

SENATE BILL NO. 57

BY SENATOR LAMBERT

1 AN ACT

2 To amend and reenact R.S. 37:2354(D), 2355(B), 2359(A), the introductory paragraph of  
3 2359(B), (E), and (G), and 2363(A), (B), and (D) and to enact R.S. 37:2352(12),  
4 2354(B)(5) and (C)(5), 2356.4, and 2357(C), relative to licensed psychological  
5 associates; to create a licensed psychological associate license; to provide for  
6 qualifications and requirements for licensure; to provide for limitations of licensure;  
7 to provide for powers and duties of the State Board of Examiners of Psychologists;  
8 to provide for licensing fees; to provide for issuance, renewal, suspension, and  
9 revocation of a psychological associate's license; to establish patient-provider  
10 confidentiality; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:2354(D), 2355(B), 2359(A), the introductory paragraph of  
13 2359(B), (E), and (G), and 2363(A), (B), and (D) are hereby amended and reenacted and  
14 R.S. 37:2352(12), 2354(B)(5) and (C)(5), 2356.4, and 2357(C) are hereby enacted to read  
15 as follows:

16 §2352. Definition of terms

17 As used in this Chapter, the following terms have the meaning ascribed in  
18 this Section:

19 \* \* \*

20 (12) "Licensed psychological associate" means any person licensed as a  
21 psychological associate who applies his knowledge of psychology during  
22 consultation and collaboration with others and engages in specific services in  
23 accordance with this Chapter.

1 \* \* \*

2 §2354. Fees

3 \* \* \*

4 B. \* \* \*

5 (5) The board shall charge an application fee to any person applying for  
6 licensure as a licensed psychological associate that shall not exceed two hundred  
7 dollars. The board shall adopt rules in accordance with the Administrative  
8 Procedure Act to implement the provisions of this Paragraph.

9 C. \* \* \*

10 (5)(a) Every licensed psychological associate in this state shall annually  
11 pay to the board during the month of July of each year, beginning in the year  
12 immediately subsequent to his initial license, a renewal fee that shall not exceed  
13 three hundred dollars.

14 (b) Failure to renew the license as provided in Subparagraph (a) of this  
15 Paragraph shall cause the license to lapse. For a period of two years from the  
16 date of lapse of the license, such license may be renewed upon payment of a  
17 reinstatement fee equal to the application fee and renewal fee combined.

18 (c) The board shall adopt rules in accordance with the Administrative  
19 Procedure Act to implement the provisions of this Paragraph.

20 D. The board shall annually send a renewal notice to all licensed  
21 psychologists, provisional licensed psychologists, licensed psychological associate,  
22 and specialists in school psychology.

23 \* \* \*

24 §2355. Records

25 \* \* \*

26 B. The board shall publish or cause to be published annually a list of  
27 psychologists, ~~or~~ licensed psychological associates, and licensed specialists in  
28 school psychology licensed in accordance with the provisions of this Chapter.

29 \* \* \*

30 §2356.4. Licensed psychological associate; licensure

1           A.(1) The board shall issue a license as a licensed psychological associate  
2           to any person who files an application upon a form and in such a manner as the  
3           board prescribes, accompanied by the fee required by this Chapter, and who  
4           furnishes evidence to the board that, except as otherwise required by law, the  
5           person meets all of the following criteria:

6                   (a) Is at least twenty-one years of age.

7                   (b) Is of good moral character.

8                   (c) Has completed a master's degree in health service psychology from  
9           a psychology program approved by the board.

10                  (d) Has completed supervised practice, as defined by the board, under  
11           the supervision of a licensed psychologist or medical psychologist licensed in  
12           accordance with R.S. 37:1360.51 et seq., with the post-graduate supervision  
13           occurring over a period of no less than two years and not more than six years  
14           from the original date the supervision was initiated.

15                  (e) Has passed validated assessments and examinations approved by the  
16           board.

17                  (f) Has demonstrated professional knowledge of laws, rules, and  
18           standards regarding the practice of psychology in this state.

19                  (2) If the board reasonably believes that a person applying for a license  
20           or for a renewal of a license is not physically and mentally competent to render  
21           psychological services with reasonable skill and safety to his patients, or is  
22           afflicted with a disease or condition, either physical or mental, that would  
23           impair his competency to render psychological services, the board may request  
24           that the person submit to a physical examination by a medical doctor approved  
25           by the board or a mental health examination by a psychologist, a medical  
26           psychologist, or psychiatrist approved by the board. If the person refuses to  
27           submit to the examination, the board, after contradictory hearing and upon  
28           finding reasonable cause, may issue an order requiring the person to submit to  
29           the physical or mental health examination. A person who is ordered to submit  
30           to a physical or mental health examination shall not be eligible for licensure or

1 renewal of license prior to such examination. Proceedings pursuant to this  
2 Paragraph shall be conducted in compliance with the Administrative Procedure  
3 Act.

4 B. A licensed psychological associate may practice independently.

5 C. The practice of a licensed psychological associate includes rendering  
6 psychological services to individuals, groups, or families including diagnosis for  
7 the purpose of offering mental health counseling and psychotherapy services for  
8 treatment and prevention of mental, emotional, behavioral, and addiction  
9 disorders.

10 D. A licensed psychological associate shall only practice within  
11 boundaries of his established competence and shall be able to demonstrate such  
12 competence as required by the board.

13 E.(1) A licensed psychological associate may perform independent  
14 administration and scoring of single dimensional symptom scales and check  
15 lists.

16 (2) A licensed psychological associate shall not perform any of the  
17 following:

18 (a) The independent administration, scoring, or interpretation of:

19 (i) Psychological tests.

20 (ii) Personality.

21 (iii) Psychopathology.

22 (iv) Intellectual functioning.

23 (v) Academic achievement.

24 (vi) Neuropsychological functioning.

25 (vii) Forensic assessments.

26 (b) Diagnoses of severe mental illness, major disorders, or mental  
27 disorders as defined by the board.

28 (c) Treatments, tests, or practices prohibited by the board.

29 F. A licensed psychological associate shall maintain malpractice  
30 insurance.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

\* \* \*

§2357. Renewal of license

\* \* \*

C.(1) Persons licensed as a licensed psychological associate in accordance with the provisions of this Chapter shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payment of fees required by this Chapter and compliance with the provisions of this Subsection.

(2)(a) The board shall establish continuing education requirements to be fulfilled by the licensed psychological associate prior to license renewal.

(b) Failure to fulfill the continuing education requirements shall cause the license to lapse. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of all fees required by this Chapter.

(c) The board may adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Chapter.

\* \* \*

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

A. A psychologist psychologist, a specialist in school psychology, a psychological associate, and anyone under the supervision of a psychologist shall conduct his activities in conformity with ethical and professional standards promulgated by the board pursuant to its current rules and regulations.

B. The board shall have the power and duty to suspend, place on probation, require remediation for a specified time, revoke any license to practice psychology, any provisional license to practice psychology, any license to practice as a psychological associate, or any license to practice as a specialist in school psychology issued by the board, or take any other action specified in the rules and regulations whenever the board, by affirmative vote of at least four members of a

1 five-member hearing panel, shall find by a preponderance of the evidence that a  
2 psychologist, provisional licensed psychologist, or specialist in school psychology  
3 has engaged in any of the following acts or offenses:

4 \* \* \*

5 E. Suspension by the board of the license of a psychologist, a provisional  
6 license of a psychologist, **a license of a psychological associate**, or a license of a  
7 specialist in school psychology shall be for a period not exceeding two years.

8 \* \* \*

9 G. The board shall notify all licensed psychologists, provisional licensed  
10 psychologists, **licensed psychological associate**, and licensed specialists in school  
11 psychology of any disciplinary action taken against a licensed psychologist, a  
12 provisional licensed psychologist, a provisional licensed psychologist, or a licensed  
13 specialist in school psychology.

14 \* \* \*

15 §2363. Privileged communications

16 A. In judicial proceedings, whether civil, criminal, or juvenile, legislative and  
17 administrative proceedings, and proceedings preliminary and ancillary thereto, a  
18 patient or client, or his legal representative, may refuse to disclose or prevent the  
19 disclosure of confidential information, including information contained in  
20 administrative records, communicated to a ~~psychologist~~ **psychologist, a licensed**  
21 **psychological associate**, or a licensed specialist in school psychology licensed in  
22 accordance with the provisions of this Chapter, or persons reasonably believed by  
23 the patient or client to be so licensed, or to their employees or other persons under  
24 their supervision, for the purpose of diagnosis, evaluation, or treatment of any mental  
25 or emotional condition or disorder.

26 B. In the absence of evidence to the contrary, the ~~psychologist~~ **psychologist,**  
27 **the licensed psychological associate**, or ~~the~~ licensed specialist in school psychology  
28 is presumed to be authorized to claim the privilege on behalf of the patient or client.

29 \* \* \*

30 D. Notwithstanding the provisions of this Section, testimonial privileges,

1 exceptions, and waiver with respect to communications between ~~psychologist or a~~  
2 **psychologist, a licensed psychological associate, or a** licensed specialist in school  
3 psychology and patient are governed by the Louisiana Code of Evidence.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_