

Wednesday, January 13, 2010

2:00 p.m. to 4:00 p.m.

Legislative Rule-Making
Review Committee
(Code §29A-3-10)

Earl Ray Tomblin
ex officio nonvoting member

Richard Thompson
ex officio nonvoting member

Senate

Minard, Chairman
Snyder, Vice Chair
Prezioso
Unger
Boley
Facemyer

Absent

House

Brown, Chairman
Poling, Vice Chair
Miley
Talbott
Overington
Sobonya

The meeting was called to order by Delegate Brown, Chair.

Rita Pauley, Associate Counsel, explained her abstract on the rule proposed by the **WV Board of Directors of the WV Health Insurance Plan, Premium Subsidy, 113CSR1**, and stated that the Agency has agreed to technical modifications.

Senator Snyder moved that the proposed rule be approved as modified. The motion was adopted.

Mrs. Pauley reviewed her abstract on the rule proposed by the **WV Board of Directors of the WV Health Insurance Plan, Pre-existing Conditions Exclusion, 113CSR2**, and stated that the Agency has agreed to technical modifications.

Senator Snyder moved that the proposed rule be approved as modified. The motion was adopted.

Mrs. Pauley explained her abstract on the rule proposed by the **WV Insurance Commission, Variable Life Insurance, 114CSR11D**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mrs. Pauley reviewed her abstract on the rule proposed by the **WV Insurance Commission, Annuity Disclosure, 114CSR11E**, and stated that the Agency has agreed to technical modifications.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mrs. Pauley explained her abstract on the rule proposed by the **WV Insurance Commission, Medicare Supplement Insurance, 114CSR24**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mrs. Pauley reviewed her abstract on the rule proposed by the **WV Insurance Commission, Coordination of Health Benefits, 114CSR28**.

Senator Minard moved that the proposed rule be approved. The motion was adopted.

Mrs. Pauley explained her abstract on the rule proposed by the **WV Insurance Commission, Preventive Care Pilot Program, 114CSR87**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Jay Lazell, Associate Counsel, reviewed his abstract on the rule proposed by the **Office of Oil and Gas - DEP, Oil and Gas Wells and Other Wells, 35CSR4**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Don Garvin, Legislative Coordinator for the WV Environmental Council, addressed the Committee.

Kristin Boggs, Associate General Counsel for DEP, responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Charles Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **WV Department of Health and Human Resources, Out-of-School-Time Child Care Center Licensing Requirements, 78CSR21**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

John Law, Assistant Secretary with DHHR, addressed the Committee and responded to questions.

Letter requested to exempt Boys & Girls Club. Agency agreed.

Beth Hall Chambers, manager with DHHR, responded to questions from the Committee.

Thom Stevens, Legislative representative for the Boys & Girls Club, addressed the Committee and responded to questions.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the WV Board of Psychologists, *Qualifications for Licensure as a Psychologist and/or a School Psychologist, 17CSR3*, stated that the Agency has agreed to technical modifications, distributed a handout and responded to questions from the Committee..

Dr. Tina Yost, President of the Board, responded to questions from the Committee.

Jeff Harlow, Executive Director of the Board, responded to questions from the Committee.

Thom Stevens, Legislative representative for the Psychological Association, addressed the Committee.

Dr. Donna Midkiff, President of the Psychological Association, addressed the Committee.

Dr. Marty Mericana, Psychological Association board member, addressed the Committee.

Senator Minard moved that the proposed rule be approved as modified. The motion was adopted.

Senator Minard moved to withdraw is previous motion. The motion was adopted.

Delegate Sobonya moved to amend §17-3-2 (Psychological Association amendment) of the proposed rule. The motion failed.

Delegate Sobonya moved to amend §17-3-5 (Psychological Association amendment) of the proposed rule. The motion was adopted.

Senator Minard moved that the proposed rule be approved as modified and amended. The motion was adopted.

Delegate Snyder moved to adjourn the meeting. The motion was adopted.

The Committee directed staff to prepare the report and bills of authorization.

JANUARY INTERIM ATTENDANCE
Legislative Interim Meetings
January 10, 11 and 13, 2010

Wednesday, January 13, 2010

9:00 am - 12:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Thompson, ex
officio nonvoting member

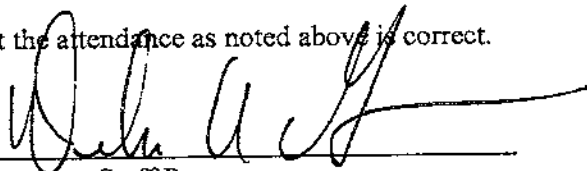
Senate

Minard, Chair ✓
Snyder, Vice Chair ✓
Prezioso ✓
Unger ✓
Boley ✓
Facemyer _____

House

Brown, Chair ✓
Poling, D., Vice Chair ✓
Fleischauer ✓
Talbot ✓
Overington ✓
Sobonya ✓

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819 ASAP, due to payroll deadline.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Wednesday, January 13, 2010
9:00 a.m. to 12:00 p.m.
Senate Finance Committee Room

1. Review of Legislative Rules:

a. **WV Board of Directors of the WV Health Insurance Plan**
Premium Subsidy
113CSR1

- Approve as Modified

b. **WV Board of Directors of the WV Health Insurance Plan**
Pre-existing Conditions Exclusion
113CSR2

- Approve as Modified

c. **WV Insurance Commission**
Variable Life Insurance
114CSR11D

- Approve as Modified

d. **WV Insurance Commission**
Annuity Disclosure
114CSR11E

- Approve as Modified

e. **WV Insurance Commission**
Medicare Supplement Insurance
114CSR24

- Approve as Modified

f. **WV Insurance Commission**
Coordination of Health Benefits
114CSR28

- Approve as Modified

g. **WV Insurance Commission**
Preventive Care Pilot Program
114CSR87

- Approve as Modified

h.

~~WV Insurance Commission
WV Affordable Health Care Plan
114CSR88~~

- ~~• Approve as Modified~~

i.

Office of Oil and Gas
Department of Environmental Protection
Oil and Gas Wells and Other Wells
35CSR4

- Approve as Modified

j.

WV Board of Psychologists
*Qualifications for Licensure as a Psychologist and/or a
School Psychologist*
17CSR3

- Approve as Modified

k.

WV Department of Health and Human Resources
Out-of-School-Time Child Care Center Licensing Requirements
78CSR21

- Approve as Modified

2. Other Business

Direct staff to prepare report and bills of authorization for introduction.

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113CSR1
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114CSR11D
- d. **WV Insurance Commission**
Annuity Disclosure
114CSR11E
- e. **WV Insurance Commission**
Medicare Supplement Insurance
114CSR24
- f. **WV Insurance Commission**
Coordination of Health Benefits
114CSR28
- g. **WV Insurance Commission**
Preventive Care Pilot Program
114CSR87
- h. **WV Insurance Commission**
WV Affordable Health Care Plan
114CSR88

- i. **Office of Oil and Gas**
Department of Environmental Protection
Oil and Gas Wells and Other Wells
35CSR4
- j. **WV Board of Psychologists**
Qualifications for Licensure as a Psychologist and/or a School Psychologist
17CSR3
- k. **WV Department of Health and Human Resources**
Out-of-School-Time Child Care Center Licensing Requirements
78CSR21

2. Other Business

Direct staff to prepare report and bills of authorization for introduction.

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a✓ **WV Board of Directors of the WV Health Insurance Plan**
Premium Subsidy
113CSR1

- Approve as Modified

b✓ **WV Board of Directors of the WV Health Insurance Plan**
Pre-existing Conditions Exclusion
113CSR2

- Approve as Modified

c✓ **WV Insurance Commission**
Variable Life Insurance
114CSR11D

- Approve as Modified

d✓ **WV Insurance Commission**
Annuity Disclosure
114CSR11E

- Approve as Modified

e✓ **WV Insurance Commission**
Medicare Supplement Insurance
114CSR24

- Approve as Modified

f✓ **WV Insurance Commission**
Coordination of Health Benefits
114CSR28

- Approve as ~~Modified~~

g✓ **WV Insurance Commission**
Preventive Care Pilot Program
114CSR87

- Approve as Modified

X withdrawing

h. **WV Insurance Commission**
WV Affordable Health Care Plan
114CSR88

- Approve as Modified

i ✓ **Office of Oil and Gas**
Department of Environmental Protection
Oil and Gas Wells and Other Wells
35CSR4

- Approve as Modified

j ✓ **WV Board of Psychologists**
Qualifications for Licensure as a Psychologist and/or a
School Psychologist
17CSR3

- Approve as Modified *and Amended*

k ✓ **WV Department of Health and Human Resources**
Out-of-School-Time Child Care Center Licensing Requirements
78CSR21

- Approve as Modified

2. Other Business

Direct staff to prepare report and bills of authorization for introduction.

JANUARY INTERIM ATTENDANCE

Legislative Interim Meetings

January 10, 11 & 12, 2010

Wednesday, January 13, 2010

9:00 a.m. - 12:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Richard Thompson, ex
officio nonvoting member

Senate

House

Minard, Chair
Snyder, Vice Chair
Prezioso
Unger
Boley
Facemyer

Brown, Chair
Poling, Vice Chair
Fleischauer
Talbot
Overington
Sobonya

- Brown called meeting to order

- Directors 11308R1
Rita explained
Snyder moved as modified
Approved

- Directors 11308R2
Rita explained
Snyder moved as modified
Approved

- Insurance 114CSR11D
Rita explained & responded to ?'s
Minard moved as modified
Approved

- Insurance 114CSR11E

Rita explained

Minard moved as modified

Approved

- Insurance 114CSR24

Rita explained & responded to ?'s

Minard moved as modified

Approved

- Insurance 114CSR28

Rita explained

Minard moved rule

Approved

- Insurance 114CSR87

Rita explained & responded to ?'s

Minard moved as modified

Approved

- oil & gas 35CSR4

Jay explained & responded to ?'s

Dow Garvin, Legislative Coordinator w/ WD

Environmental Council addressed the Committee

Kristin Boggs, Associate General Counsel, responded to ?'s

Minard moved as modified

Approved

- Health 78CSR21

- Charlie explained & responded to ?'s
- John Law, Assistant Secretary w/ DHHR, addressed the Committee and responded to ?'s
- Letter requested to exempt Boys & Girls Club Agency (John Law) agreed
- Beth Hall Chambers, Manager, responded to ?'s
- Tom Stevens, ^{Legislative} Rep for Boys & Girls Club, addressed the Committee and responded to ?'s
- Minard moved rule as modified
- Approved

- Psychologists 17CSR3

- Charlie explained
- Handout distributed & responded to ?'s
- ^{Dr.} Tina Yost, President of Board, responded to ?'s
- Jeff Harlow, Ex Director w/ Board, responded to ?'s
- Tom Stevens, ^{Legislative} Rep for Psychological Association addressed the Committee
- ^{Dr.} Donna Midkiff, President of Psych Association, addressed the Committee
- ^{Dr.} Marty Mericana, Bd member of the Psychological Association, addressed the Committee and responded to ?'s
- Minard moved rule as modified

Sobonya moved to amend §17-3-2 in subsection 2.1 by adopting the Psychological Associations amendment

Further Question

Minard moved previous question

Minard withdrew

Motion Failed

Sobonya moved to amend §17-3-5.1 by adopting the Psychological Association's amendment

Approved

Rule as modified & amended

Approved

Committee directed staff to prepare report and bills of authorization

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Wednesday, January 13, 2010
9:00 a.m. to 12:00 p.m.
Senate Finance Committee Room

1. Review of Legislative Rules:

Approved *✓*
as modified *✓* WV Board of Directors of the WV Health Insurance Plan
Premium Subsidy
113CSR1

- Approve as Modified

Approved *✓*
as modified *✓* WV Board of Directors of the WV Health Insurance Plan
Pre-existing Conditions Exclusion
113CSR2

- Approve as Modified

Approved *✓*
as modified *✓* WV Insurance Commission
Variable Life Insurance
114CSR11D

- Approve as Modified

Approved *✓*
as modified *✓* WV Insurance Commission
Annuity Disclosure
114CSR11E

- Approve as Modified

Approved *✓*
as modified *✓* WV Insurance Commission
Medicare Supplement Insurance
114CSR24

- Approve as Modified

Approved *✓*
as modified *✓* WV Insurance Commission
Coordination of Health Benefits
114CSR28

- Approve as Modified *✓*

Approved *✓*
as modified *✓* WV Insurance Commission
Preventive Care Pilot Program
114CSR87

- Approve as Modified

withdrawing h.

~~WV Insurance Commission
WV Affordable Health Care Plan
114CSR88~~

- ~~• Approve as Modified~~

Approved as modified i.

Office of Oil and Gas
Department of Environmental Protection
Oil and Gas Wells and Other Wells
35CSR4

- Approve as Modified

Approved as modified and amended j.

WV Board of Psychologists
Qualifications for Licensure as a Psychologist and/or a
School Psychologist
17CSR3

- Approve as Modified

Approved as modified k.

WV Department of Health and Human Resources
Out-of-School-Time Child Care Center Licensing Requirements
78CSR21

- Approve as Modified

2. Other Business

Direct staff to prepare report and bills of authorization for introduction.

JANUARY INTERIM ATTENDANCE
Legislative Interim Meetings
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9:00 a.m. - 12:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
 officio nonvoting member

Richard Thompson, ex
 officio nonvoting member

Senate

House

Minard, Chair	✓
Snyder, Vice Chair	✓
Prezioso	✓
Unger	✓
Boley	✓
Facemyer	_____

Brown, Chair	✓
Poling, Vice Chair	✓
Fleischauer	✓
Talbott	✓
Overington	✓
Sobonya	✓

WV Health Ins. Plan 113 CSR1

Rita explained

Snyder Approve as mod.

WV Health Insurance Plan 113 CSR 2

Rita explained

Snyder Approve as mod

Insurance 114 CSR 11 D

Rita explained

Tim Murphy, Inc C responded to q's

Minard Approve as modified

WU Ins. C 114 CSR 11E

Minard

Rita explained
Approve as mod.

Insurance 114 CSR 24

Minard

Rita explained & responded to q's
Approve as mod.

Insurance 114 CSR 28

Minard

Rita explained
Approve

Insurance 114 CSR 87

Minard

Rita explained & responded to q's
Approve as mod.

Oil & Gas 35 CSR 4

Minard

Jay explained & responded q's
Don Garvin, LC WU Environmental Council
Kristen Boggs, Assoc General Counsel ansd q's
Approve as mod. Ncd

DHHR 78 CSR 21

Minard

Charlie explained
John Law addressed the C & responded to q's
Beth Chambers responded to q's
Thom Stevens, addressed the C. & responded to q's
Approve as mod.

Bd of Psychologists 1758R3

Charlie explained & reviewed handouts.

§ 2.1 core graduate work

§ 17.3.51

bones of confederation

Tina Host, Pres of Bd responded to q's

Jeff Harbo, Exec Dir responded to q's

Tom Stevens, UV Psychological Assn. Pres.

Dana Mickoff, "

Marilyn Mericaux, Marshal Univ. discussed

handouts

Minda Approve as mod

Sobonya 1st amend § 2.1

Presioso Pt of order germane?

Minda Previous Question withdrew

Sobonya 2nd amend § 17.3.51 adopted

Minda Approve as modified and amended

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: Jan 13, 2010

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	RULE NUMBER	Please mark with an (X) if you desire to make a statement.
Thom Stevens	Capitol Station · POB 5008 Charleston, WV 2536	WV Psychological Association	17CSR3	X
Dr. Donna Mickoff (Phd)	Same	Same	Same	X
Dr. Marty Amerikanes (Phd)	Same	Same	Same	X

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: Jan 13, 2010

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	RULE NUMBER	Please mark with an (X) if you desire to make a statement:
DON GARVIN	WVSC 2206 Washington St. E Charleston	WV Environmental Council	3505R4	X

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: Jan 13, 2010

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	RULE NUMBER	Please mark with an (X) if you desire to make a statement.
JOHN D. LAW	Building 3, Room 206 Charleston 25305	WVDHAR	78CSR21	
Thom Stevens	Capitol Station POB 5008 Charleston WV 25361	WV Alliance of Boys and Girls Clubs of America	78CSR21	

WV Board of Examiners of Psychologists
Legislative Rules Series 3

- 17-3-3.1 Required Hours. The 60 hours requirement was not intended to put Marshall University at a disadvantage, and was an error that the Board would like to rectify. That requirement should read as 50 hours, which accommodates current programs available at both Marshall and WVU.
- 17-3-21.7 Outdated Tests. The proposed language is consistent with APA Ethics Code, currently adopted as WV's Rules on the ethical practice of psychology (17-3-6). Discussion post comment period with one licensed psychologist revealed concerns that were resolved in phone conversation, but additional language is recommended as clarification for anyone else who may have similar confusion regarding the intent of the Rule. That clarifying statement to be added at the end of 21.7 is to read: unless there is appropriate clinical justification for using outdated tests. OK
- 17-3-20.3 and
17-3-20.7 CEUs. Sections outlining policy on CEUs were inappropriately added. Those sections are to be removed. OK
- 17-3-5.1 Supervised Worked Experience. Current language requires supervised work experience to involve the practice of psychology. This is consistent with WV Code's stated purpose of licensure. Inconsistent language was stricken from this section of the Rules. Based on the comments received post-public comment period and after submission of these updates for legislative review, the Board suggests the following wording replace that stricken language: Relevant teaching of graduate level course work, and directing applied research, concerning the professional practice of psychology, may count for up to 50 % of the required hours of supervised work experience. OK
- 17-3-5.2 Supervised Experience Masters Degree. The Board's request for counsel or State input regarding such language, as proposed herein, led to a referral to the Secretary of State's office. Consultation with the Secretary's legal counsel supported proposed language intended to encourage completion of one year of structured sequential supervised work experience during the program of study as consistent with the Board's being "authorized by law to make Rules" WVC 29A-1-2. Counsel further cited this and other Code, stating that Rules include regulations adopted by the State Board "to implement, extend, apply, interpret, or make specific the law enforced or administered by it". Consultation with Charles Roskovensky, legal counsel for the Interim Committee, offers an opposing opinion. Based on Mr. Roskovensky's interpretation, the Board suggests the proposed language allowing the outlined and specified year of full time practicum and internship to count toward one of the necessary five years of supervision be removed. OK

The psychologists listed below, who provide leadership for the key clinical psychology training programs in the state, fully endorse the rationale and alternative language included here.

(Names are listed in alphabetical order)

Marty Amerikaner, Ph. D.
Professor, Psychology Department
Marshall University
(Past President of the Board of Examiners of Psychologists)

Steve Cody, Ph. D.
Chief Psychologist, Dept of Psychiatry and Behavioral Medicine
Marshall University School of Medicine
Huntington WV

Marc Haut, Ph. D.
Chief Psychologist, Department of Behavioral Medicine and Psychiatry
WVU School of Medicine
Morgantown WV

Kevin Larkin, Ph. D.
Program Director, Doctoral Program in Clinical Psychology
West Virginia University
Morgantown WV

John Linton, Ph. D.
Chief Psychologist and Internship Training Director, Department of Behavioral Medicine and Psychiatry
WVU School of Medicine
Charleston, WV

Marianna Footo Linz, Ph. D.
Program Director, Doctoral Program in Clinical Psychology
Marshall University
Huntington WV

Maria T. Moran, PhD
Director of Internship Training
WVU Dept of Behavioral Medicine
Morgantown WV

Jeannie A. Sperry, Ph.D.
Director of Behavioral Science Education
West Virginia University Dept. of Family Medicine
Morgantown WV

The proposed revisions to the rules governing the training and supervision of psychologists offered by the Board of Examiners of Psychologists (BOE) has been developed over a significant period of time, and includes a range of valuable changes. However, two sections of the proposal contain language that remains problematic.

In the first instance (§17-3-2) the BOE demonstrates the admirable intent of clarifying the minimal graduate training needed to prepare psychologists to do the clinical work that most licensees engage in. HOWEVER, as presently worded, the proposal will limit licensure only to clinical practitioners because only clinical graduate program curricula require that sequence of courses. Such a limitation is not intended by the language in Article 30-21 (the underlying statute, which is a general licensing statute, not a "specialty" statute intended to license only clinical psychologists), and does not serve the interest of the public in that it would unnecessarily limit access to professional services offered by psychologists who are not clinicians.

In the second area of concern (§17-3-5.1), the Board's proposed language would change a long standing practice of allowing newly hired clinical faculty members at the state's graduate training institutions to fully count their clinically oriented faculty work towards the required supervised experience needed for licensure. It is not clear what is motivating the BOE's proposal to change practices at this time; the BOE has provided no evidence of any problems emerging from the current practice which might warrant the change. However, if their proposed wording on this issue is approved, it will have significant negative impact on the two graduate universities' ability to recruit and retain highly qualified clinical psychology faculty members. The issue emerges only rarely, in that neither WVU nor Marshall University would be likely to have, on average, more than one such licensure applicant on its faculty every few years. However, highly qualified clinical faculty are very "precious commodities" who are difficult to recruit and retain and yet are critical to the universities' mission of training the next generations of clinical practitioners. If enacted, the BOE's proposed change would, in effect, have one state agency (the BOE) interfere with the legitimate recruiting, hiring and retention practices of other state agencies (WVU and Marshall University) in circumstances when no pressing public protection basis for the change has been established. It is important to note that in current practice (and under the proposed alternative language offered below) the public is still protected (which is the key function of licensure) because clinical faculty applicants must still demonstrate their professional competence in the exact same way as all other applicants via performance on the national written examination, provision to the BOE of work samples, passing the BOE's oral examination, etc.

The attached sheet proposes alternative language for each of the problematic sections of the proposed revisions to the rule.

§17-3-2. BOE proposed Language: 2.1.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."

Proposed alternative language: All applicants for licensure are required to demonstrate via their graduate transcripts that their graduate education is consistent with and sufficient preparation for their intended area of professional practice and the work included in their intended scope of practice. For applicants whose intended scope of practice includes clinically oriented work, their graduate coursework must include at least the following: clinical interviewing, diagnosis and treatment planning, psychopathology, ethics, assessment of children and adults, individual psychotherapy, clinical practicum, clinical internship, and tests and measures.

Rationale: The licensing law for psychologists is a general law that both allows and requires that all psychologists who provide services to the public must be licensed. The language proposed by the Board of Examiners would restrict licensure only to applicants who have gone through clinically oriented psychology training programs. Such a limitation is not in the public interest, in that it would preclude appropriately trained psychologists from other professional specialties (e.g. Industrial Organizational Psychology, Sport Psychology, Applied Developmental Psychology, etc) from being licensed. For example, a sports psychologist might work with an athletic team to assist them to improve their athletic performance, or an industrial psychologist might consult with business leadership to improve productivity, but neither would work with a patient having serious psychological problems; a clinically trained psychologist would see such a patient. Left unchanged, the wording proposed by the BOE would either a) preclude the availability to the public of the services that can be offered by these professionals or b) require that they work outside the regulatory purview of the Board of Examiners; neither of these outcomes is desirable for the public. The alternative language offered here accomplishes the primary intent of the original proposal (requiring appropriate clinical training for clinically oriented psychologists) without limiting licensure only to clinicians.

§17-3-5.1 Revised proposal from the BOE: Supervised Worked Experience "Relevant teaching of graduate level course work, and directing applied research, concerning the professional practice of psychology, may count for up to 50 % of the required hours of supervised work experience."

Proposed alternative language: For the purposes of this rule, the supervised professionally oriented teaching, supervising and research activities of applicants who are full time, university faculty members may apply towards the required hours of supervised work experience.

Rationale: Historically, clinical faculty have been able to be licensed in this way, and no evidence has been provided of any problem associated with this approach. The Board's proposed wording makes it virtually impossible for appropriately trained clinically oriented faculty members to achieve licensure. Clinical faculty applicants would still be responsible for demonstrating competence to practice within their areas of expertise in the same way as any other applicant.