

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 294 by Senator Nevers

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Article" and before "905.5.1(F)" insert "644(A) and (D)(1) and"

3 AMENDMENT NO. 2

4 On page 1, line 4, after "22(b)" delete the remainder of the line and insert the following:

5 " , 51.1(A)(2)(a) and 221(10), R.S. 37:1744(A)(2), 1745(A)(2), 1745.14(C)(4),"

6 AMENDMENT NO. 3

7 On page 1, line 8, after "1360.72" and before the comma "," insert "and R.S. 37:2356.1"

8 AMENDMENT NO. 4

9 On page 2, line 5, after "Art." delete the remainder of the line and insert the following:

10 "644(A) and (D)(1) and 905.5.1(F) are hereby amended and"

11 AMENDMENT NO. 5

12 On page 2, between lines 6 and 7 insert the following:

13 "Art. 644. Appointment of sanity commission; examination of defendant

14 A. Within seven days after a mental examination is ordered, the court shall
15 appoint a sanity commission to examine and report upon the mental condition of the
16 defendant. The sanity commission shall consist of at least two and not more than
17 three members who are licensed to practice medicine in Louisiana, who have been
18 in the actual practice of medicine for not less than three consecutive years
19 immediately preceding the appointment, and who are qualified by training or
20 experience in forensic evaluations. The court may appoint, in lieu of one physician,
21 a clinical psychologist **or medical psychologist** who is licensed to practice
22 psychology in Louisiana, who has been engaged in the practice of clinical or
23 counseling psychology for not less than three consecutive years immediately
24 preceding the appointment, and who is qualified by training or experience in forensic
25 evaluations. Every sanity commission shall have at least one psychiatrist as a
26 member of the commission, unless one is not reasonably available, in which case, the
27 commission shall have at least one clinical psychologist as a member of the
28 commission. No more than one member of the sanity commission shall be the
29 coroner or any of his deputies.

30 * * *

31 D.(1) The court, in any judicial district which enters into a cooperative
32 endeavor agreement with the local mental health unit, in lieu of appointing a sanity
33 commission as provided in Paragraph A, may appoint the local mental health unit to
34 examine and report on the mental condition of the defendant. If the local mental
35 health unit is ordered to conduct the examination, it shall form a clinical team,
36 consisting of at least two but not more than three members, to conduct the
37 examination. The clinical team shall be composed of one or more licensed physicians
38 with at least three years experience in the study of psychiatry in an approved United
39 States General Psychiatry Residency Program; if only one such licensed physician

1 is a member of the clinical team, the remaining members of the clinical team may
2 be composed of clinical psychologists, **medical psychologists**, or licensed clinical
3 social workers, who are qualified by training or experience in forensic evaluations.

4 * * *

5 AMENDMENT NO. 6

6 On page 5, line 28, after "(22)(b)" delete the remainder of the line and insert the following:

7 ", 51.1(A)(2)(a) and 221(10) are hereby amended and"

8 AMENDMENT NO. 7

9 On page 6, line 17, after "**licensed to**" change "**proactive**" to "**practice**"

10 AMENDMENT NO. 8

11 On page 7, between lines 1 and 2 insert the following:

12 "§221. Definitions

13 As used in this Part:

14 * * *

15 (10) "Psychologist" means a clinical **or medical** psychologist who is licensed
16 to practice psychology in Louisiana.

17 * * *

18 AMENDMENT NO. 9

19 On page 7, line 2, after "R.S. 37:" and before "1745.14(C)(4)," insert "1744(A)(2),
20 1745(A)(2),"

21 AMENDMENT NO. 10

22 On page 7, line 3, after "reenacted" and before "to read" insert "and R.S. 37:2356.1 is hereby
23 enacted"

24 AMENDMENT NO. 11

25 On page 7, between lines 3 and 4, insert the following:

26 "§1744. Disclosure of financial interest by referring health care providers

27 A. For the purposes of this Section, the following terms shall have the
28 following meanings:

29 * * *

30 (2) "Health care provider" means a person, partnership, or corporation,
31 licensed by this state to provide health care or professional services as a physician,
32 dentist, chiropractor, podiatrist, optometrist, physical therapist, psychologist,
33 **medical psychologist**, licensed professional counselor, registered or licensed
34 practical nurse, pharmacist, and any officer, employee, or agent thereof acting in the
35 course and scope of his employment.

36 * * *

37 §1745. Prohibition on payment for patient referrals

38 A. For the purposes of this Section, the following terms shall have the
39 following meanings:

40 * * *

41 (2) "Health care provider" means a person, partnership, or corporation
42 licensed by the state to provide health care or professional services as a physician,

1 chiropractor, dentist, dental hygienist, podiatrist, optometrist, physical therapist,
2 psychologist, **medical psychologist**, licensed professional counselor, registered or
3 licensed practical nurse, pharmacist, and any officer, employee, or agent thereof
4 acting in the course and scope of his employment.

5 * * *

6
7 AMENDMENT NO. 12

8 On page 7, delete lines 16 and 17, and insert the following:

9 "Dentistry, or if a medical psychologist, cooperates with ~~the Impaired Psychologist~~
10 Program of the Louisiana State Board of Examiners of Psychologists"

11 AMENDMENT NO. 13

12 On page 7, at the beginning of line 18, add "a" and after "**program**" change "**provided**" to
13 "**approved**"

14 AMENDMENT NO. 14

15 On page 7, between lines 19 and 20, add the following:

16 **"§2356.1. Authorization to obtain criminal history record information**
17 **A. As used in this Section, the following terms shall have the following meaning:**
18 **(1) "Applicant" means an individual who has made application to the board for**
19 **the issuance or reinstatement of any license, registration, certificate, permit, or any**
20 **other designation deemed necessary to engage or assist in the practice of psychology**
21 **that the board is authorized by law to issue.**
22 **(2) "Bureau" means the Louisiana Bureau of Criminal Identification and**
23 **Information of the office of state police within the Department of Public Safety and**
24 **Corrections.**
25 **(3) "Criminal history record information" means information collected by state**
26 **and federal criminal justice agencies on individuals consisting of identifiable**
27 **descriptions and notations of arrests, detentions, indictments, bills of information, or**
28 **any formal criminal charges, and any disposition arising therefrom, including**
29 **sentencing, criminal correctional supervision, and release, but does not include**
30 **intelligence for investigatory purposes, nor does it include any identification**
31 **information which does not indicate involvement of the individual in the criminal**
32 **justice system.**
33 **(4) "FBI" means the Federal Bureau of Investigation of the United States**
34 **Department of Justice.**
35 **(5) "Licensure" means the granting of any license, permit, certification, or**
36 **registration that the board is authorized to issue.**
37 **B. In addition to any other requirements established by regulation, the board**
38 **may require an applicant, as a condition of licensure:**
39 **(1) To submit a full set of fingerprints, in a form and manner prescribed by the**
40 **board.**
41 **(2) To permit the board to request and obtain state and national criminal**
42 **history record information on the applicant.**
43 **(3) To collect from the applicant, in addition to all other applicable fees and**
44 **costs, such amount as may be incurred by the board in requesting and obtaining state**
45 **and national criminal history record information on the applicant.**
46 **C. In accordance with the provisions and procedures prescribed by this Section,**
47 **the board may request and obtain state and national criminal history record**
48 **information from the bureau and the FBI relative to any applicant for licensure whose**
49 **fingerprints the board has obtained pursuant to this Section for the purpose of**
50 **determining the applicant's suitability and eligibility for licensure.**
51 **D. Upon request by the board and upon the board's submission of an applicant's**
52 **fingerprints and such other identifying information as may be required, the bureau**
53 **shall conduct a search of its criminal history record information relative to the**
54 **applicant and report the results of its search to the board within sixty days from receipt**

1 **of any such request. The bureau may charge the board a processing fee for conducting**
2 **and reporting on any such search.**

3 **E. If the criminal history record information reported by the bureau to the**
4 **board does not provide grounds for disqualification of the applicant for licensure under**
5 **the applicable law administered by the board, the board shall have the authority to**
6 **forward the applicant's fingerprints and such other identifying information as may be**
7 **required to the FBI with a request for a search of national criminal history record**
8 **information relative to the applicant.**

9 **F. Any and all state or national criminal history record information obtained**
10 **by the board from the bureau or FBI which is not already a matter of public record**
11 **shall be deemed nonpublic and confidential information restricted to the exclusive use**
12 **of the board, its members, officers, investigators, agents, and attorneys for the purpose**
13 **of evaluating the applicant's eligibility or disqualification for licensure. No such**
14 **information or records related thereto shall, except with the written consent of the**
15 **applicant or by order of a court of competent jurisdiction, be released or otherwise**
16 **disclosed by the board to any other person or agency.**

17 * * *

18 AMENDMENT NO. 15

19 On page 10, line 29, after "**distribute**" delete the comma " , "

20 AMENDMENT NO. 16

21 On page 11, line 2, change "**Chapter**" to "**Part**"

22 AMENDMENT NO. 17

23 On page 11, between lines 18 and 19, insert the following:

24 **"(10) "Nurse" for the purpose of this Part means a licensed practical nurse or**
25 **a registered nurse."**

26 AMENDMENT NO. 18

27 On page 11, line 19, change "**(10)**" to "**(11)**" and after "**individual**" delete the remainder of
28 the line, and at the beginning of line 20, delete "**certification, or registration issued**" and
29 insert "**licensed**"

30 AMENDMENT NO. 19

31 On page 12, line 2, after "**practice**" delete "**, as well**"

32 AMENDMENT NO. 20

33 On page 12, line 7, after "**license**" and before the period " ." insert "**or certificate**"

34 AMENDMENT NO. 21

35 On page 12, line 14, after "**psychologist**" delete the remainder of the line and delete line 15,
36 and insert the following:

37 **"shall be issued a medical psychology license by the board upon satisfaction of**
38 **all of the following criteria:"**

39 AMENDMENT NO. 22

40 On page 12, line 16, after "**license**" delete "**or certificate**"

1 AMENDMENT NO. 23

2 On page 12, line 18, change "Psychology" to "Psychologists"

3 AMENDMENT NO. 24

4 On page 12, line 20, change "Psychology" to "Psychologists"

5 AMENDMENT NO. 25

6 On page 12, line 29, after "license" delete "or certificate"

7 AMENDMENT NO. 26

8 On page 13, line 2, change "Psychology" to "Psychologists"

9 AMENDMENT NO. 27

10 On page 13, line 14, change "for" to "the"

11 AMENDMENT NO. 28

12 On page 14, between lines 19 and 20, insert the following:

13 **"(5) The completion of a minimum of one hundred hours of continuing**
14 **medical education relating to the use of medications in the management of**
15 **patients with psychiatric illness commencing with the issuance of a certificate**
16 **of prescriptive authority by the Louisiana State Board of Examiners of**
17 **Psychologists prior to January 1, 2010, or by the board after this date.**

18 AMENDMENT NO. 29

19 On page 14, line 21, after "license" and before "to" insert "or certificate"

20 AMENDMENT NO. 30

21 On page 14, line 23, after "respective" delete "license"

22 AMENDMENT NO. 31

23 On page 14, line 28, after "license" and before "issued" insert "or certificate"

24 AMENDMENT NO. 32

25 On page 15, line 8, after "license" and before "that" insert "or certificate"

26 AMENDMENT NO. 33

27 On page 15, line 18, after "Standards" change "or" to "for"

28 AMENDMENT NO. 34

29 On page 15, line 27, after "defined in" delete the comma "," and after "by" delete the comma
30 ","

31 AMENDMENT NO. 35

32 On page 17, line 12, after "receiving" delete "medical"

1 AMENDMENT NO. 36

2 On page 17, line 12, after "**psychologist**" and before "**shall**" insert "**who holds a certificate**
3 **of advanced practice issued under this Part**"

4 AMENDMENT NO. 37

5 On page 17, line 19, change "**advance**" to "**advanced**"

6 AMENDMENT NO. 38

7 On page 18, line 15, after "**shall be a**" delete the remainder of the line and insert the
8 following:

9 **"physician who is certified by the American Board of Medical Specialties or the**
10 **American Association of Osteopathic Physicians equivalent in the specialty of**
11 **psychiatry and who is licensed to practice**"

12 AMENDMENT NO. 39

13 On page 18, line 17, after "**Society**" and before the period ":", insert the following"

14 **"and who is recommended by the Louisiana Psychiatric Medical Association**
15 **and the Louisiana Academy of Medical Psychology**"

16 AMENDMENT NO. 40

17 On page 21, line 4, after "**relating to**" insert "**the**"

18 AMENDMENT NO. 41

19 On page 21, line 7, after "**practice**" insert "**psychology or**"

20 AMENDMENT NO. 42

21 On page 22, line 8, after "**medications**" delete "**or medical devices**"

22 AMENDMENT NO. 43

23 On page 23, line 11, after "**practice**" and before "**medical**" insert "**psychology or**"

24 AMENDMENT NO. 44

25 On page 26, at the beginning of line 28, delete "licensed"