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, 601, 1100, 1101, 1103, 1105, 1107, and 1109 Registration of Assistant to a Psychologist

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 hereby 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 September 14, 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 (registration of assistants to psychologists): 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:

- General 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;
- Comments both in support and in opposition to requirements for in-person supervision; and
- Questions about grandfathering and applicability.

In response to the comments and questions received, the Board adopted one non-substantive clarification regarding concerns that the proposed 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. To clarify the intended purpose, which is to require registration prior to ATAP’s working with clients, the proposed rule now reads, “Upon, or pending, employment of an ATAP...”.

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:
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.
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)

Registration of Assistants to Psychologists
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: ☐

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

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.

<table>
<thead>
<tr>
<th>Business Area</th>
<th>General Ledger</th>
<th>Cost Center</th>
<th>Grant</th>
<th>Fund</th>
<th>WBS</th>
<th>Internal Order</th>
<th>Functional</th>
</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 $
requirements for licensed psychologists and specialists in school psychology; provide a framework for the aforementioned option review and approval of continuing education workshops/conferences; and create an emeritus license status for licensees of the LSBEP. The proposed rule changes also add a convenience fee for optional online payments.

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

The proposed rule changes will have an indeterminable net effect on SGR collections for the LSBEP. Included in the proposed rule changes are new fees for an emeritus status license ($100 annually) for LSBEP licensees, as well as new fees for the optional pre-approval of Continuing Professional Development (CPD) ($25). Additionally, companies and individuals who sponsor and offer CPD workshops and conferences are also offered the option to seek pre-approval ($100) and renewal ($25) of workshops and conferences offered to licensees. The aggregate net effect of the aforementioned fees is dependent upon the number of entities seeking approval of their workshops/conferences, as well as the individual activity of persons licensed by the LSBEP (see below). The revenue increases associated with the new fees for workshop/conference reviews and approvals is indeterminable because the number of entities that will seek such approval is unknown. However, any revenues raised from entities seeking workshop/conference approval will be used to defray any costs associated with reviewing the workshop/conference (see Part I). Furthermore, the net effect on revenues associated with the new emeritus status license is dependent upon retired licensees either maintaining an active license at a reduced cost of $200 annually with the ability to practice part-time, or lapsing their license should they wish to fully retire. In the case that a retired licensee allows their license to lapse, the LSBEP would realize reduced revenues of $200 per license. In the case that a fully retired licensee maintains an emeritus status license, the LSBEP would realize reduced revenues of $100 per licensee but would also maintain a revenue flow of $100 per fully retired licensee that would otherwise be lost. The net effect on revenues, as a result of adding the emeritus status license fee, is therefore indeterminable because it is dependent upon the behavior of each individual licensee, which cannot be predicted. Finally, the proposed convenience fee will mitigate costs to the LSBEP for offering and maintaining the software and technology required to process payments by credit card.

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

The proposed rule changes benefit LSBEP licensees, as they clarify requirements and qualifying courses for continuing education requirements. The proposed rule changes create a new emeritus status for licensees, which may benefit retired licensees to the extent they maintain an active license but do not practice. Persons holding an emeritus license would realize a savings of $300 annually in the aforementioned case, and would be able to revert to an active license if desired after meeting continuing education requirements and paying all associated fees. The proposed rule changes may benefit entities that host continuing professional development events, as they may now submit their materials for an optional LSBEP review and endorsement as a qualifying continuing education event for LSBEP licensees to use in advertisements. However, entities seeking such endorsement must submit a $100 fee for initial review and a $25 fee for subsequent course reviews. The proposed convenience fee will be assessed to any individual who opts to pay via credit card for fees assessed by the LSBEP. No additional fees are required for payment by check or money order.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Entities who seek and receive optional approval of their workshop/conference from the LSBEP may gain competitiveness over those that do not seek such approval. However, the aggregate effect on competition is unknown and dependent upon LSBEP licensees seeking approved courses in lieu of those that are not approved. The proposed rule changes are not anticipated to affect employment.

Jaime T. Monic  
Executive Director
2214#013  
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Board of Examiners of Psychologists

Registration of Assistant to a Psychologist
(LAC.46:46315.601, 1100, 1101, 1103, 1105, 1107, and 1109)

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 Section 1100, 1105, 1107 and 1109 and amend Sections 601, 1101 and 1103 related to the registration of assistants to psychologists 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 6. Fees

§601. Licensing Fees

A. Licensing Fees

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<td>Application for License</td>
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<td>Application for Temporary Registration</td>
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<td>Oral Examination (Licensure, specialty change or additional specialty)</td>
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<td>License Renewal Fee for Psychologists</td>
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<tr>
<td>Provisional License Renewal</td>
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<td>Application for Renewal of Assistant to Psychologist</td>
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<td>Reinstatement of Lapsed License</td>
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<td>Processing Fee for Paper Renewals</td>
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<tr>
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</table>

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.
Chapter 11. Supervision of Assistants to Psychologists

§1100. Scope and Definitions
A. Psychologists may use an assistant to a psychologist (ATAP) to aid them in the provision of psychological services to clients as defined under this Chapter. The rules of this Chapter govern the registration, utilization, and supervision of an assistant to a psychologist in conformity with RS 37:2356.C.(3). Nothing in this Chapter shall be construed as creating a property interest or right to a hearing of the ATAP.
B. The following terms are defined for the purpose of this Chapter:

1. Assistant to a Psychologist (ATAP)—a non-licensed individual who aids a Licensed Psychologist in the provision of psychological services to patients and clients. ATAP’s do not evaluate, interpret or make other judgments related to psychological tests. ATAP’s may be responsible for implementing, not designing, interventions or protocols.

2. General Professional Supervision—the direct supervisory contact with the ATAP. Supervision in this context may include activities such as individual supervision, group supervision, case management, professional development, and review of the work completed by the ATAP.

3. Continuous Professional Supervision—ongoing training and oversight for the procedure furnished under the psychologist’s overall direction and control, including maintenance of the necessary equipment and supplies. Under Continuous Professional Supervision the psychologist’s presence is not required during the performance of the procedure. However, the supervisor shall be available to the ATAP in person, during the time when the ATAP 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.

4. Supervisor or Supervising Psychologist—a psychologist licensed under the provisions of Title 37 Chapter 28 of the Louisiana Revised Statutes who shall have competence in the specific area of practice in which supervision is being given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

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

§1101. Conditions for Utilization of Assistants
A. Upon employment of an ATAP, but prior to assisting in psychological duties, the Supervising Psychologist shall submit a complete application for initial registration, required registration fee, and documentation on such form and in such manner as may be prescribed by the board to demonstrate that the registrant meets all of the following criteria:
1. is 18 years of age or older;
2. possesses a minimum of a high school diploma or its equivalent;
3. is of good moral character as determined by a criminal background check conducted under the authority of R.S. 37:2256.1 and the provisions of this Part;
4. is not in violation of any of the provisions of the La. Revised Statutes Title 37, Chapter 28. Psychologists; or the Louisiana Administrative Code, Title 46, Part LXIII; or any provision governing the practice of psychology under the jurisdiction of the board;
5. is qualified, or will receive supervised training commensurate with the services to be performed and is under the direct and continuous supervision of the Supervising Psychologist as defined in this Chapter.
B. Prior to the approval of any registration, the registrant shall initiate a criminal background check from the Louisiana State Police, Bureau of Criminal Identification and Information in accordance with this Part, and the criminal history records information report must be received and cleared by the board.
C. Upon review of the application, the board shall notify the licensed psychologist of record that the application and evidence submitted for registration is satisfactory and the registration has been approved; or that the application or evidence is unsatisfactory and rejected; or other pending status. If the application is rejected, a notice from the board shall include the reasons for the rejection.
D. An assistant to a psychologist may be dually registered and provide services under the direction of more than one supervising psychologist. A single application and fee shall be required if services are provided under a single employer or organization.
E. An approved registration shall be subject to annual renewal, during the month of July, and beginning in the year immediately subsequent to the initial registration of the ATAP.

a. The registration of an ATAP may be renewed if the psychologist of record submits to the board a renewal application and associated fee as prescribed by the board. The renewal fee shall be determined annually by the board and shall not exceed $50.

b. The registration of any ATAP that has not been renewed by the supervising psychologist during the month of July immediately following the initial issuance of the registration, shall be considered lapsed.

c. The registration of any ATAP that has lapsed due to failure to renew, may be reinstated in accordance with the provisions of section 1107 of this Chapter.
F. An assistant registered under the provisions of this Chapter shall utilize the title “assistant to a psychologist” also referred to as “ATAP” only within the context of their employment with a licensed psychologist or their employment within an agency or hospital while under the direct supervision of a licensed psychologist; other titles an assistant to a psychologist may include psychological technician, psychometrician, and other titles as approved by board.
G. An ATAP providing psychological services must be under the general and continuing professional supervision of a licensed psychologist. In order to maintain ultimate legal and professional responsibility for the welfare of every client, the supervisor must be vested with
functional authority over the psychological services provided by an ATAP.

H. Supervisors shall have sufficient contact with clients, and must be empowered to contact any client in order to plan effective and appropriate services and to define procedures. The supervisor shall be present at the point of service, for emergency consultation and intervention.

I. Work assignments shall be commensurate with the skills of the ATAP and procedures shall under all circumstances be planned in consultation with the supervisor.

J. The supervisory contact with the ATAP shall occur in the service delivery setting, unless otherwise approved by the board of examiners.

K. Public announcement of fees and services and contact with lay or professional public shall only be offered in the name of the supervising psychologist; in all advertisements and descriptions of services ATAPs shall be clearly identified as being under the supervising authority of a psychologist.

L. Billing for psychological services shall not be in the name of an ATAP.

M. A provisional licensed psychologist may not supervise unlicensed assistants.

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 5:250 (August 1979), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 36:1246 (June 2010), LR 41:2620 (December 2015), amended by the Department of Health, Board of Examiners of Psychologists, LR 49: (Feb 2023)

§1103. Responsibilities of Supervisors

A. The Supervising Psychologist:

1. is responsible for the registration and renewal of an assistant to a psychologist in conformity with this Chapter on such form and in such manner as prescribed by the board;
2. directs the provision of psychological services to clients;
3. is administratively, clinically, ethically, functionally, and legally responsible for all activities of the Assistant to a Psychologist;
4. is accountable for the planning, course and outcome of the work. The conduct of supervision shall ensure the welfare of the client, and the ethical and legal protection of the assistant;
5. is responsible for general communication regarding the needs of the clients and services rendered;
6. is responsible for continuing professional supervision of the ATAP;
7. provides general professional supervision of the ATAP that shall include one cumulative hour per week as a minimum for direct supervisory contact:
   a. exceptions to this requirement must have prior approval of the board;
   b. it is likely that more than one hour per week would be required for assistants of lesser experience;
8. shall limit the number of assistants supervised so as to ensure adequate ability to monitor services and protect the public;
9. shall be available for emergency consultation and intervention;
10. shall have competence in the specific area of practice in which supervision is being given;
11. shall maintain a record of supervision which details the types of activities in which the assistant is engaged and the level of competence in each. This record shall be kept in such form as may be prescribed by the board;
12. shall ensure the following is disclosed to the client prior to the provision of any psychological service:
   a. the psychologist of record’s full name and contact information;
   b. the extent and limits of their interaction with the client;
   c. the client’s right to meet with or communicate with the supervising psychologist or psychologist of record prior to or during the course of services rendered by an ATAP.

B. Neglect in maintaining the above standards of practice may result in disciplinary action against the supervisor’s license to practice, including suspension or revocation.

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 5:250 (August 1979), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 36:1008 (May 2010), amended by the Department of Health, Board of Examiners of Psychologists, LR 49: (FEB 2023)

§1105. Special Considerations Related to an Assistant to a Psychologist

A. A registration is not the property right of the assistant to a psychologist.

B. Nothing in this Chapter shall be construed to allow an assistant to a psychologist to:

1. independently engage in any activity or service defined as the practice of psychology in R.S. 37:2352(7) et al;
2. independently engage in psychological services outside the supervisory relationship approved through registration by the board;
3. render any diagnosis;
4. sign any evaluations or reports as the provider of record; however should be notated as having engaged in the service within the report;
5. violate any of the provisions of this Chapter or the rules and regulations adopted by the board;
6. use any title or description to represent themselves as a psychologist or imply that they are qualified to practice psychology;
7. independently advertise psychological services;
8. assign or delegate psychological duties or otherwise engage in the independent practice of psychology.

C. With regard to psychological testing, services of the ATAP shall be limited to the administration and/or scoring of standardized objective (non-projective) psychological or neuropsychological tests defined in this Part, which have specific predetermined and manualized administrative
procedures, and which entail behavioral observations, and/or recording test responses.

D. An ATAP is prohibited from evaluating, interpreting, or rendering any judgment related to psychological tests, and/or implementation of interventions or protocols unless designated and delegated by the licensed psychologist of record.

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

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

§1107. Denial, Revocation, or Lapse of a Registration for an Assistant to a Psychologist

A. The board has the authority to conduct investigations and take such actions permitted under RS 37:2351-2378, et al in matters involving the ATAP and/or their supervisor.

B. The board may deny or revoke the registration of an assistant to a psychologist (ATAP) that is in the best interest of public health, safety, and welfare for any unethical, unlawful, or other unprofessional conduct under the jurisdiction of the board.

C. Immediate action may be taken to administratively suspend an ATAP’s registration in the event information is received that the action(s) of an ATAP is causing harm to clients, is otherwise likely to cause harm to future clients or patients, or the action(s) is unethical or unlawful. Such action may be taken in instances including but not limited to falsifying information in an application; and/or receipt of information involving an arrest, warrant for an arrest, or conviction of the ATAP.

1. The supervising psychologist(s) of record shall be immediately notified of an administrative action.

2. The de-identified administrative action shall be reported to the board at their next regularly scheduled meeting.

3. The board shall have the final determination on the denial or revocation of a registration.

4. The supervising psychologist(s) of record shall be notified of the final action of the Board.

D. The registration of an assistant to a psychologist shall immediately lapse upon the occurrence of any one of the following:

1. If the supervisory relationship between a psychologist of record and the assistant to a psychologist terminates, the licensed psychologist shall notify the board in writing upon such form and in such manner as prescribed by the board. The notice shall be submitted within 10 calendar days of the termination.

2. Suspension, revocation, or other action that restricts, limits, or prohibits the utilization of ATAP’s by a psychologist, taken against the license of the psychologist of record in any jurisdiction.

3. Evidence that the assistant to a psychologist has violated any of the provisions of this Chapter or the rules and regulations of the Board.

4. Loss of license of the psychologist of record due to lapse or failure to renew.

5. Failure to renew the registration of an ATAP.

a. A psychologist of record who fails to renew the registration of an assistant to a psychologist in accordance with the provisions herein may obtain reinstatement of the lapsed registration provided the following: if the following conditions are met:

i. the assistant to a psychologist is not in violation of any of the provisions of this Chapter, or any other applicable laws;

ii. the psychologist of record submits to the Board a renewal application as prescribed by the Board; along with a late renewal fee which shall be the sum of the current ATAP application fee, plus the ATAP renewal fee.

E. It shall be considered the unlawful and unauthorized practice of psychology for an ATAP to continue to provide services without a current, valid, and unrestricted registration issued under this Chapter.

F. Nothing in this section shall be construed as creating a property interest or right to a hearing of the ATAP.

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

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

§1109. Exceptions to the Registration of an Assistant to a Psychologist

A. The provisions of this Section shall not apply to the following:

1. A medical psychologist utilizing assistants under the provisions of RS 37:1360.61 under the jurisdiction of the Louisiana State Board of Medical Examiners.

2. An individual licensed under this part as a licensed specialist in school psychology who is providing services defined under RS 37:2356.3.

3. A matriculated graduate student whose activities constitute a part of the course of study for a graduate degree in psychology at a school or college.

4. An individual who is an applicant for licensure under this Chapter and who is pursuing post-doctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under this Chapter.

5. An individual engaged in academic or research activities that are not defined as the practice of psychology under RS 37:2352.7.

6. 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.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, 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
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 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 rule changes will impact only LSBEF 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 12 noon on December 12, 2022.

**Public Hearing**

LSBEF 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 ("LSBEF" 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 requisite standards 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. The proposed rule changes will affect self-generated revenue (SGR) collections of the LSBEF estimated to be $21,000 for FY 23 including the initial registration of approximately 420 ATAP’s at $50/registration, and $18,650 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 $30.

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

The proposed rule changes will affect self-generated revenue (SGR) collections of the LSBEF estimated to be $21,000 for FY 23 including the initial registration of approximately 420 ATAP’s at $50/registration, and $18,650 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 $30.

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

The proposed rule changes will impact LSBEF 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 serve a larger and client base than if working independently. It is anticipated that by providing minimum requisite standards for registration 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

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:LVIII.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, 1905, 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
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. Shannahae 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: LSBEP Staff Jalynne 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 Zeannah

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 Zeannah.

LSBEP 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:
  - "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 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 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)."
  - "... the requirement to be present in person limits expansion of access to services via telepsychology. 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 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 Emeritus: Retired".
- Create definitions, criteria and a procedure for requesting Emeritus status.
- Create a procedure for Emeritus to return to practice.
- Provide that "Psychologist Emeritus: 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. Telepsychology and Telesupervision 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 GORMANOUS, PH.D.
Chairperson

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.