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January 8, 1991

Thomas P. Gunnoe, Executive Assistant
West Virginia Department of
Health and Human Resources
Bureau of Income Assistance
Building 6, State Capitol Complex
Charleston, West Virginia 25305

Dear Mr. Gunnoe:

You have requested the opinion of this office regarding West Virginia's licensure law for psychologists. Specifically, you inquire whether or not the professional service certificate issued by the West Virginia Department of Education to practice psychology in the schools of West Virginia is equivalent to licensure by the Board of Examiners of Psychologists.

After reviewing the relevant statutes and regulations, it is our opinion that the possession of a professional service certificate issued by the West Virginia Department of Education, to exclusively practice psychology in the schools, is the substantial equivalent of holding a license to practice psychology.

Our law generally prohibits a person from engaging in the practice of psychology without first obtaining either a license or a temporary permit from the Board of Examiners of Psychologists. W. Va. Code § 30-21-3(a) (1986). However, there are limited exemptions from this general rule. Most of the exemptions are contained in W. Va. Code § 30-21-2(e) (1986), which defines the term "practice of psychology." After defining the term, this section provides:

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

. . . .

(2) the official duties of a person employed as a psychologist by the State of West Virginia or any of its departments, agencies, divisions or bureaus or local governments, except for the West Virginia Department of

Education, a county board of education, or a regional education agency, which duties are performed under the direct and regular supervision of a licensee.

West Virginia Code § 30-21-3(a), in addition to recognizing the exemptions contained in W. Va. Code § 30-21-2(e)(1), (2), (3), (4), and (6), states:

[S]uch license or temporary permit shall not be required for an individual who is the holder of a school psychology certificate issued by the West Virginia department of education and who is engaged in the practice of psychology solely within the scope of his employment with the West Virginia department of education, a county board of education, or a regional education agency.

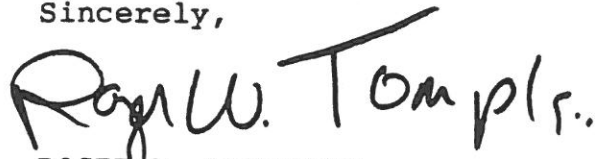
Statutes common to a particular subject should be read jointly and in combination with one another. 17 M.J., Statutes § 4. The portion of W. Va. Code § 30-21-3(a) quoted above is a more recent enactment than W. Va. Code § 30-21-2(e)(2), and the language is more specific to this issue than the general language of the statutes pertaining to licensure of psychologists. Therefore, the specific language of W. Va. Code § 30-21-3(a) takes precedence over the general language of W. Va. Code § 30-21-2(e). 17 M.J., Statutes § 53.

West Virginia Code § 18A-3-2 (1988) empowers the State Board of Education, through the Superintendent of Schools, to issue certificates and permits to persons who do not otherwise qualify under the provisions related to professional teaching or administrative certificates. Pursuant to this authority, the Board has promulgated regulations which provide for the issuance of professional service certificates for school psychologists. See generally Title 126, Series 136, Legislative/Procedural Rules of the West Virginia Board of Education. It is to these professional service certificates to which W. Va. Code § 30-21-3(a) refers.

We are of the opinion that a school psychology certificate issued by the West Virginia Department of Education, for practice in the schools of this State, is the equivalent of licensure for regular psychologists. The exemption for those employed as school psychologists from normal licensing requirements is accomplished through the receipt of a professional service certificate, and they are not required to practice under the supervision of a licensed

psychologist. Because exemption from licensing is accomplished as a result of employment status and the receipt of the appropriate certificate, we conclude that a professional service certificate to function as a school psychologist is the equivalent of a limited license to practice psychology in the schools.

Sincerely,

Handwritten signature of Roger W. Tompkins in black ink.

ROGER W. TOMPKINS
ATTORNEY GENERAL

RWT/kc