

Date 3-12-81

Time 3:00 p.m.

No: 129

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED
Committee Substitute for
SENATE BILL NO. 129

(By Mr. Nelson)



PASSED March 2, 1981

In Effect ninety days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 129

(MR. NELSON, *original sponsor*)

[Passed March 2, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and three, article twenty-one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing that certain school psychologists in the state need not have a state license or temporary permit to practice school psychology and need not work under the supervision of a licensed psychologist.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article twenty-one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 21. PSYCHOLOGISTS.

§30-21-2. Definitions.

- 1 Unless the context in which used clearly requires a
- 2 different meaning, as used in this article:
- 3 (a) "Applicant" means any person making application for
- 4 an original or renewal license or a temporary permit under
- 5 the provisions of this article.
- 6 (b) "Licensee" means any person holding a license or a
- 7 temporary permit issued under the provisions of this article.
- 8 (c) "Board" means the board of examiners of
- 9 psychologists created by this article.
- 10 (d) "Psychology" means the science involving the
- 11 principles, methods and procedures of understanding,

12 predicting and influencing behavior; the principles
13 pertaining to learning, perception, motivation, thinking,
14 emotions and interpersonal relationships; the methods and
15 procedures of interviewing and counseling; the methods and
16 procedures of psychotherapy, meaning the use of learning,
17 conditioning methods and emotional reactions, in a
18 professional relationship, to assist a person or persons to
19 modify feelings, attitudes and behavior, which are
20 intellectually, socially or emotionally maladjustive or
21 ineffectual; the constructing, administering and interpreting
22 of tests of intelligence, special abilities, aptitudes, interests,
23 attitudes, personality characteristics, emotions and
24 motivation; the psychological evaluation, prevention and
25 improvements of adjustment problems of individuals and
26 groups; and the resolution of interpersonal and social
27 conflicts.

28 (e) "Practice of psychology" means the rendering or
29 offering to render for a fee, salary or other compensation,
30 monetary or otherwise, any psychological service involving:
31 (i) The application of the principles, methods and procedures
32 of understanding, predicting and influencing behavior; (ii)
33 the application of the principles pertaining to learning,
34 perception, motivation, thinking, emotions and interpersonal
35 relationships; (iii) the application of the methods and
36 procedures of interviewing and counseling; (iv) the
37 application of the methods and procedures of psychotherapy,
38 meaning the use of learning, conditioning methods and
39 emotional reactions, in a professional relationship, to assist a
40 person or persons to modify feelings, attitudes and behavior,
41 which are intellectually, socially or emotionally maladjustive
42 or ineffectual; (v) the constructing, administering and
43 interpreting of tests of intelligence, special abilities,
44 aptitudes, interests, attitudes, personality characteristics,
45 emotions and motivation; (vi) the psychological evaluation,
46 prevention and improvement of adjustment problems of
47 individuals and groups; and (vii) the resolution of
48 interpersonal and social conflicts.

49 However, for the purpose of this article, the term "practice
50 of psychology" shall not include:

51 (1) Teaching, lecturing or engaging in research in
52 psychology as part of salaried employment at an institution of
53 higher learning;

54 (2) The official duties of a person employed as a
55 psychologist by the state of West Virginia or any of its
56 departments, agencies, divisions or bureaus, or local
57 governments, except for the West Virginia department of
58 education, a county board of education, or a regional
59 education agency, which duties are performed under the
60 direct and regular supervision of a licensee;

61 (3) The official duties of a person employed as a
62 psychologist by any department, agency, division or bureau
63 of the United States of America;

64 (4) The official duties of a person working under the direct
65 and regular supervision of a licensee for the purpose of
66 gaining the experience required for a license hereunder by
67 the provisions of subdivision (4), subsection (a), section seven
68 of this article, which experience is of a type approved by the
69 board;

70 (5) The use, in good faith, of certain psychological
71 techniques, procedures, methods and principles as an
72 incident to engaging in a recognized occupation or
73 profession, other than the practice of psychology, including,
74 but not limited to, the occupation or profession of a
75 physician, lawyer, dentist, social worker, sociologist, political
76 scientist, economist, probation or parole officer,
77 rehabilitation or marriage counselor, clergyman, audiologist,
78 speech pathologist, teacher, educational or guidance
79 counselor and a placement or personnel director;

80 (6) The activities of a student of psychology, psychological
81 intern or psychological resident, which activities are a part of
82 and are engaged in pursuant to a course of study at an
83 institution of higher learning; or

84 (7) The activities of an assistant or technician which are
85 performed under the direct and regular supervision of a
86 licensee.

87 (f) "Examination" means the examination in psychology
88 required by subdivision (5), subsection (a), section seven of
89 this article.

**§30-21-3. License required; firms, associations and corporations
engaging in the practice of psychology.**

1 (a) No person shall engage in, offer to engage in, or hold
2 himself out to the public as being engaged in, the practice of
3 psychology in this state, nor shall any person use in
4 connection with any trade, business, profession or

5 occupation, except in those instances specifically excluded
6 from the definition of the practice of psychology by
7 subparagraphs (1), (2), (3), (4) and (6), subdivision (e), section
8 two of this article, the word "psychologist," "psychology,"
9 "psychological" or any other title, word or abbreviation
10 which induces or tends to induce the belief that such person
11 is qualified to engage or is engaged in the practice of
12 psychology, unless and until he shall first obtain a license or
13 temporary permit to engage in the practice of psychology in
14 accordance with the provisions of this article, which license
15 or temporary permit remains unexpired, unsuspended and
16 unrevoked: *Provided*, That such license or temporary permit
17 shall not be required for an individual who is the holder of a
18 school psychology certificate issued by the West Virginia
19 department of education and who is engaged in the practice
20 of psychology solely within the scope of his employment with
21 the West Virginia department of education, a county board of
22 education, or a regional education agency: *Provided*,
23 *however*, That no such license or temporary permit shall be
24 required for a psychologist who is not a resident of this state,
25 who is the holder of a license or certificate to engage in the
26 practice of psychology issued by a state with licensing or
27 certification requirements determined by the board to be at
28 least as great as those provided in this article, who has no
29 regular place of practice in this state and who engages in the
30 practice of psychology in this state for a period of not more
31 than ten days in any calendar year.

32 (b) No firm, association or corporation shall, except
33 through a licensee or licensees, render any service or engage
34 in any activity which if rendered or engaged in by any
35 individual would constitute the practice of psychology.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
Chairman Senate Committee

[Handwritten Signature]
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker House of Delegates

The within is approved this the 12
day of March, 1981.

[Handwritten Signature]
Governor

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SECY. OF STATE