

NOTICE OF INTENT

**Department of Health
Board of Examiners of Psychologists**

**Registration of Assistant to a Psychologist
(LAC 46:LXIII. 601, 1100, 1101, 1103, 1105, 1107, and 1109)**

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 adopt Section 1100, 1105, 1107 and 1109 and amend Sections 601, 1101 and 1103 related to the registration of assistants to psychologists 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 46
OCCUPATIONAL AND PROFESSIONAL STANDARDS
Part LXIII. Psychologists
Subpart 1. General Provisions**

**Chapter 6. Fees
§601. Licensing Fees
A. Licensing Fees**

Licensing Fees	Amount
Application for Licensure	\$200
Application for Provisional Licensure	\$200
Application for Temporary Registration	\$200
Application for Authorization to Provide Telesupervision (Valid 1 year, per supervisor, per application)	\$25 for first supervisee, \$10 for each thereafter
Jurisprudence Examination Fee	\$75
Oral Examination (Licensure, specialty change or additional specialty)	\$250
License Renewal	\$400
License Renewal Fee for Psychologists Qualifying under R.S. 37:2354(E) for a reduced rate	\$200
Provisional License Renewal	\$100
Application for Registration of Assistant to Psychologist	\$50
Application for Renewal of Assistant to Psychologist	\$40
Reinstatement of Lapsed License	\$600
Processing Fees for Paper Renewals	\$50
License Renewal Extension Request	\$25

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:647 (April 2007), amended LR 39:311 (February 2013), LR 41:2618 (December 2015), amended the Department of Health, Board of Examiners of Psychologists, LR 43:1173 (June 2017), amended LR 48:

**Chapter 11. Supervision of Assistants to Psychologists
§1100. Scope and Definitions**

A. Psychologists may use an Assistant to a Psychologist (ATAP) to aid them in the provision of psychological services to clients as defined under this Chapter. The rules of this Chapter govern the registration, utilization, and supervision of an Assistant to a Psychologist in conformity with RS 37:2365.C.(3). Nothing in this Chapter shall be construed as creating a property interest or right to a hearing of the ATAP.

B. The following terms are defined for the purpose of this Chapter:

1. “Assistant to a Psychologist” (ATAP) - is a non-licensed individual who aids a Licensed Psychologist in the provision of psychological services to patients and clients. ATAP’s do not evaluate, interpret or make other judgments related to psychological tests. ATAP’s may be responsible for implementing, not designing, interventions or protocols.

2. “General Professional Supervision” – means the direct supervisory contact with the ATAP. Supervision in this context may include activities such as individual supervision, group supervision, case management, professional development, and review of the work completed by the ATAP.

3. “Continuous Professional Supervision” - means ongoing training and oversight for the procedure furnished under the psychologist’s overall direction and control, including maintenance of the necessary equipment and supplies. Under Continuous Professional Supervision the psychologist’s presence is not required during the performance of the procedure. However, the supervisor shall be available to the ATAP in person, during the time when the ATAP is rendering professional services, or arrange the availability of a qualified supervisor who is authorized to intervene with a client. Exceptions to this provision must have prior approval by the Board.

4. “Supervisor” or “Supervising Psychologist” – means a psychologist licensed under the provisions of Title 37 Chapter 28 of the Louisiana Revised Statutes who shall have competence in the specific area of practice in which supervision is being given.

§1101. Conditions for Utilization of Assistants

A. Upon employment of an ATAP, but prior to assisting in psychological duties, the Supervising Psychologist shall submit a complete application for initial registration, required registration fee, and documentation on such form and in such manner as may be prescribed by the Board to demonstrate that the registrant meets all of the following criteria:

1. Is eighteen years of age or older.
2. Possesses a minimum of a high school diploma or its equivalent.
3. Is of good moral character as determined by a criminal Background Check conducted under the authority of R.S. 37:2356.1 and the provisions of this Part.
4. Is not in violation of any of the provisions of the La. Revised Statutes Title 37, Chapter 28. Psychologists; or the Louisiana Administrative Code, Title 46, Part LXIII; or any provision governing the practice of psychology under the jurisdiction of the Board.
5. Is qualified, or will receive supervised training commensurate with the services to be performed and is under the direct and continuous supervision of the Supervising Psychologist as defined in this Chapter.

B. Prior to the approval of any registration, the registrant shall initiate a criminal background check from the Louisiana State Police, Bureau of Criminal Identification and Information in accordance with this Part, and the Criminal History Records Information report must be received and cleared by the Board.

C. Upon review of the application, the Board shall notify the Licensed Psychologist of record that the application and evidence submitted for registration is satisfactory and the registration has been approved; or that the application or evidence is unsatisfactory and rejected; or other pending status. If the application is rejected, a notice from the Board shall include the reasons for the rejection.

D. An Assistant to a Psychologist may be dually registered and provide services under the direction of more than one supervising psychologist. A single application and fee shall be required if services are provided under a single employer or organization.

E. An approved registration shall be subject to annual renewal, during the month of July, and beginning in the year immediately subsequent to the initial registration of the ATAP.

a. The registration of an ATAP may be renewed if the psychologist of record submits to the Board a renewal application and associated fee as prescribed by the Board. The renewal fee shall be determined annually by the Board and shall not exceed fifty dollars.

b. The registration of any ATAP that has not been renewed by the Supervising Psychologist during the month of July immediately following the initial issuance of the registration, shall be considered lapsed.

c. The registration of any ATAP that has lapsed due to failure to renew, may be reinstated in accordance with the provisions of section 1107 of this Chapter.

F. An assistant registered under the provisions of this Chapter shall utilize the title “Assistant to a Psychologist” also referred to as “ATAP” only within the context of their employment with a licensed psychologist or their employment within an agency or hospital while under the direct supervision of a Licensed Psychologist; other titles an Assistant to a Psychologist may use include psychological technician, psychometrician, and other titles as approved by Board.

G. An ATAP providing psychological services must be under the general and continuing professional supervision of a licensed psychologist. In order to maintain ultimate legal and professional responsibility for the welfare of every client, the Supervisor must be vested with functional authority over the psychological services provided by an ATAP.

H. Supervisors shall have sufficient contact with clients, and must be empowered to contact any client in

order to plan effective and appropriate services and to define procedures. The Supervisor shall be present at the point of service, for emergency consultation and intervention.

I. Work assignments shall be commensurate with the skills of the ATAP and procedures shall under all circumstances be planned in consultation with the supervisor.

J. The supervisory contact with the ATAP shall occur in the service delivery setting, unless otherwise approved by the board of examiners.

K. Public announcement of fees and services and contact with lay or professional public shall only be offered in the name of the supervising psychologist; in all advertisements and descriptions of services ATAPs shall be clearly identified as being under the supervising authority of a psychologist.

L. Billing for psychological services shall not be in the name of an ATAP.

M. A provisional licensed psychologist may not supervise unlicensed assistants.

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 5:250 (August 1979), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 36:1246 (June 2010), LR 41:2620 (December 2015), amended LR 48:

§1103. Responsibilities of Supervisors

A. The Supervising Psychologist

1. is responsible for the registration and renewal of an Assistant to a Psychologist in conformity with this Chapter on such form and in such manner as prescribed by the Board.

2. directs the provision of psychological services to clients.

3. is administratively, clinically, ethically, functionally, and legally responsible for all activities of the Assistant to a Psychologist.

4. is accountable for the planning, course and outcome of the work. The conduct of supervision shall ensure the welfare of the client, and the ethical and legal protection of the assistant.

5. is responsible for general communication regarding the needs of the clients and services rendered.

6. is responsible for Continuing Professional Supervision of the ATAP.

7. provides General Professional Supervision of the ATAP that shall include one cumulative hour per week as a minimum for direct supervisory contact.

a. Exceptions to this requirement must have prior approval of the board.

b. It is likely that more than one hour per week would be required for assistants of lesser experience.

8. shall limit the number of assistants supervised so as to ensure adequate ability to monitor services and protect the public.

9. shall be available for emergency consultation and intervention.

10. shall have competence in the specific area of practice in which supervision is being given.

11. shall maintain a record of supervision which details the types of activities in which the assistant is engaged and the level of competence in each. This record shall be kept in such form as may be prescribed by the board.

12. shall ensure the following is disclosed to the client prior to the provision of any psychological service:

a. The psychologist of record's full name and contact information.

b. The extent and limits of their interaction with the client.

c. The client's right to meet with or communicate with the Supervising Psychologist or psychologist of record prior to or during the course of services rendered by an ATAP.

B. Neglect in maintaining the above standards of practice may result in disciplinary action against the supervisor's license to practice, including suspension or revocation.

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 5:250 (August 1979), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 36:1008 (May 2010), amended LR 48:

§1105. Special Considerations Related to an Assistant to a Psychologist

A. A registration is not the property right of the Assistant to a Psychologist.

B. Nothing in this Chapter shall be construed to allow an Assistant to a Psychologist to:

1. independently engage in any activity or service defined as the practice of psychology in La. R.S.

37:2352(7) *et al.*

2. independently engage in psychological services outside the supervisory relationship approved through registration by the Board.
3. render any diagnosis.
4. sign any evaluations or reports as the provider of record; however should be notated as having engaged in the service within the report.
5. violate any of the provisions of this Chapter or the rules and regulations adopted by the Board.
6. use any title or description to represent themselves as a psychologist or imply that they are qualified to practice psychology.
7. independently advertise psychological services.
8. assign or delegate psychological duties or otherwise engage in the independent practice of psychology.

C. With regard to psychological testing, services of the ATAP shall be limited to the administration and/or scoring of standardized objective (non-projective) psychological or neuropsychological tests defined in this Part, which have specific predetermined and manualized administrative procedures, and which entail behavioral observations, and/or recording test responses.

D. An ATAP is prohibited from evaluating, interpreting, or rendering any judgment related to psychological tests, and/or implementation of interventions or protocols unless designated and delegated by the licensed psychologist of record.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 48:

§1107. Denial, Revocation, or Lapse of a Registration for an Assistant to a Psychologist

A. The Board has the authority to conduct investigations and take such actions permitted under RS 37:2351-2378, *et al* in matters involving the ATAP and/or their Supervisor.

B. The Board may deny or revoke the registration of an Assistant to a Psychologist (ATAP) that is in the best interest of public health, safety, and welfare for any unethical, unlawful, or other unprofessional conduct under the jurisdiction of the Board.

C. Immediate action may be taken to administratively suspend an ATAP's registration in the event information is received that the action(s) of an ATAP is causing harm to clients, is otherwise likely to cause harm to future clients or patients, or the action(s) is unethical or unlawful. Such action may be taken in instances including but not limited to falsifying information in an application; and/or receipt of information involving an arrest, warrant for an arrest, or conviction of the ATAP.

1. The Supervising Psychologist(s) of record shall be immediately notified of an administrative action.

2. The de-identified administrative action shall be reported to the Board at their next regularly scheduled meeting.

3. The Board shall have the final determination on the denial or revocation of a registration.

4. The Supervising Psychologist(s) of record shall be notified of the final action of the Board.

D. The registration of an Assistant to a Psychologist shall immediately lapse upon the occurrence of any one of the following:

1. If the supervisory relationship between a psychologist of record and the Assistant to a Psychologist terminates, the Licensed Psychologist shall notify the Board in writing upon such form and in such manner as prescribed by the Board. The notice shall be submitted within ten calendar days of the termination.

2. Suspension, revocation, or other action that restricts, limits, or prohibits the utilization of ATAP's by a psychologist, taken against the license of the psychologist of record in any jurisdiction.

3. Evidence that the Assistant to a Psychologist has violated any of the provisions of this Chapter or the rules and regulations of the Board.

4. Loss of license of the psychologist of record due to lapse or failure to renew.

5. Failure to renew the registration of an ATAP.

a. A psychologist of record who fails to renew the registration of an Assistant to a Psychologist in accordance with the provisions herein may obtain reinstatement of the lapsed registration provided the following: if the following conditions are met:

i. the Assistant to a Psychologist is not in violation of any of the provisions of this Chapter, or any other applicable laws;

ii. the psychologist of record submits to the Board a renewal application as prescribed by the Board; along with a late renewal fee which shall be the sum of the current ATAP application fee, plus the ATAP renewal fee.

E. It shall be considered the unlawful and unauthorized practice of psychology for an ATAP to continue to provide services without a current, valid, and unrestricted registration issued under this Chapter.

F. Nothing in this section shall be construed as creating a property interest or right to a hearing of the ATAP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.C.(1)

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 48:

§1109. Exceptions to the Registration of an Assistant to a Psychologist

A. The provisions of this Section shall not apply to the following:

1. A medical psychologist utilizing assistants under the provisions of RS 37:1360.61 under the jurisdiction of the Louisiana State Board of Medical Examiners.

2. An individual licensed under this part as a Licensed Specialist in School Psychology who is providing services defined under RS 37:2356.3.

3. 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.

4. An individual who is an applicant for licensure under this Chapter and who is pursuing post-doctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under this Chapter.

5. An individual engaged in academic or research activities that are not defined as the practice of psychology under RS 37:2352.7.

6. Members of other professions who are working in association or collaboration with a Licensed Psychologist, and who are licensed or certified under the laws of this state to independently render and bill for services that are consistent with their scope of practice under the jurisdiction of their respective license or certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2353.C.(1)

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 48:

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. The proposed rules may positively impact the facilitation of qualified professionals who may work with families and families of school aged children.

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 rule changes will impact only LSBEP Licensed Psychologists who utilize ATAP's in the provision of psychological services to clients, as they create a requirement for registration and renewal of ATAP's. The proposed rules align with statewide, and most nationally accepted standards for healthcare professions by requiring minimum standards, including criminal background checks, on assistants engaged in direct client contact with vulnerable populations. Licensed Psychologists are responsible for ensuring their ATAP's are properly registered. Other than initial registration and annual renewals, Licensed Psychologists currently using ATAP's in accordance with current regulations are not anticipated to experience new workload adjustments or paperwork.

Public Comments

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All comments must be submitted by 12 noon on December 12, 2022.

Public Hearing

LSBEP will conduct a Public Hearing at Noon on December 16, 2022, at the board office located at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Jaime T. Monic
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES Registration of Assistant to a Psychologist

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will result in a one-time publication expense of approximately \$2,280 for the LA State Board of Examiners of Psychologists (“LSBEP” or “Board”) in FY 23. The proposed rule changes are not anticipated to require implementation costs to other state or local governmental units. The proposed rule changes comply with statutorily mandated rulemaking requirements implemented by Act No. 238 of the 2021 Regular Session and require that an Assistant to a Psychologist (“ATAP”) be registered with the Board. ATAP’s may be employed by a Licensed Psychologist and used in the direct provision of services to clients/patients, therefore must meet minimum requisite standards for registration, including a criminal background check. The proposed rule changes were written in consideration of establishing the least restrictive requirements for registration in the interest of public protection.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will affect self-generated revenue (SGR) collections for the LSBEP estimated to be \$21,000 for FY 23 including the initial registration of approximately 420 ATAP’s at \$50/registration; and \$18,050 in FY 24 and FY 25 anticipated to include the renewal of 420 ATAP’s at \$40/renewal plus approximately 25 new registrations a year at \$50.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule changes will impact LSBEP Licensed Psychologists and their ATAP’s who are engaged in the provision of psychological services to clients, as they create a requirement for registration and renewal of ATAP’s with related fees. The proposed rule changes align with statewide, and most nationally accepted standards by requiring minimum standards, including criminal background checks, on assistants engaged in direct client contact with the most vulnerable populations. The proposed rule changes will benefit Licensed Psychologists by reducing their risks associated with hiring unqualified individuals to work with vulnerable populations, through registration and minimum requirements evaluated by the Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are anticipated to have a positive effect on competition and employment. Licensed Psychologists who utilize ATAP’s are able to serve a larger client base than if working independently. It is anticipated that by providing minimum requisite standards for registration will legitimize the role of the ATAP, thereby increasing awareness for economic opportunity, employment and growth within the profession of psychology.

Jaime T. Monic
Executive Director

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office