

LOUISIANA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

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June 14, 2016

Via Email Only

Attn: Drs. Susan Andrews, Tiffany Jennings, Charles Burchell, Megan Alsop, ValaRay Irvin, Jean Hollenshead, Sumer Ledet, Michael Chafetz, Michele Larzelere, Jamie Landry, Julie Larrieu, Fred Davis, Paula Zeanah, Devi Murphy, W. Alan Coulter, Darlyne Nemeth, Thomas Hannie, Brian Gros, Michelle Moore, Gail Gillespie, James Van Hook, John Fanning, and Julie Nelson

RE: LAC, Title 46, Part LXIII. Amendments published March 20, 2016

Dear Sir or Madam:

The Louisiana State Board of Examiners of Psychologists (LSBEP) has received your comments regarding proposed revisions to Chapter 8 of the Louisiana Administrative Code, Title 46. Part LXIII.

In summary, there were a total of 23 comments received. Of those comments, there were two issues:

1. Concerns that the proposed rules regarding the calculation of credit granted the presenter of a workshop was more restrictive; and
2. Concerns that it would be onerous to retain continuing professional development documentation for six years.

Attached for your reference is a table, which outlines past, present and proposed CE requirements. Chapter 1-A. Professions and Occupations in General LA R.S. 37:21 is also attached.

HISTORY Concern #1:

After reviewing the current requirements promulgated in October 2013, and receiving concerns and comments from licensed psychologists, the LSBEP determined that the regulations pertaining to obtaining continuing professional development required substantial attention. Therefore, the LSBEP held its Long Range Planning Meeting on November 19, 2015, at that time, board members in an open discussion with representatives of the Louisiana Psychological Association

(LPA), the Psychology Times, and individual licensees, reviewed each section of the continuing education requirements under Chapter 8 and discussed each in detail. Subsequent to this meeting LSBEP created a draft and submitted that information to LPA for review and comment. LPA proposed changes to the draft and LSBEP accepted all of their proposed revisions. On February 29, 2016, the LSBEP published this draft on their website. This was prior to the publication of the Notice of Intent in the March 20, 2016 LA Register. The awarding of workshop credits for presenters, as proposed, was not an issue at that time.

RATIONALE FOR CHANGES Concern #1:

The changes to §803 and §808 were prompted by the concern that under the current rules, a psychologist may not receive a one-time credit for a partial or 1/2 day preparation and teaching of a workshop. The current §803 allows 10 credits for preparing and teaching one "full-day" workshop and current §808 outlines the calculation of those credits as four times the credit granted attendees divided by the number of presenters. However regardless of the method of calculation, you are **currently limited in §803 to a full-day at 10 credits.**

The LSBEP viewed the current rules as restrictive and proposed a fix for the one time credit that is, in its opinion is less restrictive and allows for a half-day workshop, no longer requiring the division of hours among presenters, and does not limit the number of credits to 10.

RATIONALE FOR CHANGES Concern #2:

Psychologists are required to report Continuing Professional Development (CPD) within biennial periods. Documentation is not required to accompany these reports unless a psychologist is subject to audit or a complaint investigation.

La. R.S 37:21 establishes limitations on disciplinary proceedings by professional or occupational boards and commissions. Prescriptive periods for proceedings established under this section are, in some cases up to 5 years. In these circumstances, a psychologist may be required to provide evidence supporting competence and training. Since CPD is reported for a two-year period, and such report cannot be split, it is appropriate that psychologists maintain supporting documentation of Continuing Professional Development for 6 years.

DECISION TO AMEND THE RULES NOTICED ON MARCH 20, 2016:

Rule making is a complex task, with much oversight. Any substantive change requires months of procedure before the final rule is published. Each of the 23 individuals who provided comments on the proposed rules, appear to be of the impression that the board is operating under rules that were actually changed in 2013. Nonetheless, the LSBEP has no opposition to allowing the credits for the preparation and teaching of a workshop to be calculated at a 4:1 ratio divided by the number of presenters (as proposed by the 23 commenters). However, such

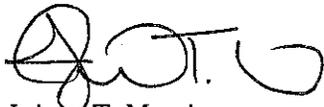
amendment would reflect "substantive changes" that would prevent the current proposed rules from going into effect until **well after the June 30, 2016 reporting period**. This would negatively impact ALL licensed psychologists who are required to report continuing professional development on **July 1, 2016** under the current rules. It will also impact negatively those individuals who have or intend to prepare and present half-day workshops, or even full-day workshops under the current rules.

The LSBEP, had previously acknowledged that the new rules would not go into effect until June 20, 2016, and being the end of the period to obtain Continuing Education had agreed to allow credit under both rules for this reporting period only, and to the benefit of the licensee.

As a resolution to the situation created, and in order to facilitate renewals for 2016, the LSBEP will publish an Emergency Rule in the June 20, 2016 Louisiana Register pursuant to the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B) to amend LAC 46:LXIII. Sections 801, 803, 805, 807, 809, 811, 815, 903; repeal section 808; adopt section 901; and renumber current sections 901, 902, and 903.). These rules contain an amendment to the calculation of credits for the preparation and teaching of a workshop and can be viewed on the LSBEP website at <http://www.lsbep.org/rule-making/>. This Emergency Rule shall become effective on June 1, 2016, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is promulgated in accordance with law, whichever occurs first. The LSBEP intends to continue the rule-making process and promulgate these rules as the final version within the requisite time period allowed under the APA.

The Board appreciates your comments on this matter and will remain open to such considerations and suggestions in future rule-making endeavors.

Sincerely,



Jaime T. Monic
Executive Director

cc: LSBEP 2015-16
posted: 6/14/2016 at <http://www.lsbep.org/rule-making/>