February 9, 2023

Via Electronic Submission Only

Senator Patrick Page Cortez, President
Senate Health and Welfare Committee
apa.senatepresident@legis.la.gov

Representative Clay Schexnayder,
Speaker of the House
House Health and Welfare Committee
apa.housespeaker@legis.la.gov

Senator Fred H. Mills, Jr., Chairman
Senate Health and Welfare Committee
apa.s-h&w@legis.la.gov

Representative Larry Bagley, Chairman
House Health and Welfare Committee
apa.h-hw@legis.la.gov

RE: Rule Summary Report, Title 46: LXIII. 100, 102, 103, 108, 201, 303, 305, 307, 701, 702, 705, 709, 1002, 1201, 1205, 1213, 1401, 1403, 1405, 1407, 1409, 1701, 1702, 1705, 1903, 1905 and amend Sections 3402 and 3403 (Training, Credentials and Scope of Practice for Neuropsychology Specialty Designation and Provisional Licensure; other technical corrections).

Dear Senator Cortez, Senator Mills, Representative Schexnayder, and Representative Bagley:

Pursuant to La. R.S. 49:968(D)(1)(b), the Louisiana State Board of Examiners of Psychologists here by submits the following Summary Report and announces its intention to proceed with the final publication of rules, which Notice of Intent was first published in the Louisiana Register on November 20, 2022. A copy of the proposed rule is attached.

Prior to the publication of the Notice of Intent, the proposed rule was published on the Board’s website (https://lsbep.org/rule-making/); the Notice of Intent was forwarded to the Occupational Licensing Review Commission and the Board appeared before the Commission for oversight and approval to engage in rulemaking on May 13, 2022; the Fiscal Impact Statement was filed in accordance with R.S. 49:953 and approved on October 7, 2022; a Public Rules Hearing was held on Friday, December 16, 2022; and on January 19, 2023, the Board appeared before the Occupational Licensing Review Commission (OLRC) for a final review and to request permission to proceed with Rulemaking. The OLRC moved favorably.

Regarding the Public Hearing, written comments received prior to the hearing were read into the record and the Board requested oral comments from a member of the public who attended in person. Immediately following the hearing, the Board of Directors, devoted time and discussed most of the comments. Note that the Board filed 4 separate Notices of
Intent and a detailed consolidated response to all of the comments is attached to this Summary Report titled "MEMORANDUM IN RESPONSE TO COMMENTS RECEIVED BY THE LSBEP DURING A PUBLIC RULES HEARING HELD ON FRIDAY, DECEMBER 16, 2022"

To summarize the comments that are pertinent to the proposed rules that are the subject of this Summary Report (Training, Credentials and Scope of Practice for Neuropsychology Specialty Designation and Provisional Licensure; other technical corrections): Comments were both in support and opposition to the rule changes. However, the majority of comments received were suggestions for improving rules and/or questions regarding roll out procedures and included:

- Concerns raised regarding the specific language proposed in §1403. & §1409. E.4. Telesupervision and Telepsychology that has been interpreted to require only video and audio transmissions simultaneously; in other words, concerns that audio-only is not allowed in either the provision of psychological services or in providing supervision;
- Questions about "grandfathering provisions; and
- Requests to provide clarification.

In response to the comments and questions received, the Board adopted one non-substantive clarification regarding concerns that the proposed language under §1403. & §1409. E.4. Telesupervision and Telepsychology may be misinterpreted to require only video and audio transmissions simultaneously. To clarify the intent of the proposed regulations, under sections in §1403. & §1409. E.4. the proposed language is amended to read, "...via two-way audio/video or audio only transmission simultaneously...".

A copy of this report has been placed on the LSBEP website in accordance with La. 49:968(D)(1)(c). Please contact me if any additional information is required for your consideration.

Sincerely,

Jaime T. Monic
Executive Director

cc: Catherine Brindley, Louisiana Register Editor, Office of the State Register

NOTICE:

**L.A.R.S. 42:14.D. Public comments** - In accordance with La.R.S. 42:14.D., the LSBEP shall allow public comments at any point during a meeting of the LSBEP prior to action on an agenda item upon which a vote is to be taken. Individuals who wish to comment on a matter must sign in and state their intent to comment on a matter.

**La. R.S. 44:33.1** - In compliance with La. R.S. 44:33.1, the LSBEP hereby gives notice that information submitted to the LSBEP may become public record pursuant to the provisions of Louisiana Public Records Law, La. R.S. 44:1, et seq.
OFFICE OF THE STATE REGISTER INSERTION ORDER
Claiborne Building 1201 North Third Street Suite 3-220 Post Office Box 94095
Baton Rouge, LA 70804-9095 (225)342-5015 FAX (225)342-0284

SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT

☐ EMERGENCY RULE ☐ NOTICE OF INTENT ☑ RULE ☐ POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) February, 2023 Louisiana Register the document indicated above.

Board of Examiners of Psychologists
Office/Board/Commission promulgating this document

Jaime T. Monic Executive Director
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Department of Health
Department under which office/board/commission is classified

Jaime T. Monic 225-295-8410 225-295-8412
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document
jaime.monic@la.gov
E-mail address of contact person

Title 46:LXIII. Chs. 1, 2, 3, 7, 10, 12, 14, 17 and 19

Supervision, Training, Credentials, Public Information and Technical Revisions

Short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here: ☐

CERTIFICATION OF AVAILABLE FUNDS

LAGOV AGENCY: I certify the availability of fiscal year 2022-23 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

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<th>Business Area</th>
<th>General Ledger</th>
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<th>Grant</th>
<th>Fund</th>
<th>WBS</th>
<th>Internal Order</th>
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</tr>
</thead>
</table>

NON-LAGOV AGENCY: I certify the availability of fiscal year 2022-23 appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Contact Information:
Board of Examiners of Psychologists
Jaime T. Monic
Agency Contact Person for Billing
jaime.monic@la.gov
Agency E-Mail Address for Billing

Per Page Charge ______ + Revision Charge $ ______ = TOTAL $ ______

Signature of Agency Head or Designee

225-295-8410
Phone Number
proposed rule. The proposed rules may positively impact the facilitation of qualified professionals who may work with families and families of school aged children.

**Poverty Impact Statement**

The proposed modifications impact psychologists, provisionally licensed psychologists, and specialists in school psychology in the interest of the health, safety and the welfare of the public. The rules do not have any known or foreseeable negative impact on any child, individual or family as defined by R.S. 49:973.B. Specifically, there is no known or foreseeable effect on: household income, assets, and financial security; early childhood development and preschool through postsecondary education development; employment and workforce development; taxes and tax credits; or, child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Provider Impact Statement**

The proposed rule changes will impact only LSBEQ Licensed Psychologists who utilize ATAP’s in the provision of psychological services to clients, as they create a requirement for registration and renewal of ATAP’s. The proposed rules align with statewide, and most nationally accepted standards for healthcare professions by requiring minimum standards, including criminal background checks, on assistants engaged in direct client contact with vulnerable populations. Licensed Psychologists are responsible for ensuring their ATAP’s are properly registered. Other than initial registration and annual renewals, Licensed Psychologists currently using ATAP’s in accordance with current regulations are not anticipated to experience new workload adjustments or paperwork.

**Public Comments**

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All comments must be submitted by January 12, 2022.

**Public Hearing**

LSBEQ will conduct a Public Hearing at Noon on December 16, 2022, at the board office located at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Jaime T. Monic  
Executive Director

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**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Registration of Assistant to a Psychologist**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will result in a one-time publication expense of approximately $2,280 for the LA State Board of Examiners of Psychologists ("LSBEQ" or "Board") in FY 23. The proposed rule changes are not anticipated to require implementation costs to other state or local governmental units. The proposed rule changes comply with statutorily mandated rulemaking requirements implemented by Act No. 238 of the 2021 Regular Session and require that an Assistant to a Psychologist ("ATAP") be registered with the Board; ATAP’s may be employed by a Licensed Psychologist and used in the direct provision of services to clients/patients, therefore must meet minimum requirements for registration, including a criminal background check. The proposed rule changes were written in consideration of establishing the least restrictive requirements for registration in the interest of public protection.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will affect self-generated revenue (SGR) collections for the LSBEQ estimated to be $21,000 for FY 23 including the initial registration of approximately 420 ATAP’s at $50/registration; and $18,050 in FY 24 and FY 25 anticipated to include the renewal of 420 ATAP’s at $40/renewal plus approximately 25 new registrations a year at $50.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will impact LSBEQ Licensed Psychologists and their ATAP’s who are engaged in the provision of psychological services to clients, as they create a requirement for registration and renewal of ATAP’s with related fees. The proposed rule changes align with statewide, and most nationally accepted standards by requiring minimum standards, including criminal background checks, on assistants engaged in direct client contact with the most vulnerable populations. The proposed rule changes will benefit Licensed Psychologists by reducing their risks associated with hiring unqualified individuals to work with vulnerable populations, through registration and minimum requirements evaluated by the Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are anticipated to have a positive effect on competition and employment. Licensed Psychologists who utilize ATAP’s are able to service a larger client base than if working independently. It is anticipated that by providing minimum requirements as a registry that will legitimize the role of the ATAP, thereby increasing awareness for economic opportunity, employment and growth within the profession of psychology.

Jaime T. Monic  
Executive Director  
2211#012

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

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**NOTICE OF INTENT**

Department of Health  
Board of Examiners of Psychologists

Training, Credentials and Scope of Practice for Neuropsychology Specialty Designation and Provisional Licensure  
(LAC 46:LXIII.100, 102, 103, 108, 201, 303, 305, 307, 701, 702, 705, 709, 1002, 1201, 1205, 1213, 1401, 1403, 1405, 1407, 1409, 1701, 1702, 1705, 1903, 1905, 3402 and 3403)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Board of Examiners of Psychologists intends to adopt §§100, 108, 702, 1401, 1403, 1405, 1407, 1409, and 1905 and amend §§102, 103, 201, 303, 305, 307, 701, 705, 709, 1002, 1201, 1205, 1213, 1701, 1702, 1705, 1903, 3402 and 3403. These changes are related to training and credentials for provisional licensure and for the practice of psychology and neuropsychology amendments are included to correct grammar and technical corrections to outdated
statutory references in accordance with the Louisiana Licensing Law for Psychologist R.S. 37:2353.C(1) 37:2357.C(4), 37:2352.(7), and the Administrative Procedures Act §968 and 971.

Title 46

OCCUPATIONAL AND PROFESSIONAL STANDARDS

Part LXIII. Psychologists

Subpart 1. General Provisions

Chapter 1. Definitions

§100. General Definitions

Advisory Workgroup—two or more individuals selected by the Board to provide research or recommendations on matters requested by the board.

Board—the Louisiana State Board of Examiners of Psychologists. The term “Board” or “board” is synonymous with agency.

Board of Directors—the board members appointed by the governor to serve on the board.

Chairperson—the chief executive officer and member of the board of directors. The chairperson provides leadership and direction to standing committees; ensures the organization is managed efficiently; provides support and supervision to the chief administrative officer; represents the board as its figurehead and in its mission of public protection.

Examiner—an examining board member who is a current board member.

Executive Committee—a standing committee of the board established to facilitate the proper functioning of the agency, with authority to execute tasks and duties of the board, including but not limited to summary suspension authority, and utilized to facilitate the proper functioning of the agency. This committee shall consist of two or more board members and may include other personnel.

Executive Director—the chief administrative officer responsible for the daily operations of the board; authorized to take action and make decisions not inconsistent with the statutory and regulatory requirements, but within the boundaries delegated by the board for the proper management of all aspects of daily board operations including but not limited to subpoenas signing authority.

Licensing Examiner—a former board member that is currently licensed and approved by the board to conduct licensing examinations.

Standing Committee—a working committee established by the chairperson to facilitate the proper functioning of the board. Standing committees consist of appointed members of the board.

Vice-Chairperson—an officer and member of the board of directors. The vice-chairperson provides support to the chairperson and may act in the absence or recusal of the chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49:2467 (December 1979), amended LR 34:1406 (July 2008), amended Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

§102. Definition of Applicant for Provisional Licensure

A. - A.4. ...

5. has completed a minimum of one year of experience practicing psychology under the supervision of a licensed psychologist or medical psychologist licensed in accordance with R.S. 37:1360.1 et seq., or has completed an approved predoctoral internship as defined in the rules and regulations of the board and required as part of the doctoral degree in psychology as defined by the board;

6. - 7. ...

8. submits such number of full sets of fingerprints and fees and costs as may be incurred by the board in requesting or obtaining criminal history record information as authorized by R.S. 37:2356.1, and in the form and manner prescribed by the boards rules and regulations. The results of the criminal history record information search to be obtained, reviewed and considered acceptable by the board prior to admission to candidacy status.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2617 (December 2015), amended Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

§103. Definition of Applicant for Licensure

A. - A.6. ...

7. submits such number of full sets of fingerprints and fees and costs as may be incurred by the board in requesting or obtaining criminal history record information as authorized by R.S. 37:2356.1, and in the form and manner prescribed by the boards rules and regulations. The results of the criminal history record information search to be obtained, reviewed and considered acceptable by the board prior to admission to candidacy status.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:248 (August 1979), amended LR 34:1406 (July 2008), amended Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

§107. Definition of Provisional Licensed Psychologist

A. A provisional licensed psychologist is a person who has been issued a provisional license under the provision of R.S. 37:2356.2.

B. A provisionally licensed psychologist may practice psychology as defined under R.S. 37:2352(7) while under the continuing professional supervision of a licensed psychologist.

C. A provisional license is required for a Candidate’s early admittance to the written examination for licensure, while completing the final year of postdoctoral supervision.

D. A provisional license may be renewed no more than three times. A provisional license that is not renewed in accordance with the provisions of this Part shall lapse.

E. Provisional licensed psychologists may not:

1. contract directly with individuals, couples, families, agencies or institutions for clinical services, consultation, supervision or educational services; or

2. claim to be independently licensed, in private practice or otherwise advertise as such.

F. Provisional licensed psychologists:

1. must practice psychology under the continuing professional supervision of a licensed psychologist and in accordance with the requirements of Chapter 7 of this Part;

2. shall use the title "provisional licensed psychologist" in representing themselves, their work or their services;

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3. shall disclose their supervisory relationships to clients/patients in the provision of psychological services and to third parties in engaged in professional activities related to the field of psychology;

4. shall not supervise other mental health professionals or independently evaluate persons;

G. The supervising licensed psychologist, or the agency, hospital, or corporation that employs the supervising licensed psychologist, may bill for psychological services performed by the provisional licensed psychologist.

H. The termination of the supervisory relationship must be immediately reported to the board in accordance with the requirements of Chapter 7 of this Part. Following termination, the provisional license shall be considered lapsed, and the provisional licensed psychologist may not practice under these provisions until an approved supervisory relationship with a licensed psychologist has been approved by the board.


HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49.

Chapter 2. Reciprocity

§201. Licensure of Psychologists through Reciprocity

A. - B. ...

C. Applicants for reciprocal licensing must submit such number of full sets of fingerprints, or other identifiable information, and fees and costs as may be incurred by the board in requesting or obtaining criminal history record information as authorized by R.S. 37:2256.1, and in the form and manner prescribed by the boards rules and regulations. The results of the criminal history record information search to be obtained, reviewed and considered acceptable by the board prior to admission to candidacy status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.


Chapter 3. Training and Credentials

§303. Doctoral Programs in Psychology

A. A graduate whose of a doctoral program, at the time of graduation, that is either accredited by the American Psychological Association, or listed by the Association of State and Provincial Psychology Boards (ASPPB) and the National Register of Health Service Providers in Psychology's former yearly joint publication of the Doctoral Psychology Programs Meeting Designation Criteria is recognized as holding a doctoral degree with a major in psychology from a university offering a full-time graduate course of study in psychology.

B. A graduate of a doctoral program that is neither listed in Designate Doctoral Programs in Psychology nor accredited by the American Psychological Association must meet the criteria in Paragraphs B.1-B.11 below.

1. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists in an applied area of psychology recognized by the board.

3. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

4. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

5. The program must be an integrated, organized sequence of study.

6. There must be an identifiable psychology faculty and a psychologist responsible for the program.

7. The program must have an identifiable body of students who are matriculated in that program for a degree.

8. The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology, in an applied area of specialization recognized by the board.

9. The program shall be an internal degree program (as opposed to an external degree program unless it is either designated by the Association of State and Provincial Psychology Boards (ASPPB) and the National Register or it is accredited by the American Psychological Association.)

10. The doctoral program shall involve at least one continuous academic year of full-time residency on the campus of the institution at which the degree is granted.

11. For individuals who were trained prior to 2015, the curriculum shall encompass a minimum of three academic years of full-time graduate study. The program of study shall typically include graduate coursework with a minimum of three semester hours (five quarter hours) in each of the following three areas: scientific and professional ethics and standards, research design and methodology, and statistics and methodology. In cases where the material from one of these areas was incorporated into other courses, the program director shall submit material to the board indicating the educational equivalence of this requirement. Additionally, the core program shall require each student to demonstrate competence in each of the following substantive areas. This requirement typically will be met by including a minimum of three or more graduate semester hours (five or more quarter hours) in each of the four substantive content areas. Graduates who cannot document competence in all substantive content areas (§303.3.11.a-d below), may demonstrate competence by taking additional coursework or examination, not to exceed one substantive content area:

a. biological bases of behavior—physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. cognitive-affective bases of behavior—learning, thinking, motivation, emotion;

c. social bases of behavior—social psychology, group processes, organizational and systems theory;

d. individual differences—personality theory, human development, abnormal psychology. In addition, all professional doctoral programs in psychology will include course requirements in specialty areas.

C. For individuals whose training began after 2015, the curriculum shall encompass training in the nine profession-wide competencies, which include certain competencies
required for all students who graduate from programs accredited in health service psychology. Programs must provide opportunities for all of their students to achieve and demonstrate each required profession-wide competency. Although programs are considered critical for graduates in programs accredited in health service psychology. The specific requirements for each competency are articulated in APA Commission on Accreditation Implementing Regulations. Because science is at the core of health service psychology, programs must demonstrate that they rely on the current evidence-base when training students in the following competency areas. At a minimum, students must demonstrate competence in the following:

1. Research. For example, individuals demonstrate knowledge, skills, and competence sufficient to produce new knowledge; to critically evaluate and use existing knowledge to solve problems; substantial knowledge of scientific methods, procedures, and practices; and ability to disseminate research.

2. Ethical and Legal Standards. For example, individuals demonstrate knowledge of ethical principles and state law; recognize ethical dilemmas as they arise; apply ethical decision-making processes; and conduct oneself in an ethical manner in all professional activities.

3. Individual and Cultural Diversity. For example, individuals are sensitive to cultural and individual diversity of clients and committed to providing culturally sensitive services. Individuals are aware of how one's background impacts clinical work and are committed to continuing to explore their own cultural identity issues and how they relate to clinical practice.

4. Professional Values, Attitudes, and Behaviors. For example, individuals behave in ways that reflect the values and attitudes of psychology; engage in self-reflection regarding their personal and professional functioning; and actively seek and demonstrate openness to feedback.

5. Communication and Interpersonal Skills. For example, individuals can establish and maintain effective interrelationships as well as produce and comprehend oral, nonverbal, and written communications that are informative and well-integrated.

6. Assessment. For example, individuals demonstrate competence in choosing, administering, interpreting and providing results from evidenced-based assessments. Individuals also demonstrate knowledge of current diagnostic classification systems.

7. Intervention. For example, individuals demonstrate competence in utilizing evidenced-based interventions which have been chosen to meet the unique needs of the individual or group; demonstrate the ability to establish effective working relationships with clients and are able to evaluate the effectiveness of their interventions.

8. Supervision. For example, individuals demonstrate knowledge of supervision models and have applied this knowledge to the practical application of supervision principles.

9. Consultation and interprofessional/interdisciplinary skills, for example, individuals demonstrate the ability to intentionally collaborate with other professionals to address a problem; have knowledge of consultation models; and have applied practice serving in the role of consultant.

D. - D.2.f. …


§305. Specialty Areas

A. Health Service Psychology. The provision of direct health and/or behavioral health services requires training in an applied health service area such as clinical psychology, counseling psychology, clinical neuropsychology, school psychology, or other developed health service areas that are offered under training programs that are accredited by the American Psychological Association (APA) in a health service area. Training programs may also combine two or more of the recognized practice areas listed above. In addition to didactic courses, training in health service psychology shall include early and continuing involvement of students in applied healthcare settings. Such experiences shall occur at two levels: practicum and internship.

1. - 2.e. …

f. At least 25 percent of trainee's time was in direct client contact (minimum 375 hours).

g. - 1. …

B. General Applied Psychology. The provision of psychological services in applied non-medical areas includes services outside health and behavioral health fields; direct services to individuals and/or groups for assessment and/or evaluation of personal abilities and characteristics for individual development, behavior change, and/or for making decisions about the individual; and may also include services to organizations that are provided for the benefit of the organization. Training areas recognized by the board in general applied psychology include those specialty programs designated as educational psychology, developmental psychology, experimental psychology, social psychology, and industrial-organizational psychology. Internship training for non-health service psychology areas may take the form of post-doctoral supervised experience as defined in the regulations of the board.


§307. Clinical Neuropsychology

A. - B.4. …

5. These regulations recognize the overlapping roles in certain aspects of clinical neuropsychological assessment and intervention of other professionals, such as behavioral neurologists, speech pathologists, and learning disability specialists, and are not meant to constrain or limit the practice of those individuals as affirmatively set forth in
their relevant enabling statutes. These regulations are not meant to constrain or limit the practice of licensed psychologists who through education, training, and experience have acquired competence in the use of psychological assessment instruments that measure various aspects of function to include but not limited to general intelligence, complex attention, executive function, learning and memory, language, perceptual motor and social cognition.

C. C.1.c. ... 
d. specialty internship in clinical neuropsychology (one year minimum), followed by the completion of one year of post-doctoral supervised experience in clinical neuropsychology; or, the equivalent of two full years (4,000 hours) of post-doctoral experience in clinical neuropsychology under the supervision of a qualified clinical neuropsychologist (as defined here and in LAC 46:307.C.2, 3, and 4). The majority of these hours must involve clinical neuropsychological assessment, and some portion of the remaining hours should be related to rehabilitation of neuropsychological deficits. The supervision, as defined above, should involve a minimum of one hour of face-to-face supervision a week, though additional supervisory contact may be required during training phases and case discussions; 

1.e. - 3.c. ...


HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:1323 (October 1993), amended LR 36:1006 (May 2010), amended by the Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

Chapter 7. Supervised Practice Leading toward Licensure

§701. Preface
A. This Chapter details reasonable minimal standards for supervised practice and establishes that the legal, administrative and professional responsibility of supervision rests with the licensed psychologist or medical psychologist licensed in accordance with R.S. 27:1360.51 et seq., designated as supervisor.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:249 (August 1979), amended LR 7:187 (April 1981), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2618 (December 2015), repromulgated by the Department of Health, Board of Examiners of Psychologists, LR 42:1089 (July 2016), amended LR 49: (Feb 2023)

§702. Definitions

Continuing Professional Supervision—the ongoing training and oversight for the procedure furnished under the psychologist’s overall direction and control, including maintenance of the necessary equipment and supplies. Supervision in this context does not require the supervisor’s presence during the performance of the procedure. However, the supervisor shall be available to the supervisee in person during the time when the supervisee is rendering professional services, or arrange the availability of a qualified supervisor who is authorized to intervene with a client. Exceptions to this provision must have prior approval by the board.

General Professional Supervision—direct supervisory contact with the supervisee. Supervision in this context includes activities such as individual supervision, group supervision, specific case discussion and management, skill training, and professional development and review of the work completed by the supervisee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

§705. Qualifications of Supervisors
A. Responsibility for the overall supervision of the supervisee’s professional growth resides in the licensed psychologist or medical psychologist. Supervising psychologists shall be licensed to practice psychology at the doctoral level by the regulatory body that is vested with jurisdictional authority over the practice of psychology in the respective jurisdiction.

B. Have training in the specific area of practice to render competently any psychological service undertaken by their supervisee in which they are offering supervision. Specific skill training may be assigned to other specialists, under the authority of the supervising psychologist. The non-psychologist specialist shall have clearly established practice and teaching skills demonstrable to the satisfaction of both the supervising psychologist and the supervisee.

C. The supervisor shall limit the number of persons supervised so as to be certain to maintain a level of supervision and practice consistent with professional standards ensuring the welfare of the supervisee and the client.

D. The supervisor may not supervise any more than two candidates for licensure at the same time.

E. The supervisor shall not be a member of the supervisee's immediate family.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:249 (August 1979), amended LR 7:187 (April 1981), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2619 (December 2015), repromulgated by the Department of Health, Board of Examiners of Psychologists, LR 42:1089 (July 2016), amended LR 49: (Feb 2023)

§709. Conduct of Supervision

A. - C.2. ...

3. Billing and receipt of payment is the responsibility of the employing agency or the licensed psychologist/ or medical psychologist. The setting and the psychological work performed shall be clearly identified as that of the licensed psychologist. The physical location where services are delivered may not be owned, leased, or rented by the supervisee.

C.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of
Chapter 10. Temporary Registration

§1002. Emergency Temporary Registration for Psychologists

A. Pursuant to R.S. 29:769(E), licensed psychologists from other jurisdictions of the United States may respond to a declared public health emergency and be granted a temporary registration to engage in the practice of psychology as defined in R.S. 37:2352(7).

B. - I. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:769(E).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:459 (March 2007), amended LR 36:1007 (May 2010), LR 39:2757 (October 2013), amended Department of Health, Board of Examiners of Psychologists, LR 49: 

Chapter 12. Criminal History Records Information

§1201. Scope of Chapter

A. The rules of this Chapter govern the collection and use of criminal history records information in connection with applications for an initial license, renewal, or reinstatement of a license of a psychologist in conformity with R.S. 37:2356.1

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2372.1. Repromulgated in accordance with R.S. 37:2356.1

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 34:1406 (July 2008), amended by the Department of Health, Board of Examiners of Psychologists, LR 49:

§1205. Criminal History Record Information Requirement

A. ....

B. The board will use the fingerprints to request and obtain criminal history record information relative to the applicant as provided in R.S. 37:2372.1.2356.1

C. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2372.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 34:1406 (July 2008), amended by the Department of Health, Board of Examiners of Psychologists, LR 49:

§1213. Confidentiality of Criminal History Record Information

A. Criminal history record information obtained by the board pursuant to R.S. 37:2356.1 and the rules of this Chapter, which is not already a matter of public record or to which the privilege of confidentiality has not otherwise been waived or abandoned, shall be deemed confidential information, restricted to and utilized exclusively by the board, its officers, members, investigators, employees, agents, and attorneys in evaluating the applicant’s eligibility or disqualification for licensure. Criminal history record information shall not, except with the written consent of the applicant or by the order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency, provided, however, that any such information or documents which are admitted into evidence and made part of the administrative record in any adjudicatory proceeding before the board shall become public records upon the filing of a petition for judicial review of the board’s final decision therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2372.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 34:1407 (July 2008), amended by the Department of Health, Board of Examiners of Psychologists, LR 49:

Chapter 14. Telepsychology and Telesupervision

§1401. Purpose and Scope

A. To facilitate the process for a Louisiana Licensed Psychologist to provide psychological services via telecommunications.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2353.C.1 and R.S. 40:1223.4

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49:

§1403. Definitions

Distant Site—the location of the Louisiana Licensed Psychologist at the time of service.

Licensed Psychologist—a person licensed by this board under Title 37, Chapter 28 of the Louisiana Revised Statutes.

Originating Site—the location of the client at the time of service.

Telecommunication—the preparation, transmission, communication, or related processing of information by electrical, electromagnetic, electromechanical, electro-optical, or electronic means (Committee on National Security Systems, 2010).

Telepsychology—the practice of psychology which includes assessment, diagnosis, intervention, consultation or information by psychologists using interactive telecommunication technology that enables a psychologist and a client, at two different locations separated by distance to interact via two-way video and audio transmissions simultaneously. Telepsychology is not a separate specialty. If the use of technology is for purely administrative purposes, it would not constitute telepsychology under this Chapter.

Telesupervision—a method of providing supervision to psychology trainees via two-way video and audio transmissions simultaneously or other telecommunication technologies.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2353.C.1 and R.S. 40:1223.4

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49:

§1405. Use of Telepsychology by a Louisiana Licensed Psychologist

A. The use of telecommunications is not appropriate for all problems. The specific process of providing professional services varies across situation, setting and time, and decisions regarding the appropriate delivery of telepsychology services are made on a case-by-case basis.

B. Any service that would require the psychologist to personally interact with, touch, and/or examine the client may not be suitable for telepsychology. (Examples include but are not limited to the sensory-perceptual examinations of some neuropsychological assessments; and examination of the client for signs of movement) disorders like the AIMS and Simpson-Angus exams. Psychologists must ensure that the integrity of the examination procedure is not compromised through the use of telepsychology.
C. A Psychologist using Telepsychology must:
1. reflect on multicultural issues when delivering telepsychology services to diverse clients;
2. obtain the necessary professional and technical training, experience, and skills to adequately conduct the telepsychology services that they provide;
3. maintain their competence in this area via appropriate continuing education. Competence includes knowledge of ethics and law applicable to the use of telepsychology;
4. assess whether involved participants have the necessary knowledge and skills to benefit from those services.

D. If the psychologist determines that telepsychology is not appropriate, they inform those involved of appropriate alternatives.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2353.C.(1) and R.S. 40:1223.4

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49: (Fall 2023)

§1407. Responsibilities of the Louisiana Licensed Psychologist utilizing Telecommunications

A. Psychologist and Client Identity and Location
1. At the beginning of a Telepsychology session with a client, the following essential information shall be verified by the psychologist.
   a. Psychologist and Client Identity Verification. The name and credentials of the psychologist and the name of the client shall be verified. The originating site of the client shall be verified as within Louisiana.
   b. Psychologist and Client Location Documentation. The location where the client will be receiving services shall be confirmed and documented by the psychologist. Documentation should at least include the date, location, duration and type of service.

B. Secure Communications/Electronic Transfer of Client
1. Psychologists use secure Health Insurance Portability and Accountability Act (HIPAA)/Health Information Technology for Economic and Clinical Health (HITECH) Act compliant communications.

C. Non-Secured Communications
1. Obtain consent for use of non-secured communications.
2. In cases of emergency, non-secured communications may be used with the consent of the patient and/or at the discretion of the psychologist based on clinical judgment.

D. Informed Consent
1. A thorough informed consent at the start of all services shall be performed.
2. The consent should be conducted in real-time.
3. Local, regional and national laws regarding verbal or written consent shall be followed.
4. The consent should include all information contained in the consent process for care including confidentiality and the limits to confidentiality in electronic communication:
   a. an agreed upon emergency plan, particularly in settings without clinical staff immediately available;
   b. the potential for technical failure, process by which patient information will be documented and stored;
   c. a protocol for contact between sessions; and conditions under which telepsychology services may be terminated and/or a referral made.

E. Privacy
1. Efforts shall be made to ensure privacy so clinical discussion cannot be overheard by others either inside or outside of the room where the service is provided.
2. Psychologists review with clients their policy and procedure to ensure privacy of communications via physical, technical, and administrative safeguards.

F. Emergency Management
1. Psychologists shall have an Emergency Management plan in case of emergency in a telepsychology session.
2. The psychologist’s plan should include but not be limited to: patient safety, information for patient support person, uncooperative patients and identifying local emergency personnel.
3. In an emergency situation with a patient, psychologists will follow the normal clinical emergency protocols.
4. In an emergency situation where a patient refuses to consent, emergency procedures will be followed using the pre-identified resources available at the remote site and permitted by prior consent/agreement of the client.

G. Recordkeeping
1. Psychologists ensure that documentation of service delivery via telepsychology is appropriately included in the clinical record (paper or electronic).
2. Psychologists ensure the secure destruction of any documents maintained in any media of telepsychology sessions and in accordance with APA guidelines, and all federal, state, and local laws and regulations.

H. Service Delivery
1. Psychologists are responsible for ensuring that any services provided via telepsychology are appropriate to be delivered through such media without affecting the relevant professional standards under which those services would be provided if delivered in person.
2. It is recommended that the initial interview/assessment occur in person. However, if conducted via telepsychology then the psychologist is responsible for meeting the same standard of care. This also includes but is not limited to reliability and validity of psychometric tests and other assessment methods; and consideration of normative data for such psychometric/assessment tools; maintaining conditions of administration.
3. When providing therapeutic interventions, psychologists ensure that the modality being used is appropriate for delivery through electronic media and is appropriate for delivery to individuals, groups, and/or families/couples as indicated.
4. Psychologists reassess appropriateness of the use of telepsychology throughout the course of contact with the client.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2353.C.(1) and R.S. 40:1223.4
HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

§1409. Supervision via Telesupervision
("Telesupervision")

A. In-person, face-to-face supervision remains the most appropriate and beneficial format for supervisees to learn effectively from their supervisors as well as the most appropriate format to ensure full professional responsibility for the welfare of the client.

B. Prior to conducting telesupervision, the supervising psychologist shall request pre-approval from the board by completing an application for Authorization to Provide Telesupervision and application fee.

1. The supervising psychologist shall provide an explicit rationale as to why this is an appropriate and effective form of supervision for this supervisee in this particular work setting.

2. The board may deny a request for telesupervision that is found to be inadequate or inappropriate.

C. Telesupervision shall:

1. not be the sole means of communication with a supervisee;

2. only be utilized when in-person supervision in the service delivery setting is not feasible or under other extenuating circumstances (e.g. the supervisor has taken planned medical leave and will be off-site for a month);

3. not account for more than 50 percent of the required supervisory contact for that supervisee's level of training, except under extending circumstances which have been approved by the board;

4. not be permitted for a graduate student completing their first practicum experience.

D. Individuals who are considered assistants to psychologists ATAPs or individuals completing a postdoctoral fellowship require a minimum of one hour a week of individual supervision.

1. For an assistant with lesser experience, they may require more than the minimum of one hour a week of supervision.

2. For individuals currently in training completing a pre-doctoral psychology internship, a minimum of two hours of individual supervision is required. Therefore, if a supervisee engages in telesupervision, telesupervision shall not account for more than 26 hours of the minimum requirement for individual supervision for ATAPs or postdoctoral fellows and 52 hours of the minimum requirement for individual supervision for pre-doctoral interns over the course of a year.

E. It shall be the supervising psychologist's responsibility in providing telesupervision, to:

1. maintain a license to practice psychology in the state of Louisiana;

2. maintain full legal functioning authority and professional responsibility for the welfare of the client and have functional authority over the psychological services provided by the supervisee.

3. establish a clear protocol for managing emergency consultation and be available to the supervisee as needed in the event of an emergency with a client;

4. ensure telesupervision is conducted via two-way video and audio transmissions simultaneously;

5. take into account the training needs of the supervisee and the service needs of the clients, protecting them from harm;

6. inform the supervisee of the risks and limitations specific to telesupervision, supervision, including limits to confidentiality, security and privacy;

7. identify at the onset of each contact the identity of the supervisee, as well as the identity of all individuals who can access any electronically transmitted communication;

8. inform supervisees of procedures to manage technological difficulties or interruptions in service;

9. obtain and maintain competence in the chosen telecommunication technology;

10. ensure that telesupervision is provided in compliance with the supervision requirements of Chapter 7. Supervised Practice Leading towards Licensure of Louisiana Administrative Code, Title 46, Part LXIII as well as those outlined in Chapter 11. Supervision of Assistants to Psychologists.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2353.C.(1) and R.S. 40:1223.4

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

Chapter 17. Specialty Titles

§1701. Definition of Practice of Psychology

A. The definition of the practice of psychology, as contained in R.S. 37:2352(7), is a generic description, individuals certified under the provisions of R.S. 37:2351-2367 are licensed to practice psychology in accordance with that statute and the rules and regulations of the board adopted under the provisions of state statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:602 (October 1980), amended by the Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

§1702. Definition of Psychological Testing, Evaluation and Assessment

A. As contained in R.S. 37:2352(7), the practice of psychology includes, but is not limited to, psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning. The Board of Examiners of Psychologists finds it necessary to formally define psychological testing in order to protect the people of this state from the unlawful, unqualified and improper use of psychological tests. The intent of this rule is to provide a definition of psychological testing sufficient to allow this board to effectively regulate this aspect of psychological practice. The Board of Examiners of Psychologists recognizes that, except as otherwise provided by law, psychological testing may only be administered and interpreted by a person duly licensed as a psychologist by this board under R.S. 37:2351 et seq., or by a person under the direct supervision of a psychologist, provided that such supervision is in compliance with the regulations of this board.

B. Nothing in these regulations should be interpreted or construed as to limit or restrict the practice of physicians duly licensed to practice medicine by the Board of Medical...
Examiners. Also, nothing in this rule should be construed as having application to any persons licensed or certified under other laws of this state when acting within the legal scope of such licensure or certification in rendering services as expressly set forth under those relevant statutes.

C. - F. 

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:496 (April 1993), amended by the Department of Health, Board of Examiners of Psychologists, LR 49:

§1705. Use of Specialty Title
A. 
B. The term specialty refers to an area within the profession of psychology which can be identified on the basis of a history and tradition of service, research, and scholarship to have a body of knowledge and a set of skills related to that knowledge base, and which is distinguishable from other such specialties.

C. 

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:602 (October 1980), amended by the Department of Health, Board of Examiners of Psychologists, LR 49:

§1707. List of Specialties
A. 
B. Those specialties which are currently recognized by the board are: clinical psychology, clinical neuropsychology, counseling psychology, school psychology, educational psychology, developmental psychology, experimental psychology, industrial-organizational psychology, and social psychology. The board may recognize other developed practice areas under training programs that are accredited by the American Psychological Association. Training programs may also combine two or three of the acceptable practice areas listed above.

C. 

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:602 (October 1980), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:1423 (November 1993), amended by the Department of Health, Board of Examiners of Psychologists, LR 49:

Chapter 19. Public Information
§1903. Public Display of Board's Address
A. There shall at all times be prominently displayed in the place(s) of business of each licensee regulated under this law the official sign provided by the board containing the name, mailing address, and telephone number of the board along with the following statement:

"BE IT KNOWN THAT THE LOUISIANA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS RECEIVES QUESTIONS REGARDING THE PRACTICE OF PSYCHOLOGY."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 15:87 (February 1989), amended LR 22:980 (October 1996), amended by the Department of Health, Board of Examiners of Psychologists, LR 49:

§1905. Petitions to the Board
A. In accordance with the provisions of Title 49 Section 953C (1), any interested person may petition an agency to request the adoption, amendment, or repeal of a rule. This section sets forth the board's procedure for their submission, considerations, and disposition.

1. Procedures for Submission. The board shall consider any petition that is signed, dated, and received by the board via USPS certified mail on the form specified by the board.

2. The form shall require the name and contact information of the petitioner; reference to the specific statutory or regulatory provision the petitioner is seeking to change; reason(s) for the request; the petitioner's personal interest in the requested change; and/or the petitioner's professional interest in the requested change.

B. Disposition

1. Upon receiving a petition, the agency shall acknowledge its receipt and docket the petition for review at the next regularly scheduled board meeting.

2. The board shall provide a response to the petition within 90 days of submission. The board's response will include its determination to either deny the petition, stating reasons in writing for the denial, or notify the petitioner of its intent to initiate rulemaking proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 49:

Family Impact Statement
The Board of Examiners of Psychologists hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule related to the licensing fees imposed by this agency are not anticipated to have an impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; behavior and personal responsibility of children as it relates to promptly facilitating the licensure of qualified professionals who may work with families and families of school aged children to promote their health, education and well-being; family earnings and family budget; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement
The proposed modifications impact psychologists, provisionally licensed psychologists, and specialist in school psychology in the interest of the health, safety and the welfare of the public. The rules do not have any known or foreseeable negative impact on any child, individual or family as defined by R.S. 49:973.B. Specifically, there is no known or foreseeable effect on: household income, assets, and financial security; early childhood development and preschool through postsecondary education development; employment and workforce development; taxes and tax credits; or, child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement
The proposed rules do not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or
qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All comments must be submitted by noon on November 11, 2022.

Public Hearing

LSBEP will conduct a public hearing at noon on November 18, 2022, at the board office located at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Jaime T. Monic
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Training, Credentials and Scope of Practice for Neuropsychology Specialty Designation and Provisional Licensure

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will result in a one-time publication expense of approximately $3,984 for the LA State Board of Examiners of Psychologists (LSBEP) in FY 23. The proposed rule changes will not affect expenditures of other state or local governmental units. The proposed rule changes ensure that the requirements for supervision, training, and credentials of Licensed Psychologists align with current statutory requirements, practices, and nationally recognized standards. The proposed rules are considered vital to public protection, remove obstacles to licensure and practice, replace ambiguous language and grammar, correct outdated statutory references, and comply with statutorily mandated rulemaking requirements regarding telepsychology and procedures for petitioning the LSBEP.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will affect revenue collections for the Louisiana Register as a result of the one-time publication expense of approximately $3,984 by the LSBEP in FY 23.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit LSBEP applicants for licensure, as they clarify training and education requirements currently offered by doctoral training programs thereby removing unnecessary and outdated obstacles to licensure and practice that would stifle economic opportunity and growth. The proposed rule changes will benefit Licensed Psychologists by aligning with nationally accepted standards and creating mobility and ease of individuals moving to Louisiana. The proposed rule changes may result in costs to Licensed Psychologists who elect to engage in the provision of services via telecommunications to ensure HIPAA/HITECH compliant services, these costs are not unlike expenses incurred when establishing a secure practice in a physical location.

Furthermore, such costs may be offset by eliminating expenses for travel, real estate, and an opportunity to reach a larger client base. Additionally, consumers of psychological services will benefit from greater accessibility to services, especially individuals living in rural areas with limited access to care.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are anticipated to have a positive effect on competition and employment by eliminating obstacles to licensure and practice that would stifle economic opportunity and growth and allowing for mobility and ease of individuals moving to Louisiana.

Jaime T. Monic
Executive Director
Alan M. Bixler
Interim Legislative Fiscal Officer
22118011
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing

Early and Periodic Screening, Diagnosis and Treatment
Personal Care Services—Personal Care Workers Wage Enhancement (LAC 50: XV. 7321)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50 XV. 7321 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing reimbursement for personal care services (PCS) provided to beneficiaries in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program in order to remove outdated language regarding a wage enhancement that is not applicable to the current EPSDT-PCS program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment
Chapter 73. Personal Care Services
§7321. Reimbursement
A. - A.2. ...
B. - B.1.b. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:179 (February 2003), amended LR 33:2202 (October 2007), promulgated LR 33:2425 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2561 (November 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:908 (July 2019), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.
January 9, 2023

MEMORANDUM

IN RESPONSE TO COMMENTS RECEIVED BY THE LSBEP

DURING A PUBLIC RULES HEARING HELD ON FRIDAY, DECEMBER 16, 2022

RE: Louisiana Register Volume 48 No. 11, November 20, 2022.

a. NOTICE OF INTENT: Training, Credentials and Scope of Practice for Neuropsychology Specialty Designation and Provisional Licensure; other technical corrections (LAC 46:LXIII. 100, 102, 103, 108, 201, 303, 305, 307, 701, 702, 705, 709, 1002, 1201, 1205, 1213, 1401, 1403, 1405, 1407, 1409, 1701, 1702, 1705, 1903, 1905 and amend Sections 3402 and 3403)

b. NOTICE OF INTENT: Registration of Assistant to a Psychologist (LAC 46:LXIII. 601, 1100, 1101, 1103, 1105, 1107, and 1109)

c. NOTICE OF INTENT: Continuing Education, Exemptions and Fees (LAC 46:LXIII. 601, 603, 803, 805, 806, 811, 905 and 4001)

d. NOTICE OF INTENT: Code of Ethics for Licensed Specialists in School Psychology (LAC 46: LXIII. Sections 4201, 4203, 4205, 4207, 4209, 4211)

The LSBEP conducted a formal hearing on the rules on December 16, 2022, one individual from the public attended and was requested by LSBEP to comment with information on the process of registering assistants, based on her knowledge and experience with the process as director of the Louisiana Behavior Analyst Board. Written comments received prior to the hearing were read into the record and discussed by the Board of Directors.

Roster of Attendees (In-person and Virtual):

Board Members Present: Dr. Greg Gormanous, Dr. Michelle Moore, Dr. Shannae Harness, Dr. T. Shavaun Sam and Dr. Matthew Holcomb; Board Members Absent: Mr. Chance McNeely; Staff Present: Executive Director, Jaime T. Monic
Guests Present: Rhonda Boe, Jonathon Wagner

Zoom Attendees: LSEBP Staff Jalyne Brown, Richard Niolon, Ph.D., Kim VanGeffen, Ph.D., Dr. Chelsey Mahler, Beth Arrendondo, Chloe Brubaker, Stevie Faust, Lacey Moffatt, Julie Nelson, Clifton Mixon, Dr. Myers, Paula Zeanah

Oral and written comments were received related to rule changes involving the registration of assistants; telesupervision; continuing professional development, doctoral program in psychology and clinical neuropsychology.

Comments were both in support and opposition of the rule changes. However, the majority of comments received were questions and suggestions for improving rules and/or roll out procedures. This response focuses on providing a summary of questions, concerns, and suggestions offered by individuals who commented.

All written comments were read into the record and are attached to this document. The written comments were from many people who were attending virtually, including Kim VanGeffen, Ph.D., Dr. Chelsey Mahler, Dr. Beth Arrendondo, Dr. Julie Nelson, Dr. Clifton Mixon, Dr. Tina Myers, and Dr. Paula Zeanah.

LSEBP also requested oral comments from a member of the public who attended in person. Immediately following the hearing, the Board of Directors, being sensitive to public attendees, next devoted time and discussed most of the comments. Those deliberations resulted in several important non-substantive tweaks.

➤ **Summary of questions, concerns and suggestions received related to proposed rules regarding the Registration of Assistants.**

- **General concerns included statements that the changes were financially driven along with suggestions to alternately increase the renewal fee for licensed psychologists;**
- **Concerns that the language under 1101.A. “Upon employment of an ATAP…” would create a hardship on the business, the psychologist, the assistant, or all of above if employment is required prior to the approval of an ATAP’s registration;**
- **Concerns that the minimum education was set at a high-school diploma;**
- **Conflicting concerns were raised regarding requirements for in-person supervision:**
  a. “I know that many of my colleagues who currently utilize ATAPs would request that a psychologist be able to supervise off-site. While low-risk cases are likely to not present a challenge, even low-risk cases can turn into high-risk cases between sessions. I encourage LSEBP to maintain that the supervising licensed psychologist (LP) or assigned alternate LP competent in the area of service be on site when the ATAP is interacting with patients.”

  b. “The requirement to require an on-site supervisor whenever services are being offered also notes that "exceptions to this provision" may be approved with no details provided as to what would qualify. As noted in discussion on the LPA listerv, this is a burdensome requirement on small practices that does not seem clinically necessary to protect patients (e.g., if the supervising psychologist is virtually available or available by phone).”

  c. “… the requirement to be present in person limits expansion of access to services via telespsychology. Provision of psychological services no longer has to be done in person, and the supervisory requirements should match the acknowledgement of the expansion of access to the supervising psychologist. CMS recognized this change by including Behavioral Health Services in “Incident to” supervision to expand access to and coordination of mental health services in rural/underserved areas where masters’-level practitioners represent a substantial segment of the
mental health providers. Consider language clarifying in person in the context of telepsychology and tele-supervision.

- **Conflicting statements regarding Grandfathering were raised:**
  a. "I know that many of my colleagues who currently utilize ATAPs would request existing ATAPs be grandfathered in. I request that the board require currently employed ATAPs to register and meet the minimum criteria, have a background check (may be done prior to the new rule), and pay the registering fee. My rationale is that the purpose of this fee bill is both to protect patients and develop a source of income for the board. Grandfathering will diminish the board’s ability to accomplish both of these goals."
  b. "I invite the board to please consider a grandfather clause for individuals currently working as ATAPs. Without this clause, there will be a disruption of current psychological work that would harm the practice and potentially harm the public as many ongoing services would need to be rescheduled and delayed in a time of mental health crisis and provider shortages. I would recommend 1 year for all current ATAPs to become registered following implementation of the new rule."

- **Questions about applicability:** Who will be required to register as assistants? Will a Licensed Professional Counselor (LPC) be required to register as an assistant, are Medical Psychologists exempt? Will this only apply to psychometrists? Please consider adding “psychometrists” to the list of allowable terms under § 1101.F.

**LSBEP’s Response to Comments, Questions, Concerns regarding the Registration of Assistants:**

In 2021, the LSBEP and Louisiana Psychological Association (LPA) testified before the legislature on a fee bill that was a compromise to previously proposed statutory changes that were being sought to clarify the legislature’s expectations in LSBEP’s charge to regulate the profession of psychology. The result was Act No. 238 of the 2021 Regular Legislative Session. During testimony presented by then Chairperson, Amy Henke, legislators raised concerns that LSBEP did not already require the registration of assistants and criminal background check, noting persons could not work in other occupations without having completed background checks.

LSBEP will generate fees in the course of registering assistants to psychologists. Fees are intended to support staff and technology required to carry out LSBEP’s the mission of public protection charged by the Louisiana Legislature.

LSBEP is required to regulate assistants pursuant to Psychology Practice Act (La. R.S. 37:2351-2378, et al). Currently regulations exist related to the how an assistant may be utilized. The proposed rules address this charge and the need for change arose from a growing concerns brought about from issues involving ATAP’s conducting assessments.

Some comments received during the current rulemaking process seemed to support concerns that individuals either lacked awareness or understanding of the current regulations. Another comment that it would be a problem for psychologists in hospital-based and other institutional settings to change job descriptions to require that the supervising psychologist "be vested with functional authority" over the ATAP. Note this is a current requirement of supervising psychologists.

Regarding the concerns that the language under 1101.A. "Upon employment of an ATAP..."would create a hardship on the business, the psychologist, the assistant, or all of above if employment is required prior to the approval of an ATAP’s registration, it is the intention of the proposed rule that as a condition for an ATAP to assist in the provision of psychological services, the licensed psychologist must register their ATAP. The Board of Directors found these comments to be valid. In response, the LSBEP will request
a non-substantive change, to added clarifying language under §1101.A. so that the proposed rule reads, “Upon, or pending, employment of an ATAP…”

Addressing the minimum standard of requiring a high school diploma as a requirement for registration: The LSBEP did consider level of education when developing these standards and determined that there may be instances where a high school diploma is sufficient for supervised services. Higher levels of education may be required for more complex services, and Licensed Psychologist should consult best practices/test administration standards to ensure that an ATAP’s qualifications are commensurate with the services to be performed (see also §1101.A.5.). For example, in the provision of services for autism related disorders by Behavior Analysts who are licensed under the Louisiana Behavior Analyst Board, a high school diploma is the minimum standard for the registration of a Line Technician. Such services are also within the scope of practice of a Licensed Psychologist who may utilize an ATAP in the same capacity. Raising the educational requirements could result in unintended restrictions to practice.

Addressing concerns of In-person Supervision of ATAP’s, it is indeed the intention that Continuous Professional Supervision of an unlicensed ATAP occur in-person. This is actually a requirement under the current regulation. As one commenter stated, “While low-risk cases are likely to not present a challenge, even low-risk cases can turn into high-risk cases between sessions. I encourage LSBEP to maintain that the supervising licensed psychologist (LP) or assigned alternate LP competent in the area of service be on site when the ATAP is interacting with patients.” The Board agrees and will move forward with the current language noting that there is currently and will continue to be an option for the supervisor to request an exception from this standard. This exception must have prior approval by the Board.

Addressing comments and concerns regarding grandfathering: The proposed rules take into consideration a recent performance audit concluded on June 1, 2022 by the Louisiana Legislative Auditor (LLA). In the LLA’s report, the auditor recommended to the legislature that LSBEP strengthen its regulation of the profession of psychology, and that background checks be conducted on all applicants…”. LLA cited regulatory practices of other Louisiana and regional boards and cited issues in relying on licensees to self-disclose violations during the renewal process. LLA noted that, “The Rap Back service allows LSBEP to receive ongoing status notifications of any criminal activity on licensees with a completed criminal background check, thus eliminating the need for repeated background checks on the same licensee.” Therefore, the board intends to require registration and a background check for all currently employed and future ATAP’s. However, the Board is developing rollout procedures and education to avoid any disruption to psychological services by currently employed ATAP’s. Additionally, while the registration of current ATAP’s will be given deference, should an issue arise through the registration process that is unable to be resolved through education, the Board will act according to the procedures outlined in the proposed §1107 in the interest of the public.

To address the questions of applicability, the proposed rule defines ATAP’s as “a non-licensed individual who aids a Licensed Psychologist in the provision of psychological services to patients and clients.” This would include anyone engaged in the Practice of Psychology as defined under LA R.S. 37:2352. A front desk person, receptionist, billing department etc. solely engaged in administrative/clerical duties would not be required to register. There are exemptions in the proposed rule under §1109.Exceptions to the Registration of an Assistant to a Psychologist that clearly outline exceptions and exemptions, including “A medical psychologist utilizing assistants under the provisions of RS 37:1360.61 under the jurisdiction of the Louisiana State Board of Medical
Examiners; and "Members of other professions who are working in association or collaboration with a Licensed Psychologist, and who are licensed or certified under the laws of this state to independently render and bill for services that are consistent with their scope of practice under the jurisdiction of their respective license or certification."

➤ **Summary of questions, concerns and suggestions received related to proposed rules regarding Continuing Professional Development.**

- Concerns that the continuing professional development changes change some of the previous standards and automatic approvals.
- Does the board now have to approve what was previously approved based on the rules alone?
- Does the term "specifically offer" mean something more than offer?
- Concerns were raised that §805. part E. restricts sponsors of continuing education that meet criteria for approval under part B from using language saying that they meet requirements for licensure.

**LSBEP’s Response to Comments, Questions, Concerns regarding Continuing Professional Development:**

The proposed rules related to Continuing Professional Development (CPD) do change some of the previous standards and automatic approvals. The following information was presented to LPA regarding these changes, specifically that the proposed CPD changes:

- Remove obsolete transitional language from 2014 and 2015 CPD rollout.
- Add a requirement that (2) of the 40 hours that are currently required must be within the area of multiculturalism or diversity.
- Remove the categorical requirement in consideration of least restrictive requirements for license renewal.
- Define activities that are "automatically approved" by the Board as Workshops, Conference Workshops/Training Activities that that have Board approved sponsors.
- Create an optional procedure for an individual or entity that is not "automatically approved" to apply for a one-time approval of an offering or activity, with an option to submit an application for renewal of the approval. This procedure broadens the options for the licensee and increases competition for continuing education providers.
- Create an optional procedure for a licensee to request "preapproval" of a course or activity that is not defined as "automatically approved".
- Redefine those categories within which a licensee may request "preapproval". This procedure broadens the options for the licensee and increases competition for continuing education providers.
- Create a deadline for the licensee to request "preapproval" of not later than June 30th of their reporting year.
- Create an optional retired status for eligible licensees: "Psychologist Emerit: Retired".
- Create definitions, criteria and a procedure for requesting Emerit status.
- Create a procedure for Emerit to return to practice.
- Provide that "Psychologist Emerit: Retired" are exempt from Continuing Education requirements.

The changes are necessary to alleviate issues surrounding improper reporting by psychologists in hopes that it will reduce or alleviate reporting issues, encourage appropriate activities and reduce the work
involved in audits. These issues arose out of an amendment promulgated in 2013 which created 3 categories (9 sub-categories) of CPD and a requirement that CPD be obtained in at least 2 of the 9 categories. Since this change, the Board has noted issues in individuals not understanding the regulations and misclassifying their CPD causing improper reporting by psychologists. The LSBEP annually conducts continuing education audits of 10% of the reporting population, approximately 40 individuals (a minimum of 40 hours each report, but usually more) of CE. In these audits, the LSBEP reviews the sponsorship and activities to ensure that they meet the continuing professional development requirements under Chapter 8. It is common that activities are rejected and additional CE is required at the expense of the licensee in order to meet the established requirements. Licensees attempt to claim a single professional consultation which does not meet the requirement for CPD. In these instances, that individual is flagged for future reports and the amount of time that the licensee has to obtain CE for the next reporting period is reduced, and in some cases delays the license renewal/reinstatement. This also makes more work for the LSBEP in correspondence, requires the LSBEP grant extensions and track those extensions until the requirements have been fulfilled.

The proposed rule simplifies the process by minimizing those activities that are pre-approved to approved sponsored workshops or conferences, while also leaving the option to seek pre-approval for non-traditional activities that have proved to be problematic when left to the judgement and discretion of individual licensees.

The proposed rules do not require a licensee to seek preapproval for CPD that meets the standards for sponsorship, objectives and activity.

Regarding the question related to the language, "specifically offer." In this instance, "specifically offer" is referring to "Acceptable sponsors of continuing education" and means that the organization expressly offers or approves continuing education at a graduate or post-doctoral level to psychologists.

Regarding the comments related to the proposed §805.E. This section states that "Sponsors of CPD approved under Part "B" of this section may not advertise a CPD as board-approved or endorsed or purport that the CPD satisfies the licensure requirements set forth in §803." To clarify, §805.E. refers to those activities that do not require pre-approval by the board. In such cases, these activities will not have undergone any review by the Board to satisfy the content criteria under §801 or §803. In other words, unless the Board has reviewed and approved a specific CPD, it would be false to purport that the activity or offering is approved by the board, endorsed by the board, or that the CPD activity satisfies the licensure requirements established by the Board (see also §805.A).

Note this does not prohibit a licensee from making such determinations in selecting CPD activities or offerings based on the rules, as is currently the case. Nor does it prohibit an organization from sponsoring an activity.

➢ **Summary of questions, concerns and suggestions received related to proposed rules regarding Emeritus Status.**

- Consider that the term Emeritus is the masculine form.

**LSBEP’s Response to Comments, Questions, Concerns regarding Emeritus Status:**
The Board of Directors found this comment to be correct. In response, the LSBEP made a non-substantive change to use “Emerit” throughout the rules.

➢ **Summary of questions, concerns and suggestions received related to proposed rules regarding Licensed Specialists in School Psychology:**

- The ethics for the school specialist appear to contain political objectives, in contrast to purely scientific or professional objectives.

**LSBEP’s Response to Comments, Questions, Concerns regarding Licensed Specialists in School Psychology:**

There is no political objective or influence for this revision. In June 2017 LSBEP promulgated the Code of Ethics for Licensed Psychologists based on advice from legal counsel that the board’s ethics code should be promulgated into regulation. This process avails itself to the rulemaking process for directly affected Louisiana licensees should these standards change. The Board is addressing consistency in its regulation of licensed specialists in school psychology. These proposed rules are modeled from the current version of National Association of School Psychologists (NASP) Principles for Professional Ethics.

➢ **Summary of questions, concerns and suggestions received related to proposed rules regarding Telepsychology/Telesupervision.**

- Concerns were raised regarding the specific language proposed in §1403. & §1409. E.4. Telesupervision and Telepsychology that has been interpreted to require only video and audio transmissions simultaneously; in other words, concerns that audio-only is not allowed in either the provision of psychological services or in providing supervision.

**LSBEP’s Response to Comments, Questions, Concerns regarding Telepsychology/Telesupervision:**

The Board of Directors found this comment correct and helpful. It was not the intent of the proposed regulations to prohibit audio only. In fact, under the currently proposed §1403.C. “Telesupervision” is defined as “a method of providing supervision to psychology trainees via two- way video and audio transmissions simultaneously or other telecommunication technologies.

[Emphasis added]” Further, §1403.D.defines Telecommunication as “…the preparation, transmission, communication, or related processing of information by electrical, electromagnetic, electromechanical, electro-optical, or electronic means (Committee on National Security Systems, 2010).”

In response, the LSBEP will clarify not to exclude audio only and made a non-substantive change to revise §1403.A. and §1409.E.4, to add language to clarify that audio only communication is allowable.

➢ **Summary of questions, concerns and suggestions received related to proposed rules regarding Training and Credentials:**

- Doctoral Program in Psychology There appears to be a typographical error in Section A graduate whose [should this be who is?] of a doctoral program, at the time of graduation, that is either accredited by the American Psychological Association..."
• **Clinical Neuropsychology** There does not appear to be a provision for the grandfathering of those psychologists who currently have a declared specialty in neuropsychology.

**LSBEP’s Response to Comments, Questions, Concerns | Basis and Rationale regarding Clinical Neuropsychology:**

The Board of Directors found this comment to be helpful regarding the grammar correction and made a non-substantive change to correct the sentence. Regarding grandfathering under the proposed rules pertaining to Clinical Neuropsychology, the proposed revisions only clarify the current requirements. Psychologists who currently have a declared specialty in neuropsychology will not be impacted.

In summary, overall the majority of commenters supported the requirement for a criminal background check. Most of the questions were related to roll out and procedures for registering assistants to psychologists (e.g., the timeline for registering current and new hires; application process/forms; administrative vs. board approval; turnaround for approval; who is responsible for the application fees; background check requirements and procedures; procedures for sharing ATAP’s; termination procedures).

These questions, concerns and suggestions will be addressed through training and education.

Sincerely,

**GREGORY KELLY GORMANUS, PH.D.**

Gregory Gormanous, Ph.D.
Chairperson

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**NOTICE: LA.R.S. 42:14.D. Public comments** – In accordance with La R.S. 42:14.D., the LSBEP shall allow public comments at any point during a meeting of the LSBEP prior to action on an agenda item upon which a vote is to be taken. Individuals who wish to comment on a matter must sign in and state their intent to comment on a matter.

La. R.S. 44:33:1 - In compliance with La. R.S. 44:33:1, the LSBEP hereby gives notice that information submitted to the LSBEP may become public record pursuant to the provisions of Louisiana Public Records Law, La. R.S. 44:1, et seq.