

SENATE BILL NO. 37

BY SENATOR MARTINY

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

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AN ACT

To amend and reenact R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C), relative to the Louisiana State Board of Examiners of Psychologists; to provide for authority to conduct hearings; to provide for hearing fees; to provide for informal resolution fees; to provide for experience substitutions; to provide for authority to withhold license; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C) are hereby amended and reenacted to read as follows:

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

* * *

C. The board is authorized and empowered to:

* * *

(5) Conduct hearings upon complaints concerning the disciplining of a ~~psychologist; provided that, notwithstanding~~ **a person licensed pursuant to the provisions of this Chapter and within the limitations established under** Chapter 1-A of Title 37 of the Louisiana Revised Statutes of 1950, ~~no disciplinary proceeding shall be commenced more than one year after the date upon which the board knows or should know of the act or omission upon which the disciplinary action is based.~~

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§2354. Fees

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B.(1) The board shall charge an application fee to all applicants for licensure. The board may also charge a written examination fee and an oral examination fee. ~~A hearing fee may also be charged at the discretion of the board.~~ The board shall establish a reasonable fee schedule in conformity with the provisions of the

1 Administrative Procedure Act, R.S. 49:950 et seq.

2 * * *

3 §2356. Licensure of psychologists by written and oral examination

4 A. The board shall issue a license as a psychologist to each applicant who
5 shall file an application upon a form and in such a manner as the board prescribes,
6 accompanied by such fee as required by this Chapter, and who furnishes evidence
7 to that board that, except as otherwise required by law, he:

8 * * *

9 (6) Has a minimum of two years of experience practicing psychology under
10 the supervision of a psychologist, one year of which may be a predoctoral internship
11 as defined in the rules and regulations of the board and required as part of the
12 doctoral degree in psychology as defined by the board and all other experience being
13 post-doctoral. **Psychologists who can demonstrate five years of licensed practice**
14 **as a psychologist in another state, with no disciplinary actions, may qualify to**
15 **meet one year of post-doctoral experience as defined in the rules and regulations**
16 **of the board.**

17 * * *

18 §2359. Denial, revocation, or suspension of license; psychologist; provisional
19 license; specialist in school psychology

20 * * *

21 C.**(1)** Proceedings for disciplinary action or for the denial or withholding of
22 a license or provisional license under the authority of this Section shall be conducted
23 in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.
24 The board may require a person against whom **it has taken** disciplinary action ~~has~~
25 ~~been taken by the board,~~ after hearing **or informal resolution,** to pay reasonable
26 costs of the proceedings incurred by the board for hearing and any judicial review;
27 ~~including attorney, stenographer, and witness fees~~ **in accordance with the**
28 **provisions of this Chapter.** These costs shall be paid no later than ~~thirty~~ **ninety** days
29 after the adjudication by the board becomes final. No license or provisional
30 license shall be issued, reinstated, or renewed until such costs have been paid.

1 (2) The board may charge a hearing fee to include reasonable costs and
 2 fees incurred by the board for the hearing or proceedings, including its legal
 3 fees, stenographer, investigator, staff, and witness fees and any such costs and
 4 fees incurred by the board on any judicial review or appeal.

5 (3) The board may charge an informal resolution fee, not to exceed ten
 6 thousand dollars, to include costs and fees incurred by the board for a
 7 disciplinary action that is resolved by settlement, consent decree, or other
 8 informal resolution including its investigator, staff, and legal fees.

* * *

10 Section 2. This Act shall become effective upon signature by the governor or, if not
 11 signed by the governor, upon expiration of the time for bills to become law without signature
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 14 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____