Regular Session, 2014

**ACT No. 137** 

## SENATE BILL NO. 157

BY SENATOR MARTINY

1	AN ACT
2	To amend and reenact R.S. 37:2352(6) and (7), 2354(A), (B), (C), and (D), the introductory
3	paragraph of R.S. 37:2359(B), and 2359(C), (D), (E), (F), and (G) and to enact R.S.
4	37:2352(8), 2356.2 and 2359(B)(15), relative to the State Board of Examiners of
5	Psychologists; to provide for a provisional license for psychologists; to provide for
6	fees; to provide for definitions; to provide for the renewal of a provisional license;
7	to provide for qualifications; to provide for continuing education; to provide the
8	denial, revocation, or suspension of a provisional license; to provide for conditions,
9	terms, and procedures; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 37:2352(6) and (7), 2354(A), (B), (C), and (D), the introductory
12	paragraph of R.S. 37:2359(B), and 2359(C), (D), (E), (F), and (G) are hereby amended and
13	reenacted and R.S. 37:2352(8), 2356.2, and 2359(B)(15) are hereby enacted to read as
14	follows:
15	§2352. Definition of terms
16	As used in this Chapter the following terms mean:
17	* * *
18	(6) "Provisional licensed psychologist" means a person provisionally
19	licensed under this Chapter.
20	(6) (7) "Psychologist" means any person licensed as a psychologist under
21	this Chapter. A person represents himself to be a psychologist by using any title or
22	description of services incorporating the words "psychology", "psychological", or
23	"psychologist", or by using any other terms which imply that he is qualified to
24	practice psychology or that he possesses expert qualification in any area of
25	psychology or if that person offers to the public or renders to individuals or to groups

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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.

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1	(2)(a) Every provisional licensed psychologist shall annually pay to the
2	<u>board during the month of July of each year, beginning in the year immediately</u>
3	subsequent to his initial provisional license, a renewal fee in an amount not to
4	exceed one hundred dollars. The provisional license of any psychologist who
5	shall fail to have his provisional license renewed during the month of July shall
6	lapse. Except as provided in R.S. 37:2356.2(C), a provisional license shall not
7	be reinstated.
8	(b) The board shall adopt rules in accordance with the Administrative
9	Procedure Act to implement the provisions of this Paragraph.
10	D. The board shall annually send a renewal notice to all licensed
11	psychologists and provisional licensed psychologists licensed by the board.
12	* * *
13	§2356.2. Provisional licensed psychologist; renewal; continuing education
14	A. The board shall issue a provisional license to each person who files
15	an application with the board upon a form and in such a manner as the board
16	prescribes, submits the fee for a provisional license, and furnishes evidence to
17	the board that the person meets all the following requirements:
18	(1) Is at least twenty-one years of age.
19	(2) Is of good moral character.
20	(3) Is a citizen of the United States or has declared his intention to
21	become a citizen. A statement by the person under oath that he is a citizen or
22	that he intends to apply for citizenship when he becomes eligible to make such
23	application shall be sufficient proof of compliance with this requirement.
24	(4) Is not in violation of any of the provisions of this Chapter and the
25	rules and regulations adopted by the board.
26	(5) Holds a doctoral degree with a major in psychology from a school or
27	college as defined in this Chapter.
28	(6) Has completed a minimum of one year experience practicing
29	psychology under the supervision of a licensed psychologist or has completed
30	an approved predoctoral internship as defined in the rules and regulations of

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1	the board.
2	(7) Demonstrates professional knowledge of laws and rules regarding
3	the practice of psychology in Louisiana.
4	<b>B.</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
16 17	
	to such examination. Proceedings under this Subsection shall be conducted in
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17 18 19	to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act. <u>C.(1) A provisional licensed psychologist shall be eligible for renewal of</u> <u>licensure without regard to any subsequent changes in the requirements for</u>
17 18 19 20	to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act. C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under R.S. 37:2354 and
17 18 19 20 21	to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act. C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A
17 18 19 20 21 22	to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act. <u>C.(1) A provisional licensed psychologist shall be eligible for renewal of</u> licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times.
17 18 19 20 21 22 23	to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act. C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times. (2) The board shall establish continuing education requirements to be
17 18 19 20 21 22 23 24	to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act. C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times. (2) The board shall establish continuing education requirements to be fulfilled prior to the renewal of a provisional license. Failure to fulfill these
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<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act. C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times. (2) The board shall establish continuing education requirements to be fulfilled prior to the renewal of a provisional license. Failure to fulfill these requirements shall cause the license to lapse. A provisional license shall not be reinstated if a lapse occurs unless such requirements are satisfied within six months from the date of lapse.

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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	in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. The board may require a person against whom disciplinary action has been taken by
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21 22 23 24	The board may require a person against whom disciplinary action has been taken by the board after hearing to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, including attorney, stenographer, and witness fees. These costs shall be paid no later than thirty days after the adjudication
21 22 23 24 25	The board may require a person against whom disciplinary action has been taken by the board after hearing to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, including attorney, stenographer, and witness fees. These costs shall be paid no later than thirty days after the adjudication by the board becomes final. No license <u>or provisional license</u> shall be issued,
21 22 23 24 25 26	The board may require a person against whom disciplinary action has been taken by the board after hearing to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, including attorney, stenographer, and witness fees. These costs shall be paid no later than thirty days after the adjudication by the board becomes final. No license <u>or provisional license</u> shall be issued, reinstated, or renewed until such costs have been paid.
21 22 23 24 25 26 27	The board may require a person against whom disciplinary action has been taken by the board after hearing to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, including attorney, stenographer, and witness fees. These costs shall be paid no later than thirty days after the adjudication by the board becomes final. No license <u>or provisional license</u> shall be issued, reinstated, or renewed until such costs have been paid. D. The board may deny or withhold for a specified time not to exceed two

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#### **SB NO. 157**

### **ENROLLED**

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: \_\_\_\_\_