



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802
340-774-0001

January 12, 2022

VIA MESSENGER

The Honorable Donna M. Frett-Gregory.
Senate President
Thirty-Fourth Legislature of the Virgin Islands
Capitol Building
St. Thomas, Virgin Islands 00802

Re: Submission of Rules and Regulations for the US Virgin Islands Board of Psychology Examiners

Dear Madam Senate President:

In compliance with Title 3 V.I. Code, Sec. 913, I hereby submit to the Thirty-Fourth Legislature the enclosed Rules and Regulations for the US Virgin Islands Board of Psychology Examiners pursuant to Title 27 V.I. Code, Sec. 169. These Rules and Regulations, which have been promulgated under compelling, exigent circumstances of Title 29 V.I. Code, Sec. 938, establish procedures for examining, licensing, and regulating the profession of psychology. The Territory continues to face a mental health crisis as a result of the COVID-19 pandemic, as well as the lingering effects of two category five hurricanes. For these reasons, I urge the 34th Legislature to review and consider these Rules and Regulations as quickly and favorably as possible.

Respectfully and Sincerely,

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", with a stylized flourish at the end.

Albert Bryan Jr.
Governor

Cc: Honorable Senators of the Thirty-Fourth Legislature of the Virgin Islands
David A. Bornn, Chief Legal Counsel to Governor
Honorable Justa Encarnacion, Commissioner of Health
Dr. Ramona Moss, Chairman, Virgin Islands Board of Psychology Examiners

Enclosures

US VIRGIN ISLANDS BOARD OF PSYCHOLOGY EXAMINERS

Amended Rules and Regulations for the Practice of Psychology

Submitted this 12th day of January, 2022

to

GOVERNOR ALBERT BRYAN, JR

by



JUSTA E. ENCARNACION

**Health Commissioner and Chief Public Health Officer
Department of Health**



RAMONA MOSS, PH.D.

Chairman

Virgin Islands Board of Psychology Examiners

Copy below is hereby certified to be a true and correct copy of the Amended Regulations adopted pursuant to authority granted in Title 27 V.I.C., Chapter 2, Sections 169a, 169b and 169c.

The Board of Psychological Examiners is charged with the responsibility of examining, licensing, and regulating the profession of psychology as provided under Title 27 V.I.C., Chapter 2, §§ 169a(b), 169c(e).

Pursuant to 27 V.I.C. §169b(b)(10), the Board shall establish regulations for continuing education requirements for licenses.

Further, the Board shall adopt rules and regulations as deemed necessary and proper to carry out the provisions of this chapter. 27 V.I.C. §169b(b)(17).

The Board shall also make further rules and regulations to enable the Board to operate and fulfill its statutory obligations which shall be consistent with this code. 27 V.I.C. §169b(b)(19).

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**TITLE 27 VIRGIN ISLANDS RULES AND REGULATIONS
CHAPTER 2
AMENDED RULES & REGULATIONS
US VIRGIN ISLANDS BOARD OF PSYCHOLOGY EXAMINERS**

169. STATEMENT OF AUTHORIZATION

The Board of Psychology Examiners receives its powers and authority from the Virgin Islands Code, Title 27, Chapter 2. 27 V.I.C. §§169b(b)(10), 169b(b)(17), 169b(b)(19) and 169c(e) empowers the Board to adopt rules and regulations.

The Board hereby establishes rules for conducting the business of the Board, including: 1) accepting applications and administering examinations for licensure of psychology professionals; and 2) regulating the practice of psychology in the Territory of the United States Virgin Islands in accordance with the provisions of V.I.C. Title 27 § 169 et seq.

169-1. SCOPE AND EFFECT OF AMENDED RULES

The instant Amended Rules and Regulations for the Practice of Psychology in the Territory of the United States Virgin Islands supersede all prior Regulations most recently in effect since June 28, 2010.

169-2. DEFINITIONS

- (a) "Board" means the U.S. Virgin Islands Board of Psychology Examiners.
- (b) "Approved continuing education" includes research and training programs, college and university courses, in-service training programs and seminars and conferences that are approved by the Board.
- (c) "Approved supervisor" means a person with a full, active license as a psychologist, or equivalent, as determined by the rules and regulations of the Board.
- (d) "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness and behavioral health. The practice of psychology is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior analysis and therapy, diagnosis and treatment of mental and

emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability, and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups and the public.

The practice of psychology shall be construed, within the meaning of this definition, irrespective of whether payment is received for services rendered.

- (e) “Licensed Psychologist” means a person who has been issued and holds a license pursuant to the provisions of Title 27 V.I.C. Chapter 2. The licensed psychologist may independently render those services defined within 169-1 (d) above.
- (f) “Psychologist Associate” means an individual, licensed within the meaning of Title 27 V.I.C. Chapter 2, who offers to render or renders professional psychological services such as interviewing or administering and interpreting tests of mental abilities, interest, aptitudes, and personality characteristics for such purposes as psychological evaluation, or for educational, vocational or personnel selection, guidance of placement. A psychological associate may engage in overall personality appraisal or classification, personality counseling or personality adjustment techniques. A psychological associate may only practice under supervision as defined in the rules and regulations adopted by the Board.
- (g) “Psychology Professional” means an individual who is either a licensed psychologist or psychological associate.
- (h) “Psychotherapy” means the treatment, diagnosis, testing assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which interfere with effective emotional, social, or intellectual functioning.
- (i) “Referral” means evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client or patient of such judgment and communicating as requested or deemed appropriate to such referral sources.
- (j) “Research” means a systematic effort to collect, analyze, and interpret quantitative or qualitative data that describes how social characteristics and behavior, emotion, cognitions, and interpersonal transactions among individuals and organizations interact.
- (k) “Supervision” means the relationship focused on the development, enhancement, and evaluation of the supervisee’s skills, knowledge, and behavior in the practice of psychology.

- (l) "Use of a title or description of" means to hold oneself out to the public as having a professional status, using signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of identification.

169A. NAME

The name of this board is the US Virgin Islands Board of Psychology Examiners (hereinafter the "Board.")

169B. POWERS AND DUTIES OF THE BOARD

- (a) The Board shall be composed of five members appointed by the Governor with the advice and consent of the Legislature. The Governor shall designate one Board member to serve as the first chairperson. The second and successive chairpersons shall be elected from among its members, by the Board along with a Vice-Chairperson and a Secretary/Treasurer. The manner of election of officers, their duties, and the terms of the elected officers shall be as the Board determines.

(b) The Board shall:

- (1) recommend to the Commissioner of Health the issuance, denial, suspension, revocation or reinstatement of licenses under this subchapter;
- (2) meet at least twice per year, but additional meetings may be held upon the call of the chairperson or any three members of the Board. The attendance of a majority of members then sitting at an official Board meeting shall be considered a quorum;
- (3) administer and enforce the provisions of this Title 27 V.I.C. Chapter 2;
- (4) examine and pass on the qualifications of all applicants for licenses under this chapter, and shall issue a license to each successful application, attesting to his/her professional qualifications to be a licensed psychology professional;
- (5) adopt a seal which shall be affixed to all licenses;
- (6) schedule and conduct examinations not less than once per year to determine qualifications of applicants after completion of appropriate educational retirements;
- (7) annually publish a registry of names and business addresses of persons who are licensed under Title 27 V.I.C. Chapter 2;

- (8) maintain a registry of approved supervisors as defined by the Board;
- (9) adopt a code of ethics that the Board considers to be appropriate and applicable to the practice of psychology;
- (10) establish regulations for continuing education requirements for licenses;
- (11) review University of the Virgin Islands psychology curricula according to established and published standards, which prepare students for licensure pursuant to this chapter, and approve such schools of psychology which meet the requirements of Title 27 V.I.C. Chapter 2 and the Board through its rules and regulations;
- (12) establish fees for applications for examinations, issuance and renewal of licenses and other services provided by the Board. Fees shall be set so as to defray the cost of administering the provisions of this chapter, including applications, examinations, enforcement and the cost of maintaining the Board;
- (13) employ such other persons as may be necessary to carry out the work of the board and engage in fund-raising activities when necessary to support the ongoing functioning of the Board;
- (14) establish an annual budget for the Board's operation;
- (15) have the Attorney General represent the Board in all legal matters;
- (16) maintain membership and active participation in a national Psychology Board Association;
- (17) adopt rules and regulations as deemed necessary and proper to carry out the provisions of Title 27 V.I.C. Chapter 2;
- (18) establish a Board of Psychology Fund bank account, in which all monies received by the Board in the form of fees and fines shall be deposited. The Chairman or the Treasurer of the Board of Psychology shall disburse monies for the operation of its duties. Accurate records of deposits and disbursements shall be kept by the Secretary/Treasurer of the Board and shall be submitted annually for review and audit by the Office of Management and Budget;
- (19) make further rules and regulations to enable the Board to operate and fulfill its statutory obligations which shall be consistent with the Virgin Islands Code;

(20) conduct hearings upon complaints seeking discipline of a licensee or revocation of a license and investigations related to the compliance of this chapter. The Board may also initiate hearings as provided in section 169G-1 of Title 27 V.I.C. Chapter 2;

(21) cause criminal prosecution of all persons violating Title 27 V.I.C. Chapter 2;

(c) The Board shall have any other powers authorized by law that are necessary to fulfill the mandates of Title 27 V.I.C. Chapter 2.

169B.-1. RECORD OF MINUTES AND HEARINGS

Minutes of each meeting and/or hearing shall be maintained and shall record official actions of the Board that shall be presented for correction and approval at the next Board meeting.

169B.-2. APPLICATION RECORD MAINTENANCE

The Board shall maintain records of all applications and related information on the disposition of each application for licensure and the reasons for the Board's decision in each case. The record shall indicate the basis on which actions were taken, including citation to relevant sections of law under which the applicant was qualified or rejected.

169B.-3. BOARD OF PSYCHOLOGY FUND BANK ACCOUNT

The Board of Psychology Fund bank account will require the signature of either the Chairperson or Secretary/Treasurer. Disbursement of monies substantially in excess of usual operational expenses will require a vote of a majority of the Board.

169C. LICENSE QUALIFICATIONS

(a) Applications for licensure shall be accompanied by satisfactory proof that the applicant:

- (1) is at least 21 years of age, is of good moral character, has not been convicted of a felony or a crime of moral turpitude, and is not abusing alcohol or drugs;
- (2) submits an application on the appropriate form as prescribed by the board;
- (3) pays a fee as determined by the Board;

- (4) produces certified transcripts verifying satisfactory completion of education course work and/or academic degrees as required in Title 27 Virgin Islands Code Section 169D;
 - (5) has declared to the Board and agrees to continue to declare areas of professional competence through a Statement of Professional Intent, describing the intended use of the license, the client populations with whom the applicant will work, the professional procedures the applicant plans to utilize, including the applicant's theoretical orientation and preferred intervention strategies; and
 - (6) has validated the competencies declared in the Statement of Professional Intent as well as demonstrated knowledge of psychology by passing a written examination given by the Board.
- (b) in any written examination, each application shall be kept anonymous by being given a number to maintain the confidentiality of his name until the examinations have been graded.
 - (c) An applicant for licensure must pass a Board sanctioned National Professional Examination as referenced in the application form or Board policy and a local examination based on clinical experience, ethics, and theoretical knowledge related to psychology as practiced in the United States Virgin Islands.
 - (d) The Board shall determine the acceptable level of performance for the passage for both national and local examinations.

169C.-1. PROCEDURES FOR PERSONS APPLYING FOR LICENSURE

All persons applying for a license to practice psychology as a "Psychology Professional" shall complete an application online at the USVIPsychologyboard.com website and submit electronically with the application fee. The following items are required for application for a license under Title 27, Chapter 2 of the V.I. Code.

- (a) A completed Board approved application form with all spaces filled appropriately by the applicant and sent through the ASPPB Plus System.
- (b) A photograph of the applicant for identification, with said photograph having been taken within six (6) months prior to the date the application was made.
- (c) An application fee as determined by the Board and stated on the application. If payment of the fee is made by personal check, the fee will be considered paid when said check is cleared for payment by applicant's bank.

169C.-2. TEMPORARY LICENSURE

Non-Virgin Island licensed psychologists from off-island who wish to practice temporarily in the Virgin Islands may do so for thirty (30) days within a calendar year, provided they are duly licensed in the State they are coming from. These individuals must register their intent and submit documentation of their license with the Board of Psychology Examiners and pay a registration fee as determined by the Board per visit.

169C.-3. CONTRACTED SCHOOL PSYCHOLOGISTS

School psychologists who are employed by private contracting agencies must register with the Board of Psychology Examiners. The contracted school psychologists providing services to children in the US Virgin Island schools, must be a Nationally Certified School Psychologist, have two years prior experience as a school psychologist, have their resume on file with the Board, have six hours of continuing education hours in the evaluation of culturally diverse populations, present a police clearance from the state they are originating from, and pay a fee as set by the Board of Psychology Examiners.

169C.-4. ACTION ON APPLICATIONS

When the application is complete, the Board will then examine said application at the next regularly scheduled meeting of the board, or at any special meeting in which time permits. If the Board determines that the applicant is eligible for continuance of the application process, the applicant will be notified in a timely fashion by the Executive Secretary. Such notification shall extend the board's invitation to the applicant to sit for the next scheduled written examination. An application not meeting the requirements for initial completion of the application for licensure, shall have a period of thirty (30) days following notification of such in order to file with the Board a written request for reconsideration. Such written request shall include the specific reasons reconsideration is requested.

169C.-5. WRITTEN EXAMINATIONS

The Board will use the Examination for Professional Practice of Psychology (EPPP). This instrument is published by the Association of State and Provincial Psychology Boards (ASPPB), or its successor, and is developed and scored by the Professional Examination Service (PES), or its successor. The passing score is 500. The applicant may take the EPPP in another state after requesting such a change of venue and ask that the PES forward scores to the Board. The applicant will bear the cost of the examination, and any other charges or costs incurred by the Board in administering the examination. A fee as determined by the Board and specified on the application

for licensure must be paid to the Board prior to sitting for the examination. In the event of a non-passing score, the applicant must reapply for licensure.

169C.-6. ORAL EXAMINATIONS

In addition to a multiple-choice exam on local laws, applicants for licensure will also have a written section and will be interviewed regarding their responses to the questions.

169D. EDUCATION REQUIREMENTS FOR LICENSED PSYCHOLOGISTS, DOCTORAL LEVEL

Applicants for a psychologist license shall have received a Doctoral degree in psychology from an educational institute accredited by one of the regional accrediting bodies recognized and approved by the Council on Post-secondary Accreditation and the United States Department of Education. The graduate program should be considered to be a planned and directed program of study that is psychological in nature. All programs shall include the following:

- (a) Internship from an accredited American Psychological Association program or its equivalent, and field experiences or laboratory training appropriate to the practice of psychology, and supervised by a licensed psychologist;
- (b) No less than two years of experience in a clinical psychology setting including a minimum of 3,000 hours in the practice of psychology defined in Section 169 of Title 27, Chapter 2 of the Virgin Islands Code. Of this total experience, 1500 hours should involve direct work with clients and should be appropriately supervised by an approved supervisor. A total of 1500 hours or one year of supervised professional practice may be pre-doctoral;
- (c) A minimum of sixty semester hours of graduate study in standard psychology courses, provided that (1) a maximum of six semester hours will be allowed for dissertation or thesis; and (2) a maximum of six semester hours will be allowed for internship or practicum;
- (d) Instruction in (a) scientific and professional ethics and standards; (2) research design and methodology; and (3) statistics and psychometrics;
- (e) A minimum of three semester hours in each of the following substantive content hours, or their equivalent: (1) biological bases of behavior; (2) cognitive-affective bases of behavior; (3) social bases of behavior; and (4) individual differences; and
- (f) The program of study shall be taken within a recognizable, coherent, organized entity within the university which contains an identifiable psychology faculty and a psychologist responsible for the program. If the program is on-line, at least one semester or twelve semester hours must be taken on the campus.

169D.-1. EDUCATION REQUIREMENTS FOR LICENSED PSYCHOLOGIST ASSOCIATE

Applicants for a Psychological Associate License shall have received a Master's degree in psychology from an institution, which has been accredited by a regional body recognized and approved by the Council on Post-secondary Accreditation and the United States Department of Education. The degree must be based on a program of planned and directed studies, which is psychological in nature. All programs must meet criteria (169D.-1 and should also include the following:

- (a) Twelve semester hours in courses drawn from general psychology (social, experimental, physiological, cognition, motivation, learning, perception, developmental, history or systems);
- (b) Twelve semester hours of coursework in theories or methods relevant to the practice of psychology and that may include practicum;
- (c) Six semester hours in statistics and research design; and
- (d) A minimum of one practicum, internship or field experience that is equivalent to one semester full time or one year half-time and that is supervised by a licensed practicing psychologist.
- (e) No less than three years of experience in a clinical psychology setting including a minimum of 4,500 hours in the practice of psychology defined in Section 169 of Title 27, Chapter 2 of the Virgin Islands Code. Of this total experience, 3,500 hours should involve direct work with clients and should be appropriately supervised by an approved supervisor.

169E. PRE-LICENSE SUPERVISION REQUIREMENTS

- (1) Supervision of Master's and Doctoral pre-licensure candidates must be provided in an organized structured setting, such that a clear focus is placed on the development and enhancement of the supervisee's skills, knowledge and behavior in the practice of psychology. Supervisors have full ethical and legal responsibility for supervisees. To maintain the professional nature of the supervision, a strong personal relationship shall not exist between the supervisor and the candidate for licensure.
- (2) Supervisor's Plan for Supervision:

(a) A written document detailing how the Supervisor will provide training and experience must be provided by the Supervisor to the Board and must be approved by the Board before the beginning of the supervision experience. The training plan must be tailored to the needs and level (pre-degree or post-degree) of the supervisee.

(b) This document must contain detailed information as to how the supervisor will provide for the supervisee's training in the following areas:

- i. Supervision of the supervisee's direct client contact.
- ii. Instruction in theoretical concepts underlying the work, including reading material relevant to the cases.
- iii. Review of relevant territorial laws and rules, including "duty to report" provisions.
- iv. Review of ethical principles applicable to the work.
- v. Evaluation of the supervisory process by the supervisor and the supervisee.
- vi. Training in the management of professional practice and other administrative or business aspects of practice.
- vii. Training in procedures to be used in the case of a suicidal or homicidal client.

(3) Supervisee's Log:

The supervisee must provide the Board with the following documentation of face-to-face supervision after each 500 hours of supervised experience has been completed. Each log must contain (a) the dates of the meetings with the supervisor; (b) The length of time of the meetings; (c) The amount of money paid for the supervision; and (d) The general category of direct services being discussed (assessment, therapy, etc.). Both the supervisor and the supervisee must sign the log entries.

(4) Supervision of Direct Client Services:

(a) At least 50% of the internship/ supervisee experience must be in direct client contact providing assessment and intervention services. The following standards must be observed when a supervisee is providing direct services to clients:

- i. Supervisees/interns must use a title indicating their training status, such as psychological trainee or psychology intern.

- ii. Clients must be informed of the identity and the responsibilities of the supervisor and how they can speak directly to the supervisor.
 - iii. Services rendered by the supervisee must not be represented to third parties as having been rendered by the supervisor.
 - iv. It is the supervisee's responsibility to confirm that liability coverage is in place for the work conducted while under supervision.
- (b)** For every 40 hours of direct service the pre-degree intern/supervisee must receive at least 4 hours supervision that addresses the direct psychological services provided.
- (c)** For every 40 hours of direct service the post degree, pre-licensed intern/supervisee must receive at least 2 hours supervision that addresses the direct psychological services provided.
- (d)** For both pre-degree and post degree candidates for licensure: (a) The meetings for supervision must be regularly scheduled and face-to-face; and (b) At least 75% of the supervision must be by a licensed psychologist with a minimum of two years post-license experience. The remainder of the supervision may be provided by a licensed allied mental health professional.
- (e) Learning/Training Component:**
- i. For every 40 hours of direct service, the pre-licensed candidate at the Master's and the Doctoral level must receive at least 4 hours of learning activities, such as case conferences, seminars on applied issues, conducting co-therapy with a staff person, including discussion of the case, and group supervision.
 - ii. For every 40 hours of direct service, the pre-licensed doctoral candidate and psychological associate candidate must receive at least 2 hours of learning activities.
 - iii. The policy governing supervision of Master's degree licensed psychologists, called Psychological Associates, is set forth in the VI Code 169D.2.
 - iv. It is required that those providing supervision undertake a minimum of 4 CE credit hours of training for this responsibility.
 - v. All pre- and post-Doctoral internship hours must be completed within a four - year period in order to be considered for licensure.

169E.-1. CREDIT FOR PSYCHOLOGY RELATED COURSE WORK

If an applicant desires to utilize course work done in departments on other than psychology to satisfy the minimum hour requirements, evidence must be provided, in a form specified by the board, that such courses are psychological in nature. This evidence shall include: (1) a description of the courses including syllabi; (2) textbooks used; (3) name of professors and statement of professors' membership in national, regional, and state and territorial psychological associations; and (4) professors' licensure or certification status.

169E.-2. NON-UNITED STATES GRADUATES

- (a) Individuals with degrees from institutions outside the United States, shall have received an education, which is substantially equivalent to the educational requirements for United States graduates. The education must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program of higher education that trains students to practice as psychologists or psychotherapists.
- (b) The burden of establishing that the requirements of this provision have been met shall be upon the applicant; the board may require documentation, such as an evaluation by a foreign equivalency determination service.
- (c) Documents that are not in the English language must be accompanied by an acceptable translation that must include all written and printed matter on the original document. An Affidavit of Accuracy must accompany the translation, with the translator affirming that they have made and read the completed translation, that it is true and correct, and that nothing has been added or deleted. The translator must be properly qualified as approved by the Board (e.g., a language professor, consul general or diplomatic representative, or a representative of a foreign government agency.) Translations by the applicant will not be accepted unless a qualified translator who has attached an Affidavit of Accuracy has checked them. The applicant will assume all translation expenses.

169F. ISSUANCE OF LICENSES WITHOUT AN EXAM ("GRANDPARENTING")

Psychological licenses may be issued without examination to an applicant who has been a resident of the Virgin Islands for at least two (2) years prior to December 30 [th], 1994, the date of enactment of the grandparenting provision contained in Title 27 V.I.C. § 169F and, that the applicant is either:

- (a) Licensed as a psychologist in another jurisdiction where the requirements for licensure are equivalent or exceed the requirements of this territory; or

- (b) A person who holds the minimum degree required as defined in sections 169D and 169E of this title and has a minimum of eight years of active experience in the practice of psychology.
- (c) All such persons must meet the requirements of § 169c(a)-(d) of these Rules and Regulations.

169F.-1. PSYCHOLOGICAL ASSOCIATES

Once licensed, a Psychological Associate may only practice privately under supervision by an approved supervisor. A Virgin Islands licensed psychologist shall be recognized as an appropriate supervisor for a Psychological Associate.

- (a) It shall be the supervisor's responsibility to provide the best possible professional guidance that is mutually beneficial to both the person supervised and the public that he/she ultimately serves. The professional expertise, areas of competence and experience of the supervisor will parallel the expected practice of the associate.
- (b) To maintain the professional nature of the supervision, a strong personal relationship shall not exist between the supervisor and the Associate. No psychologist or other qualified professional shall supervise more than three (3) Psychological Associates at any time.
- (c) There shall be a contract between a supervisor and a practicing Psychological Associate, which is filed with and approved by the Board. The Contract shall include the specifics of the agreement between the two parties, including but not limited to, the fees to be paid, the manner in which the Supervisor shall report to the Board, and the frequency and length of supervised sessions.
- (d) Supervision requirements may be reduced for highly experienced Psychological Associates (after the first three (3) years of practice following licensure), following the submission and successful review of an application that outlines the reasons and bases for the request.
- (e) Time Requirements. Individual supervised sessions shall be as follows:
 - (1) 1-20 hours of practice/week - 1 hour of face-to-face supervision/week.
 - (2) More than 20 hours of practice/week - 2 hours of face-to-face supervision/week.
- (f) Alternate Supervisor Requirements.

- (1) In lieu of the above supervision requirements, governmental agencies or private organizations involved in the practice of psychology may submit alternative supervision plans for one or more psychological associates or candidates for licensure. To be approved by the Board, the applicant agency or organization must demonstrate that such alternative supervision plans meet one of the two following conditions: (1) that compliance with standard supervision requirements would constitute a significant hardship; or (2) the alternative plan would provide significantly superior supervision.
- (2) If either of the two conditions stated above is met, then supervision from a qualified mental health professional from a related discipline may be acceptable if the Board determines that this supervision would be comparable to the individual supervision requirements outlined in 169E.

169G. CONDUCTING AN INVESTIGATION

- (a) The Board may investigate a complaint on its own motion, or upon receipt of a complaint in writing of any person setting forth the facts, which, if proven, would constitute grounds for refusal, suspension, or revocation of a license under this Act. The Board shall investigate the actions of any person, hereinafter called the accused, who holds or represents that he holds a license to practice psychology.
- (b) A member of the Board shall head the investigation. The purpose of an investigative proceeding is to discover and produce evidence. The procedure must be fundamentally fair and reasonable to the individual being investigated. Legal counsel from the Attorney General's Office should participate in investigatory hearings. Furthermore, all stages of an investigation of an individual must be held in Executive Session. As a result, no member of the media or member of the public, who is not a Board member or otherwise needed in attendance at such meeting, should participate in or witness any investigatory hearing.
- (c) Within sixty, (60) days following the receipt of a complaint, the Chairperson of the Board shall appoint an investigating officer for each complaint. Such officer may be a member of the Board or may be an individual with appropriate expertise who is not a member of the Board. Investigating officers shall submit a report of their findings within one hundred twenty, (120) days of the receipt of the complaint unless additional information is needed that will affect the outcome of the hearing. If the investigative officer decides that there is no substantial evidence to support the complaint, or professional misconduct, or that further proceedings are not warranted, and the Board agrees, no further action shall be taken, and the psychologist will be so advised. If such officer determines that there is substantial evidence in support of the complaint, or of professional misconduct, and that further proceedings are warranted, a disciplinary hearing shall be conducted pursuant to Title. 27 V.I.C. §169G.-1.

(d) The Board has the authority to subpoena and administer an oath to witnesses before the Board for the purpose of investigation of alleged violations. The Chairperson of the Board, or a member of the Board, duly designated by the Chair, may sign a subpoena, and administer such oath.

(e) Psychological records may not be subpoenaed without the consent of the patient or without order of a court of competent jurisdiction, or only upon a showing that the records are reasonable and necessary for conducting the investigation and to prevent unnecessary intrusion into patient confidential information. Neither the accused nor his/her representative is permitted to be present at this investigative session.

169G.-1. CONDUCTING A DISCIPLINARY HEARING

(a) When the Board completes its investigation, the accused must be given written notice within sixty, (60) days on whether the Board will conduct a disciplinary hearing. The notice shall summarize the charges pending against the accused. Any disciplinary hearing shall be held not less than thirty, (30) days from the date that the notice of hearing was sent out by the Board. The disciplinary hearing shall be a formal meeting of the Board, on the record, with a quorum present.

(b) A disciplinary hearing shall be held in executive session with a quorum present. The accused or a representative shall be allowed to make an oral or written statement before the Board, stating his/her opinion about the charges against him. All witnesses may be subpoenaed to testify under oath before the Board. The accused or his representative is entitled to cross-examine any witness. Legal counsel from the Attorney General's office may be present. The hearing shall be transcribed verbatim.

169G.-2. DISCIPLINARY PROCEEDINGS

The Board shall have the power and duty to recommend to the Commissioner of Health to suspend, place on probation, or require remediation for any psychologist or psychological associate for a specified time, to be determined at the discretion of the Board, or to revoke any license of a psychology professional or to take any other action specified in these rules and regulations whenever the board shall find by a preponderance of the evidence that the Licensed Psychologist, or Psychological Associate, has engaged in any of the acts enumerated in 27 V.I.C. § 169G.

169G.-3. RECOMMENDATIONS FOR DISCIPLINARY ACTION

(a) In its written decision, the Board may advise the Commissioner of Health of its recommendations for disciplinary action as follows:

- (1) suspension of license;
 - (2) revocation of license;
 - (3) placement on probationary status;
 - (4) limitation of the scope, nature, or extent of the practice;
 - (5) any other disciplinary action deemed appropriate by the Board.
- (b) A copy of such decision shall be sent to the Commissioner of Health within forty-five (45) days after the disciplinary hearing.
- (c) If the Commissioner revokes the accused's license, said license shall be surrendered to the Commissioner of Health effective immediately upon notice of the Commissioner's decision. Upon the failure of the accused to surrender his license upon the order of the Commissioner, the Commissioner may seize the same.
- (d) In all instances in which the board has rendered a recommendation to the Commissioner with respect to the accused, the Commissioner, to the extent that s/he disagrees with or takes action contrary to the recommendation of the Board, shall file with the Board and the Attorney General specific written reasons for disagreement. Such reasons shall be filed within thirty, (30) days after the Commissioner takes the contrary position to the Board.
- (e) Each order requiring any disciplinary action shall contain a brief, concise statement of the grounds upon which the Commissioner's action is based, as well as the specific terms and conditions of such action.
- (f) The Board and the Commissioner shall retain the original of this document as a permanent record.
- (g) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action, any sanctions imposed upon the accused by the Commissioner because of the acts or omissions related to the delivery of direct patient care, as specified in the Commissioner's final administrative decision, shall as a matter of public policy remain in full force and effect in order to protect the public pending final resolution of any of the proceedings.

169G.-4. SUSPENSION OF LICENSE

At any time after the accused license is suspended, the Commissioner may restore said license to the accused or take any other action to reinstate the accused to good standing, without examination, upon the written recommendation of the Board. The accused may renew his/her license to practice psychology after the Commissioner has restored his/her license consistent with the requirements of 27 V.I.C. § 169H.-1.

169G.-5. PROBATION

At any time after the prescribed probation has been served by the accused, the Commissioner may restore said license to the accused or take any other action to reinstate the accused to good standing, without examination, upon the written recommendation of the Board. The accused may renew his/her license to practice psychology after the Commissioner has restored his/her license consistent with the requirements of 27 V.I.C. § 169H.1

169G.-6. EXPIRATION OF LICENSE DURING DISCIPLINARY PROCEEDINGS

Until the Commissioner of Health renders a final decision regarding his/her disciplinary proceedings, the accused may continue to practice psychology. However, the accused may not renew his/her license or practice psychology where the accused's license has been temporarily suspended due to a criminal conviction under 27 V.I.C. § 169G. The accused must renew his/her license during the pending of disciplinary proceedings so that he/she may continue to practice psychology within the United States Virgin Islands.

169G.-7. APPEAL

Any person aggrieved by a final decision of the Commissioner may appeal such decision within thirty days of the date the decision is rendered by Writ of Review to the Superior Court of the Virgin Islands.

169G.-8. REVOCAION OF LICENSE

At any time after the accused license is revoked, the Commissioner may restore said license to the accused or take any other action to reinstate the accused to good standing, without examination, upon the written recommendation of the Board. The accused may renew his/her license to practice psychology after the Commissioner has restored his/her license consistent with the requirements of 27 V.I.C. § 169H.

169H. TIME LIMITATIONS

All procedures to suspend, revoke, place on probationary status, or take any other disciplinary action as the Board may deem proper with regard to a license on any of the grounds enumerated in Title 27 V.I.C. § 169h (c), must be commenced within three (3) years after receipt by the Board

of a complaint. Except for fraud in procuring a license, no action shall be commenced more than five (5) years after the date of the incident or act alleged. The time during which the holder of a license is outside the territory of the Virgin Islands shall not be included within any period of time limiting the commencement of disciplinary action by the Commissioner.

169H-1. RENEWAL OF LICENSE – CONTINUING EDUCATION GUIDELINES

All licensees in the Territory are required to complete 24 hours of continuing education every 2 years. To qualify for approval by the Board, continuing education (CE) activities shall meet one or more of the following objectives: maintains the professional competency of psychologists; increases the professional skills and knowledge of psychologists; prepares psychologists for new roles or responsibilities in the practice in the practice of psychology; or expands the science of psychological theory, method, or practice. Business meetings, professional committee meetings, meetings concerned with the administrative and financial aspects of a professional practice, and presentations and publications primarily intended for a lay audience, will not be approved for continuing education.

The Board may approve the following for continuing education activity:

- (a)** Attending a course, seminar, symposium, or workshop that:
 - (1)** Is offered by an authorized sponsor;
 - (2)** Is intended for doctoral level psychologists, graduate students in psychology, and those at equivalent levels in related professions;
 - (3)** Has a stated instructional purpose and defined content area;
 - (4)** Is presented by professionals qualified in the content area;
 - (5)** Has a stated duration of approximately 1 hour or more;
 - (6)** Records attendance;
 - (7)** Provides documentation of completion of least 1 CE unit; and
 - (8)** Requires participants to complete an evaluation of the program;
- (b)** Developing and presenting a course, seminar, symposium, or workshop for an authorized sponsor, for which:
 - (1)** Three (3) CE units may be earned for 1 hour of presentation;

- (2) Two (2) CE units for authoring and presenting a scholarly paper at a meeting of a scientific or professional organization;
- (3) Twelve (12) CE units be may earned during the year of publication of a book by the author, divided by the number of co-authors;
- (4) Nine (9) CE units be earned for co-authoring a book chapter, journal article or editing a book;
- (5) Three (3) CE units per credit hour for teaching an undergraduate or graduate level psychology course at an accredited college or university the first time the course is offered;
- (6) Five (5) CE units per every two-year renewal cycle can be awarded for serving on the Board of Psychology Examiners.

The following limitations shall apply:

- (a) A maximum of 18 CE units may be taken in independent study courses. To earn CE units for independent or home study, (1) a psychologist shall pass a test on the activity and be awarded a certificate of completion; and (2) the course must be offered by an APA approved CE provider.
- (b) A minimum of 3 CE units must be completed in activities whose content areas is laws pertaining to the practice of psychology, ethics and professional conduct, or risk management.
- (c) A minimum of 3 CE units must be completed in topics of cultural diversity.

169I. CODE OF ETHICS

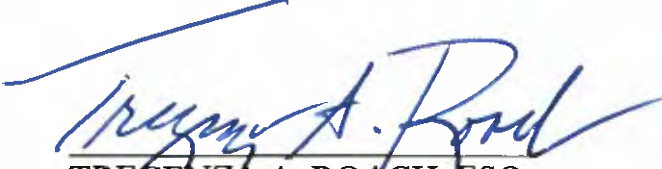
Pursuant to 27 V.I.C. § 169b (b)(9), the Board hereby adopts the American Psychological Association's Ethics Code as its code of ethics, which shall apply to all psychologists or psychological associates practicing within the Virgin Islands. A violation of these codes shall subject the psychologist or psychological associate to disciplinary action by the Board.

169J. EXEMPTION OF PENDING APPLICANTS

Notwithstanding Title 27, Chapter 2 Virgin Islands Code, Sections 169, et seq and the provisions delineated herein, any applicant for licensure pending at the time of the date of the enactment of these Amended Rules and Regulations shall undergo review utilizing the standards in effect at the time until September 2021 that their application was submitted.

CERTIFICATION OF PUBLICATION AND CONFORMITY IN FORMATTING


In my capacity as Lieutenant Governor of the United States Virgin Islands, I have reviewed the foregoing Amended Rules and Regulations for the Practice of Psychology, and find them to be in compliance with Title 3, Chapter 25, and the Rules and Regulations for Filing and Publication of Regulations in the Territory of the United States Virgin Islands and hereby approve the same in accordance with 3 V.I.C. § 936.


TREGENZA A. ROACH, ESQ.
Lieutenant Governor
United States Virgin Islands

1/14/2022
Date

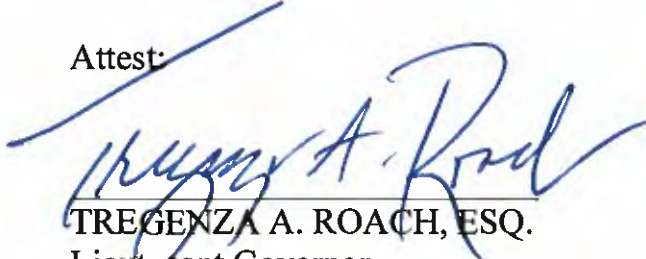
GOVERNOR'S APPROVAL & LIEUTENANT GOVERNOR'S ATTEST

Pursuant to the powers vested in me by Section 11 of the Revised Organic Act of 1954, the above Amended Rules and Regulations for the Practice of Psychology in the Territory of the United States Virgin Islands of the Board of Psychology Examiners, are hereby approved and shall be published in accordance with the provisions of Title 3, Chapter 25 for public notice and comment for at least thirty (30) days after the date of approval noted below.


ALBERT BRYAN, JR.
Governor
United States Virgin Islands

1/14/22
Date

Attest:


TREGENZA A. ROACH, ESQ.
Lieutenant Governor
United States Virgin Islands

1/14/2022
Date

GOVERNOR'S CERTIFICATE OF COMPELLING CIRCUMSTANCES


Pursuant to the authority granted under Section 938 of Title 3 of the Virgin Islands Code, in my capacity as Governor of the United States Virgin Islands, I certify that because of compelling circumstances, including lengthy delays before publication, and the mental health crisis in the Territory compounded by two recent hurricanes, and the COVID-19 pandemic, the public interest requires that the attached Amended Rules and Regulations for the Practice of Psychology in the Territory of the United States Virgin Islands become effective immediately on the date noted below.


ALBERT BRYAN, JR.
Governor
United States Virgin Islands

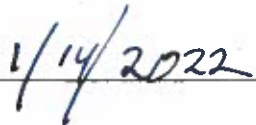
1/14/22
Date

CERTIFICATION OF TRANSMITTAL TO LEGISLATURE

I hereby certify that the above approved Amended Rules and Regulations for the Practice of Psychology in the Territory of the United States Virgin Islands from the Board of Psychology Examiners were transmitted to the Legislature of the United States Virgin Islands pursuant to 3 V.I.C. § 913(a) on the date noted below.



Governor/Governor's Designee
Chief Legal Counsel



1/14/2022