

SENATE BILL NO. 128

BY SENATOR MARTINY

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AN ACT

To amend and reenact R.S. 37:2352(4), (5), (6) and (7), 2354(B), (C) and (D), 2355(B), 2357, the introductory paragraph of 2359(B), 2359(E) and (G), 2363(A), (B), (C)(3), (4), and (5), and (D) and to enact R.S. 37:2352(8), (9), and (10), 2356.2, and 2359(B)(15), relative to the State Board of Examiners of Psychologists; to provide relative to powers and duties of the board; to provide for definitions; to provide for the licensure of specialists in school psychology; to provide for the practice of a licensed specialist in school psychology; to provide for licensure and licensure renewal fees; to provide for scope of practice of specialists in school psychology; to provide for procedures, terms, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2352(4), (5), (6) and (7), 2354(B), (C) and (D), 2355(B), 2357, the introductory paragraph of 2359(B), 2359(E) and (G), 2363(A), (B), (C)(3), (4), and (5), and (D) are hereby amended and reenacted and R.S. 37:2352(8), (9), and (10), 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:

* * *

(4) **"Licensed specialist in school psychology" means any person licensed as a specialist in school psychology who applies his 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.**

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

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

24 ~~(5)~~**(7)** "Practice of psychology" is defined as the observation, description,
25 evaluation, interpretation, and modification of human behavior, by the application
26 of psychological principles, methods, and procedures, for the purpose of eliminating
27 symptomatic, maladaptive, or undesired behavior, and of improving interpersonal
28 relationships, work and life adjustment, personal effectiveness, behavioral health,
29 and mental health. The practice of psychology includes but is not limited to
30 psychological testing and evaluation or assessment of personal characteristics such

1 as intelligence, personality, abilities, interests, aptitudes, and neuropsychological
 2 functioning; counseling, psychoanalysis, psychotherapy, hypnosis, stress
 3 management, biofeedback, behavior analysis and therapy; diagnosis and treatment
 4 of mental and emotional disorder or disability, alcoholism and substance abuse, and
 5 of the psychological aspects of physical illness, accident, injury, or disability; psycho
 6 educational evaluation, therapy, remediation, and consultation. Psychological
 7 services may be rendered to individuals, families, groups, institutions, organizations,
 8 and the public. The practice of psychology shall be construed within the meaning of
 9 this definition without regard to whether payment is received for services rendered.

10 ~~(6)~~**(8)** "Psychologist" means any person licensed as a psychologist under this
 11 Chapter. A person represents himself to be a psychologist by using any title or
 12 description of services incorporating the words "psychology", "psychological", or
 13 "psychologist", or by using any other terms which imply that he is qualified to
 14 practice psychology or that he possesses expert qualification in any area of
 15 psychology or if that person offers to the public or renders to individuals or to groups
 16 of individuals services defined as the practice of psychology in this Chapter.

17 ~~(7)~~**(9)** "School" or "college" means any regional accredited university or
 18 other institution of higher learning offering a full-time doctoral course of study in
 19 psychology that is approved by the board.

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

23 * * *

24 §2354. Fees

25 * * *

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

1 Chapter.

2 * * *

3 §2356.2. Specialist in school psychology; licensure; scope of practice

4 A.(1) The board shall issue a license as a specialist in school psychology
 5 to any person who files an application upon a form and in such a manner as the
 6 board prescribes, accompanied by the fee required by this Chapter, and who
 7 furnishes evidence to the board that, except as otherwise required by law, the
 8 person meets all of the following criteria:

9 (a) Is at least twenty-one years of age.

10 (b) Is of good moral character.

11 (c) Is a citizen of the United States or has declared his intention to
 12 become a citizen. A statement by the person under oath that he is a citizen or
 13 that he intends to apply for citizenship when he becomes eligible to make such
 14 application shall be sufficient proof of compliance with the requirement of this
 15 Paragraph.

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

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

20 (f) Has completed a one-thousand-two-hundred-hour, nine-month
 21 internship under the supervision of a certified school psychologist in a school
 22 setting or by a licensed psychologist in a community setting. Of the one
 23 thousand two hundred hours, six hundred hours shall be completed in a school
 24 setting.

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

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

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

30 (2) If the board reasonably believes that a person applying for a license

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

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

17 (b) A licensed specialist in school psychology who is engaged in such
18 practice and working outside of the school system shall be required to do so
19 under the clinical supervision of a licensed psychologist or a medical
20 psychologist licensed in accordance with R.S. 37:1360.51 et seq. The licensed
21 psychologist or medical psychologist shall be administratively, clinically, and
22 legally responsible for all professional activities of the licensed specialist in
23 school psychology, and the licensed psychologist or medical psychologist shall
24 be required to sign any final reports prepared by the licensed specialist in
25 school psychology.

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

29 (b) Nothing in this Section shall prohibit a licensed psychologist from
30 providing services within a school provided such services are within the

1 **psychologist's area of competence.**

2 §2357. Renewal of license

3 A.**(1)** Persons licensed as psychologists under the provisions of this Chapter
 4 shall be eligible for renewal of licensure without regard to any subsequent changes
 5 in the requirements for licensure upon payment of the fees established under R.S.
 6 37:2354 and compliance with the requirement established pursuant to ~~Subsection B~~
 7 **Paragraph (2) of this Subsection.**

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

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

19 **(2)(a) The board shall establish continuing education requirements to**
 20 **be fulfilled by the licensed specialist in school psychology prior to license**
 21 **renewal.**

22 **(b) Failure to fulfill the continuing education requirements shall cause**
 23 **the license to lapse. For a period of two years from the date of lapse of the**
 24 **license, the license may be renewed upon proof of fulfilling all continuing**
 25 **education requirements applicable through the date of reinstatement and upon**
 26 **payment of all fees required by this Chapter.**

27 **(c) The board may adopt rules in accordance with the Administrative**
 28 **Procedure Act to implement the provisions of this Chapter.**

29 * * *

30 §2359. Denial, revocation, or suspension of license; **psychologist; specialist in**

1 school psychology

2 * * *

3 B. The board shall have the power and duty to suspend, place on probation,
4 require remediation for a specified time, revoke any license to practice psychology
5 or license to practice as a specialist in school psychology, or take any other action
6 specified in the rules and regulations whenever the board, by affirmative vote of at
7 least four of its five members, shall find by a preponderance of the evidence that a
8 psychologist or specialist in school psychology has engaged in any of the following
9 acts or offenses:

10 * * *

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

12 * * *

13 E. Suspension by the board of the license of a psychologist or a specialist
14 in school psychology shall be for a period not exceeding two years.

15 * * *

16 G. The board shall notify all licensed psychologists and licensed specialists
17 in school psychology of any disciplinary action taken against a licensed psychologist
18 and a licensed specialist in school psychology.

19 * * *

20 §2363. Privileged communications

21 A. In judicial proceedings, whether civil, criminal, or juvenile, legislative
22 and administrative proceedings, and proceedings preliminary and ancillary thereto,
23 a patient or client, or his legal representative, may refuse to disclose or prevent the
24 disclosure of confidential information, including information contained in
25 administrative records, communicated to a psychologist or a licensed specialist in
26 school psychology licensed under this Chapter, or persons reasonably believed by
27 the patient or client to be so licensed, or to their employees or other persons under
28 their supervision, for the purpose of diagnosis, evaluation, or treatment of any mental
29 or emotional condition or disorder.

30 B. In the absence of evidence to the contrary, the psychologist or licensed

1 specialist in school psychology is presumed to be authorized to claim the privilege
2 on behalf of the patient or client.

3 C. This privilege may not be claimed by or on behalf of the patient or client
4 in the following circumstances:

5 * * *

6 (3) Where such information is necessary for the defense of the psychologist
7 or licensed specialist in school psychology in a malpractice action brought by the
8 patient or client.

9 (4) Where an immediate threat of physical violence against a clearly
10 identified victim or victims is disclosed to the psychologist or licensed specialist in
11 school psychology.

12 (5) In the context of civil commitment proceedings, where an immediate
13 threat of self-inflicted damage is disclosed to the psychologist or licensed specialist
14 in school psychology.

15 * * *

16 D. Notwithstanding the provisions of this Section, testimonial privileges,
17 exceptions, and waiver with respect to communications between psychologist or
18 licensed specialist in school psychology and patient are governed by the Louisiana
19 Code of Evidence.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____