

SENATE BILL NO. 157

BY SENATOR MARTINY

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AN ACT

To amend and reenact R.S. 37:2352(6) and (7), 2354(A), (B), (C), and (D), the introductory paragraph of R.S. 37:2359(B), and 2359(C), (D), (E), (F), and (G) and to enact R.S. 37:2352(8), 2356.2 and 2359(B)(15), relative to the State Board of Examiners of Psychologists; to provide for a provisional license for psychologists; to provide for fees; to provide for definitions; to provide for the renewal of a provisional license; to provide for qualifications; to provide for continuing education; to provide the denial, revocation, or suspension of a provisional license; to provide for conditions, terms, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2352(6) and (7), 2354(A), (B), (C), and (D), the introductory paragraph of R.S. 37:2359(B), and 2359(C), (D), (E), (F), and (G) are hereby amended and reenacted and R.S. 37:2352(8), 2356.2, and 2359(B)(15) are hereby enacted to read as follows:

§2352. Definition of terms

As used in this Chapter the following terms mean:

* * *

(6) "Provisional licensed psychologist" means a person provisionally licensed under this Chapter.

~~(6)~~ **(7)** "Psychologist" means any person licensed as a psychologist under this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology or if that person offers to the public or renders to individuals or to groups

1 of individuals services defined as the practice of psychology in this Chapter.

2 (~~7~~) (8) "School" or "college" means any regional accredited university or
 3 other institution of higher learning offering a full-time doctoral course of study in
 4 psychology that is approved by the board.

5 * * *

6 §2354. Fees

7 A. All monies received by the board under this Chapter shall be paid into the
 8 treasury of the State Board of Examiners of Psychologists and may be expended by
 9 the board without appropriation for costs of administration and other expenses, and
 10 any surplus at the end of a fiscal year or a biennium may be retained by the board for
 11 future expenditures and the board is not required to pay any such surplus into the
 12 general fund of the state of Louisiana.

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

18 **(2) The board shall charge to any person who applies for a provisional**
 19 **license an application fee in an amount not to exceed two hundred dollars. The**
 20 **board shall adopt rules in accordance with the Administrative Procedure Act**
 21 **to implement the provisions of this Paragraph.**

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

(2)(a) Every provisional licensed psychologist shall annually pay to the board during the month of July of each year, beginning in the year immediately subsequent to his initial provisional license, a renewal fee in an amount not to exceed one hundred dollars. The provisional license of any psychologist who shall fail to have his provisional license renewed during the month of July shall lapse. Except as provided in R.S. 37:2356.2(C), a provisional license shall not be reinstated.

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

D. The board shall annually send a renewal notice to all licensed psychologists ~~and provisional licensed psychologists~~ licensed by the board.

* * *

§2356.2. Provisional licensed psychologist; renewal; continuing education

A. The board shall issue a provisional license to each person who files an application with the board upon a form and in such a manner as the board prescribes, submits the fee for a provisional license, and furnishes evidence to the board that the person meets all the following requirements:

(1) Is at least twenty-one 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. A statement by the person under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with this requirement.

(4) Is not in violation of any of the provisions of this Chapter and the rules and regulations adopted by the board.

(5) Holds a doctoral degree with a major in psychology from a school or college as defined in this Chapter.

(6) Has completed a minimum of one year experience practicing psychology under the supervision of a licensed psychologist or has completed an approved predoctoral internship as defined in the rules and regulations of

1 the board.

2 (7) Demonstrates professional knowledge of laws and rules regarding
3 the practice of psychology in Louisiana.

4 B. If the board reasonably believes that a person applying for a
5 provisional license or for renewal of a provisional license is not physically or
6 mentally competent to render psychological services with reasonable skill and
7 safety to his patients, or is afflicted with a disease or condition, either physical
8 or mental, which would impair his competency to render psychological services,
9 the board may request the person to submit to a physical examination by a
10 medical doctor approved by the board or submit to a mental health examination
11 by a psychologist or psychiatrist approved by the board. If the person refuses
12 to submit to the examination, the board, after a contradictory hearing and upon
13 finding reasonable cause, may issue an order requiring the person to submit to
14 the examination. A person who is ordered to submit to an examination shall not
15 be eligible for a provisional licensure or renewal of a provisional license prior
16 to such examination. Proceedings under this Subsection shall be conducted in
17 compliance with the Administrative Procedure Act.

18 C.(1) A provisional licensed psychologist shall be eligible for renewal of
19 licensure without regard to any subsequent changes in the requirements for
20 licensure upon payments of the fees established under R.S. 37:2354 and
21 compliance with the requirements established pursuant to this Subsection. A
22 provisional license may be renewed a maximum of three times.

23 (2) The board shall establish continuing education requirements to be
24 fulfilled prior to the renewal of a provisional license. Failure to fulfill these
25 requirements shall cause the license to lapse. A provisional license shall not be
26 reinstated if a lapse occurs unless such requirements are satisfied within six
27 months from the date of lapse.

28 D. A provisional licensed psychologist shall maintain a relationship with
29 a licensed psychologist or a medical psychologist licensed in accordance with
30 R.S. 37:1360.51 et seq. for the purposes of clinical supervision. The supervising

1 psychologist or medical psychologist shall have legal functioning authority over
2 the professional activities of the provisional licensed psychologist.

3 E. The board may adopt rules and regulations in accordance with the
4 Administrative Procedure Act to administer and implement the provisions of
5 this Section.

6 * * *

7 §2359. Denial, revocation, or suspension of license; provisional license

8 * * *

9 B. The board shall have the power and duty to suspend, place on probation,
10 require remediation for a specified time, revoke any license to practice psychology
11 or any provisional license to practice psychology issued by the board, or take any
12 other action specified in the rules and regulations whenever the board, by affirmative
13 vote of at least four of its five members, shall find by a preponderance of the
14 evidence that a psychologist or a provisional licensed psychologist has engaged in
15 any of the following acts or offenses:

16 * * *

17 (15) Failure to comply with mandatory reporter laws.

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

27 D. The board may deny or withhold for a specified time not to exceed two
28 years the granting of a license or provisional license to any applicant or candidate
29 who has committed any of the acts or offenses set forth in Subsection B of this
30 Section.

1 E. Suspension by the board of the license of a psychologist **or a provisional**
2 **license of a psychologist** shall be for a period not exceeding two years.

3 F. A person who has been refused a license **or provisional license**, or whose
4 license has been revoked, under the provisions of this Section, may reapply for
5 licensure after more than two years have elapsed from the date such denial or
6 revocation is legally effective.

7 G. The board shall notify all licensed psychologists of any disciplinary action
8 taken against a licensed psychologist **or a provisional licensed psychologist**.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____