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The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Dozier O'Brien.

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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 Statistical 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.

Senate Floor Amendments to engrossed bill

1. Technical amendments from the Legislative Bureau.