

MINUTES
Friday, December 4, 2020
Louisiana State Board of Examiners of Psychologists
AdHoc Legislative Collaborative Committee (ALCC)
Senate Bill 458 – Luneau

Dr. Gormanous called the meeting to order at 1:10pm on Friday, December 4, 2020 for the purpose of discussing Proposed SB458-Luneau, related to the Psychology Practice Act. Participants joined via Zoom, and in accordance with proclamation JBE2020-30 Section 4, and 38-JBE-2020(J) and Notice properly published on the website of the Board at www.lsbep.org on June 25, 2020 with options to join at:

<https://us02web.zoom.us/j/86044180760?pwd=MEZ2NDF5dXlJV3VuOEZ3WW1ycTYxUT09>

Meeting ID: 860 4418 0760 Password: 4yn2eEOne tap mobile: +13126266799, 86044180760#, 1#,446166# US (Chicago) +19292056099, 86044180760# ,1#,446166# US (New York); Dial by your location:+1 312 626 6799 US (Chicago); +1 929 205 6099 US (New York); +1 301 715 8592 US (Germantown); +1 346 248 7799 US (Houston); +1 669 900 6833 US (San Jose); +1 253 215 8782 US (Tacoma); Meeting ID: 860 4418 0760 Password: 446166; or Find your local number: <https://us02web.zoom.us/j/kd9NLo88GD>

COMMITTEE MEMBERS

Greg Gormanous – LSBEP – Present	Amy Henke – LSBEP Present
D. Chance McNeely – LSBEP – Partial attendance	
Erin Reuther – LPA - Present	Kim VanGeffen LPA - Present
Matt Holcomb – LPA - Present	
Kim Sherman – LSPA - Present	Carmen Broussard -LSPA - Present
Brandon Wilks – LSPA - Absent	

Jaime Monic, LSBEP Executive Director was in attendance to facilitate the meeting, provide information and note-taking.

The ALCC reviewed and discussed the Minutes from Friday, August 7, 2020. Dr. Amy Henke moved to approve the minutes. The motion being put to a vote of the ALCC members present, passed without objection. Dr. Gormanous abstained since he was not present for the August 7, 2020 meeting.

The ALCC reviewed and discussed the following specific sections:

1. Previous revisions creating limitations for Assistants to Psychologists. The ALCC discussed and agreed to remove the language referring to *Assistant to Psychologist*, from the scope of practice of psychology (definition) to section 37:2356.4 *Assistants to psychologists; registration, supervision, renewal, lapse, termination, reinstatement and scope of practice.*
2. Section 37:2353.B.6. was reviewed. The ALCC agreed to add a second sentence to this provision to bifurcate the actions the board may take in the licensing process vs. the registration process [of an assistant to psychologist].

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3. LPA representatives requested to remove 37:2353.B.15. related to the Board's authority to provide education. Representatives from LSBEP and LSPA did not agree this language should be removed.
4. ALCC agreed that further legal review of 37:2353. B.3.e regarding authority of Executive Director should be conducted ensure the Executive Director's authority to coordinate and fulfill the functions as directed by the board (e.g. complaint investigations) but not to act independently.
5. The ALCC discussed section 37:2354.G.5. with regard to "continuing professional development". The ALCC discussed adding language to ensure that the fees assessed to a sponsor or individual would be for "preapproval" of an activity, to clarify that the Board would not be charging each individual to review and approve their continuing education activities.
6. The ALCC discussed 37:2354.G.6. related to other "application fees". New language was added to provide for the Board's ability to recoup fees for *optional* special services provided for through rulemaking.
7. The ALCC discussed 37:2354. J. related to administrative fees and agreed this section should be deleted.
8. The ALCC discussed 37:2356.4 Assistant to psychologists:
 - **Section C.4 & 5** LPA requested that the language "Has supervised training commensurate with the services to be performed by the registrant as defined in the rules and regulations of the board " be deleted because it would remove the discretion of the psychologist to determine what qualifications were appropriate for services they wanted to provide. LSBEP and LSPA disagreed and argued that rulemaking would be required to establish such requirements, which would not remove a psychologist's discretion, but would set boundaries for the purpose of public protection.
 - **Section F.1-4.** The ALCC discussed this section in conjunction with the limitations listed under the Scope of Practice of Psychology. The ALCC agreed to keep this section, and move the language, "*Psychologists may utilize assistants in the provision of psychological services to patients and clients limited to the administration and scoring of standardized objective (non-projective) psychological or neuropsychological tests which have specific predetermined and manualized administrative procedures which entail observing and describing test behavior and test responses, and which do not require evaluation, interpretation or other judgments; implementation of interventions and protocols designed and delegated by the licensed psychologist. Psychologists may also utilize assistants in conducting research involving the practice of psychology.*" From the definitions 37:2352. Practice of Psychology to 37:2356.4 Assistants to psychologists; registration, supervision, renewal, lapse, termination, reinstatement and scope of practice.
 - **K.1.** The ALCC agreed to seek legal review to ensure that a psychologist would only be required to report terminations for violations of ethical or legal problems, not for other reasons like the individual quits, or downsizing.

- LPA requested removal of language enabling the Board to define specific qualifications. They recommended that the board should only get to know the name and make sure the applicant is safe to interact with the public through the background check. LSBEP and LSPA did not agree with this recommendation and expressed concerns for public protection.
 - The ALCC agreed that it was important to keep language explicit that a registration is not a property right. LPA reiterated that they would not be in favor of the Board publishing a list of assistants.
 - LPA reiterated that they did not want to make psychologists report specifics on qualifications of their assistant or specifics on what their assistants are doing.
9. The ALCC reviewed 37:2365. Scope of Chapter to ensure the revisions clearly addressed exemptions related to graduate students and university or college faculty. Specifically, that there were no loopholes that would enable these individuals to engage in the provision of services to clients without either being licensed or under direct supervision.
 10. The ALCC also discussed revisions to the new definition of the practice of psychology and the impacts on I/O psychologists. Dr. Gormanous agreed there was clarity, but disagreed that there was any new licensing requirement created that was not previously already established or required.

Ms. Monic reported on the Board's request that the ALCC finalize their recommendations and submit them to the Board to review by January 2021. Ms. Monic advised that the January board meeting date was set for January 28 and 29, 2021. The ALCC discussed this directive and set a date to meet on January 8, 2021.

Prior to this date, Ms. Monic agreed to provide a detailed report including a list of changes and concerns that were brought up but were not agreed on. Ms. Monic agreed to seek legal review of the specific items that the ALCC discussed on this date. The draft report to be provided to the ALCC for review and discussion prior to their meeting on January 8, 2020.

Dr. Henke moved to adjourn at 4:07pm. The committee discussed the motion,