



Louisiana State Board of Examiners of Psychologists

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A Message from the Board Chair Robert Roy Allen, Ph.D.

One of the benefits of serving on the Board is the interesting perspective it provides on the state of our profession. Dealing with the nitty-gritty of the local public/professional interface is often intriguing, in much the same way as a TV crime drama. There is enlightenment as well as satisfaction in righting wrongs and setting the well-meaning but misguided back on the right path. It is also fascinating (and sometimes alarming) to see what persons coming into the profession know and do not know. When I was appointed to the Board I knew I would be exposed to these things.

I did not fully anticipate the more global vantage point that comes with serving on the Board. Part of this has to do with the responsibility for meeting new challenges, such as internet practice.

Much of it is a function of attending meetings of the Association of State and Provincial Psychology Boards. At these meetings we have an opportunity to see how other boards operate and to be alerted to trends and new challenges to the regulation of the profession that may not be visible to the typical practitioner.

In the twenty-plus years that I have been active as a psychologist there have been startling changes in the profession. In many ways it is no longer the field I thought I was preparing for in the 70's. However, based on my bird's eye view, I believe the changes ahead will be far more jolting. The comfortable and familiar are going to disappear whether we are ready to give them up gracefully or not.

Some of the forces of change are much greater than our profession, and the best we can hope for is to influence them to some degree. However, other areas of change are not only under our control, but are initiated by us. I am thinking of things like mobility mechanisms, training models, and our relationships with other professions. The future of the practice of psychology will depend ultimately on its usefulness to the public, however to the extent that we throw our weight in well considered and focused ways, we can have a lot to say about what this profession will look like in the next few decades. On the other hand, if we squabble and fight amongst ourselves, others will decide the future of psychology.

This part worries me, because I know psychologists. Not only do we have different ideas and values, but all too often those ideas and values are in direct conflict with each other. I think the most common comment I have heard at ASPPB meetings is that when psychologists are under attack, they circle the wagons and shoot inward. I am especially troubled by the tendency of some psychologists to confuse self-interest with the good of the public or the profession. Not only do we head in different directions, but we usually do so with self-righteous fervor. A case-in-point is how we have mismanaged the issue of persons-with-Master's-Degrees-in-Psychology. This is an issue that impacts the public and is an ongoing problem for our profession. It is not something that happened to us, it is something we did. Psychologists at colleges and universities felt that it would be a good thing to spread the wisdom of psychology by granting Master's Degrees to a lot of people who were not going to obtain Doctoral Degrees. Psychologists in government and testing companies felt that it would be a good thing to increase psychology's influence on human relations by creating roles for persons trained in psychology, even though persons with Doctoral Degrees might not be willing to fill them. Psychologists in professional organizations felt that it would be a good thing for the profession and the public if the Doctorate was the entry level for psychological practice. All of these parties may have been well-intended (albeit, self-serving), but they acted at cross purposes. A body of persons with professional training in psychology was created, they were made necessary, and then the profession virtually disavowed them. The result in Louisiana is that psychology is split among independent professions, one of which holds the right to the title.

A lot of the Board's attention and energy are absorbed by difficulties related to persons-with-Master's-Degrees-in-Psychology. Given room to define themselves, LPC's have determined that their scope of practice is pretty nearly the same as our own. Master's level School Psychologists have decided that they do not need our oversight. At the same time, there is considerable range in how psychologists believe they should be able to use assistants under their supervision. Unfortunately, the Louisiana Psychology regulations do not provide adequate guidance to psychologists in practice or give the Board the necessary tools to protect the public. And yet several attempts by the Board over the past few years to strengthen or update the regulations have been turned back by one or another special interest group within

psychology.

This issue is particularly troubling to me, but I am more concerned about what it says about the state of our profession. We do not share a common vision for psychology in the twenty-first century. Too many of us rationalize our selfish interests instead of objectively considering the greater good. We tend to lecture each other and the public on what psychology should be instead of listening to what people need and expect from us. This is not a good posture to be in when the winds of change are blowing.

Many psychologists in the dusk of their careers think that they can play the clock out, or even that psychology's salvation lies in turning the clock back. A few regard every situation only from the perspective of how they can personally exploit it. I hope the younger professionals see where that kind thinking could lead. In order for psychology to continue as a viable profession, the rookies must do a better job of managing the direction of the profession than the veterans have. I believe the key to this will be recognizing first and foremost that the profession of psychology is about serving the public. Competing in the marketplace has always been about satisfying the customer. If we can't agree on that, we may discover that we are expendable.

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***Review of the Oral Examination
By Martin R. Greenberg, Ph.D.
President of the California Board of Psychology***

(The following article first appeared in the March 2002 edition of the California Board of Psychology newsletter (BOP Update), and is reprinted here by permission of that State Board).

At its quarterly meeting on August 18, 2001 in Sacramento, the California Board of Psychology voted to proceed with the rulemaking process to eliminate the oral examination component of the licensing process. This action followed years of review aimed at determining 1) the value of an oral examination and 2) whether the existing oral examination sufficiently complies with sound psychometric principles. The Board relied upon the following sources for input about this important issue:

o Independent Testing Expert: The Board consulted with an international expert in test development for occupational examinations. It was this expert's opinion that the Board's oral examination had significant problems and should not continue to be used as part of the licensing process.

o Internal Testing Expert: The Department of Consumer Affairs relies on the Office of Examination Resources (OER) to develop and oversee examinations for licensure for all of its boards and bureaus. The California Board of Psychology (BOP) oral examination has evolved over many years to attempt to produce an examination that does comply with sound psychometric principles. It is the current opinion of the OER that the BOP oral examination does not meet these standards and therefore, should no longer be used for licensing purposes. (See Norman Hertz, Ph.D. letter and attachment of July 3, 2001)

o Focus Groups: The OER conducted two focus groups comprised of approximately 20 psychologists for two days to discuss the value of the oral examination in determining whether candidates are minimally competent to practice psychology. It was the conclusion of these groups that the oral exam did not add value to this process and that eliminating the exam would not present a threat to public health, safety and welfare. (See March 6, 2001 memo and attachment from Norman Hertz, Ph.D.)

o Review of All Psychology Boards in the United States: A review of U.S. psychology licensing boards demonstrates that a majority of boards do not use an oral examination based on practice-content area. There is no indication that the states without an oral exam have any increased enforcement problems arising from incompetent practitioners.

o Public Forums: The BOP held public forums in Los Angeles and Sacramento to give people an opportunity to express their opinions and concerns about elimination of the oral examination. Although there was testimony from people who felt strongly that the oral exam should be continued, there were no compelling arguments that suggested that eliminating the examination would present a threat to the health, safety and welfare of the public.

o Reliability Study Conducted by OER: The OER conducted a reliability study of the BOP oral examination and determined there were significant problems with the examination.

o Advice of Legal Counsel: The Board's legal counsel has advised that considering the content of the OER letter and attachment of July 3, 2001, the Board would be in a precarious legal position if, with this knowledge, it administered the oral examination again.

The review of the oral examination has been ongoing for many years. The questions asked have led to answers we cannot ignore. After considering the findings of the efforts listed above, especially the recommendations of the OER, the Board's legal counsel, and representative of the Department of Consumer Affairs, the Board has concluded that the oral examination must be eliminated.

It is the right thing to do, and it is being done in the right way and for the right reasons. It is difficult to make changes involving such strong traditions and professional sentiment.

This change doesn't mean the Board will not consider other requirements for licensure. In fact, at the same time the oral examination is being eliminated, the Board is implementing an objective examination on jurisprudence and professional ethics issues. All candidates for licensure will be required to pass this examination before becoming licensed. This computer-administered examination will be available to those who qualify on or after January 1, 2002.

Additionally, the Board will continue to monitor the consequences of this change in the examination process. If it is determined that an additional measure is needed somewhere in the licensing process, the Board will develop another measure and it will do so in a psychometrically sound and legally defensible way.

As the oral examination is being eliminated, the Board is looking at changes in regulations and policies relating to supervised professional experience (SPE), with the intent of increasing the quality of this vital component of psychologists' training.

In following through with the recommendations of the previously mentioned focus groups coordinated by the Department of Consumer Affairs' Office of Examination Resources, a group of psychologists was convened on Friday, July 20, 2001 to explore possible changes in regulations/policies/practices of supervised professional experience.

The participants included a variety of practitioners from university counseling centers, internship directors, mental health centers, mental

hospitals and private practice. The Board invited the California Psychological Association (CPA) to appoint a representative as well as a representative from Division 2 of CPA. The Board's Vice President, Emil Rodolfa, Ph.D. and myself facilitated the group.

The daylong meeting was rich in discussion and ideas. The meeting focused on exploring ways to make the SPE experience more meaningful to supervisees, while increasing the accountability and competence of supervisors and those they supervise. It was acknowledged that the current methods of evaluating supervisees left much to be desired. Additionally, there was much discussion regarding the lack of training by many supervisors in the art/science/techniques/laws and regulations of supervision.

Summary of Recommendations

There was agreement that three issues should be further explored that might improve the value of SPE and consequently add to the overall competence of those training to be licensed psychologists.

1. Development of a contract to be signed by supervisor and supervisee spelling out the duties of both parties. This would include professional, legal and ethical behaviors that are part and parcel of this important/critical aspect of training that clearly effects the public.
2. Development of a standard evaluative mechanism that will provide meaningful and written feedback at frequent intervals in a variety of categories. This should be a comprehensive evaluation but should not place an increased burden on the time of supervisors.
3. Enhance current regulation regarding the six-hour requirement of training in supervision. The enhancement would require six hours of continuing education in the area of supervision for those psychologists who supervise. Whether to require this during every license renewal for which supervision is being conducted should be further explored.

We have and will continue to discuss these recommendations with the full Board as we proceed. We are grateful to the participants who shared experiences and ideas and we are looking forward to the continuing improvement and evolution of our regulations over time as they pertain to SPE in a way that ensures the quality, competence and safe practice habits of current and future psychologists in California.

All of the documents referenced in my comment are available for review at the Board's Web site www.psychboard.ca.gov under the "Examinations" button.

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Complaint Process Rule to be Examined by Board

The following is the current rule for the LSBEP's Complaint Process.

The Board welcomes and encourages your comments and suggestions in its work to improve and update this procedure.

Chapter 15. Rules for Disciplinary Action Subchapter A. Applicability; Processing Complaints

§1501 Applicability

- A. These rules shall be applicable to any action of the Louisiana State Board of Examiners of Psychologists (board) to withhold, deny, revoke or suspend any psychologist's license on any of the grounds set forth in R.S. 37:2360 or under any other applicable law, regulation or rule.
- B. These rules shall not be applicable to the licensure of psychologists pursuant to R.S. 37:2356, unless licensure is denied on one of the grounds set forth in R.S. 37:2360.
- C. Unless otherwise provided by law, the board may delegate its authority and responsibility under these rules to a committee of one or more board members, to a hearing officer, or to other persons.

§1503 Complaints

- A. A complaint is defined as the receipt of any information by the board indicating that there may be grounds for disciplinary action against a psychologist under the provisions of R.S. 37:2360 or other applicable law, regulation or rule.
- B. Complaints may be initiated by the board, by any licensed psychologist or by any other person.
- C. Upon receipt of information of a possible violation, the board may initiate and take such action as it deems appropriate.
- D. Upon receipt of complaints from other persons, the board will forward its complaint form. Ordinarily, the board will not take additional action until the form is satisfactorily completed.
 1. Except under unusual circumstances, the board will take no action on anonymous complaints.
 2. If the information furnished in the written complaint form is not sufficient, the board may request additional information before further consideration of the complaint.
- E. All complaints received shall be assigned a sequentially ordered complaint code which shall be utilized in all official references.
- F. The board shall determine whether the complaint warrants further investigation.

§1505. Investigation

- A. If the board determines that a complaint warrants further investigation, the board shall notify the licensee or applicant against whom the complaint has been made (hereinafter referred to as "respondent").

The notice to the respondent shall include the following:

 1. notice that a complaint has been filed;
 2. a short and plain statement of the nature of the complaint;
 3. a reference to the particular sections of the statutes, rules or ethical standards which may be involved;
 4. copies of the applicable laws, rules and regulations of the board; and
 5. a request for cooperation in obtaining a full understanding of the circumstances.
- B. The respondent shall provide the board, within 30 days, a written statement giving the respondent's view of the circumstances which

are the subject of the complaint.

- C. The board may conduct such other investigation as it deems appropriate.
- D. During the investigation phase, the board may communicate with the complainant and with the respondent in an effort to seek a resolution of the complaint satisfactory to the board without the necessity of a formal hearing.

Subchapter B. Conduct of Formal Hearing

§1511. Formal Hearing

- A. If, after completion of its investigation, the board determines that the circumstances may warrant the withholding, denial, revocation or suspension of a psychologist's license, the board shall initiate a formal hearing.
- B. The formal hearing shall be conducted in accordance with the adjudication procedures set forth in the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).
- C. Upon completion of the adjudication hearing procedures set forth in the Louisiana Administrative Procedure Act, the board shall take such action as it deems appropriate on the record of the proceeding. Disciplinary action under R.S. 37:2350 requires the affirmative vote of at least four of the members of the board.
- D. The form of the decision and order, application for rehearing and judicial review shall be governed by the provisions of the Louisiana Administrative Procedure Act.
- E. The board shall have the authority at anytime to determine that a formal hearing should be initiated immediately on any complaint. The complaint and investigation procedures set forth above shall not create any due process rights for a respondent who shall be entitled only to the due process provided under the Louisiana Administrative Procedure Act.

§1513. Impaired Psychologist Procedure

- A. At any time during the investigation and hearing process, the board, at its sole discretion, shall have the authority to offer the respondent the opportunity to participate in the impaired psychologist procedure.
- B. If the board determines that a respondent should be offered the opportunity to participate in the impaired psychologist procedure, the board shall give written notice to the respondent of the following two options.
 - 1. The respondent may acknowledge "impairment" in a form provided by the board, and submit to evaluation and treatment as determination that the respondent has the status and ability to function professionally without supervision, the disciplinary action based upon the former complaint shall be terminated, and no further action shall be taken with respect to that complaint.

§1515. Informal Hearing Procedures

The board shall conduct informal hearings in executive session in accordance with the following:

- 1. It is expected that the licensee not have an attorney or other advisors present, although it is his right to do so.
- 2. Witnesses may be called, but are not placed under oath and no subpoenas are issued.
- 3. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.
- 4. No transcript of the informal hearing is made.

§1517. Evaluating the Findings of the Informal Hearing

- A. If the board decides that the subject of the complaint is a violation of the standards, and that disciplinary proceedings are warranted, the board shall then determine whether:
 - 1. the violation merits informal disposition or
 - 2. a formal hearing will be held.
- B. The board, in determining for informal disposition, shall order actions such as:
 - 1. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the board within 30 days of the informal hearing.
 - 2. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the board.

§1519. Refusal to Respond or Cooperate with the Board

- A. If the licensee does not respond to the original inquiry within 30 days a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.
- B. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

§1521. Withdrawal of a Complaint

If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation on its own right and in the interest of public welfare.

§1523. Authority to Obtain Restraining Order

If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted. Subchapter C. Conduct of a Formal Hearing

§1531. Initiating the Process

- A. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.
- B. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing.
- C. Full Notice
 - 1. The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.
 - 2. The notice shall include:
 - a. A statement of the date, time, place, and nature of the hearing.
 - b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - c. A reference to the particular sections of the statutes, rules or ethical standards involved.
 - d. A short and plain statement of the matters asserted which shall be the subject of the hearing.
 - e. A statement of the rights of the parties.
 - 3. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.
 - 4. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.
NOTE: It is the licensee's obligation to keep the board informed of his/her whereabouts.
 - 5. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.
 - 6. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.
- D. Designation of Hearing Officer
 - 1. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner. This officer is empowered to prepare written findings of fact and conclusions which shall be recommended to the board.
 - 2. The board shall designate a hearing officer by affirmative vote of three of its members.
 - 3. The hearing officer shall be unbiased and qualified to preside over the case. A designated hearing officer shall withdraw when that officer can not accord a fair and impartial hearing or consideration.
 - 4. Any party may request the disqualification of a hearing officer on the ground of inability to give a fair and impartial hearing by filing an affidavit (which states the specific grounds) within three days of receipt of notice of the designation of the hearing officer. The issue shall be determined promptly by the board.
 - 5. The hearing officer shall not be a current member of the board.

§1533. Depositions; Evidence; Subpoenas Evidence; Subpoenas;

- A. Discovery
 - 1. Depositions and interrogatories of witnesses may be taken and shall be admissible in the proceedings.
 - 2. Evidence which was not made available to both parties at least five days in advance may be barred from introduction.
 - 3. Evidence not within the scope of the notice may be excluded.
 - 4. When the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.
 - 5. Documentary evidence in possession of the board may be received in the form of copies or excerpts, or by incorporation by reference.
 - 6. Official notice may be taken of generally recognized technical or scientific psychological facts. However, parties shall be afforded an opportunity to contest the material so noticed.
- B. Subpoenas
 - 1. The Louisiana Department of Justice Disciplinary Action Manual for Occupational Licensing Boards by William J. Guste, attorney general, Section 10. 2 Subpoena Authority: Boards are empowered by statute to issue subpoenas, and in Louisiana, the statutes allow the board to issue a subpoena when requested in writing by any party in a contested case.
 - 2. Either side in a contested hearing may request that a subpoena be issued. It is generally required that the information called for by a subpoena must be reasonable in terms of the amount required and that it must relate to the matter under consideration. A subpoena duces tecum should be reasonable in scope and should be limited to documentary material that is relevant to the proceeding.
 - 3. The board, or its designated hearing officer, may sign and issue subpoenas when requested in writing by any party to a contested case.
 - 4. The information called for by a subpoena shall be reasonable and shall relate to the matter under consideration.
 - 5. Investigative subpoenas are issued at the discretion of the hearing officer.
 - 6. If the person fails to comply with a subpoena, the board may apply to the judge of the appropriate district court for an attachment as for a contempt.
- C. Motions
 - 1. A request to the board or the hearing officer by a party for a particular action should be made in the form of a motion.
 - 2. A motion may be made before, during or after a hearing.
 - 3. All motions must be made at an appropriate time.
 - 4. Motions made before or after the hearing shall be made in writing. Motions made during the course of the hearing may be made orally.
 - 5. Motions are directed to the hearing officer who shall dispose of them appropriately.
 - 6. A party may not submit written proposed findings of fact.
 - 7. The hearing officer may refer a motion to the board.

§1535. Formal Hearing Procedures

- A. Conduct of the Hearing
 - 1. The members of the board shall be present for the hearing.

2. The hearing will be conducted in accordance with the Administrative Procedure Act, R.S. 49:955966.
 - a. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
 - b. Objections to evidentiary offers may be made and shall be noted in the record.
 3. The hearing will be open to the public.
- B. B. Order of Proceedings
1. The hearing officer calls the session to order, identifies the case, subject of the case and cites the authority for holding the hearing.
 2. The hearing officer asks the parties to identify themselves and their counsel.
 3. All testimony shall be given under oath, such oath to be administered by the hearing officer.
 4. Customary order of the proceedings should be followed at the discretion of the hearing officer.
- C. Evidence
1. In determining the admissibility of evidence, the hearing officer must follow the rules governing administrative hearings in Louisiana.
 2. Constitutional guarantees of due process give the licensee a right to a decision based on evidence presented at the hearing. The hearing officer preparing the recommended decision shall only consider evidence presented at the hearing or officially noted in the record.

§1537. The Final Decision of the Board

- A. The board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of La. R.S. 37:2350-69, the ethical standards of psychologists or other rules and regulations of the board.
- B. The board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The board may adopt such findings and conclusions in whole or in part. Any board members not present at the hearing must review the record prior to such decision.
- C. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.
- D. The board's decision shall be based on the evidence and the proposed decision from the hearing officer.
- E. The vote of the board must be recorded and made a part of the decision. A majority vote must be obtained in order for an ethics violation to be judged to have occurred.
- F. The board determines the sanctions appropriate and consistent with law. The board may decide rather than to revoke or suspend a license, to censure the licensee. The vote for censure is a majority vote.
- G. The final decision shall be delivered to each party by registered certified mail, return receipt requested.
- H. The final decision shall be delivered within 30 days of the close of the hearing.
 1. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

§1539. Appeal of Board Decision

- A. A petition by a party for reconsideration of hearing must be in writing and filed with the board within 10 days after the receipt of the board's final decision. The petition must set forth the grounds for the rehearing which must be one of the following:
 1. The board's decision is clearly contrary to the law and the evidence.
 2. There is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reserve the board's action.
 3. There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly, or
 4. It would be in the public interest to further consider the issues and the evidence.
- B. If a petition for reconsideration is denied, a party may proceed to seek judicial review of the decision.
- C. Judicial review may be initiated by filing a petition in the appropriate district court within 30 days after mailing of notice of the final decision of the hearing or rehearing.

§1541. Case Record

- A. A complete case record must be maintained for each formal hearing.
- B. The record must be retained until the time for any appeal has expired, or until the appeal has been concluded.
- C. The case record shall be composed of all material officially noted.
- D. A transcript of the record shall be maintained.

§1543. Notification of Final Actions

Upon either completion of the final decision, expiration of the time for any appeal, or conclusion of appeals, the board shall notify the following of its actions.

1. All licensed psychologists.
2. All affected parties; and all affected professional organizations.

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New Licensees

#898 - Alice P. Carter, Ph.D. (CL)
 #899 - Renee L. Rowley, Psy.D. (CL)
 #900 - Karen Snyder Badau, Ph.D. (None)

#901 - Gina M. Kunz, Ph.D. (SC)
#902 - George H. Noell, Ph.D. (SC)
#903 - Jennifer D. Traughber, Psy.D. (CL)
#904 - Steven Futrell, Psy.D. (CL)
#905 - Betty Lou Everett, Ph.D. (CL)
#906 - Sharon A. Pugh, Ph.D. (None)
#907 - Stephanie A. Repasky, Psy.D. (CL)
#908 - Michell M. Yetman, Ph.D. (CL)
#909 - Rahsheda D. Perine, Ph.D. (CL)
#910 - Michelle M. King Lyn, Ph.D. (CO)
#911 - Sonya Gray Belcher, Ph.D. (CO)
#912 - Shana M. Bellow, Ph.D. (CL)
#913 - Suzanne M. Gabriele, Ph.D. (CO)
#914 - William S. Maynard, Ph.D. (CL)

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New Opinion Issued by the LSBEP

Opinion No. 010
June 14, 2002
Qualifications of a Supervising Psychologist

It is the opinion of the Louisiana State Board of Examiners of Psychologists (LSBEP) that in order to meet the supervisor duties and qualifications described in Sections 701 and 705 of the Louisiana Administrative Code, Title 46, Part LXIII, typically the supervising psychologist shall have been licensed for a minimum of one year and supervise no more than two candidates for licensure at the same time. On a case-by-case basis, at the discretion of the LSBEP, exceptions to these requirements may be granted. The LSBEP retains the right to approve or deny any supervisory relationship.

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California Board of Psychology Takes Action on Oral Examination

The following article appeared in the March 2002 edition of the California Board of Psychology Update newsletter:

On November 2, 2001, the California Board of psychology (BOP) held a public regulation hearing in which the Board unanimously voted to adopt regulations that will eliminate the oral examination component for licensure. This historic action followed several years of intense investigation and study by the Board. (For details, visit the BOP Web site at www.psychboard.ca.gov.)

The Board has the responsibility to establish requirements for licensure to independently practice psychology in California. The requirements have included a doctoral degree in psychology, 3000 hours of qualifying supervised professional experience, passing the Examination for the Professional Practice of Psychology (EPPP), and passing the oral examination. Effective January 1, 2002, the oral examination is no longer required. However, the regulations adopted on November 2 include a new requirement. Candidates must pass a written examination that covers California laws, regulations and professional ethics (California Jurisprudence and Professional Ethics Examination – CJPEE).

There has been some confusion that the CJPEE is designed to replace the oral examination. While it is correct that the oral exam will be eliminated and the CJPEE will be required, it was never the intention of the Board that the CJPEE would attempt to assess the content areas of the oral exam. They are different exams designed to assess different content areas.

Why Did the Board Eliminate the Oral Exam!

For years we have questioned the value of the oral examination. While it is clear that the oral exam had value in terms of professional development, as a rite of passage, as a tool for encouraging prospective licensees to develop verbal skills demonstrating a certain "readiness" to be a member of the psychological community, etc., it must be remembered that these are not the mandates of a licensing board.

The mandates of the Board are to "protect the public from the unauthorized and unqualified practice of psychology and from unprofessional conduct by persons licensed as psychologists." As can be reviewed from the information on the BOP Web site, we made multiple inquiries that resulted in the Board's conclusion that the oral exam could be eliminated without compromising the health and safety of the public. We consulted with experts in the area of occupational examination development. We conducted reliability studies of the exam and reviewed the examination requirements of every state in the United States. We reviewed the examination requirements of other health professions including medicine, nursing, dentistry, and others. We met for hours with many of our licensees, including experienced oral commissioners and we held open forums in both Northern and Southern California to allow the public to present opinions and to have input into the process. Finally, we followed the legal mandates of the public rulemaking process, which culminated with the public regulations hearing and formal adoption of the regulation proposals on November 2, 2001.

There has been quite a bit of misunderstanding about the methods by which we arrive at the decision to eliminate the oral exam. In fact, the majority of the criticism we received was not that the exam was eliminated (even our harshest critics acknowledged there are significant problems with the oral examination), but rather they questioned the methods we employed and the speed with which they perceived us to have moved.

The Board set out on a venture to gather information that would result in well-reasoned regulations that are legal, fair and in the public interest. The BOP has made many changes in policy and regulation through the years. We create (and change over time) regulations regarding supervision, continuing education, examinations, and enforcement, among others. We make these decisions based on many variables.

The Board has progressed in its quest to ensure that its licensing and examination programs are fair and meet legal standards set forth in the Business and Professions Code. The criticism leveled at the BOP resulted from misconceptions that we took actions based on the scientific standards of focus groups, validation studies, and other efforts. Although we considered the recommendations of focus groups and

the pilot validation study, other factors were also considered (including direct personal observation and experience during many years of exam development and administration practices). The fact is, we approached the issues from several fronts in an effort to gather information and facts that would lead us to an informed decision commensurate with our responsibilities as a regulatory board.

Norm Hertz, Ph.D., the director of the Office of Examination Resources, is a nationally recognized expert in the development of licensing examinations. He has been instrumental in the ongoing development efforts of the oral exam since 1990. He has worked diligently toward making the exam comply with educational and psychological testing standards (as mandated by Section 139 of the Business & Professions Code).

He is committed, as is the Board, to asking difficult and controversial questions about the BOP's examination program. His conclusion is that we do not have a valid oral examination. He has stated that he has taken this exam as far as an oral exam can be taken in efforts to achieve validity. He hoped and strived, as did we all, that there would be a better product by this time that we could without a doubt, call valid. The fact is, there is not.

The Board applauds Dr. Hertz' professional integrity and courage to render an objective opinion without regard for personal influence by the Board, members of professional associations, or others. However, the decision to eliminate the oral exam rested solely with the Board. Dr. Hertz did not make the decision for the Board. The Board's legal counsel did not make the decision for the Board. The external-testing expert from Rand Corporation, the focus groups, or validation studies did not make the decision for the Board.

We held public forums throughout the state to hear from all interested parties. We reviewed examination programs of psychology licensing boards throughout North America, and found that fewer than one-third of these boards utilize a competency-based oral examination. We reviewed disciplinary data from states without such an oral exam to see if there was a relationship between competency based oral exams and discipline and we found no correlation. No single one of these individual efforts led the BOP to the conclusion to eliminate the oral exam. All of this information was distilled and after many conversations (often heated ones) among Board members, the Board voted unanimously to eliminate the oral exam. Based on our comprehensive review of this issue, we are confident the public is not placed at an increased risk of harm by incompetent psychologists as a result of issuing a license without administering the oral exam.

Such breaks in tradition are often difficult to accept at first. The oral exam has been a mainstay of psychology licensure for a long time in California. However, it was an exam that – even in its continuous attempts to be psychometrically sound – was too subjective and, in our opinion, did not comply with testing standards, and consequently does not comply with California law.

So, we will miss the sense of duty and responsibility we shared with the many psychologists who so graciously gave of their time and energy to help write the exams. We will miss the dedicated oral examiners who came together to give something back to the profession and toil through long and tedious days of examinations. To many, the oral exam represents the final path by which candidates join us in a profession we cherish. In many ways, saying goodbye to this exam is like saying goodbye to an old friend.

This is the end of the chapter, but not the end of the story. The Board continues to review the requirements for licensure and the practice of psychology. It is reasonable to consider the value of competency based examinations. Although we are of the opinion that there are many inherent problems in an oral examination, we will continue to consider options that reflect best practices in terms of public protection and the evolution of professional psychology.

There are many questions to consider and there are many stakeholders. The American Psychological Association currently has a committee reviewing the need for certifying specialists in the various areas of psychology. The American Board of Professional Psychology (ABPP) established a program of certifying psychologists in specialty area. There are ongoing groups, such as the Association of Psychology Postdoctoral and Internship Centers (APPIC) which will hold a conference to attempt to define "minimal competency." In the meantime, we have proposed that the Association of State and Provincial Psychology Boards (ASPPB) (the association comprised of all psychology licensing boards in the United States and Canada, which develop and administer the EPPP) study the issue of a competency exam for licensure.

At this point, California, as well as most states, does not license specialists. The psychology license is a generic license that allows licensees to practice in areas in which they have the proper education, training and experience. Many have questioned why we had what is essentially a clinical/counseling exam for generic licensure. ASPPB is uniquely positioned to take into account the experience of all licensing boards in the United States and Canada. Perhaps, if a majority of licensing boards conclude that a competency exam is essential as a complement to the EPPP, there could be an effort to develop this exam and administer it nationally. Hopefully, this would be an objective, standardized exam that eliminated all the pitfalls of an oral exam.

The Board of Psychology appreciates all of the time and effort by the people who contributed to this important change to regulations regarding licensure. The Board's Executive Officer, Tom O'Connor and his staff, the Department of Consumer Affairs' Office of Examination Resources, and the California Psychological Association and others who took the time to contribute to the process have all added significantly and honorably to the debate.

We are satisfied that the changes are a move in the right direction and look forward to continuing along a path that keeps California in the forefront of the regulation of the practice of psychology.

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Kenneth Ray Bouillion, Ph.D. Appointed to the LSBEP

On July 9, 2002, Governor Mike Foster appointed Kenneth R. Bouillion, Ph.D. to a five year term on the LSBEP. Dr. Bouillion is no stranger to the workings of this Board. It is his third such appointment. He first served a three year term of office from July 1, 1987 through June 30, 1990, and returned in July of 1993 to begin a five year appointment which ended June 30, 1998. Dr. Bouillion's third appointment began on July 1, 2002 and will end on June 30, 2007. His expertise is welcomed by the current Board and staff.

The Board wasted no time in getting Dr. Bouillion into the workings and responsibilities of serving. At the first meeting of his new term, he was appointed to Chair the Committee on Continuing Education, and to Co-Chair the LSBEP's Legislative Oversight Committee with Dr. Linda Hartwell.

No doubt the public will be well served by Dr. Bouillion's presence on the LSBEP.

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- September 6th - Baton Rouge
- October 25th - Baton Rouge
- November 22nd - Baton Rouge
- December 20th - Baton Rouge

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Registration of Out-of-State Psychologists

The Louisiana State Board of Examiners of Psychologists would like to make all licensed psychologists aware that any out-of-state psychologist who practices in the State of Louisiana who is a non-resident of Louisiana and is associated with a Louisiana licensed psychologist will need to document that relationship. This relationship should also be registered with the Louisiana State Board of Examiners. The forms can be obtained from the Board office (or copied from the one printed on the adjoining page). The understanding is that this relationship will not exceed the time frame of thirty days. In addition, the nonresident psychologist should be licensed at the independent level in the state of his residence. By the same token, the nonresident's state should also permit Louisiana licensed psychologists to practice in a similar manner at the independent level. This is Chapter R.S. 37:2365.D. If there are any additional questions, please contact the Board office (225-763-3935).

Click [here](#) for the form.

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Q&A

The following questions are common among applicants for licensure. Supervisors helping them complete their supervised practice plan can help them with these issues.

Q. Can I wait to complete the form until I am ready to sit for the EPPP?

A. Yes, but it is better to submit it at the beginning of your postdoctoral supervised practice. If there are any problems with the proposed plan they can be addressed before the candidate has done the work.

Q. What is "area of specialization?"

A. This item refers to the options available in the Louisiana Administrative Code (e.g. clinical, school) and does not refer to specialized area of practice such as "trauma" or "eating disorders."

Q. Suppose I have two supervisors for my postdoctoral experience?

A. To count for licensure, the experience must be at least half-time (1000 hours). If the supervisors are in the same setting but supervising different activities, it is best if the forms are submitted together so that it is clear the experience meets the requirement. If the supervisors are in two different settings, have a cover letter indicating that this is one of two plans being filed.

Q. Signature lines?

A. Be sure both the candidate and applicant SIGN the supervised practice plan. Plans without both signatures will be returned.

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2002-03 Committee Chairs

Complaints: Robert Roy Allen, Chair

Continuing Education: Kenneth Bouillion, Chair

Supervision & Credentials Review: Janet Matthews, Chair

Legislative Oversight: Linda Hartwell & Kenneth Bouillion, Co-Chairs

Long Range Planning: Roy Allen & Janet R. Matthews, Co-Chairs

Oral Examinations: Bruce McCormick, Chair

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