

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4369

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AND FORSHT

[Originating in the Committee on Health and Human
Resources; reported on February 1, 2022]

1 A BILL to amend and reenact §30-21A-3 of the Code of West Virginia, 1931, as amended, relating
2 to updating the telepsychology compact.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21A. PSYCHOLOGY COMPACT.

§30-21A-3. Compact privilege to practice telepsychology.

1 (a) Compact States shall recognize the right of a psychologist, licensed in a Compact State
2 in conformance with this section, to practice telepsychology in other Compact States (Receiving
3 States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional
4 Telepsychology as provided in the Compact.

5 (b) To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms
6 and provisions of this Compact, a psychologist licensed to practice in a Compact State shall:

7 (1) Hold a graduate degree in psychology from an institute of higher education that was,
8 at the time the degree was awarded:

9 (A) Regionally accredited by an accrediting body recognized by the U.S. Department of
10 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant
11 doctoral degrees; or

12 (B) A foreign college or university considered to be equivalent to §30-21A-3(b)(1)(A) of
13 this code above by a foreign credential evaluation service that is a member of the National
14 Association of Credential Evaluation Services (NACES) or by a recognized foreign credential
15 evaluation service; and

16 (2) Hold a graduate degree in psychology that meets the following criteria:

17 (A) The program, wherever it may be administratively housed, shall be clearly identified
18 and labeled as a psychology program. Such a program shall specify in pertinent institutional
19 catalogues and brochures its intent to educate and train professional psychologists;

20 (B) The psychology program shall stand as a recognizable, coherent, organizational entity
21 within the institution;

22 (C) There shall be a clear authority and primary responsibility for the core and specialty
23 areas whether or not the program cuts across administrative lines;

24 (D) The program shall consist of an integrated, organized sequence of study;

25 (E) There shall be an identifiable psychology faculty sufficient in size and breadth to carry
26 out its responsibilities;

27 (F) The designated director of the program shall be a psychologist and a member of the
28 core faculty;

29 (G) The program shall have an identifiable body of students who are matriculated in that
30 program for a degree;

31 (H) The program shall include supervised practicum, internship, or field training
32 appropriate to the practice of psychology;

33 (I) The curriculum shall encompass a minimum of three academic years of full-time
34 graduate study for doctoral degree and a minimum of one academic year of full-time graduate
35 study for master's degree;

36 (J) The program includes an acceptable residency as defined by the rules of the
37 commission.

38 ~~(2)~~ (3) Possess a current, full, and unrestricted license to practice psychology in a Home
39 State which is a Compact State;

40 ~~(3)~~ (4) Have no history of adverse action that violate the rules of the commission;

41 ~~(4)~~ (5) Have no criminal record history reported on an Identity History Summary that
42 violates the rules of the commission;

43 ~~(5)~~ (6) Possess a current, active E.Passport;

44 ~~(6)~~ (7) Provide attestations in regard to areas of intended practice, conformity with
45 standards of practice, competence in telepsychology technology, criminal background, and
46 knowledge and adherence to legal requirements in the home and receiving states, and provide a

47 release of information to allow for primary source verification in a manner specified by the
48 commission; and

49 ~~(7)~~ (8) Meet other criteria as defined by the rules of the commission.

50 (c) The Home State maintains authority over the license of any psychologist practicing into
51 a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

52 (d) A psychologist practicing into a Receiving State under the Authority to Practice
53 Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A
54 Receiving State may, in accordance with that state's due process law, limit or revoke a
55 psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and
56 may take any other necessary actions under the Receiving State's applicable law to protect the
57 health and safety of the Receiving State's citizens. If a Receiving State takes action, the state
58 shall promptly notify the Home State and the commission.

59 (e) If a psychologist's license in any Home State, another Compact State, or any Authority
60 to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended, or
61 otherwise limited, the E.Passport shall be revoked and therefore the psychologist may not be
62 eligible to practice telepsychology in a Compact State under the Authority to Practice
63 Interjurisdictional Telepsychology.

NOTE: The purpose of this bill is to update the telepsychology compact.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.