

NOTICE OF INTENT

Department of Health Board of Examiners of Psychologists

Training, Credentials and Scope of Practice
for Neuropsychology Specialty Designation and Provisional Licensure; other technical corrections
(LAC 46:LXIII.105, 107, 307, 709, 1002, 1701 and 1702)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq, that the Board of Examiners of Psychologists intends to amend Section 307 related to training and credentials for neuropsychology; amend Section 105 and 709 and adopt section 107 related to provisional licenses; and, amend sections 1002, 1701, 1702, to correct an outdated statutory reference to the definition of “Practice of psychology” in accordance with the Louisiana Licensing Law for Psychologist 37:2353.C(1) 37:2357.C(4), 37:2352(7), and the Administrative Procedures Act §968 and 971.

Title 37 OCCUPATIONAL AND PROFESSIONAL STANDARDS Part LXIII. Psychologists Subpart 1. General Provisions

Chapter 1. Definitions

§105. Definition of Candidate for Licensure

A. – A.2. ...

B. A provisional licensee may be admitted to candidacy, and therefore may take the required written examination, prior to completion of the two years of full-time supervised and documented postdoctoral experience, which is required for licensure and as defined in the rules and regulations of the board, or prior to expiration of the provisional license.

C. – J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:248 (August 1979), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2618 (December 2015); amended LR 44: (2018)

§107. Definition, scope and limitations: Provisional Licensed Psychologist

A. Provisional licensed psychologist meets the criteria of the LA R.S.37:2356.2 and therefore may practice psychology as defined under LA R.S. 37: 2352(7) under the supervision of a licensed psychologist.

B. A provisional license is required for admittance to the written examination for licensure prior to completing the final year of postdoctoral supervision

C. A provisional license may be renewed no more than three times.

D. Provisional licensed psychologists may not:

1. contract directly with individuals, couples, families, agencies or institutions for clinical services, consultation, supervision or educational services; or

2. claim to be independently licensed or in private practice.

E. Provisional Licensed Psychologists:

1. must practice psychology under the supervision of a licensed psychologist or medical psychologist in accordance with the requirements of Chapter 7 of this Part;

2. shall use the title “Provisional Licensed Psychologist”;

3. shall disclose supervisory relationships to clients or patients for whom supervision is required, and to third parties when relevant;

4. shall not supervise other mental health professionals or independently evaluate persons;

5. may bill for psychological services through the licensed psychologist/medical psychologist or employing agency.

F. The supervising licensed psychologist, medical psychologist, agency, hospital or corporation who employs the supervising licensed psychologist may bill for psychological services performed by the provisional licensed psychologist.

G. The termination of the supervisory relationship must be immediately reported to the board. The provisional licensed psychologist may not practice under these provisions until an approved supervisory relationship is established.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353 and R.S. 37:2356.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners of Psychologists, LR 44:

(2018).

Chapter 3. Training and Credentials

§307. Clinical Neuropsychology

A. – B.4. ...

5. These regulations recognize the overlapping roles in certain aspects of clinical neuropsychological assessment and intervention of other professionals, such as behavioral neurologists, speech pathologists, and learning disability specialists, and are not meant to constrain or limit the practice of those individuals as affirmatively set forth in their relevant enabling statutes. These regulations are not meant to constrain or limit the practice of licensed psychologists who through education, training, and experience have acquired competence in the use of psychological assessment instruments that measure various aspects of function to include but not limited to general intelligence, complex attention, executive function, learning and memory, language, perceptual motor and social cognition.

C. – C.1. c. ...

d. specialty internship in clinical neuropsychology (one year minimum), followed by the completion of one year of post-doctoral supervised experience in clinical neuropsychology; or, the equivalent of two full years (4,000 hours) of post-doctoral experience in clinical neuropsychology under the supervision of a qualified clinical neuropsychologist (as defined here and in LAC 46:LXIII.307.C.2, 3 and 4). The majority of these hours must involve clinical neuropsychological assessment, and some portion of the remaining hours should be related to rehabilitation of neuropsychological deficits. The supervision, as defined above, should involve a minimum of one hour of face-to-face supervision a week, through additional supervisory contact may be required during training phases and case discussions.

1. e. – 2. c. ...

d. In addition to whatever remedial didactic training is necessary, the candidate for respecialization in clinical neuropsychology, will complete either a formal, two year post-doctoral fellowship training program, or the equivalent of two full years (4,000 hours) of supervised experience in clinical neuropsychology as defined in LAC 46:LXIII. 307.C.1.d.

3. – 3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353 and R.S. 37:2356.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 19:1323 (October 1993), amended LR 36:1006 (May 2010), amended LR 44: (2018).

Chapter 7. Supervised Practice Leading toward Licensure

§709. Conduct of Supervision

A. ...

B. The licensed psychologist or medical psychologist who provides supervision for the candidate for licensure or the provisional licensed psychologist must have legal functioning authority over and professional responsibility for the work of the supervisee. This means that the supervisor must be available to the supervisee at the point of decision making. The supervisor's relationship with the supervisee shall be clearly differentiated from that of the consultant, who may be called in at the discretion of the consultee and who has no functional authority for, nor none of the legal or professional accountability for the services performed or for the welfare of the client.

C. – C.2....

3. Billing and receipt of payment for the services performed by the supervisee or provisional licensed psychologist is the responsibility of the employing agency or the licensed psychologist/medical psychologist. The setting and the psychological work performed shall be clearly identified as that of the licensed psychologist. The physical location where services are delivered may not be owned, leased, or rented by the supervisee.

C.4. – E....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:249 (August 1979), amended, LR 7:187 (April 1981); amended LR 41:2619 (December 2015), amended LR 44: (2018)

Chapter 10. Temporary Registration

§1002. Emergency Temporary Registration for Psychologists

A. Pursuant to R.S. 29:769(E), licensed psychologists from other jurisdictions of the United States may respond to a declared public health emergency and be granted a temporary registration to engage in the practice of psychology as defined in R.S. 37:2352(7).

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:769(E).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:459 (March 2007), amended LR 36:1007 (May 2010), LR 39:2757 (October 2013), amended LR 44: (2018)

Chapter 17. Specialty Titles

§1701. Definition of Practice of Psychology

A. The definition of the practice of psychology, as contained in R.S. 37:2352(7), is a generic description, individuals certified under the provisions of R.S. 37:2351- 2367 are licensed to practice psychology in accordance with that statute and the rules and regulations of the board adopted under the provisions of state statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:602 (October 1980), amended LR 44: (2018).

§1702. Definition of Psychological Testing, Evaluation and Assessment

A. As contained in R.S. 37:2352(7), 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. The Board of Examiners of Psychologists finds it necessary to formally define psychological testing in order to protect the people of this state from the unlawful, unqualified and improper use of psychological tests. The intent of this rule is to provide a definition of psychological testing sufficient to allow this board to effectively regulate this aspect of psychological practice. The Board of Examiners of Psychologists recognizes that, except as otherwise provided by law, psychological testing may only be administered and interpreted by a person duly licensed as a psychologist by this board under R.S. 37:2351 et seq., or by a person under the direct supervision of a psychologist, provided that such supervision is in compliance with the regulations of this board.

B. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:496 (April 1993), amended LR 44: (2018)

Family Impact Statement

The Board of Examiners of Psychologists hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule related to the licensing fees imposed by this agency are not anticipated to have an impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; behavior and personal responsibility of children as it relates to promptly facilitating the licensure of qualified professionals who may work with families and families of school aged children to promote their health, education and well-being; family earnings and family budget; or the ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

The proposed modifications impact psychologists, provisionally licensed psychologists, and specialist in school psychology in the interest of the health, safety and the welfare of the public. The rules do not have any known or foreseeable negative impact on any child, individual or family as defined by R.S. 49:973.B. Specifically, there is no known or foreseeable effect on: household income, assets, and financial security; early childhood development and preschool through postsecondary education development; employment and workforce development; taxes and tax credits; or, child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed rules do not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 noon on October 10, 2018.

Jaime T. Monic

Executive Director