

**Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
Friday, July 17, 2020**

FINAL APPROVED: September 11, 2020

The meeting of the Louisiana State Board of Examiners of Psychologists (Board or LSBEP) was noticed and agenda posted on, Thursday, July 16, 2020. Board Vice-Chairperson, Dr. Amy Henke, called the meeting to order at 9:05 a.m. on Friday, July 17, 2020 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816.

Attendance:

Board Members Present: Drs. Amy Henke, Gregory Gormanous, Gina Gibson, Michelle Moore, Mr. Darren “Chance” McNeely and Dr. Shannae Harness

Staff Present: Executive Director, Jaime T. Monic and Compliance Office, Justin Owens, Courtney Newton (partial attendance during Executive Session)

Board Members Absent: 0

Guests Present: LPA Representative: Dr. Richard Nilon

Dr. Henke read the mission statement: “It is hereby declared that the creation of a state board of examiners of psychologists is necessary in order to safeguard life, health, property, and the public welfare of this state, and in order to protect the people of this state against unauthorized, unqualified, and improper application of psychology.”

Dr. Gormanous requested that his statement of service be recorded into the minutes as follows: “My serving on LSBEP is to ensure that consumers of psychological services are protected against any unqualified, harmful and unauthorized practice, application or use of psychology. My service is as a consumer advocate and educator. My service is not as a market participant.”

Ms. Monic affirmed that due to COVID19, the Louisiana State Board of Examiners of Psychologists was unable to meet in person for quorum requirements and therefore is holding this board meeting online via Zoom.us., and in accordance with Proclamation JBE2020 – 30, Section 4, and 38-JBE-2020(J) at : Join Zoom Meeting at

<https://us02web.zoom.us/j/84509764454?pwd=RVZXU2orbktnRGxKRmtvUDNja1ZPZz09>

Meeting ID: 845 0976 4454 Password: 1GGNcn

One tap mobile: +13126266799,,84509764454#,,1#,976512# US (Chicago)

+19292056099,,84509764454#,,1#,976512# US (New York)

+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: 845 0976 4454 Password: 976512

Find your local number: <https://us02web.zoom.us/j/84509764454?pwd=RVZXU2orbktnRGxKRmtvUDNja1ZPZz09>

REVIEW AND APPROVAL OF AGENDA: Dr. Gormanous moved to add a discussion item for Contract Review to add additional legal counsel to ensure due process. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

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Dr. Moore moved to add an Executive Session discussion Item #7: “P19-20-15B – Summary Suspension” to the agenda. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

Dr. Gormanous moved to approve the agenda as amended. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0)

ELECTION OF OFFICERS -

Dr. Henke opened the floor for nominations. Dr. Gormanous nominated Dr. Henke for Board Chairperson and Dr. Gibson for Vice-Chairperson. Dr. Henke and Dr. Gibson accepted the nomination. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

Dr. Henke asserted her privilege to formally address the board, staff and licensees as follows:

In the July 2020 Board meeting, LSBEP officially elected former Vice-Chairperson Dr. Amy Henke as Chairperson for the 2020-2021 year. She has the dubious honor of being the first Board chair to begin a year during a global pandemic. Lucky her! The following is her Welcome address, initially given during the July 17, 2020 Board meeting and is transcribed below.

Thank you for the honor and privilege of serving as your chairperson during a very unique year for LSBEP and the world around us. Who would have thought we'd meeting regularly over Zoom this time last year?!?

I originally ran for election to the Board after several years in an advocacy role with LPA. During my time in LPA I grew interested in the regulatory side of our profession and my growing belief that Psychologists should be regulated by Psychologists. Since that time, I've had the opportunity to work with psychologists across the state in the Board's mission of public protection. By using the guiding principle of public safety, we can make decisions that benefit not only the public but also strengthen public trust in our profession.

I want to acknowledge that my personal goals for this year by no means exclude or take priority over the goals of my fellow Board members. As such, I want to begin my year as your chair by publicly stating that this Board wants and needs to hear everyone's opinion and that everyone's ideas, questions, and concerns are welcomed. We all bring various expertise to this virtual table and diverse groups with vigorous debate tend to make better decisions. With those enduring goals in mind, I would like to share my vision for this year, with the full knowledge that an ambitious agenda may be more aspirational in nature, but there's no reason not to dream big.

I am going to speak about five goals I have for this year but please know that this is not an exhaustive list. There are many important objectives the Board continues to work to achieve. My first goal dates back to my original platform in 2016. This platform, supported by LPA, included my resistance to the EPPP-2 as an unnecessary burden that would further impede access to services by adding an expensive and poorly planned barrier to licensure. I aim to continue to work collaboratively with ASPPB to incorporate more flexibility in their implementation of this exam and support consumers of psychological services by ensuring barriers to licensure are high enough to protect the public but do not serve as an unnecessary obstacle for our newest licensees.

My second goal has become clearer as I've spent more time with the Board. We frequently receive questions from licensees about Louisiana laws, rules, regulations, and ethics. Licensees seem to want more support from LSBEP in meeting and maintaining the necessary standards to maintain licensure. So, it is my goal that we continue to develop and expand our Juris Prudence exam for use not only as a

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licensure tool but also for psychologists who would like to refresh their knowledge and stay up to date. As the research shows, the further a psychologist is from their initial licensure date, the more likely they are to engage in acts that may constitute ethical violations, and so it my hope that LSBEP will be able to offer several versions of our current Juris Prudence exam as an optional learning opportunity for licensees. This also has the dual goal of assisting the Board in remaining financially solvent, which is a key problem for any self-funded and self-regulated agency.

A third goal for this year includes opening discussion regarding specialty designations and their utility. As the national Psychology landscape moves toward designations of Health Service Psychologist and Applied Psychologist, it is time for our Board to also consider the pros and cons of our current system, of which I believe there are several limitations and liabilities that should be discussed in greater detail.

My fourth goal centers around enhanced communication between the Board and licensees. I often hear questions from my colleagues regarding the Board's function and purpose. I also hear misconceptions and misunderstandings about the Board's obligations and duties. As such, I pledge to work this year to produce a regular newsletter where the Board can speak directly to licensees and we can highlight the important work we do and hopefully encourage other psychologists to run for election and serve as a regulator. Our Weekly Wednesday update, which began with the COVID19 outbreak, is now on our 17th edition if you can believe it! We have received so much positive feedback on this feature and have taken solace that psychologists in our community are doing their best to keep themselves and their clients safe. The communication between the Board and licensees has been overwhelmingly positive and I am hopeful this positive relationship will continue with ongoing communication.

I'll end my last goal and this statement with my official theme for the year, courtesy of our Public Member, Mr. Chance McNeely. That theme is "Step Into the Present." Oftentimes, government and administrative agency progress is painstakingly slow. However, we have an opportunity to step into the present by automating more of our processes and utilizing technology to reduce administrative burden from both Board staff and licensees. This final goal is extremely important in our duty to remain both financially solvent and independent. If Psychologists want to continue to have a self-regulated Board, we must prove to our licensees, public consumers, and the state legislators that we can manage the many responsibilities we are tasked with as a self-funded regulatory agency who receives no financial support from the legislature.

Thank you again for the opportunity to serve in this important role. Let's Step Into the Present today.

Dr. Henke exercised her privilege and made the following committee appointments:

1. Finance Committee - Henke and Gibson
2. Oral Examination Committee – Gormanous and Moore
3. Jurisprudence Examination Committee – Gibson, Moore and Harness
4. Legislative Oversight Committee – Henke, Gormanous and McNeely
5. Liaison to Professional Organizations and Boards – Gormanous, Moore and Harness
6. Public and Professional Outreach Committee – Henke, Moore and McNeely
7. Continuing Professional Development Committee – Henke, Gibson and Harness
8. Supervision/Credentials Committee – Henke and Moore
9. Complaints Committee – Henke and Gibson
10. Long Range Planning Committee -Gormanous and Gibson

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REVIEW AND APPROVAL OF MINUTES: Minutes were not prepared for review.

COMMITTEE AND LIAISON REPORTS

The Board received Committee and Liaison reports as follows:

Executive Director Report – Ms. Monic reported that the Executive Committee has continued sending Weekly Wednesday Updates; that Cybersecurity Training is now required for ALL state system users; and that renewals were underway without incident and the electronic certificates are being received well. Ms. Monic provided an opening renewal report as follows:

The Louisiana State Board of Examiners of Psychologists operates on a Fiscal Year from July 1 to June 30. LSBEP received 68 Applications in 2019 (60 for Licensed Psychologists 8 for LSSP). In 2019, this agency issued 36 licenses to qualified applicants for independent practice (32 LP'S and 4 LSSP's). Of those, 1 individual was positive for a criminal history, and that individual was not denied. There were 0 applicants denied licensure for the Calendar Year 2019 or FY 2019-20. There are currently 109 records classified as "Applicants".

*OPEN RENEWALS: Current Statistics on July 1, 2020
774 Active Licensed Psychologist
18 Provisionally Licensed Psychologist
29 Licensed Specialists in School Psychology*

*As of 3:00PM on July 14, 2020: 439 Renewals had been processed
428 Licensed Psychologists (30 of these renewed at a reduced fee)
5 Provisionally Licensed Psychologists
6 Licensed Specialists in School Psychology*

1. Finance Committee - The Board reviewed financial statements prepared by Valerie Dominique for May 2020 and June 2020. Dr. Gormanous moved to accept the Financial Statements for May 2020 and June 2020. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).
2. Ms. Monic Reported she reviewed and approved Leave Reports for Mr. Owens and that Dr. Henke would be taking over leave approvals for the Executive Director.
3. Oral Examination Committee – The committee discussed potential dates to conduct examinations via video conference. Ms. Monic agreed to send a Doodle meeting maker to finalize schedules.
4. Jurisprudence Examination Committee- No report.
5. Legislative Oversight Committee – Update on AdHoc Legislative Collaborative Committee (ALCC) - Ms. Monic reported that the ALCC has continued to meet and discuss the proposed legislation. The ALCC has not completed its review for a final recommendation. The committee will be meeting in August and will have Attorney Courtney Newton available to answer legal questions.
6. Liaison to Professional Organizations and Boards – The committee discussed the new composition noting that Dr. Harness would focus on LPA and the National Register, Dr. Moore would keep up to date on APA and APPIC developments and Dr. Gormanous would focus on APA and ASPPB updates.

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7. Public and Professional Outreach Committee – Dr. Henke stated that although the Weekly Wednesday Updates had been the primary focus of outreach, she reiterated her goal to stay on top of newsletter publications and articles. Mr. McNeely recommended the board explore different software options for creation and distribution of news such as mail chimp.
8. Continuing Professional Development Committee – No report.
9. Supervision/Credentials Committee - Dr. Henke reported that file reviews would be conducted in Executive session.
10. Complaints Committee -
 - a. **Complaint Status Report** - Mr. Owens presented his **Compliance Report for the period 06/06/20 -07/17/20**
 - Total number of Requests for Investigations received since last meeting: **0**
 - Total number of Board-initiated investigations since last meeting: **1**
 - Total number of cases closed by the Board at the July meeting: **6**
 - Total number of Open investigations: **12**
 - **10** are Formal Complaints
 - **2** from FY17-18
 - **2** from FY18-19
 - **6** from FY19-20
 - **1** are Under review/Respondent not yet noticed
 - Disciplinary Actions: **0**
 - Applications w/ Arrest Info: **0**
 - b. Ms. Monic reported the Notice of Hearing in the Matter of Eric Cerwonka, Psy.D., License No. 1020 LSBEP Complaint Number: P16-17-14C (Consolidated with P17-18-11C). Docketed on Thursday, September 24, 2020 beginning at 10:00 a.m.
11. Long Range Planning Committee – The board considered a tentative LRP Meeting date on November 19-20, 2020

DISCUSSION/ACTION ITEMS

1. COVID19 Updates:

- a. Temporary Registrations – Ms. Monic reported that many individuals who were offered the opportunity to convert their Emergency Temporary Registration to a traditional 30-day/year Temporary Registration took advantage of the opportunity.
- b. Tele-supervision Applications and any other matters related to LSBEP’s response to the COVID 19 emergency – The board discussed the current fee waiver in place for Tele-supervision Applications. Discussions also included restructuring the fee schedule for processing tele-supervision applications. Dr. Harness moved in favor of the Board charging \$25 per initial supervisee then \$10 for each supervisee thereafter, per application. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).
- c. Dr. Henke moved in favor of the Board extending the waiver one final time through August 31, 2020 and sending out a notice of the adjustment to the fee schedule. The board discussed the motion. The

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motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

- d. Continuing Professional Development –Ms. Monic reported that most all licensees were taking advantage of the 25% waiver and many have expressed appreciation for the consideration. Dr. Gormanous moved in favor of authorizing the CPD Committee the ability to grant extensions and exemptions. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

2. **2020 Renewals a. Electronic Renewal Certificate; b. Continuing Professional Development Extensions\Exemptions.** Ms. Monic referred to her report earlier, no further discussion was initiated with this regard.
3. **CERTEMY Contract** – Ms. Monic discussed the status of contract negotiations and potentially the need to involve an attorney to review some of the terms of the agreement.
4. **LSBEP Newsletter** – Dr. Henke shared some of her ideas related to drafting the next newsletter including: Ask a Board Member, Common Questions Received by the Board, Meet the Board (with our consumer member being the first highlighted member); Feature Article; Legislative Update; Feature Board Process article. Dr. Henke agreed to put the next newsletter together and have a draft for the next board meeting.
5. **Continuing Professional Development** - Mr. McNeely discussed concerns with the Board not being involved with prereview and approval of continuing education. The Board discussed these concerns and the history of rule changes and attempts to develop procedures for pre-approvals. Mr. McNeely requested that the information be added to the August agenda to move forward with rule making.
6. **CONTRACT REVIEW - Added for discussion by majority vote** - Ms. Monic recommended reinstating a contract with the firm **Roedel, Parsons, Koch, Blanche, Balhoff & McCollister** to serve as secondary general counsel when appropriate or when utilization of current counsel would pose a conflict. The board reviewed the resume of Larry Roedel. The board discussed the matter and Mr. McNeely moved in favor of contracting for additional legal counsel with the firm Roedel, Parsons, Koch, Blanche, Balhoff & McCollister by formal resolution as follows: *WHEREAS* the BOARD is authorized under R.S. 37:2353.C(2) to “Employ, within the limits of funds received by the Board, ...general legal counsel, or other personnel necessary for the proper performance of work under this Chapter”; and *WHEREAS* the BOARD licenses psychologists and specialists in school psychology, conducts hearings on complaints concerning the disciplining of licensees, and may cause the prosecution and enjoinder of all persons in violation of Title 37: Chapter 28 in order to safeguard life, health, property and the public welfare of this state and in order to protect the people of this state against unauthorized, unqualified, and improper application of psychology; and *WHEREAS* the BOARD conducts hearings on complaints, cause the prosecution and enjoinder of all persons in violation of Title 37: Chapter 28 in order to safeguard life, health, property and the public welfare of this state and in order to protect the people of this state against unauthorized, unqualified, and improper application of psychology; and *WHEREAS* the BOARD requires the services of additional counsel specializing in administrative law to provide services to the board as general counsel, administrative law judge or hearing officer, when workload diversion or recusal in certain matters is necessary in order to carry out best practices and ensure due process; and *WHEREAS* the BOARD requires the services of an attorney with experience in administrative law to carry out such duties; and *WHEREAS* Attorney Larry Roedel has been found to be uniquely qualified for this position; **THEREFORE BE IT RESOLVED** that the Louisiana State Board of Examiners of Psychologists, pursuant to La. R.S. 42:262, does hereby retain and employ **Roedel, Parsons, Koch, Blanche, Balhoff & McCollister** as special counsel through a multi-year contract beginning September 1, 2020 through July 31, 2022; and **BE IT FURTHER RESOLVED** that the hourly rates shall be in accordance with the amounts approved by the Louisiana Office of the Attorney General currently \$225 per hour for services of partners or associates with experience in the practice of law of 10 years or more; \$175 per hour for services of partners or associates with experience in the practice of law of 5 to 10 years; \$150 per hour for services of partners or

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associates with experience in the practice of law of 3 to 5 years; \$125 per hour for services of partners or associates with experience in the practice of law of less than 3 years; \$60 per hour for paralegal services; \$40 per hour for law clerk services. A total amount not to exceed \$12,000 for the term of the contract; and BE IT FURTHER RESOLVED that the Board authorize Ms. Jaime Monic, Executive Director, to request and execute the terms of a contract with the **Roedel, Parsons, Koch, Blanche, Balhoff & McCollister** in accordance with the policies, procedures, regulatory and statutory contracting requirements of the state; and BE IT FURTHER RESOLVED, this resolution shall take effect immediately. BE IT FURTHER RESOLVED, that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.

The motion was seconded by Dr. Gormanous, and having been submitted to a vote, the vote thereon was as follows: YEAS: (6) Amy Henke, Gina Gibson, Gregory Gormanous, Michele Moore, Chance McNeely, Shannae Harness; NAYS: 0; ABSENT: (0); NOT VOTING: 0

EXECUTIVE SESSION: Dr. Gormanous moved to enter Executive Session pursuant to LSA R.S.42:17.A(2) and (4) to discuss file reviews and consider complaint matters. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

Dr. Gormanous moved to close Executive Session to enter the Open Meeting and report on Executive Session matters. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

COMPLAINTS [LSA-R.S.42.17.A(4):

1. **P19-20-06C** – Dr. Henke presented this matter to the Board in Executive Session with a recommendation to dismiss this matter without further action. After consideration of all information and discussion, finding insufficient evidence to proceed with formal disciplinary action, Dr. Gormanous moved to accept recommendation to dismiss this matter without further action. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).
2. **PY vs. RS** - Dr. Henke presented this matter to the Board in Executive Session with a recommendation to dismiss this matter without further investigation. After consideration of all information and discussion, finding insufficient evidence to proceed, Dr. Harness moved to accept recommendation to dismiss this matter without further investigation. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).
3. **LH vs. DJ & AM** - Dr. Henke presented this matter to the Board in Executive Session with a recommendation to dismiss this matter without further investigation. After consideration of all information and discussion, finding insufficient evidence to proceed, Dr. Gormanous moved to accept recommendation to dismiss this matter without further investigation. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).
4. **P19-20-08C** - Dr. Henke presented this matter to the Board in Executive Session with a recommendation to dismiss this matter without further action. After consideration of all information and discussion, finding insufficient evidence to proceed with formal disciplinary action, Dr. Gormanous moved to accept recommendation to dismiss this matter without further action. The board discussed the motion. The motion

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passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

5. **GP vs. KB** – Mr. Owens presented this matter to the Board in Executive Session with a recommendation to dismiss this matter without further investigation. After consideration of all information and discussion, finding insufficient evidence to proceed, Dr. Gormanous moved to accept recommendation to dismiss this matter without further investigation. The board discussed the motion. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).
6. **P19-20-12C** – Mr. Owens reported that additional information had been received in this matter and requested that it be removed from the docket. The Board affirmed this request and the matter was remanded for further investigation.
7. **P19-20-15B Summary Suspension** – Attorney Newton joined the meeting to inform the Board that the respondent entered into an agreement to abstain, therefore there was no need to discuss this matter or Summary Suspension on this date.

SUPERVISION/CREDENTIALS COMMITTEE: File Reviews [LSA-R.S. 42.17.A(1)]

The Board received recommendations from the Supervision and Credentials Review Committee (Drs. Henke and Moore) related to their review of the following files:

Shannon Bierma, Admit to Candidacy and invite to the EPPP
Matthew Johnson, Affirm Candadacy and invite to meet with the board for licensing
Lacey Moffatt, request additional information to complete application for licensure.
Franziska NoackLeSage – Affirm Candadicy and invite to the Oral Examination for Licensure
Bradley Potts – Affirm Candidacy status and invite to the Oral Examination for Licensure
Shannon Sanders – request additional information to complete application for licensure.

At 4:05 p.m., Dr. Henke moved to adjourn the meeting. The motion passed by roll call vote as follows: In favor: (5) Harness, Henke, Gormanous, Gibson, Moore, McNeely; Against: (0); Abstained: (0); Absent: (0).

LEGAL NOTICES

La. R.S. 37:23.2 - In compliance with La. R.S. 37:23.2, 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 Boulevard, #C-150, Baton Rouge, LA 70816; admin.lsbep@la.gov; (225)925-6511; Committee on House & Governmental Affairs, La. House of Representatives: Submit to: 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 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 in the meeting 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.

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