



# LOUISIANA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

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# NEWSLETTER

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## UNDERSTANDING THE STATUTORY AND RULEMAKING PROCESS IN STATE GOVERNMENT

BY AMY HENKE, PSY. D.



The Louisiana State Board of Examiners of Psychologists operates under the executive branch of the state government, with legislative oversight by the House and Senate Health and Welfare Committees, House and Senate Committees on Governmental Affairs, or any legislative committee with an interest in the affairs of the board. As such, boards and commissions have the opportunity and responsibility to bring forth factual information

and recommendations when a need for any statutory change is identified, when information is sought from the Board by the legislature, or when legislation is proposed that would impact the board's ability to fulfill its mission. When there are statutory changes, Rulemaking is likely to follow as Rules explain and clarify laws in greater detail. For example, while a statute may give a Board authority to charge fees to operate, fees are defined within Rules.

### **Why should Psychologists care?**

LSBEP has been discussing the need for changes to the statutes that govern the practice of Psychology since before the October

2019 Long Range Planning Meeting. Following that meeting, an initial draft was created and shared with leaders of the professional associations in February 2020, including Louisiana Psychological Association (LPA), Louisiana School Psychological Association (LSPA), and Louisiana Association of Medical Psychologists (LAMP). Shortly after, the **Ad Hoc Legislative Collaborative Committee (ALCC)** was formed, consisting of representatives from each organization, as well as the legislative committee from LSBEP. Members of the ALCC committee have included Kim Sherman, Ph.D. (LSPA), and Brandon Wilks, S.S.P. (LSPA), Carmen Broussard, Ph.D. (LSPA), Erin Reuther, PhD, ABPP (LPA), Matthew Holcomb, PhD (LPA), and Kim Van Geffen, PhD (LPA). Although LAMP was afforded the opportunity to attend these meetings, they declined providing the proposed changes did not impact Medical Psychologists.

It was agreed upon that the goal of the committee would be to reach consensus wherever possible and work in good faith to produce a thoughtful document reflective of the input provided by representatives from the various associations and the Board. Since the inception of the ALCC, we have met 11 times, with each session lasting 1-3 hours. Each meeting resulted in the creation of formal minutes, which were then amended or approved at the following meeting to ensure clarity and consistency in the process. Line by painstaking line, the proposed legislation was reviewed, debated, revised, and a general consensus was agreed upon. In addition, ALCC members spent time outside of meetings to review the proposed changes with their respective committees. Many volunteer hours of our fellow psychologists from both the Board to the professional associations have been dedicated to the creation of this legislation!

Not every decision was easy and spirited debate was present throughout. However, the process has been collaborative and transparent. Different perspectives were encouraged and respected. I was personally very proud to work on something where the committee members appeared dedicated to ensuring a strong product and approached the process in a genuine and collaborative way.

### **Why Now?**

Statutorily, several housekeeping and substantial changes are needed. The definition of the practice of Psychology for instance, is not as well-defined and clear as the proposed version. Additional changes are needed to ensure ongoing protection of the public through registration of unlicensed assistants, as well as modernization procedures including allowing Early Career Psychologists to run for a seat on LSBEP.

The Board has delayed Rule Making for several years for a variety of reasons including thoughtful debate on the issues, time constraints, and a global pandemic. Rules are intended to clarify Statute, and as the Board prepares to introduce the above statutory changes, it is important to ensure that Rules are consistent with the intent of the proposed changes in law.

### **Steps for Rulemaking**

For those who do not study Rulemaking as a hobby, LSBEP would like to provide education regarding the process and the embedded checks and balances.

1. Following the North Carolina Dental Board Supreme Court decision in 2015, the Louisiana Legislature created the Occupational Licensing Review Commission (OLRC). The purpose of this commission is to review any changes to Rules proposed by various boards and commissions to ensure fairness and necessity. This commission represents Step 1 of the Rulemaking Process. Boards request placement on the OLRC docket in order to request permission to engage in Rulemaking. At this time, the commission has the opportunity to ask questions about proposed changes and request additional information. If approved, the board may begin to engage in the Rulemaking process.

2. Once boards are approved by the OLRC to begin the Rulemaking process, proposed changes in the Rules are sent to the Legislative Fiscal Office (LFO) for review. The purpose of this is to review the financial impact of proposed Rule Making.
3. If approved by the LFO, the proposed changes are published in the Louisiana Register for a period of three months for public comment and input.
4. If substantive changes are made from this period, the proposed changes are published for an additional three months of public comment and input.
5. If no further changes are made, the board requests a second review by the OLRC. At this point, the proposed rules are voted upon by the commission.
6. If approved, the proposed changes are published as a Rule.

This means that Rule Making is a heavily reviewed process that takes – at minimum – 6 months from start to finish. The process is time and labor intensive and involves significant time for public comment and feedback. LSBEP plans to draft Rules at its upcoming Long-Range Planning Meeting this month.

In closing, LSBEP remains very grateful to the hard work of the ALCC committee over the last 10 months. Our annual Long-Range Planning meeting was delayed allowing for additional time to go over the proposed legislation and LSBEP is confident we are ready to begin both the legislative and Rulemaking processes.

### **UPCOMING DATES OF INTEREST**

**Thursday and Friday, January 28-29, 2021 - 8:30AM, LSBEP Board Meeting, Video Conference**  
**Friday, February 19, 2021 - 8:30AM, LSBEP Board Meeting, Place TBD**

## **CONGRATULATIONS NEW LICENSEES!**

### **October 2020**

Sean A. Lajaunie, Ph.D.  
 Sunni J. Primeaux, Ph.D.  
 Bradley K. Potts, Ph.D.  
 Russell S. Anderson, Ph.D.  
 Danielle M. Cohn, Ph.D.

### **November 2020**

Kate E. Glywasky, Psy.D.  
 Yelena L. Johnson, Ph.D.  
 Sonya H. Lydick, Psy.D.  
 Jennifer B. Rious, Ph.D.  
 Arielle A. Brown, Ph.D.  
 Hannah L. Samaha, Ph.D.  
 Nicholas T. Tworek, Psy.D.

### **December 2020**

Kara M. Dingess, Ph.D.  
 Chelsea R. Ennis, Ph.D.  
 Edwin A. Brennan, Ph.D.  
 Taylor M.G. Terrebonne, Ph.D.  
 Angelia R. Spurgin, Ph.D.  
 Krishnan R. Mohandie, Ph.D.  
 Carmen Pulido, Ph.D.  
 Shawn P. Gilroy, Ph.D.

**WISHING YOU ALL THE BEST!  
FROM THE LSBEP TEAM,**

**BOARD MEMBERS**

**Chair:** Amy M. Henke, Psy.D.

**Vice Chair:** Gina L. Gibson, Ph.D.

**Member:** Gregory Gormanous, Ph.D.

**Member:** Michelle B. Moore, Psy.D.

**Public Member:** D. Chance McNeely, MPA

**Member:** Shannae Harness, Ph.D.

**PERSONNEL**

**Executive Director:** Jaime T. Monic

**Compliance Officer/Investigator:** Justin Owens

**CONTRACT PERSONNEL**

**Accountant:** Valerie Dominique, CPA

**General Counsel:** Lloyd Lunceford & Amy Groves Lowe

**Prosecuting Attorney:** Courtney P. Newton

**Complaints Coordinators:** Sasha J. Lambert, Ph.D. & Mark P. Vigen, Ph.D.

**Investigators:** Tony McCoy & Henry Richardson

**4334 S. Sherwood Forest Blvd. Sherwood Oaks, Suite C-150**

**Baton Rouge, LA 70816**

**Ph: 225-295-8410**

**[www.lsbep.org](http://www.lsbep.org)**

**[admin.lsbep@la.gov](mailto:admin.lsbep@la.gov)**

**NOTICE:** In compliance with Act 655 of the 2018 Regular Session, the LSBEP hereby gives notice to its licensees and applicants of their opportunity to file a complaint about board actions and board procedures. You may submit such complaints to one or more of the following organizations:

- Louisiana State Board of Examiners of Psychologists: **Submit in writing to:** LSBEP, 4334 S. Sherwood Forest, Blvd., #C-150, Baton Rouge, LA 70816; [admin.lsbep@la.gov](mailto:admin.lsbep@la.gov); (225)295-8410
- Committee on House & Governmental Affairs, La. House of Representatives: **Submit to:** [H&GA@legis.la.gov](mailto:H&GA@legis.la.gov) or Committee on House & Governmental Affairs, La. House of Representatives, PO Box 44486, Baton Rouge, LA 70804; (225) 342-2403
- Committee on Senate & Governmental Affairs; La Senate: **Submit to:** [s&g@legis.la.gov](mailto:s&g@legis.la.gov) or Committee on Senate & Governmental Affairs; La Senate PO Box 94183, Baton Rouge, LA 70804; (225)342-9845

**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.*