

2017 Regular Session

SENATE BILL NO. 37

BY SENATOR MARTINY

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

PSYCHOLOGISTS. Provides relative to the Louisiana State Board of Examiners of Psychologists. (gov sig)

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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) and to enact R.S. 37:2354(B)(4) and (5), 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 and R.S. 37:2354(B)(4) and (5) are hereby enacted 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

1 **provisions of this Chapter and within the limitations established under** Chapter
 2 1-A of Title 37 of the Louisiana Revised Statutes of 1950, ~~no disciplinary proceeding~~
 3 ~~shall be commenced more than one year after the date upon which the board knows~~
 4 ~~or should know of the act or omission upon which the disciplinary action is based.~~

* * *

6 §2354. Fees

* * *

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

* * *

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

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

* * *

23 §2356. Licensure of psychologists by written and oral examination

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

* * *

29 (6) Has a minimum of two years of experience practicing psychology under

1 the supervision of a psychologist, one year of which may be a predoctoral internship
 2 as defined in the rules and regulations of the board and required as part of the
 3 doctoral degree in psychology as defined by the board and all other experience being
 4 post-doctoral. **Psychologists who can demonstrate five years of licensed practice**
 5 **as a psychologist in another state, with no disciplinary actions, may qualify to**
 6 **meet one year of post-doctoral experience as defined in the rules and regulations**
 7 **of the board.**

* * *

9 §2359. Denial, revocation, or suspension of license; psychologist; provisional
 10 license; specialist in school psychology

* * *

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

* * *

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

The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle D. Ridge.

DIGEST

SB 37 Engrossed 2017 Regular Session Martiny

Present law (R.S. 37:2353) provides for the prescriptive period for the La. State Board of Examiners of Psychologists (board) to conduct hearings upon complaints concerning the disciplining of a psychologist. 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.

Proposed law removes from present law the one year prescriptive period.

Present law (R.S. 37:21) provides for a prescriptive periods for boards and commission to commence disciplinary actions.

Proposed law provides that the board will comply with the prescriptive periods of R.S. 37:21.

Present law provides authority for a hearing fee to be assessed by the Louisiana State Board of Examiners of Psychologists in disciplinary matters.

Proposed law provides that the hearing fee may include reasonable costs and fees for the hearing, including legal fees, stenographer, investigator, staff, witness fees, and any costs incurred on judicial review and appeal. Proposed law further provides that the board may assess reasonable costs and fees, not to exceed \$10,000.00, when a disciplinary action is resolved by settlement, consent decree or other informal resolution.

Present law requires a license applicant to have one year of post-doctoral experience.

Proposed law provides that the board may consider a substitution of experience, in accordance with board rules, for a psychologist who has practiced for five years in another state with no disciplinary actions. This experience may serve as a substitute for one year of post-doctoral experience.

Present law provides that a person has 30 days to pay reasonable costs to the board for the disciplinary hearings.

Proposed law increases the number of days a person has to pay reasonable costs for the disciplinary hearing and informal resolutions from 30 to 90 days.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C); adds R.S. 37:21(B)(12) and 2354(B)(4) and (5))

Summary of Amendments Adopted by Senate

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

1. Requires the board to adhere to the prescriptive periods of R.S. 37:21.

2. Caps the informal resolution fee to \$10,000.00.
3. Increases the number of days a person has to pay reasonable costs to the board for disciplinary hearings or informal resolutions from 30 to 90 days.