

Regular Session, 2014

SENATE BILL NO. 128

BY SENATOR MARTINY

PSYCHOLOGISTS. Provides for the licensure of specialist in school psychology by the State Board of Examiners of Psychologists. (8/1/14) (2/3-CA7s2.1)

1 AN ACT

2 To amend and reenact R.S. 37:2352(4), (5), (6) and (7), 2354(B), (C) and (D), 2355(B),

3 2357, the introductory paragraph of 2359(B), 2359(E) and (G), 2363(A), (B), (C)(3),

4 (4), and (5), and (D) and to enact R.S. 37:2352(8), (9), and (10), 2356.2, and

5 2359(B)(15), relative to the State Board of Examiners of Psychologists; to provide

6 relative to powers and duties of the board; to provide for definitions; to provide for

7 the licensure of specialists in school psychology; to provide for the practice of a

8 licensed specialist in school psychology; to provide for licensure and licensure

9 renewal fees; to provide for scope of practice of specialists in school psychology; to

10 provide for procedures, terms, and conditions; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:2352(4), (5), (6) and (7), 2354(B), (C) and (D), 2355(B), 2357,

13 the introductory paragraph of 2359(B), 2359(E) and (G), 2363(A), (B), (C)(3), (4), and (5),

14 and (D) are hereby amended and reenacted and R.S. 37:2352(8), (9), and (10), 2356.2, and

15 2359(B)(15) are hereby enacted to read as follows:

16 §2352. Definition of terms

17 As used in this Chapter the following terms mean:

1 \* \* \*

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

8 (5) "Persons" includes an individual, firm, partnership, association, or  
9 corporation.

10 (6) "Practice of licensed specialist in school psychology" is defined as the  
11 application of psychological principles, methods, and procedures to help  
12 children and youth succeed academically, socially, behaviorally, and  
13 emotionally. Licensed specialists in school psychology collaborate with  
14 educators, parents, and other professionals to create safe, healthy, and  
15 supportive learning environments that strengthen the connection between home,  
16 school, and the community for all students. They apply their knowledge of both  
17 psychology and education during consultation and collaboration with others  
18 and conduct effective decision making using a foundation of assessment and  
19 data collection. Licensed specialists in school psychology provide services to  
20 schools and families that enhance the competence and well-being of children,  
21 including promotion of effective and safe learning environments, prevention of  
22 academic and behavior problems, response to crises, and improvement of the  
23 collaboration between schools and families. The key foundations for all services  
24 provided by licensed specialists in school psychology are understanding of  
25 diversity in development and learning, research and program evaluation, and  
26 legal, ethical, and professional practices. The types of evaluations performed  
27 by a licensed specialist in school psychology will be those that are germane to  
28 the current state educational bulletins, including but not limited to Louisiana  
29 Bulletins 1508 and 1706. Nothing in this Chapter shall be construed to permit

1 **a licensed specialist in school psychology to diagnose mental disorders as**  
2 **defined by the Diagnostic and Statistical Manual of Mental Disorders or**  
3 **International Classification of Disease diagnosis.**

4       ~~(5)~~ **(7)** "Practice of psychology" is defined as the observation, description,  
5 evaluation, interpretation, and modification of human behavior, by the application  
6 of psychological principles, methods, and procedures, for the purpose of eliminating  
7 symptomatic, maladaptive, or undesired behavior, and of improving interpersonal  
8 relationships, work and life adjustment, personal effectiveness, behavioral health,  
9 and mental health. The practice of psychology includes but is not limited to  
10 psychological testing and evaluation or assessment of personal characteristics such  
11 as intelligence, personality, abilities, interests, aptitudes, and neuropsychological  
12 functioning; counseling, psychoanalysis, psychotherapy, hypnosis, stress  
13 management, biofeedback, behavior analysis and therapy; diagnosis and treatment  
14 of mental and emotional disorder or disability, alcoholism and substance abuse, and  
15 of the psychological aspects of physical illness, accident, injury, or disability; psycho  
16 educational evaluation, therapy, remediation, and consultation. Psychological  
17 services may be rendered to individuals, families, groups, institutions, organizations,  
18 and the public. The practice of psychology shall be construed within the meaning of  
19 this definition without regard to whether payment is received for services rendered.

20       ~~(6)~~ **(8)** "Psychologist" means any person licensed as a psychologist under  
21 this Chapter. A person represents himself to be a psychologist by using any title or  
22 description of services incorporating the words "psychology", "psychological", or  
23 "psychologist", or by using any other terms which imply that he is qualified to  
24 practice psychology or that he possesses expert qualification in any area of  
25 psychology or if that person offers to the public or renders to individuals or to groups  
26 of individuals services defined as the practice of psychology in this Chapter.

27       ~~(7)~~ **(9)** "School" or "college" means any regional accredited university or  
28 other institution of higher learning offering a full-time doctoral course of study in  
29 psychology that is approved by the board.

1                   **(10) "School system" means any institution or facility which provides**  
2                   **for education of children in grades one or above, which may include**  
3                   **kindergarten or prekindergarten attached thereto.**

4   \*       \*       \*

5                   §2354. Fees

6   \*       \*       \*

7                   B.**(1)** The board shall charge an application fee to all applicants for licensure.  
8                   The board may also charge a written examination fee and an oral examination fee.  
9                   A hearing fee may also be charged at the discretion of the board. The board shall  
10                  establish a reasonable fee schedule in conformity with the provisions of the  
11                  Administrative Procedure Act, R.S. 49:950 et seq.

12                  **(2) The board shall charge an application fee to any person applying for**  
13                  **licensure as a specialist in school psychology that shall not exceed two hundred**  
14                  **dollars. The board shall adopt rules in accordance with the Administrative**  
15                  **Procedure Act to implement the provisions of this Paragraph.**

16                  C.**(1)** Every licensed psychologist in this state shall annually pay to the board  
17                  during the month of July of each year, beginning in the year immediately subsequent  
18                  to his initial license, a renewal fee to be determined annually by the board. The  
19                  license of any psychologist who shall fail to have his license renewed during the  
20                  month of July in each and every year shall lapse; the failure to renew said license,  
21                  however, shall not deprive said psychologist of the right of renewal thereafter. Such  
22                  lapsed license may be renewed, within a period of two years after such lapse, upon  
23                  payment of a reinstatement fee equal to the current application fee and the current  
24                  renewal fee.

25                  **(2)(a) Every licensed specialist in school psychology in this state shall**  
26                  **annually pay to the board during the month of July of each year, beginning in**  
27                  **the year immediately subsequent to his initial license, a renewal fee that shall**  
28                  **not exceed one hundred dollars.**

29                  **(b) Failure to renew the license as provided in Subparagraph (a) of this**



1           (e) Has completed a school specialist degree from a National Association  
2           of School Psychologists approved program or equivalent.

3           (f) Has completed a one thousand two hundred hour, nine month  
4           internship under the supervision of a certified school psychologist in a school  
5           setting or by a licensed psychologist in a community setting. Of the one  
6           thousand two hundred hours, six hundred hours shall be completed in a school  
7           setting.

8           (g) Has completed three years of supervised experience as a certified  
9           school psychologist within the public school system.

10          (h) Has passed the Nationally Certified School Psychologist examination.

11          (i) Has demonstrated professional knowledge of laws and rules  
12          regarding the practice of psychology in Louisiana.

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

27          B.(1)(a) A licensed specialist in school psychology, who is engaged in  
28          such practice, may practice independently as a contractor of a public, private,  
29          or charter school.

1           **(b) A licensed specialist in school psychology who is engaged in such**  
2           **practice and working outside of the school system shall be required to do so**  
3           **under the clinical supervision of a licensed psychologist. The licensed**  
4           **psychologist shall be administratively, clinically, and legally responsible for all**  
5           **professional activities of the licensed specialist in school psychology, and the**  
6           **licensed psychologist shall be required to sign any final reports prepared by the**  
7           **licensed specialist in school psychology.**

8           **(2)(a) Nothing in this Section shall be construed to limit in any way the**  
9           **duties and responsibilities of a school psychologist certified by the state**  
10           **Department of Education.**

11           **(b) Nothing in this Section shall prohibit a licensed psychologist from**  
12           **providing services within a school provided such services are within the**  
13           **psychologist's area of competence.**

14           §2357. Renewal of license

15           A.**(1)** Persons licensed as psychologists under the provisions of this Chapter  
16           shall be eligible for renewal of licensure without regard to any subsequent changes  
17           in the requirements for licensure upon payment of the fees established under R.S.  
18           37:2354 and compliance with the requirement established pursuant to Subsection B.

19           B. ~~(2)~~ The board shall establish continuing education requirements to be  
20           fulfilled prior to the renewal of a license. Failure to fulfill these requirements shall  
21           cause the license to lapse. For a period of two years from the date of lapse of the  
22           license, the license may be renewed upon proof of fulfilling all continuing education  
23           requirements applicable through the date of reinstatement and upon payment of all  
24           fees due under R.S. 37:2354.

25           **B.(1) Persons licensed as a specialist in school psychology under the**  
26           **provisions of this Chapter shall be eligible for renewal of licensure without**  
27           **regard to any subsequent changes in the requirements for licensure upon**  
28           **payment of fees required by this Chapter and compliance with the provisions**  
29           **of this Subsection.**







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

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

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#### DIGEST

Martiny (SB 128)

Present law provides for powers and duties of the State Board of Examiners of Psychologists (board).

Present law provides for definitions.

Proposed law retains present law and adds the following definitions:

- (1) "Licensed specialist in school psychology" means any person licensed as a specialist in school psychology who applies their knowledge of both psychology and education during consultation and collaboration with others and engages in specific services for students, such as direct and indirect interventions that focus on academic skills, learning, socialization, and mental health.
- (2) "Practice of licensed specialist in school psychology" is defined as the application of psychological principles, methods, and procedures to help children and youth succeed academically, socially, behaviorally, and emotionally. Licensed specialists in school psychology collaborate with educators, parents, and other professionals to create safe, healthy, and supportive learning environments that strengthen the connection between home, school, and the community for all students. They apply their knowledge of both psychology and education during consultation and collaboration with others and conduct effective decision making using a foundation of assessment and data collection. Licensed specialists in school psychology provide services to schools and families that enhance the competence and well-being of children, including promotion of effective and safe learning environments, prevention of academic and behavior problems, response to crises, and improvement of the collaboration between schools and families. The key foundations for all services provided by licensed specialists in school psychology are understanding of diversity in development and learning, research and program evaluation, and legal, ethical, and professional practices. The types of evaluations performed by licensed specialists in school psychology will be those that are germane to the current state educational bulletins. Nothing in present law and proposed law shall be construed to permit a licensed specialist in school psychology to diagnose mental disorders as defined by the Diagnostic and Statical Manual of Mental Disorders or International Classification of Disease diagnosis.
- (3) "School system" means any institution or facility which provides for education of children in grades one or above, which may include kindergarten or prekindergarten attached thereto.

Present law authorizes the board to charge an application fee to all applicants for licensure and a renewal fee to renew such license.

Proposed law provides that the board shall charge an application fee to any person applying for licensure as a specialist in school psychology in an amount not to exceed \$200 and authorizes the board to adopt rules in accordance with the Administrative Procedure Act

(APA) to implement proposed law.

Proposed law provides that every licensed specialist in school psychology in this state shall annually pay to the board during the month of July of each year, beginning in the year immediately subsequent to his initial license, a renewal fee in an amount not to exceed \$100.

Proposed law provides that the failure to renew the license 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 payment of a reinstatement fee that shall not exceed \$300.

Proposed law authorizes the board to adopt rules in accordance with the APA to implement the provisions of proposed law.

Present law provides that each year the board shall send a renewal notice to all psychologists licensed by the board.

Proposed law retains present law and provides that each year the board shall send a renewal notice to all specialists in school psychology licensed by the board.

Present law requires the board to publish or cause to be published annually a list of psychologists licensed by the board.

Proposed law retains present law and requires the board to publish or cause to be published annually a list of specialists in school psychology licensed by the board.

Proposed law provides that the board shall issue a license as a specialist in school psychology to any person who files an application upon a form and in such a manner as the board prescribes, accompanied by an application fee, and who furnishes evidence to the board that, except as otherwise required by law, the person:

- (1) Is at least 21 years of age.
- (2) Is of good moral character.
- (3) Is a citizen of the United States or has declared his intention to become a citizen.
- (4) Is not in violation of certain provisions of law and the rules and regulations adopted by the board.
- (5) Has completed a school specialist degree from a National Association of School Psychologists approved program or equivalent.
- (6) Has completed a 1,200 hour, nine month internship under the supervision of a certified school psychologist in a school setting or by a licensed psychologist in a community setting. Of the 1,200 hours, 600 hours shall be completed in a school setting.
- (7) Has completed three years of supervised experience as a certified school psychologist within the public school system.
- (8) Has passed the Nationally Certified School Psychologist examination.
- (9) Has demonstrated professional knowledge of laws and rules regarding the practice of psychology in La.

Proposed law provides that if the board reasonably believes that a person applying for a license or for a renewal of a license is not physically and mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a

disease or condition, either physical or mental, that would impair his competency to render psychological services, the board may request that the person submit to a physical examination by a medical doctor approved by the board or mental health examination by a psychologist or psychiatrist approved by the board. If the person refuses to submit to the examination, the board, after contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the physical or mental health examination. A person who is ordered to submit to such examination shall not be eligible for licensure or renewal of license prior to such examination. The proceedings provided in proposed law shall be conducted in compliance with the APA.

Proposed law provides that a licensed specialist in school psychology, who is engaged in such practice, may practice independently as a contractor of a public, private, or charter school.

Proposed law provides that a licensed specialist in school psychology who is engaged in such practice and working outside of the school system shall be required to do so under the clinical supervision of a licensed psychologist. The licensed psychologist shall be administratively, clinically, and legally responsible for all professional activities of the licensed specialist in school psychology, and the licensed psychologist shall be required to sign any final reports prepared by the licensed specialist in school psychology.

Proposed law provides that nothing in proposed law shall be construed to limit in any way the duties and responsibilities of a school psychologist certified by the state Dept. of Education.

Proposed law provides that nothing in proposed law shall prohibit a licensed psychologist from providing services within a school provided such services are within the psychologist's area of competence.

Present law provides for the renewal of a psychologist's license.

Proposed law retains present law and provides that persons licensed as a specialist in school psychology shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payment of fees required by law and compliance of certain provisions of present law.

Proposed law requires the board to establish continuing education requirements to be fulfilled by the licensed specialist in school psychology prior to license renewal.

Proposed law provides that failure to fulfill the continuing education requirements shall cause the license to lapse and provides that 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 required fees.

Proposed law authorizes the board to adopt rules in accordance with the APA to implement the provisions of proposed law.

Proposed law provides for the denial, revocation, or suspension of a specialist in school psychology's license.

Present law provides for acts that may be considered grounds for denial, revocation, or suspension of a license as follows:

- (1) Fraud or deception in applying for or procuring a license to practice psychology.
- (2) Practicing psychology in such a manner as to endanger the welfare of clients or patients.

- (3) Conviction of a felony.
- (4) Conviction of any crime or offense which reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients.
- (5) Use of repeated untruthful, deceptive, or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience.
- (6) Aiding or abetting the practice of psychology by any person not licensed by the board and in violation of certain laws.
- (7) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor.
- (8) Exercising undue influence in such a manner as to exploit the client or patient for financial or other personal advantage to the practitioner or a third party.
- (9) The suspension or revocation by another state of a license to practice psychology.
- (10) Refusal to appear before the board after having been ordered to do so in writing by a duly authorized agent of the board.
- (11) Making any fraudulent or untrue statement to the board.
- (12) Violation of the code of ethics adopted in the rules and regulations of the board or other immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations of the board.
- (13) Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.
- (14) Violation of certain provisions of law or of the rules and regulations promulgated by the board thereunder.

Proposed law retains present law and adds to the list the failure to comply with mandatory reporter laws.

Proposed law provides that suspension of license of a specialist in school psychology shall be for a period not exceeding two years.

Proposed law provides that the board shall notify all licensed psychologists and licensed specialist in school psychology of any disciplinary action taken against a licensed specialist in school psychology.

Present law provides for privileged communications between a psychologist and a patient.

Proposed law retains present law and provides for privileged communication between a licensed specialist in school psychology and a patient.

Effective August 1, 2014.

(Amends R.S. 37:2352(4), (5), (6) and (7), 2354(B), (C) and (D), 2355(B), 2357, 2359(B)(intro para), (E) and (G), 2363(A), (B), (C)(3), (4), and (5), and (D); adds R.S. 37:2352(8), (9), and (10), 2356.2, and 2359(B)(15))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Prohibits a licensed specialist in school psychology to diagnose mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or International Classification of Disease diagnosis.
2. Provides that a licensed psychologist shall be administratively, clinically, and legally responsible for all professional activities of the licensed specialist in school psychology.
3. Makes technical changes.