



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS OF PSYCHOLOGISTS

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January 7, 2010

John J. Najmulski, Commissioner
Bureau for Children and Families
350 Capitol Street, Room 730
Charleston, WV 25301-3711

Dear Mr. Najmulski,

Thank you for your December 9, 2009, letter regarding our October meeting with BMS, BCF, and APS personnel about concerns many West Virginia psychologists have shared with the Board. While we appreciate your response, it appears that certain issues remain outstanding. In exploring a resolution of these issues, you may consider the following:

- BMS should follow the previous format of sending written memos to providers giving ample advance notice of contractual, policy, or procedural changes. Policies need to be in writing.
- BMS should require APS to keep scoring tools consistent with the provider's contract and written UM guidelines, with BMS providing oversight to ensure this goal.
- BMS should handle the release of psychological reports internally, thus relieving the provider of any potential breach of HIPAA.
- BMS should determine whether a request for psychological evaluation by DHHR is forensic, and therefore not Medicaid eligible, prior to consulting the provider.
- BMS should caution its agents to refrain from actions that may be construed as practicing psychology without a license. Non-psychologists do not advise licensed psychologists in clinical matters.

Also, as you know, the WV Board of Examiners of Psychologists is an agency of the State of West Virginia. The WVPA is a non-profit professional association. You will need to contact the association regarding conference presentations of current topics affecting WV psychologists. We are happy to assist with your outreach to WVPA. In addition, we appreciate your reference to W.Va. Code §49-7-33. Enclosed we provide the WV Trial Court Rules 27.01 and 27.02 for your reference.

Once again, the Board appreciates your attention to the concerns of West Virginia's psychologists and to the Board's concerns regarding the potential impact to the public. While written correspondence of responses is preferable, should you require further clarification or discussion on these issues, to expedite the process, you may contact Dr. Yost directly via phone at (304) 366-6200.

T. M. Yost, Ed.D., President
West Virginia Board of Examiners of Psychologists

Terry Laurita Sigley, MA, Secretary
Robert Martin, MA, Ethics Chair
Toni Parsons, Ed.D.
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Cc: Office of the Governor, Joseph Manchin III, Governor
Patsy Hardy, Secretary, WV Dept. of Health and Human Resources
WV Bureau of Medical Services, Nancy Atkins, Commissioner
Sen. Roman Prezioso, Health and Human Resources Committee, Chair
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