

LOUISIANA REVISED STATUTES
TITLE 37
CHAPTER 28. PSYCHOLOGISTS

TABLE OF CONTENTS

§2351. Declaration of purpose.....	2
§2352. Definition of terms.....	2
§2353. State board of examiners; organization; duties; meetings; fees.....	3
§2354. Fees	5
§2355. Records	7
§2356. Licensure of psychologists by written and oral examination.....	7
§2356.1. Authorization to obtain criminal history record information.....	8
§2356.2. Provisional licensed psychologist; renewal; continuing education	9
§2356.3. Specialist in school psychology; licensure; scope of practice	11
§2357. Renewal of license	12
§2358. License; filing	12
§2359. Denial, revocation, or suspension of license; psychologist; provisional license; specialist in school psychology.....	13
§2360. Violation and penalties	15
§2361. Injunctive proceedings.....	15
§2362. Advertisement of psychological services.....	16
§2363. Privileged communications.....	16
§2364. Protected action and communication.....	17
§2365. Scope of Chapter.....	17
§2366. Drugs; medicine.....	18
§2367. Orders to nurses	18

LOUISIANA REVISED STATUTES

TITLE 37

CHAPTER 28. PSYCHOLOGISTS

§2351. Declaration of purpose

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.

Added by Acts 1964, No. 347, §1; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2004, No. 11, §2.

NOTE: See Acts 1987, No. 915, §3.

§2352. Definition of terms

As used in this Chapter the following terms mean:

(1) "Applicant" means any person who has submitted an application form to the board, paid the application fee, and who has provided such additional information as the board may require.

(2) "Board" means the State Board of Examiners of Psychologists.

(3) "Candidate" means any person whose application and related materials have been approved by the board. Only candidates are eligible to take the written/oral examination.

(4) "Licensed specialist in school psychology" means any person licensed as a specialist in school psychology who applies his knowledge of both psychology and education during consultation and collaboration with others and engages in specific services for students, such as direct and indirect interventions that focus on academic skills, learning, socialization, and mental health.

(5) "Persons" includes an individual, firm, partnership, association, or corporation.

(6) "Practice of licensed specialist in school psychology" is defined as the application of psychological principles, methods, and procedures to help children and youth succeed academically, socially, behaviorally, and emotionally. Licensed specialists in school psychology collaborate with educators, parents, and other professionals to create safe, healthy, and supportive learning environments that strengthen the connection between home, school, and the community for all students. They apply their knowledge of both psychology and education during consultation and collaboration with others and conduct effective decision making using a foundation of assessment and data collection. Licensed specialists in school psychology provide services to schools and families that enhance the competence and well-being of children, including promotion of effective and safe learning environments, prevention of academic and behavior problems, response to crises, and improvement of the collaboration between schools and families. The key foundations for all services provided by licensed specialists in school psychology are understanding of diversity in development and learning, research and program evaluation, and legal, ethical, and

professional practices. The types of evaluations performed by a licensed specialist in school psychology will be those that are germane to the current state educational bulletins, including but not limited to Louisiana Bulletins 1508 and 1706. Nothing in this Chapter shall be construed to permit a licensed specialist in school psychology to diagnose mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or diseases as defined by the International Classification of Diseases.

(7) "Practice of psychology" is defined as the observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, stress management, biofeedback, behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and of the psychological aspects of physical illness, accident, injury, or disability; psycho educational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, institutions, organizations, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

(8) "Provisional licensed psychologist" means a person provisionally licensed under this Chapter.

(9) "Psychologist" means any person licensed as a psychologist under this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Chapter.

(10) "School" or "college" means any regional accredited university or other institution of higher learning offering a full-time doctoral course of study in psychology that is approved by the board.

(11) "School system" means any institution or facility which provides for education of children in grades one or above, which may include kindergarten or prekindergarten attached thereto.

Added by Acts 1964, No. 347, §2. Amended by Acts 1976, No. 403, §1; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2014, No. 136, §1; Acts 2014, No. 137, §1.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2353. State board of examiners; organization; duties; meetings; fees

A.(1) There is hereby created within the Department of Health and Hospitals a Louisiana State Board of Examiners of Psychologists which shall be subject to the

provisions of R.S. 36:803. The board shall consist of five members who are citizens of the United States, residents of the state of Louisiana, and appointed by the governor.

(2) Upon expiration of the three-year terms of the members in office on September 1, 1987, and except for the transition set forth below, the governor shall appoint members for terms of five years. For the two vacancies occurring July 1, 1988, one member shall be appointed for a three-year term and one member for a four-year term; for the vacancy occurring July 1, 1989, the member shall be appointed for a four-year term; and for the two vacancies occurring July 1, 1990, one member shall be appointed for a four-year term and one member for a five-year term. A board member shall not be eligible to succeed himself. All appointments shall be from a list provided by the Louisiana Psychological Association. The list shall report the results of an election in which persons qualified for board membership may nominate themselves and in which licensed members of the Louisiana Psychological Association and other persons licensed under this Chapter are entitled to one vote for each vacancy on the board.

(3) Each board member shall have rendered service, teaching, training, or research in psychology for at least five years, shall have held a doctoral degree in psychology from a school or college as defined in this Chapter for a period of five years, and shall be licensed under this Chapter for a minimum of five years.

(4) Notwithstanding the provisions of this Subsection, no person shall be eligible to serve as a board member if he is employed by the board, has a contract with the board for services, or within the preceding twelve months of his nomination was employed by the board or had a contract with the board for services.

(5) Board members shall serve without compensation but shall receive seventy-five dollars per diem allowance plus the mileage rate provided state employees to cover expenses incurred while engaged in the discharge of their duties.

(6) Membership on the board of a public employee or official shall not constitute dual office holding within the meaning of R.S. 42:61 et seq.

(7) Each appointment by the governor shall be submitted to the Senate for confirmation.

B. The board shall, annually in the month of July, hold a meeting and elect from its membership a chairman and vice chairman. Special sessions may be called by the chairman or the governor. A majority of the board shall constitute a quorum at any meeting or hearing.

C. The board is authorized and empowered to:

(1) Adopt, and from time to time, revise, such rules and regulations not inconsistent with the law as may be necessary to effect the provisions of this Chapter.

(2) Employ, within the limits of the funds received by the board, an administrative assistant, general legal counsel, or other personnel necessary for the proper performance of work under this Chapter.

(3) Adopt a seal, which shall be affixed to all licenses issued by the board.

(4) Examine for, deny, approve, revoke, suspend, and renew the licenses of applicants, candidates, and psychologists as provided under this Chapter.

(5) Conduct hearings upon complaints concerning the disciplining of a person licensed pursuant to the provisions of this Chapter and within the limitations established under Chapter 1-A of Title 37 of the Louisiana Revised Statutes of 1950.

(6) Cause the prosecution and enjoinder of all persons violating this Chapter, and incur necessary expenses therefor.

D. The board shall have the authority to correct an error made in processing an application, examining a candidate, investigating a complaint, rendering due process during hearings, or in any of its other activities.

E. Any person aggrieved by an action of the board may seek judicial review in the district court for the parish of East Baton Rouge in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

F. Within thirty days after the close of each fiscal year, the board shall submit a report, reviewed and signed by the board members, to the governor, concerning the financial and professional transactions of the board during the preceding fiscal year.

G. This board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment*, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.

Added by Acts 1964, No. 347, §3. Amended by Acts 1976, No. 329, §1; Acts 1977, No. 684, §24; Acts 1982, No. 817, §1; Acts 1984, No. 931, §1; Acts 1985, No. 720, §1; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 1995, No. 1302, §1, eff. June 29, 1995; Acts 2015, No. 255, §1; Acts 2017, No. 234 §1 eff. June 14, 2017.

*AS APPEARS IN ENROLLED BILL.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2354. Fees

A. All monies received by the board under this Chapter shall be paid into the treasury of the State Board of Examiners of Psychologists and may be expended by the board without appropriation for costs of administration and other expenses, and any surplus at the end of a fiscal year or a biennium may be retained by the board for future expenditures and the board is not required to pay any such surplus into the general fund of the state of Louisiana.

B.(1) The board shall charge an application fee to all applicants for licensure. The board may also charge a written examination fee and an oral examination fee. The board shall establish a reasonable fee schedule in conformity with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

(2) The board shall charge to any person who applies for a provisional license an application fee in an amount not to exceed two hundred dollars. The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

(3) The board shall charge an application fee to any person applying for licensure as a specialist in school psychology that shall not exceed two hundred dollars. The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

C.(1) Every licensed psychologist in this state shall annually pay to the board during the month of July of each year, beginning in the year immediately subsequent to

his initial license, a renewal fee to be determined annually by the board. The license of any psychologist who shall fail to have his license renewed during the month of July in each and every year shall lapse; the failure to renew the license, however, shall not deprive said psychologist of the right of renewal thereafter. Such lapsed license may be renewed, within a period of two years after such lapse, upon payment of a reinstatement fee equal to the current application fee and the current renewal fee.

(2)(a) Every provisional licensed psychologist shall annually pay to the board during the month of July of each year, beginning in the year immediately subsequent to his initial provisional license, a renewal fee in an amount not to exceed one hundred dollars. The provisional license of any psychologist who shall fail to have his provisional license renewed during the month of July shall lapse. Except as provided in R.S. 37:2356.2(C), a provisional license shall not be reinstated.

(b) The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

(3)(a) Every licensed specialist in school psychology in this state shall annually pay to the board during the month of July of each year, beginning in the year immediately subsequent to his initial license, a renewal fee that shall not exceed one hundred dollars.

(b) Failure to renew the license as provided in Subparagraph (a) of this Paragraph shall cause the license to lapse. For a period of two years from the date of lapse of the license, such license may be renewed upon payment of a reinstatement fee that shall not exceed three hundred dollars.

(c) The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

D. The board shall annually send a renewal notice to all licensed psychologists, provisional licensed psychologists, and specialists in school psychology.

E.(1) A licensed psychologist who is sixty-five years of age or older may be eligible for a reduction in the annual renewal fee if he makes a satisfactory showing to the board, in a manner to be determined by the board, of all of the following:

(a) He is sixty-five years of age or older.

(b) He has held continuous licensure as a psychologist in the state for at least twenty years.

(c) At the time of application, he is retired from the full-time practice of psychology or any other full-time employment.

(2) The annual renewal fee for a licensed psychologist who is eligible for a fee reduction pursuant to this Subsection shall be one-half of the amount of the current licensure renewal fee.

Added by Acts 1964, No. 347, §4. Amended by Acts 1976, No. 329, §2; Acts 1982, No. 817, §2; Acts 1986, No. 633, §1; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2014, No. 136, §1; Acts 2014, No. 137, §1; Acts 2015, No. 255, §1; ; Acts 2017, No. 234 §1 eff. June 14, 2017.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2355. Records

A. The board shall keep a record of its proceedings and a register of all applications for licensure.

B. The board shall publish or cause to be published annually a list of psychologists or licensed specialists in school psychology licensed under this Chapter.

Added by Acts 1964, No. 347, §5; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2014, No. 136, §1.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2356. Licensure of psychologists by written and oral examination

A. The board shall issue a license as a psychologist to each applicant who shall file an application upon a form and in such a manner as the board prescribes, accompanied by such fee as required by this Chapter, and who furnishes evidence to that board that, except as otherwise required by law, he:

(1) Is at least twenty-one years of age.

(2) Is of good moral character.

(3) Is a citizen of the United States or has declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with this requirement.

(4) Is not in violation of any of the provisions of this Chapter and the rules and regulations adopted thereunder.

(5) Holds a doctoral degree with a major in psychology from a school or college as defined in this Chapter.

(6) Has a minimum of two years of experience practicing psychology under the supervision of a psychologist, one year of which may be a predoctoral internship as defined in the rules and regulations of the board and required as part of the doctoral degree in psychology as defined by the board and all other experience being post-doctoral. Psychologists who can demonstrate five years of licensed practice as a psychologist in another state, with no disciplinary actions, may qualify to meet one year of post-doctoral experience as defined in the rules and regulation of the board.

(7) Demonstrates professional knowledge and competence by passing a written and oral examination in psychology prescribed by the board.

B. Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensure is satisfactory and accepted and that the applicant has been admitted to candidacy status, or unsatisfactory and rejected; if rejected, said notice shall state the reasons for such rejection.

C. The place of examination shall be designated in advance by the board, and such examination shall be given annually at such place and time and under such supervision as the board may determine, and specifically at such other times as, in the opinion of the board, the number of candidates warrants.

D. The examination shall be of such form and content as determined by the board.

E. The examination passing grade shall be determined by the board.

F. In the event a candidate fails to receive a passing grade on the written/oral examination, he may apply for re-examination and shall be allowed to take a subsequent written/oral examination upon payment of such fee as is required by this Chapter.

G. The board shall maintain as a record, in electronic or other format, all of the following items:

(1) The written examination papers.

(2) An accurate transcript of the questions and answers relating to the oral examinations.

(3) The grade assigned to each answer thereof.

H. If the board reasonably believes that a person applying for a license or for renewal of a license is not physically and mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, which would impair his competency to render psychological services, the board may request that the person submit to a physical examination by a medical doctor approved by the board and/or submit to a mental health examination by a psychologist and/or psychiatrist approved by the board. If the person refuses to submit to the examination, the board, after contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the examination. A person who is ordered to submit to an examination shall not be eligible for licensure or renewal of license prior to the examination. Proceedings under this Subsection shall be conducted in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

Added by Acts 1964, No. 347, §6. Amended by Acts 1980, No. 212, §1; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 1995, No. 1302, §1, eff. June 29, 1995; Acts 2015, No. 255, §1; ; Acts 2017, No. 234 §1 eff. June 14, 2017.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2356.1. Authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meaning:

(1) "Applicant" means an individual who has made application to the board for the issuance or reinstatement of any license, registration, certificate, permit, or any other designation deemed necessary to engage or assist in the practice of psychology that the board is authorized by law to issue.

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(3) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

(4) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(5) "Licensure" means the granting of any license, permit, certification, or registration that the board is authorized to issue.

B. In addition to any other requirements established by regulation, the board may require an applicant, as a condition of licensure:

(1) To submit a full set of fingerprints, in a form and manner prescribed by the board.

(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedures prescribed by this Section, the board may request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. Upon request by the board and upon the board's submission of an applicant's fingerprints and such other identifying information as may be required, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days from receipt of any such request. The bureau may charge the board a processing fee for conducting and reporting on any such search.

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

F. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys for the purpose of evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

Acts 2009, No. 251, §8, eff. Jan. 1, 2010.

§2356.2. Provisional licensed psychologist; renewal; continuing education

A. The board shall issue a provisional license to each person who files an application with the board upon a form and in such a manner as the board prescribes, submits the fee for a provisional license, and furnishes evidence to the board that the person meets all the following requirements:

(1) Is at least twenty-one years of age.

(2) Is of good moral character.

(3) Is a citizen of the United States or has declared his intention to become a citizen. A statement by the person under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with this requirement.

(4) Is not in violation of any of the provisions of this Chapter and the rules and regulations adopted by the board.

(5) Holds a doctoral degree with a major in psychology from a school or college as defined in this Chapter.

(6) Has completed a minimum of one year experience practicing psychology under the supervision of a licensed psychologist or has completed an approved predoctoral internship as defined in the rules and regulations of the board.

(7) Demonstrates professional knowledge of laws and rules regarding the practice of psychology in Louisiana.

B. If the board reasonably believes that a person applying for a provisional license or for renewal of a provisional license is not physically or mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, which would impair his competency to render psychological services, the board may request the person to submit to a physical examination by a medical doctor approved by the board or submit to a mental health examination by a psychologist or psychiatrist approved by the board. If the person refuses to submit to the examination, the board, after a contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the examination. A person who is ordered to submit to an examination shall not be eligible for a provisional licensure or renewal of a provisional license prior to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act.

C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times.

(2) The board shall establish continuing education requirements to be fulfilled prior to the renewal of a provisional license. Failure to fulfill these requirements shall cause the license to lapse. A provisional license shall not be reinstated if a lapse occurs unless such requirements are satisfied within six months from the date of lapse.

D. A provisional licensed psychologist shall maintain a relationship with a licensed psychologist or a medical psychologist licensed in accordance with R.S. 37:1360.51 et seq. for the purposes of clinical supervision. The supervising psychologist or medical psychologist shall have legal functioning authority over the professional activities of the provisional licensed psychologist.

E. The board may adopt rules and regulations in accordance with the Administrative Procedure Act to administer and implement the provisions of this Section.

Acts 2014, No. 137, §1.

§2356.3. Specialist in school psychology; licensure; scope of practice

A.(1) The board shall issue a license as a specialist in school psychology to any person who files an application upon a form and in such a manner as the board prescribes, accompanied by the fee required by this Chapter, and who furnishes evidence to the board that, except as otherwise required by law, the person meets all of the following criteria:

- (a) Is at least twenty-one years of age.
- (b) Is of good moral character.
- (c) Is a citizen of the United States or has declared his intention to become a citizen. A statement by the person under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with the requirement of this Paragraph.
- (d) Is not in violation of any of the provisions of this Chapter and the rules and regulations adopted by the board.
- (e) Has completed a school specialist degree from a National Association of School Psychologists approved program or equivalent.
- (f) Has completed a one-thousand-two-hundred-hour, nine-month internship under the supervision of a certified school psychologist in a school setting or by a licensed psychologist in a community setting. Of the one thousand two hundred hours, six hundred hours shall be completed in a school setting.
- (g) Has completed three years of supervised experience as a certified school psychologist within the public school system.
- (h) Has passed the Nationally Certified School Psychologist examination.
- (i) Has demonstrated professional knowledge of laws and rules regarding the practice of psychology in Louisiana.

(2) If the board reasonably believes that a person applying for a license or for a renewal of a license is not physically and mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, that would impair his competency to render psychological services, the board may request that the person submit to a physical examination by a medical doctor approved by the board or a mental health examination by a psychologist or psychiatrist approved by the board. If the person refuses to submit to the examination, the board, after contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the physical or mental health examination. A person who is ordered to submit to a physical or mental health examination shall not be eligible for licensure or renewal of license prior to such examination. Proceedings under this Paragraph shall be conducted in compliance with the Administrative Procedure Act.

B.(1)(a) A licensed specialist in school psychology, who is engaged in such practice, may practice independently as a contractor of a public, private, or charter school.

(b) A licensed specialist in school psychology who is engaged in such practice and working outside of the school system shall be required to do so under the clinical supervision of a licensed psychologist or a medical psychologist licensed in accordance with R.S. 37:1360.51 et seq. The licensed psychologist or medical psychologist shall be administratively, clinically, and legally responsible for all professional activities of the

licensed specialist in school psychology, and the licensed psychologist or medical psychologist shall be required to sign any final reports prepared by the licensed specialist in school psychology.

(2)(a) Nothing in this Section shall be construed to limit in any way the duties and responsibilities of a school psychologist certified by the state Department of Education.

(b) Nothing in this Section shall prohibit a licensed psychologist from providing services within a school provided such services are within the psychologist's area of competence.

Acts 2014, No. 136, §1.

§2357. Renewal of license

A.(1) Persons licensed as psychologists under the provisions of this Chapter shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payment of the fees established under R.S. 37:2354 and compliance with the requirement established pursuant to Paragraph (2) of this Subsection.

(2) The board shall establish continuing education requirements to be fulfilled prior to the renewal of a license. Failure to fulfill these requirements shall cause the license to lapse. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of all fees due under R.S. 37:2354.

B.(1) Persons licensed as a specialist in school psychology under the provisions of this Chapter shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payment of fees required by this Chapter and compliance with the provisions of this Subsection.

(2)(a) The board shall establish continuing education requirements to be fulfilled by the licensed specialist in school psychology prior to license renewal.

(b) Failure to fulfill the continuing education requirements shall cause the license to lapse. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of all fees required by this Chapter.

(c) The board may adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Chapter.

Added by Acts 1964, No. 347, §7; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2014, No. 136, §1.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2358. License; filing

The board shall issue a license signed by the chairman, vice chairman, and all members of the board whenever a candidate for licensure is found to be qualified as provided in this Chapter. A copy of such license, so certified by the vice chairman as a true copy, shall be filed in the office of the secretary of the state of Louisiana by the administrative assistant of the board. Any filing fees in connection with such filing shall

be paid, in advance, to the administrative assistant of the board by the person being licensed.

Added by Acts 1964, No. 347, §8; Acts 1987, No. 915, §2, eff. Sept. 1, 1987.
{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2359. Denial, revocation, or suspension of license; psychologist; provisional license; specialist in school psychology

A. A psychologist and anyone under the supervision of a psychologist shall conduct their activities in conformity with ethical and professional standards promulgated by the board under its current rules and regulations.

B. The board shall have the power and duty to suspend, place on probation, require remediation for a specified time, revoke any license to practice psychology, any provisional license to practice psychology, or any license to practice as a specialist in school psychology issued by the board, or take any other action specified in the rules and regulations whenever the board, by affirmative vote of at least four of its five members, shall find by a preponderance of the evidence that a psychologist, provisional licensed psychologist, or specialist in school psychology has engaged in any of the following acts or offenses:

(1) Fraud or deception in applying for or procuring a license to practice psychology.

(2) Practicing psychology in such a manner as to endanger the welfare of clients or patients, including but not limited to:

(a) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient.

(b) Engaging in sexual intercourse or other sexual contact with a client or patient.

(c) Gross malpractice, repeated malpractice, or gross negligence in the practice of psychology.

(3) Conviction of a felony. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence.

(4) Conviction of any crime or offense which reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients.

(5) Use of repeated untruthful, deceptive, or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience.

(6) Aiding or abetting the practice of psychology by any person not licensed by the board and in violation of this Chapter.

(7) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence.

(8) Exercising undue influence in such a manner as to exploit the client or patient for financial or other personal advantage to the practitioner or a third party.

(9) The suspension or revocation by another state of a license to practice psychology. A certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof.

(10) Refusal to appear before the board after having been ordered to do so in writing by a duly authorized agent of the board.

(11) Making any fraudulent or untrue statement to the board.

(12) Violation of the code of ethics adopted in the rules and regulations of the board or other immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations of the board.

(13) Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

(14) Violation of any of the provisions of this Chapter or of the rules and regulations promulgated by the board thereunder.

(15) Failure to comply with mandatory reporter laws.

C.(1) Proceedings for disciplinary action or for the denial or withholding of a license or provisional license under the authority of this Section shall be conducted in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. The board may require a person against whom it has taken disciplinary action, after hearing or informal resolution, to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, in accordance with the provisions of this Chapter. These costs shall be paid no later than ninety days after the adjudication by the board becomes final. No license or provisional license shall be issued, reinstated, or renewed until such costs have been paid.

(2) The board may charge a hearing fee to include reasonable costs and fees incurred by the board for the hearing or proceedings, including its legal fees, stenographer, investigator, staff, and witness fees and any such costs and fees incurred by the board on any judicial review or appeal.

(3) The board may charge an informal resolution fee, not to exceed ten thousand dollars, to include costs and fees incurred by the board for a disciplinary action that is resolved by settlement, consent decree, or other informal resolution including its investigator, staff, and legal fees.

D. The board may deny or withhold for a specified time not to exceed two years the granting of a license or provisional license to any applicant or candidate who has committed any of the acts or offenses set forth in Subsection B of this Section.

E. Suspension by the board of the license of a psychologist, a provisional license of a psychologist, or a license of a specialist in school psychology shall be for a period not exceeding two years.

F. A person who has been refused a license or provisional license, or whose license has been revoked, under the provisions of this Section, may reapply for licensure after more than two years have elapsed from the date such denial or revocation is legally effective.

G. The board shall notify all licensed psychologists, provisional licensed psychologists, and licensed specialists in school psychology of any disciplinary action taken against a licensed psychologist, a provisional licensed psychologist, a provisional licensed psychologist, or a licensed specialist in school psychology.

Added by Acts 1964, No. 347, §9; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2014, No. 136, §1; Acts 2014, No. 137, §1; ; Acts 2017, No. 234 §1 eff. June 14, 2017; Acts 2017, No. 234 §1 eff. June 14, 2017.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2360. Violation and penalties

A. It shall be a misdemeanor:

(1) For any person not licensed under this Chapter or Part VI of Chapter 15 of this Title to represent himself as a psychologist; or

(2) For any person not licensed under this Chapter or Part VI of Chapter 15 of this Title to engage in the practice of psychology; or

(3) Except for medical psychologists duly licensed by the Louisiana State Board of Medical Examiners, for any person to represent himself as a psychologist during the time that his license as a psychologist shall be suspended or revoked or lapsed; or

(4) For any person to otherwise violate the provisions of this Chapter.

B. Such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed in the name of the people of the state of Louisiana.

C. Such misdemeanor shall be punishable upon conviction by imprisonment for not more than six months, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment. Each violation shall be deemed a separate offense.

Added by Acts 1964, No. 347, §10. Amended by Acts 1980, No. 415, §1; Acts 1985, No. 719, §1; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2009, No. 251, §8, eff. Jan. 1, 2010.

NOTE: See Acts 1987, No. 915, §3.

§2361. Injunctive proceedings

A. The board may investigate any evidence or allegation which appears to show that any person is or may be in violation of any provision of this Chapter.

B. The board may apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act which is in violation of this Chapter.

C. If it be established that the defendant has been or is committing an act which is in violation of this Chapter, the court shall enter a decree perpetually enjoining said defendant from further committing such act.

D. In case of violation of any injunction issued under the provisions of this Section, the court may summarily try and punish the offender for contempt of court.

E. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies as provided in this Chapter.

Added by Acts 1964, No. 347, §11; Acts 1987, No. 915, §2, eff. Sept. 1, 1987.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2362. Advertisement of psychological services

The board may promulgate regulations to prohibit deceptive advertisements and representations concerning psychological services and the board may enforce this Section and its regulations under the provisions of R.S. 37:2361.

Added by Acts 1964, No. 347, §12; Acts 1987, No. 915, §2, eff. Sept. 1, 1987.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2363. Privileged communications

A. In judicial proceedings, whether civil, criminal, or juvenile, legislative and administrative proceedings, and proceedings preliminary and ancillary thereto, a patient or client, or his legal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist or a licensed specialist in school psychology licensed under this Chapter, or persons reasonably believed by the patient or client to be so licensed, or to their employees or other persons under their supervision, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder.

B. In the absence of evidence to the contrary, the psychologist or licensed specialist in school psychology is presumed to be authorized to claim the privilege on behalf of the patient or client.

C. This privilege may not be claimed by or on behalf of the patient or client in the following circumstances:

(1) Where child abuse, elder abuse, or the abuse of individuals with disabilities or incompetent individuals is known or reasonably suspected.

(2) Where the validity of a will of a deceased former patient or client is contested or his mental or emotional condition is in issue otherwise in any judicial or administrative proceeding.

(3) Where such information is necessary for the defense of the psychologist or licensed specialist in school psychology in a malpractice action brought by the patient or client.

(4) Where an immediate threat of physical violence against a clearly identified victim or victims is disclosed to the psychologist or licensed specialist in school psychology.

(5) In the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist or licensed specialist in school psychology.

(6) Where the patient or client puts his mental state in issue by alleging mental or emotional damages or condition in any judicial or administrative proceedings.

(7) Where the patient or client is examined pursuant to court order.

(8) Where the board is conducting an investigation or hearing based on a complaint made by the patient or client.

D. Notwithstanding the provisions of this Section, testimonial privileges, exceptions, and waiver with respect to communications between psychologist or licensed specialist in school psychology and patient are governed by the Louisiana Code of Evidence.

Added by Acts 1964, No. 347, §13; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 1992, No. 376, §2, eff. Jan. 1, 1993; Acts 2014, No. 136, §1; Acts 2014, No. 811, §19, eff. June 23, 2014.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2364. Protected action and communication

There shall be no liability on the part of and no action for damages against:

(1) Any member of the board, its agents, or employees, or any member of a committee appointed or designated by the board, for any action undertaken or performed by such person within the scope of the duties, powers, and functions of the board or such committee when such person is acting without malice and in the reasonable belief that the action taken by him is warranted.

(2) Any person providing information to the board, its agents, or employees, or to a committee appointed or designated by the board, without malice and in the reasonable belief that such information is accurate.

Added by Acts 1964, No. 347, §14; Acts 1987, No. 915, §2, eff. Sept. 1, 1987.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}

§2365. Scope of Chapter

A. Members of other professions which are licensed or certified under the laws of this state shall be permitted to render services consistent with their professional training and code of ethics, provided they do not represent themselves as psychologists or their work as psychological. The provisions of this Subsection shall not apply to those persons duly licensed as medical psychologists by the Louisiana State Board of Medical Examiners.

B. Duly ordained clergy and Christian Science practitioners shall be permitted to function in their ministerial capacity provided they do not represent themselves as psychologists, or their work as psychological, unless they have been licensed under the provisions of this Chapter or Part VI of Chapter 15 of this Title.

C. The following persons may engage in activities defined as the practice of psychology, provided they do not represent themselves by any title which incorporates the word "psychologist" and provided they perform their activities under the supervision and functional authority of a psychologist licensed under this Chapter in accordance with regulations promulgated by the board:

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

(2) An individual pursuing post-doctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under this Chapter.

(3) An assistant who is qualified under regulations promulgated by the board and who is employed by, or otherwise directly accountable to, a psychologist licensed under this Chapter.

D. Any nonresident duly licensed or certified for independent practice as a psychologist in the state of his residence, which state will permit residents of this state a like and similar privilege as provided in this Subsection, may, if an application is

submitted to the board with payment of the appropriate fee, practice as a psychologist for a maximum of thirty days throughout a calendar year to the same extent and manner as if licensed in this state.

E. University or college faculty holding an earned doctoral degree in psychology from a regionally accredited institution of higher education may use the title "psychologist" in conjunction with their academic or research activities.

F. Unlicensed persons certified by the State Board of Elementary and Secondary Education in accordance with the provisions of R.S. 17:7.1(D) shall be permitted to perform their official duties and use the title "certified school psychologist" only within the context of their employment by a public agency regulated by the State Board of Elementary and Secondary Education.

Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2009, No. 251, §8, eff. Jan. 1, 2010; Acts 2015, No. 255, §1.

NOTE: See Acts 1987, No. 915, §3.

§2366. Drugs; medicine

Except as provided in Part II of this Chapter, nothing in this Chapter shall be construed as permitting a psychologist licensed under this Chapter to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

Added by Acts 1964, No. 347, §16; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2004, No. 11, §1.

NOTE: See Acts 1987, No. 915, §3.

§2367. Orders to nurses

Notwithstanding any law or rule or regulation to the contrary, including but not limited to Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, it shall be considered to be within the scope of the practice of nursing as defined in Chapter 11 of said Title 37 for a registered nurse, licensed practical nurse, and any other health care provider licensed under Chapter 11 of Title 37 to execute and effectuate any order or direction otherwise within the scope of the practice of said health care provider when that order is within the scope of practice of psychology and given to him by a psychologist licensed under this Chapter and, when given in an institutional setting, the order is within the scope of the privileges granted to the psychologist by that institution.

Acts 1995, No. 1302, §1, eff. June 29, 1995.