

2020 Regular Session

SENATE BILL NO. 458

BY SENATOR LUNEAU

PSYCHOLOGISTS. Provides relative to the Louisiana State Board of Examiners of Psychologists. (2/3 - CA7s2.1(A)) (8/1/20)

AN ACT

To amend and reenact R.S. 37:2352, 2353(3), and (B), and (C), 2356(B) and (C), 2356.2(B), 2358, the introductory paragraph of R.S. 37:2359(B), (B)(1), and (9), (D) through (G), and 2360(B), and to enact R.S. 37:2353(A)(8), 2354(F) through (J), and 2355(C), 2356.3(A)(3), 2356.4, and 2359(C)(4) and (H) through (J), relative to the Louisiana State Board of Examiners of Psychologists; to provide definitions; to provide relative to the powers and duties of the board; to provide duties of the executive director; to provide authority to establish an advisory, executive and standing committees; to provide fees for continuing education course, course review, special services, credit cards, and actual administration costs; to provide investigative records are confidential; to provide notice requirements for licensure of psychologist and examinations are determined by the board; to provide notice requirements for a provisional license and specialist in school; to provide for the registration of an assistant to psychologist; to provide for issuing a license; to provide for the enforcement, procedure for a formal complaint, denial, revocation, or suspension of a license a psychologist, provisional license and specialist in school psychology; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 37:2352, 2353(3), and (B), and (C), 2356(B) and (C), 2356.2(B),
3 2358, the introductory paragraph of R.S. 37:2359(B), (B)(1), and (9), (D) through (G), and
4 2360(B) and hereby amended and reenacted and R.S. 37:2353(A)(8), 2354(F) through (J),
5 and 2355(C), 2356.3(A)(3), 2356.4, and 2359(C)(4) and (H) through (J) are hereby enacted
6 to read as follows:

7 §2352. Definition of terms

8 As used in this Chapter the following terms mean:

9 (1) **"Advisory committee" means a committee established by Louisiana**
10 **State Board of Examiners of Psychologists.**

11 ~~(1)~~(2) "Applicant" means any person who has submitted an application form
12 to the board, paid the application fee, and who has provided such additional
13 information as the board may require.

14 (3) **"Assistant to psychologist" means an individual who is registered in**
15 **accordance with the provisions of this Chapter to work directly with patients**
16 **and clients for the provision of limited psychological services, under the**
17 **authority and direct continuing supervision of a licensed psychologist of record.**

18 ~~(2)~~(4) "Board" means the Louisiana State Board of Examiners of
19 Psychologists. **The term board may be synonymous with agency as defined in the**
20 **Louisiana Administrative Procedure Act.**

21 ~~(3)~~(5) "Candidate" means any person whose application and related materials
22 have been approved by the board. Only candidates are eligible to take the
23 written/oral examination.

24 (6) **"Complaints review committee" means the panel designated by**
25 **board policy to investigate complaints and to conduct informal conferences in**
26 **disciplinary matters, utilized to shield board members from ex parte**
27 **communicating, and preserve the integrity of board members to serve as an**
28 **unbiased participant in all adjudication, including disciplinary panels.**

29 (7) **"Executive committee" means a standing committee established by**

1 the Louisiana State Board of Examiners of Psychologists with authority
 2 established through formal action of the board to execute certain tasks and
 3 duties of the board, including but not limited to subpoena and summary
 4 suspension authority, and utilized to facilitate the proper functioning of the
 5 agency. This committee shall consist of two or more board members and may
 6 include other personnel.

7 (8) "Executive director" means the chief administrative officer of the
 8 Louisiana State Board of Examiners of Psychologists.

9 ~~(4)~~(9) "Licensed specialist in school psychology" means any person licensed
 10 as a specialist in school psychology who applies his knowledge of both psychology
 11 and education during consultation and collaboration with others and engages in
 12 specific services for students, such as direct and indirect interventions that focus on
 13 academic skills, learning, socialization, and mental health.

14 ~~(5)~~(10) "Persons" includes an individual, firm, partnership, association, or
 15 corporation.

16 ~~(7)~~(11) "Practice of psychology" is defined as the observation, description,
 17 **assessment**, evaluation, interpretation, and modification of human behavior, by the
 18 application of psychological principles, methods, and procedures; ~~for the purpose~~
 19 ~~of eliminating symptomatic, maladaptive, or undesired behavior, and of improving~~
 20 ~~interpersonal relationships, work and life adjustment, personal effectiveness,~~
 21 ~~behavioral health, and mental health.~~ The practice of psychology includes but is not
 22 limited to **the following activities:**

23 **(a) psychological Psychological research,** testing and evaluation or
 24 assessment **as defined in the rules and regulations of the board,** of personal
 25 characteristics such as intelligence, personality, abilities, interests, aptitudes, and
 26 neuropsychological functioning;

27 **(b) Psychological research and test development.**

28 **(c) The application of therapeutic interventions, including but not limited**
 29 **to** counseling, psychoanalysis, psychotherapy, hypnosis, stress management,

1 biofeedback, behavior analysis and therapy; **applied for the purpose of eliminating**
 2 **symptomatic, maladaptive, or undesired behavior, and of improving**
 3 **interpersonal relationship, work and life adjustment, personal effectiveness,**
 4 **behavioral health, and mental health.**

5 ~~(d) diagnosis~~ **Diagnosis** and treatment of mental and emotional disorder or
 6 disability, alcoholism and substance abuse; ~~and~~

7 **(e) Testing, evaluation and assessment** of the psychological aspects of
 8 physical illness, accident, injury, or disability;

9 ~~(f) psycho~~ **Psycho**-educational evaluation, therapy, remediation, and
 10 consultation.

11 **(g) Consultation with physicians, other health care professionals, and**
 12 **clients regarding available treatment options, including medication, with**
 13 **respect to the provisions of care for a specific client.**

14 **(h) Provision of direct services to individuals or groups for the purpose**
 15 **of enhancing individual and organizational effectiveness.**

16 **(i) Using psychological principles, methods and procedures to assess and**
 17 **evaluate individuals for the purpose of rendering an expert opinion and**
 18 **diagnosis in a legal setting.**

19 **(j) Using psychological principles, methods, and procedures to assess and**
 20 **evaluate an individuals' personal characteristics for individual development or**
 21 **behavior change or for making decisions about the individual.**

22 **(k) Supervision and consultation related to any of the services described**
 23 **in this Chapter.** Psychological services may be ~~rendered~~ **offered** to **persons**
 24 **throughout their life time including** individuals, families, groups, institutions,
 25 organizations, and the public. **Psychological services may be offered in a variety**
 26 **of settings including, but not limited to private and public clinics, hospitals,**
 27 **schools, universities, legal settings, that include civil, criminal and family court,**
 28 **and prison systems, government organizations and departments.** The practice

29 of psychology shall be construed within the meaning of this definition without regard

1 to whether payment is received for services rendered.

2 ~~(8)~~**(12)** "Provisional licensed psychologist" means a person provisionally
3 licensed under this Chapter.

4 ~~(9)~~**(13)** "Psychologist" means any person licensed as a psychologist under
5 this Chapter. A person represents himself to be a psychologist by using any title or
6 description of services incorporating the words "psychology", "psychological", or
7 "psychologist", or by using any other terms which imply that he is qualified to
8 practice psychology or that he possesses expert qualification in any area of
9 psychology or if that person offers to the public or renders to individuals or to groups
10 of individuals services defined as the practice of psychology in this Chapter.

11 ~~(10)~~**(14)** "School" or "college" means any regional accredited university or
12 other institution of higher learning offering a full-time doctoral course of study in
13 psychology that is approved by the board.

14 ~~(11)~~**(15)** "School system" means any institution or facility which provides for
15 education of children in grades one or above, which may include kindergarten or
16 prekindergarten attached thereto.

17 **(16) "Standing committee" means a committee established by Louisiana**
18 **State Board of Examiners of Psychologists.**

19 §2353. State board of examiners; organization; duties; meetings; fees

20 A. * * *

21 (3)(a) Each psychologist board member shall be a citizen of the United
22 States, resident of the state of Louisiana, shall have rendered service, teaching,
23 training, or research in psychology for at least five years, shall have held a doctoral
24 degree in psychology from a school or college as defined in this Chapter for a period
25 of five years, and shall be licensed under this Chapter for a minimum of five years.

26 **(b) No more than two early career psychologists shall hold a seat on the**
27 **board at any given time. Early career psychologists shall have rendered service,**
28 **teaching, training, or research in psychology for at least three years; held a**
29 **doctoral degree in psychology from a school or college as defined in this**

1 Chapter for a period of one year upon taking office, and shall be licensed under
2 this Chapter. Nothing in this part shall require a seat be held by an early career
3 psychologist.

4 (c) All other board seats must be held by psychologist members who have
5 rendered service, teaching, training, or research in psychology for at least five
6 years; held a doctoral degree in psychology from a school or college as defined
7 in this Chapter for a period of five years, and shall be licensed under this
8 Chapter.

9 ~~(b)~~(d)(i) The consumer member shall be selected from the state at large and
10 shall possess all of the following qualifications:

11 (aa) Is a citizen of the United States and has been a resident of Louisiana for
12 at least one year immediately prior to appointment.

13 (bb) Has attained the age of majority.

14 (cc) Has never been licensed by any of the licensing boards identified in R.S.
15 36:259(A), nor shall he have a spouse who has ever been licensed by a board
16 identified in R.S. 36:259(A).

17 (dd) Has never been convicted of a felony.

18 (ee) Does not have and has never had a material financial interest in the
19 healthcare profession.

20 (ii) The consumer member shall be a full voting member of the board with
21 all rights and privileges conferred on board members, except that the consumer
22 member shall not participate in the grading of individual examinations.

23 * * *

24 (8) Board members shall complete training in governmental ethics, anti-
25 trust compliance, and sexual harassment prevention and other mandatory
26 training subsequently required by a governing authority, including the board.

27 B. The board shall, annually in the month of July, hold a meeting and elect
28 from its membership a chairman and vice chairman. Special sessions may be called
29 by the chairman or the governor. ~~A majority of the board shall constitute a quorum~~

1 ~~(3)~~**(4)** Adopt a seal, which shall be affixed to all licenses issued by the board.

2 **(5) Purchase or rent necessary office space, equipment, and supplies**
3 **within the limits of the funds received by the board.**

4 ~~(4)~~**(6)** Examine for, deny, approve, revoke, suspend, **restrict, and renew, or**
5 **restrict** the licenses of applicants, **or** candidates, and psychologists; **provisional**
6 **licensed psychologists; specialists in school psychology; and assistants to**
7 **psychologists;** as provided under this Chapter.

8 ~~(5)~~**(7)** Conduct hearings upon complaints concerning the disciplining of a
9 person licensed pursuant to the provisions of this Chapter and within the limitations
10 established under Chapter 1-A of Title 37 of the Louisiana Revised Statutes of 1950.

11 **(8) Administer oaths, in the taking of testimony at any hearing before the**
12 **board or appoint a designee by resolution or contract to administer oaths upon**
13 **any matters relative to the duties of the board or violation of this Chapter.**

14 **(9) Issue subpoena or appoint a designee by resolution, to require**
15 **attendance, testimony, and the production of documents to enforce the laws and**
16 **rules relative to the practice of psychology and to secure evidence of violations**
17 **thereof.**

18 **(10) Take emergency action in accordance with the provisions of R.S.**
19 **49:961:**

20 **(a) If the board finds that the public health, safety, and welfare require**
21 **emergency action and incorporates a finding to that effect in its order, a**
22 **summary suspension, revocation or other action. The proceedings shall be**
23 **promptly instituted and determined at the next regularly scheduled meetings**
24 **of the board, but no later than thirty days from the date of the emergency**
25 **action.**

26 **(b) The board may delegate by resolution to the executive committee, the**
27 **authority to issue an order of summary suspension when it is determined that**
28 **the public health, safety and welfare requires emergency action. The board shall**
29 **be notified of the interim action taken and set a date for hearing at the next**

1 regularly scheduled meeting of the board, but not later than thirty days from
2 the date of the interim action taken.

3 ~~(6)~~**(11)** Cause the prosecution and enjoinder of all persons violating this
4 Chapter, and incur necessary expenses therefor.

5 **(12) Establish an advisory committee to assist the board with specialized**
6 **projects or research as prescribed by the board.**

7 **(13) Establish an executive committee with authority to establish through**
8 **formal action to execute certain tasks and duties of the board, including but not**
9 **limited to issuing subpoena and summary suspension authority, and utilized to**
10 **facilitate the proper functioning of the board.**

11 **(14) Establish standing committees to facilitate the proper functioning**
12 **of the board.**

13 **(15) Provide education to licensees and to the public relating to the**
14 **purpose of the board, applicable laws and rules, and public health, safety, and**
15 **welfare as it pertains to the practice of psychology.**

16 * * *

17 §2354. Fees

18 * * *

19 **F.(1) Fees assessed by the board for application for approval of a**
20 **continuing education course or activity sponsor shall not exceed two hundred**
21 **fifty dollars.**

22 **(2) Fees assessed by the board on an individual licensee for review of a**
23 **course or activity of continuing education shall not exceed twenty dollars. This**
24 **fee shall apply only if a licensee intends to earn continuing education credit for**
25 **a course or activity in which the sponsor has not sought review or obtained**
26 **approval by the board.**

27 **G. Fees assessed by the board shall not exceed two hundred dollars for**
28 **special services including, but not limited to the following:**

29 **(1) Applications for authority to conduct telesupervision.**

1 C. The place of examination shall be designated in advance by the board, and
 2 such examination shall be given ~~annually~~ at such place and time and under such
 3 supervision as the board may determine, ~~and specifically at such other times as, in~~
 4 ~~the opinion of the board, the number of candidates warrants.~~

* * *

6 §2356.2. Provisional licensed psychologist; renewal; continuing education

* * *

8 B.(1) If the board reasonably believes that a person applying for a provisional
 9 license or for renewal of a provisional license is not physically or mentally
 10 competent to render psychological services with reasonable skill and safety to his
 11 patients, or is afflicted with a disease or condition, either physical or mental, which
 12 would impair his competency to render psychological services, the board may
 13 request the person to submit to a physical examination by a medical doctor approved
 14 by the board or submit to a mental health examination by a psychologist or
 15 psychiatrist approved by the board. If the person refuses to submit to the
 16 examination, the board, after a contradictory hearing and upon finding reasonable
 17 cause, may issue an order requiring the person to submit to the examination. A
 18 person who is ordered to submit to an examination shall not be eligible for
 19 provisional licensure or renewal of a provisional license prior to such examination.
 20 Proceedings pursuant to this Subsection shall be conducted in compliance with the
 21 Administrative Procedure Act.

22 **(2) Upon investigation of the application, the board shall notify each**
 23 **applicant that the application and evidence submitted for licensure is**
 24 **satisfactory and accepted and that the applicant has been admitted, or**
 25 **unsatisfactory and rejected; if rejected, the notice shall state the reasons for the**
 26 **rejection.**

* * *

28 §2356.3. Specialist in school psychology; licensure; scope of practice

29 A.(1)

1 * * *

2 (3) Upon investigation of the application, the board shall notify each
3 applicant that the application and evidence submitted for licensure is
4 satisfactory and accepted and that the applicant has been admitted, or
5 unsatisfactory and rejected; if rejected, the notice shall state the reasons for the
6 rejection.

7 * * *

8 §2356.4. Assistants to psychologists; registration, supervision, renewal, lapse,
9 termination, reinstatement, and scope of practice

10 A. The board may promulgate rules and regulations regarding the
11 registration, supervision, renewal, scope and limitation of an assistant to
12 psychologist not inconsistent with the provisions of this Chapter.

13 B. Upon employment of an assistant to psychologists, but prior to
14 performance of psychological duties by the assistant to psychologists, the
15 psychologist of record who is licensed under the provisions of this Chapter shall
16 submit a complete application for registration, the registration fee, and other
17 information as may be required by the board. The application fee for
18 registration of an assistant to psychologist shall not exceed one hundred dollars.

19 C. The board shall issue a certificate of registration as an assistant to
20 psychologist to any person who furnishes evidence, on such form and in such
21 manner as may be prescribed by the board, that the person meets all of the
22 following criteria:

23 (1) Is at least eighteen years of age.

24 (2) Is of good moral character.

25 (3) Is a citizen of the United States or has declared his intention to
26 become a citizen. A statement by the person under oath that he is a citizen or
27 that he intends to apply for citizenship when he becomes eligible to make such
28 application shall be sufficient proof of compliance with the requirement of this
29 Paragraph.

1 (4) Is not in violation of any of the provisions of this Chapter, or the rules
2 and regulations adopted by the board.

3 (5) Possess minimum qualifications commensurate with the services to
4 be provided by the registrant as defined in the rules and regulations of the
5 board.

6 (6) Has supervised training commensurate with the services to be
7 performed by the registrant as defined in the rules and regulations of the board.

8 (7) Relative only to Paragraphs (5) and (6) of this Subsection, the board
9 may promulgate rules to authorize a waiver related to minimum training
10 requirements for the issuance of a registration for any assistant to psychologist
11 who was employed to provide services under the supervision of a psychologist
12 licensed under this Chapter, prior to the enactment of this Section. The
13 provisions shall set a deadline for registration under such waiver.

14 (8) Prior to the issuance of any registration, the registration shall initiate
15 a criminal background report from the Louisiana Bureau of Criminal
16 Identification and Information of the office of state police within the
17 Department of Public Safety and Corrections in accordance with this Chapter.

18 D. Upon investigation of the application, the board shall notify the
19 psychologist of record that the application and evidence submitted for
20 registration is satisfactory and accepted and that the registrant has been
21 approved, or the applicant or evidence is unsatisfactory and rejected. If the
22 applicant or evidence is rejected the notice from the board shall state the
23 reasons for the rejection.

24 E. (1) The services and duties of a person registered under this Section
25 as an assistant to psychologists is limited to psychological services authorized
26 by the board, that are commensurate with their education and training, and
27 under the direct and continuous supervision of the psychologist of record who
28 is licensed under this Chapter.

29 (2) Services shall not be advertised in the name of the assistant to

1 psychologist.

2 (3) The assistant to psychologist shall not be authorized to assign or
3 delegate psychological duties, or otherwise engage in the independent practice
4 of psychology.

5 (4) A registration certificate is not the property right of the assistant to
6 psychologist, it is an extension of the psychologist's license when utilizing
7 another individual to effectuate the provision of services to patients and clients.

8 F. Nothing in this Chapter shall be construed to allow an assistant to
9 psychologist to do the following activities:

10 (1) Engage in any activity or service defined as the independent practice
11 of psychology as defined in this Chapter.

12 (2) Work outside the supervisory relationship that is approved by the
13 board through registration.

14 (3) Render any diagnosis.

15 (4) Sign any evaluations or reports.

16 G. A supervising psychologist of record is a psychologist licensed under
17 this Chapter, who is responsible for and shall participate in the patient's care.
18 The psychologist of record is administratively, clinically, and legally responsible
19 for all activities of the assistant to psychologist.

20 H. Nothing in this Chapter shall be construed to allow an assistant to
21 psychologist use any title or description to represent themselves as a
22 psychologist or imply that they are qualified to practice psychology in violation
23 of this Chapter.

24 I. A person may be dually registered and provide services under the
25 direction of more than one supervising psychologists. A single application and
26 fee shall be required if services are provided under a single employer, hospital
27 or clinic.

28 J. (1) The board may deny or revoke a registration that is in the best
29 interest of public, health, safety, and welfare for any unethical, unlawful or

1 other unprofessional conduct brought to the attention of the board under the
2 jurisdiction of this Chapter.

3 (2) Should the board receive reliable information that the actions of an
4 assistant to psychologist is causing harm to clients or patients, is otherwise likely
5 to cause harm to future clients or patients, or the action is performed in an
6 unethical or unprofessional manner, the board shall notify the psychologist of
7 record, of its intent to deny or revoke a registration within ten days of the
8 intended action.

9 (3) The psychologist of record may submit a written response with
10 supporting documents as to why the registration of the assistant to psychologist
11 should not be terminated. Following consideration of all information received,
12 the board may terminate or continue the registration of the assistant to
13 psychologist.

14 K. (1) If the supervisory relationship between a psychologist of record
15 and the assistant to psychologist terminates, the psychologist of record shall
16 notify the board in writing upon such form and in such manner as prescribed
17 by the board. The notice shall be submitted within ten calendar days of the
18 termination and include reasons for the termination. Upon receipt of the notice,
19 the board shall terminate the registration of the assistant to psychologist.

20 L. (1) The psychologist of record shall, during the month of July of each
21 year, beginning in the year immediately subsequent to the initial registration of
22 the assistant to psychologist, submit to the board a renewal application as
23 prescribed by the board and renewal fee. The renewal fee shall be determined
24 annually by the board and shall not exceed seventy-five dollars.

25 (2) The registration of an assistant to psychologists shall immediately
26 lapse upon the occurrence of any one of the following:

27 (a) Failure to renew registration as provided in this Section.

28 (b) Loss of license of the psychologist of record due to lapse, failure to
29 renew, or other action of the psychologist of record.

1 require remediation for a specified time, revoke, **or restrict** any license to practice
 2 psychology, any provisional license to practice psychology, or any license to practice
 3 as a specialist in school psychology issued by the board, **on any grounds set forth**
 4 **in this Section,** or take any other action specified in the rules and regulations, **when**
 5 **such action arises from a formal complaint as defined in this Section,** whenever
 6 the board, by affirmative vote of at least four members of a five-member hearing
 7 panel, **or unless otherwise provided by law, the board may delegate its authority**
 8 **and responsibility to a complaint review committee, that** shall find by a
 9 preponderance of the evidence that a psychologist, provisional licensed psychologist,
 10 or specialist in school psychology has engaged in any of the following acts or
 11 offenses:

12 * * *

13 (1) Fraud or deception in applying for or procuring a license to practice
 14 psychology **or license as a specialist in school psychology.**

15 * * *

16 (9) The suspension, **voluntary relinquishment as an informal resolution**
 17 **to an adjudication,** or revocation by another state of a license to practice
 18 psychology, **or registration to provide psychological services.** A certified copy of
 19 the record of suspension, **voluntary relinquishment** or revocation of the state
 20 making such a suspension, **agreement** or revocation shall be conclusive evidence
 21 thereof.

22 * * *

23 C.(1)

24 **(4) All proceedings in connection with any investigation by the board**
 25 **shall be conducted in closed session, and are exempt from the provisions of the**
 26 **Public Meetings Law pursuant to R.S. 42:17(A)(4). All records in connection**
 27 **with any investigation by the board are confidential. These records shall remain**
 28 **confidential and not be open for public inspection unless these records are**
 29 **entered into the record of any court, except as specifically provided under R.S.**

1 **42:17(A)(1) and R.S. 37:2363(A).**

2 **D. Requests for investigation may be initiated by the board, by any**
3 **licensed psychologist, or by any other person.**

4 **E. A request for investigation is the receipt of any information by the**
5 **board indicating that there may be grounds for disciplinary action against a**
6 **psychologist, licensed provisional psychologist, a specialist in school psychology,**
7 **or any other individual, under the provisions of this Chapter, or other**
8 **applicable law, regulation, or rule.**

9 **F. (1) A formal complaint is the pleading filed by the board, or its**
10 **designated complaints review committee, against a respondent, which pleading**
11 **outlines facts and legal reasons to support formal charges.**

12 **(2) Service of this pleading marks the completion of an investigation and**
13 **represents the initiation of formal proceedings, including notice of hearing, by**
14 **the board against the licensee in accordance with the Louisiana Administrative**
15 **Procedure Act.**

16 ~~D.G.~~ The board may deny or withhold for a specified time not to exceed two
17 years the granting of a license or provisional license to any applicant or candidate
18 who has committed any of the acts or offenses set forth in Subsection B of this
19 Section.

20 ~~E.H.~~ Suspension by the board of the license of a psychologist, a provisional
21 license of a psychologist, or a license of a specialist in school psychology shall be
22 for a period not exceeding two years.

23 ~~F.I.~~ A person who has been refused a license or provisional license, whose
24 license has been revoked, under the provisions of this Section, may reapply for
25 licensure after more than two years have elapsed from the date such denial or
26 revocation is legally effective.

27 ~~G.J.~~ The board shall notify all licensed psychologists, provisional licensed
28 psychologists, and licensed specialists in school psychology of any disciplinary
29 action taken against a licensed psychologist, a provisional licensed psychologist, or

1 a licensed specialist in school psychology.

2 * * *

3 §2360. Violation and penalties

4 * * *

5 B. ~~(1) Such~~ **The** misdemeanor shall be prosecuted by the district attorney of
6 the judicial district in which the offense was committed in the name of the people of
7 the state of Louisiana.

8 **(2) If the board, its designee, or complaints review committee determines**
9 **as a result of an investigation or otherwise that a violation of this Chapter has**
10 **occurred, or has obtained evidence or information that a violation has occurred**
11 **that is subject to a criminal investigation or penalties, the information**
12 **concerning the alleged violation shall be presented to the district attorney in**
13 **whose district the violation occurred, and shall aid in any criminal prosecution**
14 **for a violation of this Chapter. The district attorney may immediately proceed**
15 **with such criminal actions or investigations as are justified by the facts**
16 **presented or available to him.**

17 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Elizabeth O'Quin

SB 458 Original DIGEST 2020 Regular Session Luneau

Present law provides for the licensing of psychologists by the Louisiana State Board of Examiners of Psychologists.

Proposed law creates an advisory committee to be established by the board; the position of an assistant to psychologists to work under the authority and direct supervision of a licensed psychologists; a complaints review committee to investigate complaints and to conduct informal conferences in disciplinary matters in order to shield board members from ex parte communications, and preserve the integrity of board members to serve as an unbiased participant in all adjudication, including disciplinary panels; an executive committee composed of two or more board members to be established by the board to execute certain tasks and duties, including the power to subpoena and summary suspension authority; creates the position of "executive director" as the chief administrative officer of the board who shall be an unclassified employee of the state.

Proposed law defines the practice of psychology to include assessments and that it includes certain enumerated activities including:

- (1) Consultation with physicians, other health care professionals, and clients regarding available treatment options, including medication, with respect to the provisions of care for a specific client.
- (2) Provisions of direct services to individuals or groups for the purpose of enhancing individual and organizational effectiveness.
- (3) Using psychological principles, methods and procedures to assess and evaluate individuals for the purpose of rendering an expert opinion and diagnosis in a legal setting.
- (4) Using psychological principles, methods, and procedures to assess and evaluate an individuals' personal characteristics for individual development or behavior change or for making decisions about the individual.

Proposed law specifically provides that psychological services may be offered in a variety of settings including, but not limited to private and public clinics, hospitals, schools, universities, legal settings, that include civil, criminal and family court, and prison systems, government organizations and departments. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

Present law provides for the La. State Board of Examiners of Psychologists composed of six members; five members who are psychologists and one consumer member. Requires that the each psychologist member of the board of examiners be a U.S. citizen and resident of Louisiana who has rendered service, teaching, training, or research in psychology for at least five years, shall have held a doctoral degree in psychology from a school or college for a period of five years, and shall be licensed under by the board of for a minimum of five years.

Proposed law removes the requirement five years of service, teaching or research; removes the five year requirement that one possess a doctoral degree for five years, and have been licensed by the board of at least five years.

Proposed law requires that no more than two early career psychologists shall hold a seat on the board at any given time. Requires that early career psychologists have rendered service, teaching, training, or research in psychology for at least three years; have held a doctoral degree in psychology from a school or college for a period of one year upon taking office, and shall be licensed by the board. Provides that there is no requirement that seat on the board be held by an early career psychologist.

Requires that all other board members be held by psychologist members who have rendered service, teaching, training, or research in psychology for at least five years; held a doctoral degree in psychology from a school or college for a period of five years, and shall be licensed by the board.

Proposed law retains present law regarding the consumer member of the board.

Proposed law requires that board members complete training in governmental ethics, anti-trust compliance, and sexual harassment prevention and other mandatory training subsequently required by a governing authority, including the board.

Proposed law authorizes the board to employ an executive director and other full-time or part-time professional, legal, investigative, and special agents. Requires that the board appoint an executive director who shall be in the unclassified employee of the state and who shall receive a salary determined by the board along with reimbursement for the actual and reasonable expenses approved by the board. Provides for the duties of the executive director which include the following activities:

- (1) Administer oaths, in the taking of testimony at any hearing before the board or appoint a designee by resolution or contract to administer oaths upon any matters relative to the duties of the board or violation of this Chapter.
- (2) Issue subpoena or appoint a designee by resolution, to require attendance, testimony, and the production of documents to enforce the laws and rules relative to the practice of psychology and to secure evidence of violations thereof.
- (3) Take emergency action as may be required by law.
- (4) Establish an advisory committee to assist the board with specialized projects or research as prescribed by the board.
- (5) Establish an executive committee with authority to establish through formal action to execute certain tasks and duties of the board, including but not limited to issuing subpoena and summary suspension authority, and utilized to facilitate the proper functioning of the board.
- (6) Establish standing committees to facilitate the proper functioning of the board.
- (7) Provide education to licensees and to the public relating to the purpose of the board, applicable laws and rules, and public health, safety, and welfare as it pertains to the practice of psychology.

Proposed law provides for the following as to fees assessed by the board:

- (1) Fees assessed by the board for application for approval of a continuing education course or activity sponsor shall not exceed \$250.
- (2) Fees assessed by the board on an individual licensee for review of a course or activity of continuing education shall not exceed \$20 and that this fee applies only if a licensee intends to earn continuing education credit for a course or activity in which the sponsor has not sought review or obtained approval by the board.
- (3) Fees assessed by the board shall not exceed \$200 for special services including, but not limited to the following:
 - (a) Applications for authority to conduct telesupervision.
 - (b) Inactive status and renewal.
 - (c) Emeritus status and renewal.
 - (d) Mailing lists.
 - (e) Continuing professional development.
 - (f) Other applications duly authorized by rulemaking.
- (4) Fees assessed by the board for a written or computer generated license verification, certified board actions, a duplicate license, or a duplicate renewal certificate shall not exceed \$50 each.

Authorizes the board to assess a fee in the amount of the actual fees and costs for actual administrative functions that it performs.

Proposed law provides that information or reports concerning or relating to improper conduct by, or the impairment of applicants, candidates, psychologists, assistants to

psychologists, and specialists in school psychology, and any other applications, licenses, and registrations authorized that the board obtains through an investigation are confidential.

Present law requires that upon investigation of the application and other evidence submitted, the board, not less than thirty days prior to the examination, is to notify each applicant that the application and evidence submitted for licensure is satisfactory and accepted and that the applicant has been admitted to candidacy status, or unsatisfactory and rejected; if rejected, said notice shall state the reasons for such rejection.

Proposed law removes the thirty day requirement.

Present law provides for applications for a provisional licensed psychologist. Proposed law provides that upon investigation of the application, the board is to notify each applicant that the application and evidence submitted for licensure is satisfactory and accepted and that the applicant has been admitted, or unsatisfactory and rejected; if rejected, the notice shall state the reasons for the rejection.

Present law provides for applications for a specialist in school psychology. Proposed law provides that upon investigation of the application, the board is to notify each applicant that the application and evidence submitted for licensure is satisfactory and accepted and that the applicant has been admitted, or unsatisfactory and rejected; if rejected, the notice shall state the reasons for the rejection.

Proposed law authorizes the board of promulgate rules and regulations regarding registration, supervision, renewal, scope and limitations of an assistant to psychologist.

Proposed law authorizes the board to issue a certificate of registration as an assistant to psychologist to persons meeting certain criteria enumerated. Requires the board, prior to issuance of a registration, to initiate a criminal background report from the La. Bureau of Criminal Identification and Information. Proposed law does not authorize the following activities by an assistant to psychologist:

- (1) Engage in any activity or service defined as the independent practice of psychology as defined in this Chapter.
- (2) Work outside the supervisory relationship that is approved by the board through registration.
- (3) Render any diagnosis.
- (4) Sign any evaluations or reports.

Proposed law requires that a supervising psychologist of record is administratively, clinically, and legally responsible for all activities of the assistant to psychologist. Authorizes an assistant to psychologist to dually register and provide services under the direction of more than one supervising psychologists.

Proposed law provides for denial or revocation of a registration as an assistant to psychologist. Provides for notification to the board if a supervisory relationship between a psychologist of record and the assistant to psychologist terminates.

Authorizes the psychologist of record to submit a renewal application and renewal fee which fee shall not exceed \$75.

Proposed law, relative to assistants to psychologists, does not apply to medical psychologists utilizing assistants under jurisdiction of the Louisiana State Board of Medical Examiners.

Proposed law requires that all proceedings in connection with any investigation by the board

shall be conducted in closed session, and are exempt from the provisions of the Public Meetings Law; all records in connection with any investigation by the board are confidential and shall remain confidential and not be open for public inspection unless entered into the record of any court and except as specifically provided by law.

Proposed law authorizes the board, any licensed psychologist, or any other person to initiate a request for an investigation. Provides that a request for an investigation is receipt of information by the board indicating grounds for disciplinary action.

Proposed law provides that a formal complaint is the pleading filed by the board, or its designated complaints review committee, against a respondent, which pleading outlines facts and legal reasons to support formal charges. Provides that service of the pleading marks the completion of an investigation and represents the initiation of formal proceedings.

Proposed law provides that if the board, its designee, or complaints review committee determines that a violation has occurred, or has obtained evidence or information that a violation has occurred that is subject to a criminal investigation or penalties, the information concerning the alleged violation shall be presented to the district attorney in whose district the violation occurred, and shall aid in any criminal prosecution.

Effective August 1, 2020.

(Amends R.S. 37:2352, 2353(3), and (B), and (C), 2356(B) and (C), 2356.2(B), 2358, the introductory paragraph of R.S. 37:2359(B), (B)(1), and (9), (D) through (G), and 2360(B); adds R.S. 37:2353(A)(8), 2354(F) through (J), and 2355(C), 2356.3(A)(3), 2356.4, and 2359(C)(4) and (H) through (J))