <[Kathy.G.Lynch@wv.gov](mailto:Kathy.G.Lynch@wv.gov)>  
**Subject:** Comment Period on Regulations

Hi Kathy,

Regarding 17 – 2 – 8.4 (See Series 2 Comments)

17-01 Also, would the Board be open to assessing a smaller increase in the License Renewal Fee from the proposed \$450 which amounts to about a 28.6% increase from the current fee of \$350?

17 -3 (See Series 3 Comments)

Have a great July 4<sup>th</sup> and thanks for your consideration, Jerry

Gerard Spiegler, MA  
Psychologist – West Virginia License #986  
Kanawha In interchange – Child and Adolescent Intensive Services Program  
304 341-0511 extension 1717

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Keith,

Thank you for the comments. I'll send these out to the Board for their review.

Have a great day!

Kathy

Kathleen Lynch  
Administrative Assistant  
WV Board of Examiners of Psychologists  
PO Box 3955  
Charleston, WV 25339-3955  
Office Phone: 304-558-3040  
Office Fax: 304-558-0608

\*New Web Address\*

psychbd.wv.gov

-----Original Message-----

From: Beard, Keith [mailto:Beard@marshall.edu]  
Sent: Monday, July 24, 2017 1:53 PM  
To: Lynch, Kathy G <Kathy.G.Lynch@wv.gov>  
Subject: Fwd: Lic Board proposed rule changes

Kathy-

Also sending to you to make sure people get it. Thanks! Keith

Sent from my iPhone

Begin forwarded message:

From: "Beard, Keith" <Beard@marshall.edu<mailto:Beard@marshall.edu>>  
Date: July 24, 2017 at 9:22:35 AM PDT  
To: "psychbd@wv.gov<mailto:psychbd@wv.gov>"  
<psychbd@wv.gov<mailto:psychbd@wv.gov>>  
Subject: Lic Board proposed rule changes

More broadly, we understand and appreciate the need to increase fees for licensure. This will hopefully allow the WVBOE to remain an independent entity. We believe consolidation with other mental health boards would be dangerous and less effective for the citizens of our state, considering the scope of psychologists' practice.

Thank you for your consideration of these issues, and we look forward to hearing from you soon.

Sincerely,

Keith Beard, Psy. D.

President, West Virginia Psychological Association

# WV BOARD OF EXAMINERS OF PSYCHOLOGISTS

## Title 17, Series 1 – Fees Board Responses to Comments

**Note:** In addition placing a call for comments on the Board’s website and in the State Journal, over 700 psychologists, school psychologists and supervisees were sent e-mails notifying them of the proposed rule changes and requesting their comments. In regard to fees only 3 comments were received.

### CHANGES NOT REQUESTED

#### §17-1 Fees

**Comment:** “More broadly, we understand and appreciate the need to increase fees for licensure. This will hopefully allow the WVBOE to remain an independent entity. We believe consolidation with other mental health boards would be dangerous and less effective for the citizens of our state, considering the scope of psychologists’ practice,” said Keith Beard, Psy.D. - West Virginia Psychological Association

#### Board Response:

**No Change:** Section §17-1 remains intact.

**Board Response:** The support from WVPA of the fee increase is greatly appreciated. The Board welcomes the support of your organization and its 113 members and it’s recognition that the Board needs the additional fees to cover rising costs of operating the Board, remain financially independent, and not need funding from the WV Legislature. It has been 13 years since the Board had an increase in its fees.

### CHANGES NOT MADE

#### §17-1-2.3.1 License Renewal Fee Increase

**Comment:** Also, would the Board be open to assessing a smaller increase in the License Renewal Fee from the proposed \$450 which amounts to about a 28.6% increase from the current fee of \$350?

#### Board Response:

**No Change:** Section§17-1-2.3.1 remains intact.

**The Reason the Change Was Not Made:** The Board needs the additional fees to cover rising costs of operating the Board, remain financially independent, and not need funding from the WV Legislature. Moreover, the fee increase will enable the Board to continue to meet its mission of protecting the public. It has been 13 years since the Board had an increase in its fees.

### **§17-1-2.3.1 License Renewal Fee Increase**

**Comment:** “License renewal fees are being increased another \$100.00 which is an additional burden to those who work in community mental health centers and have considerably less income than other psychologists,” stated Dennis Kojsza, Ph.D.

#### **Board Response:**

**No Change:** Section§17-1-2.3.1 remains intact.

**The Reason the Change Was Not Made:** On 7/20/2017 the Board reviewed and discussed your comments, which are delineated above. It is noted that since it is a two-year renewal fee, the actual increase is \$50 per year. The Board needs the additional fees to cover rising costs of operating the Board, remain financially independent, and not need funding from the WV Legislature. It has been 13 years since the Board had an increase in its fees. Moreover, the fee increase will enable the Board to continue to meet its mission of protecting the public.



October 5, 2017

Keith Beard, Psy.D.  
Marshall University Psychology Dept.  
One John Marshall Drive  
Huntington, WV 25755

Dear Dr. Beard:

Thank you for taking the time to comment on the Board's proposed changes to its Legislative Rules. After reviewing your comments, the Board's responses are as follows:

### **§17-1 Fees**

**Comment:** "More broadly, we understand and appreciate the need to increase fees for licensure. This will hopefully allow the WVBOE to remain an independent entity. We believe consolidation with other mental health boards would be dangerous and less effective for the citizens of our state, considering the scope of psychologists' practice," said Keith Beard, Psy.D.  
- West Virginia Psychological Association

### **Board Response:**

**No Change:** Section §17-1 remains intact.

**Board Response:** The support from WVPA of the fee increase is greatly appreciated. The Board welcomes the support of your organization and its 113 members and its recognition that the Board needs the additional fees to cover rising costs of operating the Board, remain financially independent, and not need funding from the WV Legislature. It has been 13 years since the Board had an increase in its fees.

### **§17-3-5.1. Academic and Research Supervised Experience**

**Comment:** "The proposed revision eliminates the entire whole section on supervised teaching and supervision performed done by clinically oriented faculty from the list of acceptable professional experiences that count towards requirements for licensure. There is no rationale provided for this elimination, and no identification of the problem that is being addressed by the change. Conceptually, this doesn't seem to make sense, as since the year of post doctoral supervision is supposed meant to better prepare the professional to independently work within his/her area of professional expertise. In the case of clinical faculty members, teaching and supervising, and possibly doing clinically oriented research is the kind of work that a clinical faculty member is most likely to be doing post licensure. Further, on a practical level, this is likely to hurt recruitment of clinical faculty because most clinical programs require their faculty to

be licensed, and if the work they do as faculty members cannot count, it would be virtually impossible for brand new psychologists to gain required experience in a timely manner. We realize that many, if not most candidates will have had an appropriate internship and meet the requirement in that manner, but it is possible that they might not. And, even those that do may want to have an official year of Board recognized supervision to assist with future licensure needs in other states. We don't see why that section of professional clinically oriented work should be eliminated. On the other hand, we certainly agree that everyone seeking licensure needs to have supervision in the areas they plan to practice and thus a faculty member who intends to also practice outside of their campus obligations should demonstrate ongoing appropriate supervision of their own clinical work in addition to supervision of clinical faculty work; however, but one doesn't have to exclude the other, stated Keith Beard, Psy.D. - West Virginia Psychological Association

### **Board Response:**

**Change:** In light of consideration of your comment, the Board restored the pertinent section to the rules and added: *“However, these hours for teaching, supervising, and research activities shall not exceed 50% of the total hours required for acceptable supervised experience.”*

**The Reason the Change Was Made:** The Board agreed with your logic that academic and research psychologists should be given credit for work in their domains of expertise. The 50% threshold was enacted because licensure is for clinical practice.

### **17-3-4.5. Pre-Doctoral Internship Immediate Qualification to Sit for Oral Examination with Successful Passage of the EPPP**

**Comment:** “Further, we support the change in Rules to fully enact the Sequence of Training legislation and elimination of post-doctoral training year for qualified doctoral applicants. We believe this will greatly improve the climate for practice in our state, with no additional documented risk to the public. This change also brings West Virginia in line with other state requirements for licensure, including Maryland, Kentucky, and Ohio,” noted Keith Beard, Psy.D. of the West Virginia Psychological Association. **Board Response:** This section of the rules remains intact. Your support of it is appreciated.

### **§17-3-22. Special Volunteer Psychologist License - 1**

**Comment:** “Finally, we also support of the addition of the new section in Series 3 concerning licensure for Volunteer Psychologists. This is a thoughtful response to the need for more psychologists willing to work with underserved populations,” said Keith Beard, Psy.D. of the West Virginia Psychological Association. **Board Response:** The Board also encourages psychologists to volunteer their services. Thank you for your endorsement of §17-3-22, which remains intact in the current proposed rules.

### **§17-3-4.5 Doctoral Degree Equivalency**

**Comment:** The last part of this section focuses on applicants for licensure people who did not have an internship. As best we can tell, this would only include candidates who did not complete go through APA-accredited or at least APA "style" professional training programs. For example, this might be someone graduating from an educational psychology program or perhaps a developmental program who now wants to seek licensure. Since our law is a generic law, in principle graduates of these programs can seek licensure as psychologists. However, it is the Licensure Board's responsibility to seek demonstration from the candidate that s/he has the

appropriate education and training and supervised experience to engage in the intended areas of independent professional practice. Thus, we believe that the wording in this section (or perhaps in 17.3.4.3) should include something to the effect that "... the applicant's academic record must demonstrate doctoral level coursework and supervised experience appropriate to the intended areas of professional practice; the appropriateness of such training to be evaluated by the Board," said Keith Beard, Psy.D. of the West Virginia Psychological Association

### **Board Response:**

**No Change:** Section §17-3-4.5 remains intact. Please note that the last sentence of §17-3-4.5 requires a year of supervision for doctoral applicants who have not had a pre-doctoral internship *or for those who had an internship which did not meet the 1,800 hour requirement.*

**The Reason the Change Was Not Made:** The doctoral degree equivalency is comprehensively addressed in section 17-3-4.1. In part it reads: "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." Please note that sections 4.3 and 4.4 clearly describe an acceptable equivalency internship.

### **§17-3-20.11 Questioned Need for Continuing Education Pertinent to Veterans**

**Comment:** "Since no rationale is provided for this new requirement for CEUs focused on treatment of veterans we don't fully understand the reasoning behind it. Much as we appreciate the importance of preparation to work with veterans and their families, this seems like an unexplained demand. Why would ALL licensees be required to do this, rather than some other type of CE?" said Keith Beard, Psy.D. of the West Virginia Psychological Association

### **Board Response:**

**No Change:** Section §17-3-20.11 remains intact.

**The Reason the Change Was Not Made:** The Board supports the enhancement of treatment provided to Veterans by psychologists.

### **§17-6-18.1. – Broader Definition of Client**

**Comment:** "17.6.18.1 focuses on psychologists reporting ethical violations of other psychologists to the Board. We wonder why the wording limits these reports only to violations that "might reasonably be expected to harm a client"? Why would licensees not be expected to report possible harm to a student or to the profession as a whole (e.g. research ethical violations, false advertising, etc.)? said Keith Beard, Psy.D. of the West Virginia Psychological Association

### **Board Response:**

**Change:** The Board changed the wording from “might be reasonably being expected to harm a client” to “to be harmful.”

**The Reason the Change Was Made:** The Board agrees that the previous wording may have been interpreted to exclude students and others. The change was made to make the wording broader.

### **§17-6-14.4. – Assessment Data Language Overly Restrictive**

**Comment:** “Assessment data refers to...” This defining language is overly restrictive. It seems to eliminate from the definition of “assessment data” any behavioral observations, reports from significant others, relevant documents, etc.,” stated Keith Beard, Psy.D. - West Virginia Psychological Association

### **Board Response:**

**Change:** In light of the review of your comments the Board made these alterations to Series 6: (a) the term “Assessment data” was added to §17-6-14.1., and (b) the following phrase was added to §17-6-14.2: *“as well as responses of significant others, parents, teachers, and other third-parties to collateral assessment instrument questions or stimuli.”*

**The Reason the Change Was Made:** The change was made because the Board believes the new wording is broader. There is nothing in the final wording of section 6.14 that precludes psychologists from including record and/or literature review in their reports.

### **§17-6 – Request for Rationale - 1**


**Comment:** “What is the rationale for development of this new Series?...We believe that a clear rationale ought to be provided to the profession prior to adoption of the new series,” stated Keith Beard, Psy.D. of the West Virginia Psychological Association

**No Change:** Section §17-6 remains intact.

**The Reason the Change Was Not Made:** While a rationale was not provided in the rule, the Board created its own code of ethics to make it more legally binding and enforceable and not cede legal authority to an external organization. It is a stand-alone document and is not a supplement to the APA Code. The Board’s code was written in response, in part, to recommendations of legal counsel from the Association of State and Provincial Psychology Boards and from West Virginia Attorney General legal counsel. A rationale was not provided in Title 17, Series 6 because section 2.1 describes the purpose of the code and it is obvious that the new code is implemented to enhance the Board’s ability to complete its primary mission, which is to protect the public from unethical psychologists.

Again, the Board appreciates your interest in its efforts to meet its primary mission of protecting the public.

Sincerely Yours,

  
Jeffrey Harlow, Ph.D.  
Executive Director



October 5, 2017

Gerard Spiegler, MA  
Pretera Center  
511 Morris Street  
Charleston, WV 25301

Dear Mr. Spiegler:

Thank you for taking the time to comment on the Board's proposed changes to its Legislative Rules. After reviewing your comments, the Board's responses are as follows:

**Comment:** Also, would the Board be open to assessing a smaller increase in the License Renewal Fee from the proposed \$450 which amounts to about a 28.6% increase from the current fee of \$350? Gerard Spiegler, MA

**Board Response:**

**No Change:** Section §17-1-2.3.1 remains intact.

**The Reason the Change Was Not Made:** The Board needs the additional fees to cover rising costs of operating the Board, remain financially independent, and not need funding from the WV Legislature. Moreover, the fee increase will enable the Board to continue to meet its mission of protecting the public. It has been 13 years since the Board had an increase in its fees.

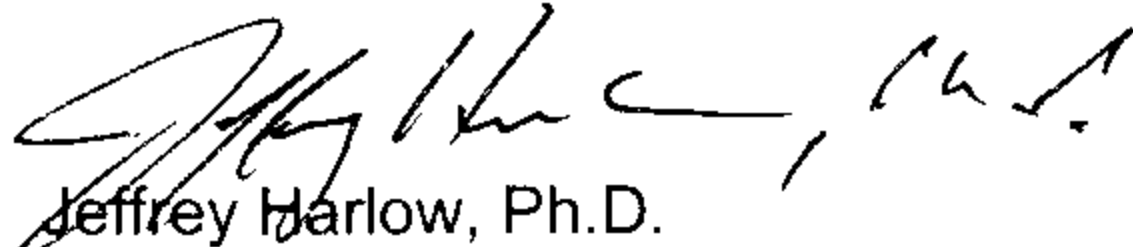
**§17-3-5.3. Master's Degree Applicant Five Year EPPP Requirement**

**Comment:** "Finally, I want to thank the Board for restoring the 5-year time limit during which Master's degree candidates have the opportunity to pass the EPPP. At the same time, I hope to call the Boards' attention to the costs of purchasing study materials for the EPPP in light of the proposed limit of taking the EPPP no more than 5 times, and at least once within the first year and the second year of approved supervision. I can only comment that it seems highly unlikely that any Master's degree candidate sitting for the EPPP who has not studied diligently from professionally prepared and published study guides has any hope of passing this most difficult and demanding instrument. My proposed remedy is that candidates must afford the purchase of said study guide(s) or strive to borrow such material from one or more professional colleagues," said Gerard Spiegler, MA.

**Board Response:** The Board appreciates your comment supporting restoration of the five-year EPPP time limit requirements, as delineated in §17-3-5.3. This rule change remains intact in the proposed rules.

Again, the Board appreciates your interest in its efforts to meet its primary mission of protecting the public.

Sincerely Yours,



Jeffrey Harlow, Ph.D.  
Executive Director



October 5, 2017

Dennis J. Kojza, Ph.D.  
United Summit Center  
#6 Hospital Plaza  
Clarksburg, WV 26301

Dear Dr. Kojza:

Thank you for taking the time to comment on the Board's proposed changes to its Legislative Rules. After reviewing your comments, the Board's responses are as follows:

**§17-1-2.3.1 License Renewal Fee Increase**

**Comment:** "License renewal fees are being increased another \$100.00 which is an additional burden to those who work in community mental health centers and have considerably less income than other psychologists," stated Dennis Kojza, Ph.D.

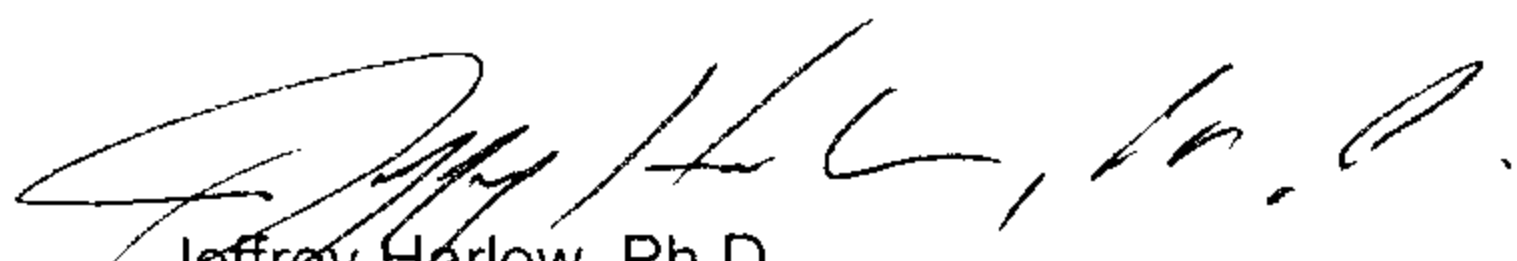
**Board Response:**

**No Change:** Section §17-1-2.3.1 remains intact.

**The Reason the Change Was Not Made:** On 7/20/2017 the Board reviewed and discussed your comments, which are delineated above. It is noted that since it is a two-year renewal fee, the actual increase is \$50 per year. The Board needs the additional fees to cover rising costs of operating the Board, remain financially independent, and not need funding from the WV Legislature. It has been 13 years since the Board had an increase in its fees. Moreover, the fee increase will enable the Board to continue to meet its mission of protecting the public.

Again, the Board appreciates your interest in its efforts to meet its primary mission of protecting the public.

Sincerely Yours,

  
Jeffrey Harlow, Ph.D.  
Executive Director