SLS 17RS-111

ORIGINAL

2017 Regular Session

SENATE BILL NO. 37

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PSYCHOLOGISTS. Provides relative to the Louisiana State Board of Examiners of Psychologists. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C) and to
3	enact R.S. 37:21(B)(12) and 2354(B)(4) and (5), relative to the Louisiana State
4	Board of Examiners of Psychologists; to provide for an exemption granted to certain
5	boards; to provide for authority to conduct hearings; to provide for hearing fees; to
6	provide for informal resolution fees; to provide for experience substitutions; to
7	provide for authority to withhold license; to provide for an effective date; and to
8	provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C) are hereby
11	amended and reenacted and R.S. 37:21(B)(12) and 2354(B)(4) and (5) are hereby enacted
12	to read as follows:
13	§21. Limitations on disciplinary proceedings by professional or occupational boards
14	and commissions
15	* * *
16	B. The provisions of this Section shall not apply to the following:
17	* * *

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	(12) The Louisiana State Board of Examiners of Psychologists.
2	* * *
3	§2353. State board of examiners; organization; duties; meetings; fees
4	* * *
5	C. The board is authorized and empowered to:
6	* * *
7	(5) Conduct hearings upon complaints concerning the disciplining of a
8	psychologist; provided that, notwithstanding Chapter 1-A of Title 37 of the
9	Louisiana Revised Statutes of 1950, no disciplinary proceeding shall be commenced
10	more than one year after the date upon which the board knows or should know of the
11	act or omission upon which the disciplinary action is based.
12	* * *
13	§2354. Fees
14	* * *
15	B.(1) The board shall charge an application fee to all applicants for licensure.
16	The board may also charge a written examination fee and an oral examination fee.
17	A hearing fee may also be charged at the discretion of the board. The board shall
18	establish a reasonable fee schedule in conformity with the provisions of the
19	Administrative Procedure Act, R.S. 49:950 et seq.
20	* * *
21	(4) The board may charge a hearing fee to include reasonable costs and
22	fees incurred by the board for the hearing or proceedings, including its legal
23	fees, stenographer, investigator, staff, and witness fees and any such costs and
24	fees incurred by the board on any judicial review or appeal.
25	(5) The board may charge an informal resolution fee to include
26	reasonable costs and fees incurred by the board for a disciplinary action that
27	is resolved by settlement, consent decree, or other informal resolution, including
28	its legal fees, stenographer, investigator, staff, and witness fees.
29	* * *

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29

1	§2356. Licensure of psychologists by written and oral examination
2	A. The board shall issue a license as a psychologist to each applicant who
3	shall file an application upon a form and in such a manner as the board prescribes,
4	accompanied by such fee as required by this Chapter, and who furnishes evidence
5	to that board that, except as otherwise required by law, he:
6	* * *
7	(6) Has a minimum of two years of experience practicing psychology under
8	the supervision of a psychologist, one year of which may be a predoctoral internship
9	as defined in the rules and regulations of the board and required as part of the
10	doctoral degree in psychology as defined by the board and all other experience being
11	post-doctoral. Psychologists who can demonstrate five years of licensed practice
12	as a psychologist in another state, with no disciplinary actions, may qualify to
13	meet one year of post-doctoral experience as defined in the rules and regulations
14	of the board.
15	* * *
16	§2359. Denial, revocation, or suspension of license; psychologist; provisional
17	license; specialist in school psychology
18	* * *
19	C. Proceedings for disciplinary action or for the denial or withholding of a
20	license or provisional license under the authority of this Section shall be conducted
21	in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.
22	The board may require a person against whom disciplinary action has been taken by
23	the board after hearing or informal resolution to pay reasonable costs of the
24	proceedings incurred by the board for hearing and any judicial review, including
25	attorney legal fees, stenographer, investigator, staff, and witness fees. These costs
26	shall be paid no later than thirty days after the adjudication by the board becomes
27	final. No license or provisional license shall be issued, reinstated, or renewed until
28	such costs have been paid.

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1 Section 2. This Act shall become effective upon signature by the governor or, if not

2 signed by the governor, upon expiration of the time for bills to become law without signature

3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 5 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGESTSB 37 Original2017 Regular SessionMartiny

<u>Present law</u> exempts certain state licensing boards from prescriptive provisions provided in law regarding disciplinary hearings.

<u>Proposed law</u> adds the Louisiana State Board of Examiners of Psychologists to the listed state licensing boards which are exempt from these prescriptive provisions.

<u>Present law</u> provides authority for a hearing fee to be assessed by the Louisiana State Board of Examiners of Psychologists in disciplinary matters.

<u>Proposed law</u> clarifies that the hearing fee may include reasonable costs and fees for the hearing, including legal fees, stenographer, investigator, staff, witness fees, and any costs incurred on judicial review and appeal. <u>Proposed law</u> further clarifies that the board may assess reasonable costs and fees when a disciplinary action is resolved by settlement, consent decree or other informal resolution.

Present law requires a license applicant to have one year of post-doctoral experience.

<u>Proposed law</u> provides that the board may consider a substitution of experience, in accordance with board rules, for a psychologist who has practiced for five years in another state with no disciplinary actions. This experience may serve as a substitute for one year of post-doctoral experience.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C); adds R.S. 37:21(B)(12) and 2354(B)(4) and (5))