

## NOTICE OF INTENT

Department of Health and Hospitals  
Board of Examiners of Psychologists

Unlicensed Assistants (LAC 46:LXIII.Chapter 11)

Notice is hereby given, in accordance with R.S. 49:950 et seq. that the Department of Health and Hospitals, Board of Examiners of Psychologists intends to amend the following:

Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 11. Use of Assistants in Psychological Practice

§1101. General Provisions

A. The board recognizes as legitimate the appropriate, ethical use of certain unlicensed individuals (assistants) to assist the psychologist in carrying out direct patient care responsibilities and in delivering other psychological services.

B. Assistants who provide psychological services shall do so only upon the order or direction of the psychologist-employer or supervising agency psychologist who, in order to maintain the ultimate legal and professional responsibility for the safety and welfare of the patient or client, shall be vested with functional authority over all psychological services provided by assistants.

C. Outside of those exceptions defined in this rule, the use of assistants is permissible only when a professional relationship exists between the psychologist and the patient or client. Within this context, a professional relationship is defined as and requires sufficient direct, face-to-face contact with the patient or client to allow the psychologist to:

1. establish the doctor-patient relationship;
2. develop the provisional or working diagnoses;
3. adequately plan, prescribe, direct and/or monitor any diagnostic or therapeutic services to be rendered by the assistant; and
4. to clarify for the patient or client the role of the assistant for any services provided.

D. Assistants may provide services permitted under this rule in the absence of a professional relationship between the psychologist and patient or client in the following exceptional circumstances:

1. If deemed appropriate by the supervising agency psychologist, limited symptom screening may be conducted as part of an agency routine to determine if referral for a psychological evaluation or other referral is indicated. Such screening procedures may be ordered as a standing protocol by the psychologist provided that the psychologist establishes the objective criteria by which persons so screened are identified as candidates for psychological evaluation or referral. Such screening procedures shall not be considered sufficient to render a diagnosis of mental, emotional, cognitive or neurobehavioral disorder nor sufficient for treatment planning purposes. The psychologist is not required to establish a professional relationship with an individual so screened unless and until such time that the individual, by virtue of the results of such screening, is determined to be in need of psychological evaluation or other psychological services.

2. At the sole discretion of the psychologist-employer or supervising agency psychologist, an exemption can be made in those cases in which a referral is received for an established patient of another psychologist or physician who has assumed the ultimate responsibility for the psychological diagnosis and management of the patient or client and who is practicing in a licensed health care facility in which the diagnosis and/or management of mental, emotional, cognitive or neurobehavioral disorders is routine.

E. The use of assistants will be conducted in such a manner as to insure both the welfare of the patient or client and the ethical and legal protection of the unlicensed individual. In so doing, the psychologist-employer or supervising agency psychologist shall establish and maintain a level and frequency of contact with the assistant which is consistent with the complexity of psychological service functions provided, the experience and competence level of the assistant and prevailing professional and ethical standards.

F. Reasonable provisions shall be made to insure that assistants have ready access to the psychologist in the case of an emergency.

G. All work assignments or duties shall be consistent with provisions of this rule and

commensurate with the demonstrated skill level of assistants.

H. Public announcement of services and/or fees, as well as contact with the lay or professional public, shall not be offered in the name of assistants.

I. Billing for psychological services shall not be in the name of assistants.

J. Referrals or consults shall not be accepted or made in the name of assistants.

K. A psychologist may not be employed or contracted by an assistant.

L. Assistants shall not be given work assignments or duties which involve professional psychological judgment or functions. Such professional functions include, but are not necessarily limited to, the diagnosis of mental, emotional, cognitive or neurobehavioral disorders, the prescription and/or selection of diagnostic procedures for patient examination, the interpretation, integration and written preparation of psychologic and/or neuropsychologic test results, consultation and the prescription and/or independent provision of therapeutic procedures, techniques or modalities for the treatment or management of mental, emotional, cognitive or neurobehavioral disorders.

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 5:250 (August 1979), amended LR 22:

#### §1103. Levels of Assistants

Two levels of extenders are identified by education and training.

1. Technicians shall minimally possess a bachelor's degree in psychology or related science.

2. Advanced assistants shall minimally possess a master's degree in psychology.

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 5:250 (August 1979), amended LR 22:

#### §1105. Functions of Technicians and Advanced Assistants

##### A. Assessment Functions

1. Technicians, advanced assistants and other staff, upon the order or direction of the psychologist, may instruct patients or clients in self-administered procedures and score those diagnostic test procedures, such as symptom checklists and objective personality inventories, which are objectively and clerically scored. Assistants or other staff performing these functions must have received appropriate in service training, the documentation of which is maintained by the psychologist.

2. Appropriately trained technicians and advanced assistants, upon the order or direction of the psychologist-employer or supervising agency psychologist, may administer and score other diagnostic psychological and/or neuropsychological test procedures for which they have received theoretical and technical education and/or instruction provided that the psychologist is able to document, in such form as may be required by the board, that the technician or advanced assistant is qualified to administer and score such test procedures. Such documentation shall be based, at least in part, on a sufficient number of protocols or procedures which are determined to meet specified criteria for accuracy and conformity to accepted test standards, as determined by the psychologist.

3. At the direction of the psychologist-employer or supervising agency psychologist, advanced assistants additionally may compile observations and actuarial test information into a preliminary written form for the psychologist. The psychologist, however, retains the responsibility for performing those professional components of assessment functions which include, but are not necessarily limited to, the integration and interpretation of the psychological or neuropsychological test findings, the formulation of any diagnoses or diagnostic impressions and any recommendation for further examination, referral, consultation or therapeutic intervention which are incorporated into any written document or oral report.

4. The psychologist-employer or supervising agency psychologist shall maintain documentation of the technician's and/or advanced assistant's education or instruction and qualification as it pertains to test administration and scoring.

5. The psychologist-employer or supervising agency psychologist shall also develop and maintain, in such form as may be required by the board, a written quality control plan of the evaluation of the work product of the technician and/or advanced assistant. This plan shall minimally include a procedure by which, at least annually, randomly selected work samples are inspected and evaluated by the psychologist according to criteria for accuracy and conformity to accepted test standards, as specified by the psychologist. Technicians or advanced assistants whose work products are determined to fall below the standards of

performance established by the quality control plan subsequently shall have all work product reviewed by the psychologist until such time that minimal quality control standards are reestablished.

**B. Intervention Functions**

1. Technicians, upon the order or direction of the psychologist-employer or supervising agency psychologist, may execute specific, objective and well-defined intervention protocols. Such intervention protocols may include, but are not necessarily limited to, relaxation procedures, prescribed behavioral intervention techniques, prescribed biofeedback intervention procedures and prescribed neuropsychological or cognitive rehabilitation strategies.

2. Advanced assistants, upon the order or direction of the psychologist-employer or supervising agency psychologist, additionally may carry out limited, semi-structured psychological health procedures. Such procedures may include, but are not necessarily limited to, patient education, social skills training, orientation groups, parent effectiveness training, systematic desensitization or related behavioral procedures and assertion training. Advanced assistants may also assist the psychologist within the context of psychotherapeutic interventions so long as the psychologist is physically present and the limited role of the advanced assistant is made known to those to whom services are being rendered.

3. Those technicians and advanced assistants directed to execute intervention functions or assist the psychologist in the delivery of therapeutic services as described above must have documented instruction and/or training in such procedures or functions and must have been certified as competent in such intervention activities by the psychologist based on documented observation and review of intervention procedures of each type undertaken by the technician or advanced assistant.

4. The psychologist-employer or supervising agency psychologist shall develop and maintain, in such form as may be required by the board, a written quality control plan. Such plan shall include, at a minimum, an annual random inspection or review of the technician's and/or advanced assistant's work product as it pertains to intervention functions.

**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 22:

**§1107. Registration of Assistants**

A. The psychologist-employer or supervising agency psychologist, upon hiring or otherwise accepting oversight/supervision responsibilities of an assistant, shall provide to the board written notification in such form and manner as the board might require.

B. Annually, at a time prescribed by the board and in a form and manner as the board might require, the psychologist-employer or supervising agency psychologist shall renew the registration of all assistants who provide psychological services under their direction.

C. The psychologist-employer or supervising agency psychologist, upon termination, reassignment of the assistant to another psychologist or substantive change in the duties or activities of the assistant, shall provide the board with written notification of such change within a timely fashion not to exceed 30 days.

**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 22:

**§1109. Exemptions**

A. Upon receipt of an affidavit by the psychologist-employer or supervising agency psychologist, that an assistant has been legally functioning under the direction and supervision of the psychologist for at least two years before January 1, 1997, the board may authorize the affiant to continue the use and supervision of that assistant under board rules in effect before January 1, 1997.

B. A matriculated graduate student whose activities constitute a plan of the course of study for a graduate degree in psychology at a school or college.

C. An individual pursuing post-doctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under Title 37, Chapter 28, Psychologists (Supp. 1998).

**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 22:

**§1111. Failure to Comply**

Any psychologist-employer or supervising agency psychologist who utilizes assistants in a manner which is in violation of these regulations shall be subject to disciplinary action by the board.

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 22:

Inquiries concerning the proposed rule may be directed in writing to: Brenda C. Rockett, Executive Director, Board of Examiners of Psychologists at the address below.

Interested persons may submit data, views, arguments, information or comments on the proposed rules, in writing, to the Board of Examiners of Psychologists, 11924 Justice Avenue, Suite A, Baton Rouge, LA 70816. Written comments must be submitted to and received by the board within 30 days of the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Quillin, Ph.D.

James W.

Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Unlicensed Assistants**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rule amendments will result in any additional costs to state or local governmental units, outside of the cost of printing the rule in the *Louisiana Register* (approximately \$260).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rule amendments will have any effect on the board's revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
It is not anticipated that the proposed rule amendments will have any effect on costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
It is not anticipated that the proposed rule amendments will have any effect on competition and employment in the public and/or private sectors.

James W. Quillin, Ph.D.  
Chairman

H. Gordon Monk

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Chief Coordinator to the  
Legislative Fiscal Office