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Act 237 Redefines Victim's Statement to Healthcare Provider in Forensic Exams

A new law adds to the existing list of hearsay exceptions statements made by the victim of a sexually-oriented criminal offense to a healthcare provider during the course of a forensic medical examination. The healthcare provider must have documented those statements in writing during the course of the forensic medical examination.

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State to Study Rates to Maintain Both Access & Quality in Disability Services

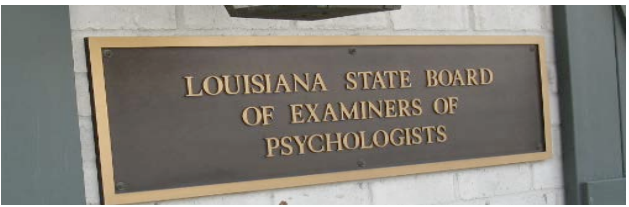
Representative White's effort to help 35,000 individuals with disabilities maintain access to quality healthcare services was signed into law by the Governor as Act 381, as the "Disability Services Sustainability Act." White believes that private providers are essential for helping those with disabilities, and access to these providers is threatened and dwindling.

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New Crime of Harassing Referees Comes with Mandatory Anger Management

Representative Henry's bill has been signed by the Governor into Act 355 and creates the crime of harassment of a school or recreation athletic contest official, and sets penalties which can include mandatory counseling for anger management.

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Consumer Member Appointed to State Psychology Board

In a June 20, 2019 press release the Governor's Office announced that Ms. Amitai Heller of New Orleans, has been appointed to the Louisiana State Board of Examiners of Psychologists. Ms. Heller is an attorney with the Advocacy Center and will serve as a consumer member on the board.

The Governor's office has previously announced Heller's appointment in December 2018 but a source said that it was premature and not final.

Ms. Heller will be the first to serve as a consumer member on the board, a reform put forward in the 2018 legislative session by Senator Mills to include consumers on all healthcare boards.

Cont'd pg 3

Psych Times Sweeps Best Investigative Reporting at Louisiana Press Association

The Psychology Times took home seven awards from the 2019 Better Newspaper Competition of the Louisiana Press Association, announced last month.

For the fifth time since 2012, the *Times* swept its division in Best Investigative Reporting, winning first, second, and third places, and garnering the prestigious Gibbs Adams Award.

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Psychologists Honored for Distinguished Contributions

The Louisiana Psychological Association has named Dr. Johnny Matson, Drs. Kevin Bianchini and Kevin Greve, Dr. Susan Tucker, Dr. Julie Nelson, and Dr. John Sawyer for their outstanding contributions in the psychology community. The awards were announced at the 71st Annual Convention and Business Meeting of the Association, held June 14 and 15 in Metairie.

For the prestigious 2019 Distinguished Psychologist Award, the association named Dr. Johnny Matson of Louisiana State University (LSU). Dr. Matson is Professor of Psychology and Distinguished Research Master at LSU and a top cited scholar who has been named by Thompson Reuters as one of the "Most Influential Scientific Minds of our Time."

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Dr. Bianchini (L) and Dr. Greve (R) receive awards from Dr. Chafetz. The two were honored last month for their distinguished contributions in psychological science by the Louisiana Psychological Association.

Editorials and Opinions

Summer Vacations

by Times publisher, J. Nelson

Growing up in a newspaper family, the vacation week was preceded by a manic—even more than usual—effort to produce what we called, “The Farm Edition.” My father would send me out to take photos and gather the soft news from around the rural life setting of Red River Parish. I’d find out which livestock farmer had a new prize bull (and take a picture), how the cotton fields were holding up to the drought (and take a picture), and which vermin had found their way into the corn crops (and take a picture).

This filled up the back of the paper so that right before we took off for vacation, my parents would write up the hard news for the front page. The back-shop, a production team composed of two great young fellows named Johnnie and KP, would run the press and get the paper to the post office across the street when the deadline arrived.

Mom and Dad were free for seven days, unheard of the rest of the year for publishers of a small weekly. So, after this mad-dash, frazzled sprint to produce the Farm Edition, my Dad piled us in the car for a mad-dash, frazzled sprint to some beach where we fought sand, surf, and sunburn until we returned home to recover.

When I was 11, my father got it into his head to see Hemingway’s home. So this time he piled us (four kids and mom) into his new Buick Skylark and we drove from Coushatta, Louisiana, to Key West, Florida.



My father was a drive-a-holic, and could put 100,000 miles on a car in one year. But obviously ignoring the fact that time passes faster for adults than children, he set out on a four-day round trip of 2,600 miles to Key West.

I remember the Banyan trees, eating lobster for the first time, and driving along the Keys. I remember the salt scented air, the warm beach sands and how the road through Florida narrowed until the land dropped away to nothing but the endless turquoise ocean on both sides.

Mostly, however, I remember the eternity of staring out a car window for mile after mile, after mile, after mile, and hour after hour, after hour. (Surely this is what they do to you in Hell.)

The trip to the Keys was my last. The next year I put my 12-year-old foot down and refused ever again to go on another family vacation. My vehemence seemed to break open the groupthink and my older sister, a very accommodating, sweet, and cooperative sort, amazingly broke ranks too. My younger brothers joined the revolt. I think my father would have exercised his authority except for the fact that my mother amazed us all and agreed, announcing that she would instead spend her time, by herself, fishing for Bream in Black Lake.

Psychological science tells us we like to be busy. We’ll try and stay busy, even if we don’t really have anything to do. That’s the hard part about summer vacation.

In their research, “Idleness Aversion and the Need for Justifiable Busyness,” Hsee and his colleagues point out that people dread idleness, and people who are busy are happier than people who are idle. So, even a specious justification can motivate people to be busy, they found. This idea is contained in the adage about work expanding to fill the time allotted, even if it is meaningless.

For me, summer might be a time to stop some of the busyness, lay back a little, do a few reruns, and try some mindfulness. One good thing about the summer—the legislature goes home and stops, at least for a time, making new laws and dreaming up things for the rest of us to have to do. I don’t have to worry that they’ll pass a law that says I have to drive four days, in order to spend three days on vacation, at least not right now.

[Julie Nelson is a licensed psychologist, journalist, and organizational consultant, and publisher of the Times. She also holds other various positions in the community. However, her opinions here are those of her own, and do not represent any group or association. She and the Times receive no compensation other than paid advertising. Email her at drj@drjulienelson.com, —she welcomes feedback.]

The Psychology Times

Member, Louisiana Press Association

Published monthly
by Nelson News, LLC.
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We welcome ideas for news, features, Letters to the Editor, photos, and other material related to psychological community of Louisiana. Editorials and commentary reflect the opinions of this newspaper. Columns and Letters to the Editor express the opinions of the writers and not necessarily those of *The Psychology Times*. All materials copyrighted by J. Nelson unless otherwise noted.

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Corrections & Clarifications

We did not receive corrections for last month's issue.
Send your corrections to:
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Consumer Member Appointed to State Psychology Board continued

Ms. Heller is listed as working in the legal division of the Advocacy Center, an organization that serves people with disabilities and senior citizens. According to their website, "The Advocacy Center of Louisiana protects, empowers, and advocates for the human and legal rights of people with disabilities and seniors living in Louisiana, in order that they may live an integrated life in the community, free from abuse, neglect and exploitation."

"The agency was founded pursuant to a federal law establishing protection and advocacy systems in each state and territory in the U.S. The mandate of the protection and advocacy systems is "to pursue legal, administrative, and other appropriate means to ensure the rights of persons with development disabilities in the state."

Since 1977, the Center added other populations to its client base including persons with other mental and physical disabilities and senior citizens, according to the website. The Center has a staff of 50 and budget of \$3.8 million.

Gov. Touts First Quarter Personal Income Growth

In a June 25 press release, Gov. John Bel Edwards highlighted news of Louisiana's strong personal income growth from the Bureau of Economic Analysis today. This news comes as Louisiana experiences its lowest unemployment in 11 years and highest GDP ever. Personal income grew by four percent, faster than the national average — including Texas. Gov. Edwards said, "...our state is better off than it was years ago."

In related news, *Southern Business & Development* magazine ranked Louisiana No. 2 for securing the best economic development performance in the South. The magazine tracked the most significant capital investment and job-creation projects across the South.

Governor's Task Force on Healthcare Coverage to Meet July 17, at the Capitol

On June 21 Gov. John Bel Edwards announced that the Protecting Health Coverage in Louisiana Task Force will hold its first meeting on Wednesday, July 17 at the State Capitol.

"Protecting health coverage for Louisianans is a top concern of mine," said Gov. Edwards. "It is imperative that we thoroughly evaluate what we can do to protect health coverage for people with preexisting conditions along with those receiving care through Medicaid Expansion, in the event the Attorney General's lawsuit to invalidate the Affordable Care Act is successful."

Gov. Edwards established the Task Force by Executive Order in May. The order stated: The Task Force shall develop policy proposals to maintain health care coverage for Louisianans at risk of losing health insurance or health protections due to *Texas v. Azar*.

Also, the group shall study and develop policy proposals to mitigate the impact of the loss of preexisting condition protections including, but not limited to: 1) guaranteed issue; 2) preexisting condition exclusion prohibition; 3) prohibition of lifetime and annual limits on coverage; 4) essential health benefits, 5) nondiscrimination.

They are to develop policy proposals to mitigate the impact of more than 465,000 Louisianans losing Medicaid coverage due to *Texas v. Azar*, and determine the aggregate funding needed and financing options for the health coverage and health protections afforded by the ACA.

The Task Force shall study and develop policy proposals to maximize insurance coverage and minimize out-of-pocket medical costs in Louisiana.

The Governor also announced the following members of the Task Force:

Tiffany Netters, Executive Director of 504HealthNet (At-large appointee representing a consumer health group);

Lance Barbour, Louisiana Government Relations Director for the American Cancer Society Action Network (At-large appointee representing a consumer health group);

Korey Harvey, Vice President and Deputy General Counsel at Blue Cross and Blue Shield of Louisiana (At-large appointee representing the insurance industry);

Jeff Drozda, CEO at the Louisiana Association of Health Plans (At-large appointee representing the insurance industry);

Stephen Barnes, PhD, Incoming Director, Kathleen Babineaux Blanco Public Policy Center, University of Louisiana at Lafayette (At-large appointee with expertise in economics);

Sen. Regina Barrow (Senate Health & Welfare Committee designee);

Rep. Joe Stagni (House Health & Welfare designee);

Matthew Block, Governor's Executive Counsel (Governor's designee);

Jeanie Donovan, Policy Director at Louisiana Department of Health (Secretary of Health's designee);

Frank Opelka, Deputy Commissioner of Health, Life, & Annuity at Louisiana Department of Insurance (Commissioner of Insurance's designee); and

Jeff Landry, Attorney General or designee.



Trump Takes Swipe at Healthcare Monopoly: Orders Transparency in Hospital Costs

On June 24, President Trump signed an Executive Order on "Improving Price and Quality Transparency in American Healthcare to Put Patients First." The Order requires the posting of standard charge information for services, supplies, or fees billed by hospitals, and special rates negotiated behind the scenes. "Providing access to this data will facilitate the development of tools that empower patients to be better informed as they make decisions related to healthcare goods and services." And, "Access to this data will also enable researchers and entrepreneurs to locate inefficiencies and opportunities for improvement, such as patterns of performance of medical procedures that are outside the recommended standards of care," the President wrote.

"To make fully informed decisions about their healthcare, patients must know the price and quality of a good or service in advance," the President said. "With the predominant role that third-party payers and Government programs play in the American healthcare system, however, patients often lack both access to useful price and quality information and the incentives to find low-cost, high-quality care. Opaque pricing structures may benefit powerful special interest groups, such as large hospital systems and insurance companies, but they generally leave patients and taxpayers worse off than would a more transparent system."

In 2017, the Administration issued a report titled "Reforming America's Healthcare System Through Choice and Competition," and was referenced in the June Ex. Order.

The report recommends developing price and quality transparency initiatives to ensure that patients can make well-informed decisions about their care. "In particular," the President wrote, "the report describes the characteristics of the most effective price transparency efforts: they distinguish between the charges that providers bill and the rates negotiated between payers and providers; they give patients proper incentives to seek information about the price of healthcare services; and they provide useful price comparisons for 'shoppable' services (common services offered by multiple providers through the market, which patients can research and compare before making informed choices based on price and quality)." Of inpatient care, 73 percent of the 100 highest cost services are shoppable and of outpatient, 90 percent of the 300 highest costs are shoppable.

"Improving transparency in healthcare will also further protect patients from harmful practices such as surprise billing, ..."

"Making meaningful price and quality information more broadly available to more Americans will protect patients and increase competition, innovation, and value in the healthcare system."

The President notes the Policy as follows: "It is the policy of the Federal Government to ensure that patients are engaged with their healthcare decisions and have the information requisite for choosing the healthcare they want and need. The Federal Government aims to eliminate unnecessary barriers to price and quality transparency; to increase the availability of meaningful price and quality information for patients; to enhance patients' control over their own healthcare resources, including through tax-preferred medical accounts; and to protect patients from surprise medical bills."

The Order also lays out the rules for making charges, including negotiated rates and rates worked directly with insurance companies, available to the public: "Within 60 days of the date of this order, the Secretary of Health and Human Services shall propose a regulation, consistent with applicable law, to require hospitals to publicly post standard charge information, including charges and information based on negotiated rates and for common or shoppable items and services, in an easy-to-understand, consumer-friendly, and machine-readable format using consensus-based data standards that will meaningfully inform patients' decision making and allow patients to compare prices across hospitals." [...]

[...] "Within 180 days of the date of this order, the Secretaries of Health and Human Services, Defense, and Veterans Affairs shall develop a Health Quality Roadmap that aims to align and improve reporting on data and quality measures across Medicare, Medicaid, the Children's Health Insurance Program, the Health Insurance Marketplace, the Military Health System, and the Veterans Affairs Health System. The Roadmap shall include a strategy for establishing, adopting, and publishing common quality measurements; aligning inpatient and outpatient measures; and eliminating low-value or counterproductive measures."

Comments on Medscape, a popular physician and healthcare professional website and blog, were poignant.

Commenting was a psychologist. Dana Beezley-Smith| Psychologist —*Well, I for one am tickled pink. It's a travesty that consumers have to purchase healthcare services without understanding what their portion of the expense will be. I wrote about this topic almost two years ago. (<https://nationalpsychologist.com/2017/09/health-care-reform-update-price-transparency-movement-growing/104010.html>) The devil's in the details, of course, as proposed and final rulings will take some time, but if it plays out right, the entire provider-*



insurer-patient relationship will be transformed. No more secrets. Hospitals won't like this, insurers won't like this, but perhaps private physicians can prove they offer more value per dollar than giant hospital systems do. At the very least it encourages the consumer to ask more questions.

Popular comments included:

Dr. Chris Burritt| Psychiatry/Mental Health —*The Hospitals practically operate as cartels...pushback from them should be viewed as a sign of going in the right direction. I hope Trump stays the course - this should be a bipartisan effort!!*

Dr. Yehuda Mond| Internal Medicine —*Politics aside, President Trump is the only president who has the guts to face on the pharma companies, call their bluff, and end the status quo. He's the first to explain to the American people where the problem is and how it can be solved. We're paying through the nose with unfettered billions of our tax and insurance dollars going straight to pharmaceutical companies. While this will not solve all our problems, if he is successful (ahem, so-called democrats), then it will reduce healthcare costs across the board. Please folks, put your unjustified hatred towards our president aside and show him your support.*

Dr. Kathryn Duplantis| Plastic Surgery and Aesthetic Medicine —*president trump 2020! I wrote him a letter recently addressing the challenges that we doctors are facing including rising overhead, constant fighting with insurance companies to be paid and increasing liability! We are tired of all the big bosses running healthcare! I want doctors to be able to run their own practices and not deal with all the bosses that have driven up the cost of healthcare! My practice is all cash and will retire with a cash practice!*

Access, Quality in Disability Services continued

In an effort to maintain quality services for individuals with disabilities, Representative White's bill notes:

(1) Access to quality services for persons with developmental, intellectual, adult-onset, or physical disabilities furnished by private providers is essential for the health, safety, and well being of those persons.

(2) Reliable and sufficient Medicaid reimbursement rates for private providers are necessary to create and maintain a sustainable statewide system of services for eligible individuals with disabilities.

(3) A statewide system of services is sustainable only if reimbursement rates are sufficient to enlist providers in numbers great enough to allow eligible individuals a choice among different providers who are capable of delivering quality services that will meet the assessed needs of those individuals in a timely manner.

The measure declared that the state "must take steps to foster and maintain a robust network that attracts and retains quality providers which are capable of maintaining a stable workforce and are sufficient in number to allow for meaningful choices among providers by individuals eligible to receive disability services."

Representative White (Center) asks the state to study quality and access to services for those with disabilities.

She said she is concerned about losing private providers from the public health care roles.

The law requires "The department shall maintain reliable data in a form that permits ongoing monitoring of trending factors that may affect the sufficiency of rates. Such factors may include, without limitation, trends in cost of living and other economic indexes, wage rates, and changes in regulatory and policy requirements affecting provider costs.

"The department may require reasonable, periodic financial reports from providers as needed to ensure the availability of reliable cost data. The department shall consult and collaborate with providers to develop reasonable financial reporting requirements."

"The department may conduct annual reviews of all rates by service category and shall make a determination of the level of sufficiency of each rate based on a review of all pertinent data." Act 381 requires that any reduction in disability rates to providers must be approved by the Joint Legislative Committee on the Budget.

The state health department is to submit an annual report concerning disability service provider rates with any changes within the previous twelve months to the Medicaid rate methodology for disability services and the current Medicaid rates for those services.



Victim's Statement to Health Provider in Forensic Exams, Cont'd

The bill, House Bill 487 by Representative DuBuisson was signed by the Governor and becomes Act 237.

The existing law says that certain prior statements by a witness are not hearsay if the declarant testifies at trial or hearing and is subject to cross-examination concerning the statement, and the statement is any of the following: Inconsistent with his testimony in criminal cases provided that the witness has been given the opportunity to admit the fact; Consistent with his testimony and offered to rebut charges against him of fabrication, improper influence, or motive; One of identification of a person made after perceiving the person; Consistent with declarant's testimony and is one of initial complaint of sexually assaultive behavior. The new law adds statements made by the victim of a sexually-oriented criminal offense to a healthcare provider during the course of a forensic medical examination to this list of exemptions.

Harassing Referees Comes with Anger Management, cont'd

The new law defines the crime as the harassment of a school athletic or recreation athletic contest official that occurs under either of the following circumstances and that includes verbal or non-verbal behavior by the offender that would cause a reasonable person to be placed in fear of receiving bodily harm: (1) While the school athletic or recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest. (2) In the immediate vicinity of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest and is based on the official's performance in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.

New law provides the following penalties for persons who commit the offense:
(1) A fine of not more than \$500, imprisonment without hard labor for not more than 90 days, or both.
(2) Performance of 40 hours of court-approved community service work.
(3) Mandatory participation in a court-approved counseling program which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court. Cost of the program shall be borne by the offender.

The new law creates the crime of entry or remaining on site of a school or recreation athletic contest after being forbidden which provides that no person shall without authority go into or upon or remain in or upon, or attempt to go into or upon or remain in or upon, any immovable property or other site or location that belongs to another and that is used for any school athletic contest or recreation athletic contest, including any area in the immediate vicinity of the site or location of the athletic contest, after having been forbidden to do so, either orally or in writing, by any owner, lessee, or custodian of the property or by any other authorized person.

New law provides that whoever violates the provisions of new law shall be fined not more than \$500, imprisoned without hard labor for not more than six months, or both.

Gov. Vetoes Golf Cart Bill

A measure authorized golf carts to cross La. Hwy. 95, La. Hwy. 35, La. Hwy. 1104, and La. Hwy. 178 on marked or designated paths or crossings within the town limits of Church Point between sunrise and sunset. The Governor vetoed the bill saying that there is no reason for Church Point to have different regulations than other towns and there are significant safety concerns with the proposal. The Gov. asked DOTD to study the matter of golf carts.



Changes Made to Law when Investigating Student Threats of Violence, Terrorism

The Governor signed House Bill 193 into law and revises last year's effort to improve school safety. Representative Bacala's measure revises procedures relative to students investigated for making threats of violence or terrorism.

Present law provides relative to a student reported to a law enforcement agency for a threat of violence or terrorism, and provides for a judicial hearing on whether the student should undergo a mental health evaluation. The current law requires that the student shall not be permitted to return to school until undergoing a formal mental health evaluation.

The changes passed and signed by the Governor instead instruct authorities that a student who is the subject of a complaint and investigation shall be permitted to return to school by the school administration if at any point prior to a hearing the threat is determined not to be credible by the school administration, law enforcement agency, or district attorney or by order of the court after a hearing.

While present law requires the law enforcement agency file a petition with the appropriate judicial district court for a mental health evaluation, the new law instead says that if the law enforcement agency determines that the threat is credible and imminent, it shall report it to the district attorney, who may file such a petition not later than seven days after receiving such report. It requires that a student be permitted to return to school if the district attorney decides not to file a petition or does not do so within that time period.

The new law defines that a "credible and imminent" threat means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that the person communicating the threat actually intends to carry out the threat in the near future or has the apparent ability to carry out the threat in the near future.

Another revision passed by the Senate was to prescribe a 7-day time limit on the district attorney's authority to file a petition for the examination of a student who makes a threat and add a requirement that the student be allowed to return to school if the district attorney decides not to file a petition or does not do so within that time period.

The law now is "If a law enforcement agency, based on its investigation as required by R.S. 17:409.4(B)(1), determines that a student's threat is credible and imminent, it shall report it to the district attorney, who may file a petition no later than seven days after receiving such report with the appropriate judicial district court for medical, psychological, and psychiatric examination as outlined in this Subsection."

Act 115 Limits Experts on Memory, Eyewitness Identification Opinions

The Governor signed House Bill 226 into law putting limits on expert testimony regarding the issue of memory and eyewitness identification in evidence.

Act 115 retains current law stating that "A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- "(1) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- "(2) The testimony is based on sufficient facts or data; (3) The testimony is the product of reliable principles and methods; and (4) The expert has reliably applied the principles and methods to the facts of the case."

The new law governs expert witnesses on the issue of memory and eyewitness identification:

"In a criminal case, if a party seeks to offer the testimony of a memory and eyewitness identification expert under this Article, such expert testimony may be considered for admission only if all provisions of Subparagraph A of this Article are satisfied. A memory and eyewitness identification expert's testimony may not be admitted under this Article if there is physical or scientific evidence that corroborates the eyewitness identification of the defendant. An expert's testimony admitted under this Paragraph shall not offer an opinion as to whether a witness's memory or eyewitness identification is accurate."

The measure became law upon signature of Governor Edwards.

Act 265: Medical Board to Install Additional Criminal Checks and Fingerprinting

Effective next month, medical psychologists under the La. State Board of Medical Examiners, along with perfusionists, genetic counselors, and polysomnographic health professionals, will be required to provide and pay for additional criminal background checks in applications.

The new law authorizes the medical board to request and obtain state and national criminal history record information as a requirement of application for license, registration, certificate, or permit to practice in this state.

The new law allows the LSBME to request and obtain state and national criminal history record information from the La. Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections and the Federal Bureau of Investigation of

the U.S. Department of Justice. In addition to any other requirements established by regulation, the Board shall require an applicant, as a condition of licensure to submit a full set of fingerprints, and permit the board to request and obtain state and national criminal history record information on the applicant. Applicants will pay, 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.

The new law provides for confidentiality of criminal history information obtained by the board and also for an exception to the Public Records Law.

Regardless of Parents' Income
Act 421 Adds Disabled Youngsters to Medicaid

Representative Horton's Act 421 creates the option within the Medicaid program for children with disabilities to access Medicaid-funded services regardless of their parents' income.

The new law defines "TEFRA option" as the program authorized under Section 134 of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") which furnishes Medicaid benefits to children with disabilities who are otherwise ineligible for such benefits because the income of their household exceeds state-established limits for Medicaid eligibility.

Act 421 requires the La. Department of Health (LDH), subject to approval by the federal Medicaid agency, to begin a program within Medicaid to provide health services for the population contemplated under Section 134 of TEFRA. It requires that LDH submit the proposed TEFRA option program to the federal Medicaid agency on or before June 1, 2020.

The law stipulates that the TEFRA option shall offer coverage exclusively through the Medicaid fee-for-service system unless LDH determines that offering TEFRA option coverage to persons enrolled in the Medicaid managed care program would be more cost-effective.

The new law states that in order to be eligible for the TEFRA option, a child shall meet all of the following criteria: (1) He is a La. resident and U.S. citizen. (2) He is under the age of 19. (3) He has a disability that is recognized under the definition of disability utilized in the Supplemental Security Income program of the Social Security Administration, regardless of whether he is eligible to receive benefits under that program. (4) He is ineligible for Medicaid coverage when the income of his parents is considered. (5) Excluding the assets of his parents, he does not have total assets exceeding \$2,000 in value. (6) Due to his disability, he requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility; however, care provided outside of such an institution may be appropriate. (7) The cost of his care provided at his home is less than the cost of institutional care.

The new law requires that to the maximum extent practicable, as determined by the secretary of LDH, the department shall include TEFRA option beneficiaries in its health insurance premium payment program as a means of maximizing private health insurance coverage of Medicaid enrollees.

According to the Legislative Fiscal Office, creating a new Medicaid eligibility group is anticipated to result in a significant increase in Medicaid expenditures in FY 21 and future fiscal years. "The Tax Equity and Fiscal Responsibility Act (TEFRA) authorizes states the option to extend Medicaid coverage to children that meet specific criteria that are not ordinarily eligible for Medicaid due to their parent's income. The Louisiana Department of Health estimates approximately 1,613 children would be eligible under this new optional program in FY 21, increasing by 1% enrollment annually. Based on an estimated per member per month costs of \$1,412, total annual Medicaid payments are estimated to exceed \$27 M. The total impact in the first year will depend on how quickly eligible children would be phased into the program."

Efforts to better assist families and children were some of the bills that were put forth this legislative session.



Act 239 Revises Conditions for Parent-Training in Custody Proceedings

Representative Coussan's bill has been signed by the Governor and revises conditions for parent training required during custody proceedings.

The previous law authorizes courts to require parties in a custody or visitation proceeding to complete a court-approved seminar to educate the parties of the needs of children.

The new law authorizes courts to require the parties to complete the court-approved program only upon motion of a party, its own motion, or upon agreement of the parties and to render judgment for costs for the program.

The new law qualifies evidence-based nonprofit programs as eligible programs.

"For purposes of this Section, 'instructor' means any psychiatrist, psychologist, professional counselor, social worker licensed under state law, or in any parish other than Orleans, means a person working with a court-approved, evidence-based nonprofit program, or a court-

approved nonprofit program of an accredited university created for educating divorcing parents with children. All instructors must have received advanced training in instructing co-parenting or similar seminars programs."

"The seminar program shall focus on the developmental needs of children, with emphasis on fostering the child's emotional health. The seminar program shall be informative and supportive and shall direct people desiring additional information or help to appropriate resources."

Prior law required such seminars to last between three and four hours and cost no more than \$25 per person. The new law removes the upper limitation on duration and cost of the program.

The new law prohibits the program instructor from being called as a witness in the custody or visitation proceeding without prior court approval.

Nurses and PAs to Provide Medication-Assisted-Treatments, Counseling for Substance Use Disorders

A new law provides for scope of practice and regulation of advanced practice registered nurses (APRNs) and physician assistants (PAs) to provide medication-assisted treatment in accordance with federal and state laws and state rules governing MAT services, or Medication-Assisted Treatments, the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

Senator Boudreaux' substitute bill was signed into Act 414, and states: "Advanced practice registered nursing may include the provision of medication-assisted treatment (MAT), as authorized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration and in accordance with rules promulgated by the board. At a minimum, rules promulgated by the board

shall include a requirement that in order for the APRN to provide MAT, his collaborating physician shall also be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT.

"A physician assistant may provide medication-assisted treatment (MAT), as authorized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration and in accordance with rules promulgated by the board. At a minimum, rules promulgated by the board shall include a requirement that in order for the PA to provide MAT, his supervising physician shall also be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT.

Legislative News

Act 215 Exempts Psychologists from LDH Certification

Act 215 adds certain school-based psychologists and social workers to those providers exempt from behavioral health provider licensing requirements handled by the Louisiana Dept. of Health (LDH).

In the present law, the Behavioral Health Services Provider Licensing Law authorizes the LDH to provide for the health, safety, and welfare of persons receiving behavioral health services through the licensure and regulation of behavioral health services providers. It exempts certain types of providers from the requirement for licensure, including school-based health clinics and centers that are certified by LDH, office of public health, and enrolled in the La. Medicaid program.

Act 215 retains present law and also exempts from behavioral health services licensure requirements an individual who provides school-based health services through a public school governing authority if the exemption is applicable to only school-based behavioral health services provided through the Medicaid Early and Periodic Screening, Diagnostic, and Treatment program.

Act 340 Strengthens Open Meetings Law

Senator Riser's SB 66 was signed into law by the Governor and will strengthen regulations for open meetings.

Any member of a public body who knowingly and wilfully participates in a meeting conducted in violation open meetings laws, shall be subject to a civil penalty not to exceed one five hundred dollars per violation. The member shall be personally liable for the payment of such penalty. This is an increase from one hundred dollars. The prior law allows the party to bring an enforcement proceeding and to be awarded reasonable attorney fees and other costs of litigation. If such person party prevails in part, it is an appropriate portion. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

Act 290 Expands Law for "Improper Supervision of Minor" and Increases Penalties

A new law, Act 290, expands the application of existing law to apply when the parent or legal custodian knowingly or willfully permits a minor to engage in the prohibited activities.

The existing law provides for the crime of improper supervision of a minor by a parent or legal custodian which prohibits a parent or legal custodian from negligently permitting a minor to engage in certain activities. Penalties included a fine of not less than \$25 and not more than \$250 for each offense, imprisonment for not more than 30 days, or both.

The prior law provided that whoever violated the crime of improper supervision of a minor by allowing the minor to be habitually absent or tardy from school without a valid excuse was subject to a fine of not less than \$25 nor more than \$250 for each offense, imprisonment for not more than 30 days, or both. As a minimum condition of probation the offender is required to participate in 40 hours of community service activities, counseling, or both.

The new law retains the existing law probation requirement but changes the prior law penalties to

a fine of not more than \$500, imprisonment for not more than 90 days, or both, and eliminates the specific prior law penalty which applied for improper supervision of a minor by allowing the minor to be habitually absent or tardy from school.

The new law directs the court to consider the totality of the circumstances including the best interest of the minor when imposing the sentence for a person convicted of improper supervision of a minor.

The new law authorizes a peace officer to issue a summons, in lieu of making an arrest, to any person who commits the offense of improper supervision of a minor unless: (1) The officer has reasonable grounds to believe that the person will not appear upon summons. (2) The officer has reasonable grounds to believe that the person will cause injury to himself or another, will cause damage to property, or will continue in the same or a similar offense unless immediately arrested and booked. (3) It is necessary to book the person to comply with routine identification procedures.

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Peace Officer Training Bill Signed by Governor

A new law requires the Bureau of Emergency Medical Services and the Council on Peace Officer Standards and Training to create a dementia training program in cooperation with the Department of Health.

"New law retains existing law and requires the La. Dept. of Health, bureau of emergency medical services and the Council on Peace Officer Standards and Training to incorporate Alzheimer's and dementia training into their education training programs."

The measure also provides for the creation of an initial training program and updates to the continuing education program. The new law requires developments of and for instructions on how to identify and interact with people who have been diagnosed with Alzheimer's or dementia.

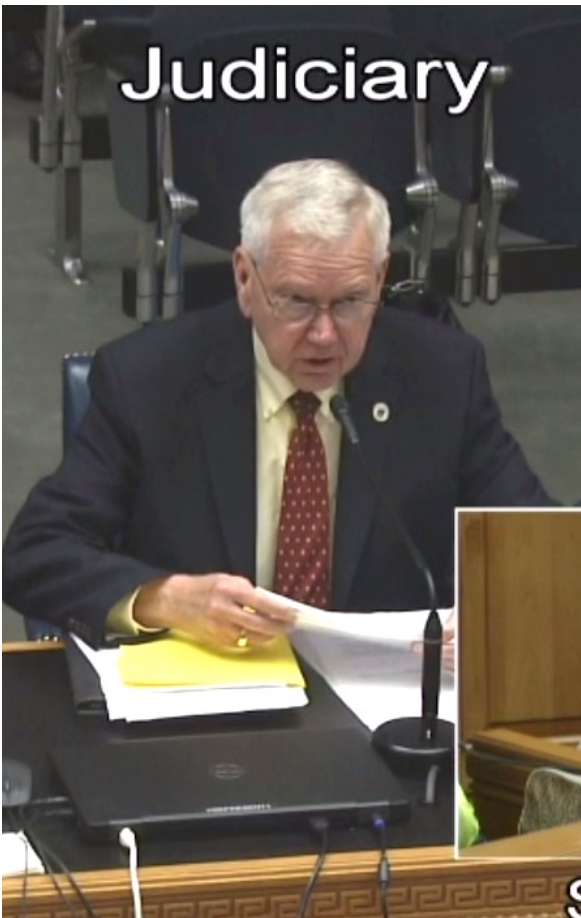
It also requires newly hired emergency medical service professionals to complete the initial training program within six months and requires all emergency medical service professionals to report any and all abuse or neglect.

This move adds to training in psychological and mental health areas already existing.

Current law requires training in aspects of sexual assault: "The council shall promulgate rules and regulations in accordance with the Administrative Procedure Act, subject to the oversight of the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B, for the implementation of a sexual assault awareness training program for peace officers as defined ..."

"The council shall promulgate rules in accordance with the Administrative Procedure Act for implementation of the following training programs for peace officers [...] (i) Domestic violence awareness training. (ii) Communication with deaf or hard of hearing individuals.

And, current law mandates, "The council shall create and maintain a list of peace officers who have successfully completed the domestic violence awareness training and the training on communication with deaf or hard of hearing individuals."



Representative Hoffmann testifying for adding training about dementia and Alzheimer's for officers and emergency medical services providers.

Heather's Law May Help in Domestic Abuse

HB 36 became Heather's Law and may help victims in domestic abuse situations so that law enforcement is alerted more quickly.

In present law provides that upon the issuance of a temporary restraining order or protective order in domestic abuse cases, the judge shall cause to have prepared a Uniform Abuse Prevention Order, shall sign such order, and shall immediately forward it to the clerk of court for filing on the day that the order is issued.

Present law further requires the clerk of the issuing court to transmit the Order to the judicial administrator's office, La. Supreme Court, and to send a copy to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible.

The new law:(1) Adds that the copy of the Uniform Abuse Prevention Order sent to the chief law enforcement officer shall be reviewed by the law enforcement agency upon receipt. (2) Requires the petitioner to be notified of the right to initiate criminal proceedings and to be informed that the granting of a temporary restraining order or protective order does not automatically file criminal charges against the defendant.

Act 204 Strengthens Small Business Input to Rule-Making

The Governor signed Senate Bill 241 authored by Senator Riser which places more requirements on boards to consider small business needs when making Rules.

Act 204 retained prior law which provided that, prior to the adoption, amendment, or repeal of any rule or regulation by a state agency, the agency will notify the public of the change by sending a notice of intent to make the rule or regulation change to the office of the state register for publication in the *La. Register*.

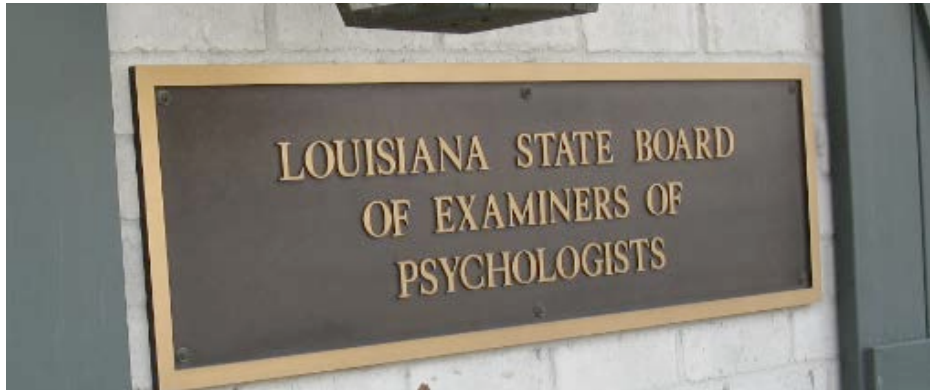
Prior law, named the Regulatory Flexibility Act, required state agencies to conduct a review of each proposed rule or regulation change and to prepare an economic impact statement and a regulatory flexibility analysis as it relates to impact that the proposed rule would have on small businesses. The new law retains this prior law but changes the name of the Act from the Regulatory Flexibility Act to the Small Business Protection Act.

This law notes: 'A vibrant and growing small business sector is critical to creating jobs in a dynamic economy,' And "Small businesses bear a disproportionate share of regulatory costs and burdens," and "The failure to recognize differences in the scale and resources of regulated businesses can adversely affect competition in the marketplace, discourage innovation, and restrict improvements in productivity"

among other statements recognizing the impacts on small business owners.

The new language adds, "Before adopting regulations, it is helpful if agencies solicit the ideas and comments of small businesses to examine the impact of proposed and existing rules on small businesses." And, "Making small businesses aware of proposed state regulations before they are implemented is the key to creating an effective partnership between state agencies and small businesses."

Prior law provided that prior to the adoption of any proposed rule that may have an adverse impact on small businesses, each agency shall prepare an economic impact statement that identifies an estimate of the number of the small businesses subject to the proposed rule, the costs of compliance, the probable effect on impacted small businesses, and a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. And that the agency consider utilizing regulatory methods for small businesses that establish less stringent compliance or reporting requirements, establish less stringent deadlines for compliance, consolidate or simplify the reporting requirements, etc.



From the Minutes

Selected Items from the March Minutes of the Louisiana State Board of Examiners of Psychologists

Excerpts from March 22, Approved May 23, Posted in June:

Dr. Gormanous requested to amend the agenda item entitled “Request for Ethics Opinion regarding Dual Office Holding” and change the name to “Request for Ethics Opinion regarding Conflict of Interest”; add an item for discussion entitled “Inquiry from Marc Zimmermann regarding Neuropsychology”; and add an executive session item for discussion under Complaints [...]

COMMITTEE REPORTS:

Executive Director Report - Ms. Monic updated the board on the following:

- The 2018 Audit has not been initiated due to being short staffed;
- The LSSP Meeting was held on March 19, 2019;
- No update in the matter: Nineteenth Judicial District; Parish of East Baton Rouge, State Of Louisiana, Division D, No.: 643,369: Glenn W. Ahava, Ph.D. v. LSBEP, on Appeal From September 18, 2015, Opinion and Order of the Louisiana State Board of Examiners of Psychologists;
- In the Matter Eric Cerwonka vs. Louisiana State Board of Examiners of Psychologists: On March 21, 2019 Judge Caldwell signed an order for suspensive appeal, a \$10K bond is required prior to the suspension of Judge Caldwell's order of February 20, 2019.
- Liaison to Professional Organizations and Boards – Dr. Gormanous reported that Margo Adams from FARB reached out to discuss conducting a Comprehensive Regulatory Training for the board. Since the last board training was conducted in 2015, Dr. Gormanous suggested this was something the board may want to consider. Dr. Lambert requested that Ms. Monic explore the opportunity and report back to the board.
- Supervision and Credentials Review Committee – Dr. Crouch reported file reviews would be conducted this date in Executive Session. Ms. Monic reported on the closing of Argosy University and potential impacts on students going through their doctoral training program. The board discussed the matter and determined that there would be no impact if those students transfer to a university that is APA accredited.

DISCUSSION/ACTION ITEMS

4. LSPA Fall Conference November 2019 – Ms. Monic reported that the LSSP Committee had again been invited to present at the LSPA Fall Conference. Dr. Boggs moved in favor of the Committee's participation with an emphasis that the presentation be educational and not advocating. The board unanimously approved the motion.

6. Board Approved Evaluators – The Board received, reviewed and discussed the credentials of the individuals who submitted their vita and redacted evaluations to be included on the Board Approved Evaluator list. The following individuals were approved to provide evaluations in their area of practice as follows: Darrel V. Turner, Ph.D., Keith Westerfiels, MP, MSCP, Erica Meyers, Ph.D. Irving A. Arevalo, Ph.D., Michael Chafetz, Ph.D., ABPP, Raphael Salcedo, Ph.D.

7. Inquiry from Diane Franz, Children's Hospital regarding Psychologist Informed Consent – The Board discussed the inquiry from Dr. Diane Franz regarding the requirement for psychologists to maintain a separate informed consent from that of a hospital institution. The board determined that it would be prudent to document informed consent where the generic hospital consent falls shy of covering the ethical obligations of licensed psychologists. L. Crouch moved in favor of developing and advisory opinion relative to informed consent and documentation thereof. The Board discussed the motion. The motion passed by unanimous roll call vote as

follows: Lambert – YEA, Boggs- YEA, Crouch– YEA, Gormanous - YEA.

8. ASPPB, Board Nomination; Fellow Nomination and Ming Fisher Award Nomination – In response to the board's directive in February 2019, Ms. Monic reviewed potential nominees for ASPPB's Ming Fisher Award. Ms. Monic suggested the Board support the nomination of Mr. Darrel Spinks, Executive Director from our neighboring state of Texas. Ms. Monic stated that Mr. Spinks, is very active in ASPPB, has been very receptive to communications and sharing information with the LSBEP and has faced quite a few challenges in regulation during this period when legislative goals do not match the goals of professional associations. The board discussed the matter and by motion of Dr. Gormanous, unanimously accepted the recommendation to support a nomination for Mr. Darrel Spinks for the 2019 ASPPB Ming Fisher Award.

9. Contract Amendment – Taylor, Porter, Brooks and Phillips - The board discussed a contract amendment for Taylor Porter. [...]WHEREAS the BOARD is currently in a multi-year contract with Taylor, Porter, Brooks and Phillips, LLP to provide these services; and WHEREAS the funding for the current contract has been exhausted due to litigation in the following matters: 19TH JDC, EBR Parish, Eric Cerwonka v. BOARD, No.656,587 Div. I; 1ST LOUISIANA CIRCUIT COURT OF APPEALS No 2017-CA-1199, Appeal from the 19th JDC; and La. Supreme Court Case No. 2018-C-760, requiring an amendment to the total amount of the contract. WHEREAS an increase of \$15,000 has been approved to be added to the contract amount, increasing the total amount of the three year contract to \$83,000 for the remainder of the contract through Fiscal Year June 30, 2019; and [...]

10. Contract Review and Considerations for 2019-20FY

The Board reviewed and discussed a contract amendment for Sasha J. Lambert, Ph.D. [...] and WHEREAS the current hourly rate of pay by the Complaints Coordinator for the review of a Request for Investigation, which is capped at \$200 per case is not sufficient for the amount of documents reviewed per case. [...] be amended and increased to a maximum amount of \$300 per case. [...]

The Board reviewed and discussed continuing a contract with Erin Skaff Vandenweghe, Psy.D. for the 2019-20 FY: The following Motion and Resolution was offered [...] The Board reviewed and discussed continuing a contract with Mark P. Vigen, Ph.D.[...]

The Board reviewed and discussed continuing a contract with Tony McCoy d/b/a Statewide Surveillance & Investigations. [...] contracted with Board to provide investigative services to Board to their satisfaction; and WHEREAS the hourly rates shall be \$60 per hour for investigative work; [...]

The Board reviewed and discussed continuing a contract with Taylor, Porter, Brooks and Phillips, LLP. [...] does hereby retain and employ the legal services of Taylor, Porter, Brooks & Phillips, LLC through a multi-year contract beginning July 1, 2019 through June 30, 2022; and BE IT FURTHER RESOLVED that the hourly rates shall be \$225 per hour for services of partners or associates with experience in the practice of law of 10 years or more; \$175 per hour for services of partners or associates with experience in the practice of law of 5 to 10 years; \$150 per hour for services of partners or associates with experience in the practice of law of 3 to 5 years; \$125 per hour for services of partners or associates with experience in

the practice of law of less than 3 years; \$60 per hour for paralegal services; \$40 per hour for law clerk services. A total amount not to exceed \$45,000 for the term of the contract; [...]

Dr. Gormanous moved in favor of contracting with Deborah Harkens for an amount not to exceed \$1900 though the end of the fiscal year (June 30, 3019) and if needed continuing through FY 2019-20 for assistance with legislative matters, [...]

The following Motion and Resolution was offered [...] and WHEREAS the BOARD currently contracts with the Louisiana Office of the Attorney General [...]does hereby retain and employ the Office of the Attorney General as special counsel; and BE IT FURTHER RESOLVED that the hourly rates shall be \$225 per hour for services of partners or associates with experience in the practice of law of 10 years or more; \$175 per hour for services of partners or associates with experience in the practice of law of 5 to 10 years; \$150 per hour for services [...] A total amount not to exceed \$5,000 for Fiscal Year July 1, 2019 through June 30, 2020; [...]

The following Motion and Resolution was offered [...] requires the services of an attorney who specializes in administrative law to serve as an administrative law judge or hearing officer in matters adjudicated by the board to fulfill this function and in order to ensure the proper conduct of the proceedings in accordance with the law; and WHEREAS the BOARD currently contracts with the Law Office of Gray Sexton (Attorneys Grey Sexton and Alesia Ardoin) [...] that the hourly rates shall be \$225 per hour for services of partners or associates with experience in the practice of law of 10 years or more; \$175 per hour for services of partners or associates with experience in the practice of law of 5 to 10 years; [...]

12. University of New Orleans – The Board had a follow up discussion regarding the meeting with representatives from the University of New Orleans, Developmental Program. Dr. Boggs recommended that going forward in revising the regulations, that the board define procedures for verifying non-APA Accredited Programs and training requirements for licensure of individuals who will not be engaging in clinical practice, but who are qualified to offer services which are considered the practice of psychology to groups or organizations. Dr. Gormanous offered a motion in favor of this recommendation. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, Crouch– YEA, Gormanous - YEA.

14. Request for Ethics Opinion regarding Dual Office Holding – Dr. Gormanous sought input from the members of the LSBEP regarding his proposed participation in the American Psychological Associations, Division 52 – Division of International Psychology as Vice President for Initiatives. The Board discussed the matter and agreed that it would be appropriate for Dr. Gormanous to request an Ethics Opinion related to potential conflicts.

15. Rulemaking Initiatives - 2018-19 – The Board discussed rulemaking initiatives and continues to work on the following proposed amendments: a. Proposed Rules: Continuing Education Requirements, Exemptions and Fees (LAC 46:LXIII. 601, 603, 803, 805, 811, 905 and 4001) b. Chapter 15. Rules for Disciplinary Actions c. Reciprocity Applications d. Applied Health Care Specialty/Applied General License e. Telepsychology

Psychologists Honored for Distinguished Contributions

continued

Dr. Matson is an expert in autism, mental disabilities, and severe emotional disorders in children and adolescents, and has produced more than 700 publications and 38 books. He has authored the *International Handbook of Autism and Pervasive Developmental Disorders*, *Practitioner's Guide to Applied Behavior Analysis for Children with Autism Spectrum Disorders*, *Practitioner's Guide to Social Behavior and Social Skills in Children*, and many others.

He has served as Editor-in-Chief for *Research in Autism Spectrum Disorders* (Oxford England), Editor-in- Chief for *Research in Developmental Disabilities* (Oxford, England), and Associate Editor for *Journal of Mental Health Research in Intellectual Disabilities* (London). Among his many professional activities, Matson has been a guest expert on ABC's 20/20, consulted with the Alabama, California, Georgia, Illinois, Iowa, Louisiana, Missouri, Virginia, and the US Departments of Mental Health. He has been a guest expert on CBS Eye-to-Eye and consulted for the DSM III-R Educational Testing Service. He has served on the President's Committee on Mental Retardation, and consulted to the US States Department of Justice, and the US Department of Education.

The state psychological association named Kevin Bianchini, PhD, ABN and Kevin Greve, PhD, ABPP, as the 2019 recipients of the Contributions to Psychological Science Award.

The joint award acknowledged the two applied scientists and their roles in the systematic development of validity science based upon criterion-groups research, and the development of the rules for malingered pain-related disability, explained Dr. Michael Chafetz, Awards Committee Chair. "Their

scientific influence in our field has had considerable impact, and we are grateful for their outstanding contributions," said Chafetz.

Dr. Kevin Bianchini is a board certified Neuropsychologist and Clinical Psychologist who has been in practice in Louisiana for 23 years. He was the Director of Neuropsychology for Bancroft NeuroHealth, a residential brain injury rehabilitation facility in Louisiana. He has remained involved in the rehabilitation of patients with acquired brain injury and pain throughout his career. He is actively involved in research and has published more than 75 articles in peer-reviewed professional journals on psychological factors and work related injuries, neurological rehabilitation, brain damage, neuropsychological assessment and symptom validity assessment.

Dr. Bianchini is a Diplomate of the American Board of Professional Neuropsychology. He holds adjunct faculty appointments at Tulane University Medical School, Department of Psychiatry and Neurology, and at the University of New Orleans, Department of Psychology. He is the managing partner of Jefferson Neurobehavioral Group, which has offices in Metairie, New Orleans, Baton Rouge, Lafayette, and Houston.

Dr. Kevin Greve has published more than 110 papers in peer-reviewed neuropsychology, psychology, and medical journals including papers on the assessment of the effects of traumatic brain injury and chronic pain. He is also the author of 10 chapters in edited books and has made more than 100 scholarly presentations at state, regional, national, and international conferences. Dr. Greve has served on the

editorial board of *The Clinical Neuropsychologist*, *Archives of Clinical Neuropsychology*, and *Assessment*. He periodically serves as an ad hoc reviewer for several other journals.

He retired from full-time employment in the Department of Psychology at the University of New Orleans in May 2012, at the rank of University Research Professor after 21 years of service. He continues to be affiliated with the University of New Orleans as Emeritus Research Professor and holds a number of other academic positions. Dr. Greve is now in the full-time practice of clinical psychology and clinical neuropsychology. He conducts approximately 150 psychological evaluations a year typically related to traumatic brain injury, chronic pain, dementia, depression, posttraumatic stress disorder, and the psychological effects of medical illness.

Dr. Susan Tucker is the 2019 recipient of the Award for Psychology in the Public Interest. Dr. Tucker, has been a key figure in reforms in the state correctional system. She is Psychologist and Assistant Warden at the Bossier Sheriff's Office, where she has focused on treatment and research showing innovations that reduce recidivism and that are based in the fact that most inmates have a substance abuse problem but few get the right kind of treatment. She launched the Steve Hoyle Intensive Substance Abuse Program at the facility to offer intensive treatment, skill development, educational

Cont'd next pg

Dr. Michael Chafetz (L) introducing the 2019 Early Career Psychologist, Dr. John Sawyer (R).

Dr. Sawyer is Co-Director of the Cognitive Disorders and Brain Health Program at Ochsner Health System.



Distinguished Contributions continued

opportunities, and post release support and care. "We thank her for her outstanding work that is certainly in the public interest," said Chafetz.

Her effective and creative treatment approach has achieved a significant reduction in recidivism, from an expected first year rate of 18 percent to only 3 percent. Tucker has earned state and national recognition for these achievements, including from the Vera Institute of Justice who said the program "...should be a model for the nation." Dr. Tucker's work was also honored by the Ash Center for Democratic Government and Innovation at the John F. Kennedy School of Government at Harvard.

Dr. Tucker was commended by Louisiana legislators for her work and the related cost savings of \$15 million by earned "good time credits" through participation and successes in the psychological programs designed by Tucker. Legislators pointed to multi-million dollar cost savings to the state because of shorter incarceration times of those offenders who participated in the psychological programs.

Julie Nelson, PhD, received the award for Distinguished Service in Psychology. She was cited for her service as LPA President and for her journalism and publishing of *The Psychology Times*. She is a consulting psychologist and owner of PSI, Inc. and serves the petrochemical industry in Gulf south region providing validity research and organizational development activities.

Dr. John Sawyer was named Early Career Psychologist. John Sawyer, PhD, ABPP is a board-certified neuropsychologist trained to evaluate children, adolescents, adults, and geriatrics. He is the Co-Director of the Cognitive Disorders and Brain Health Program at Ochsner Health System, where he has led several clinically-focused research projects aimed at using telehealth and electronic medical record technology to provide care to individuals with dementia and their care partners while limiting the need for disruption of routine for hospital or clinic visits. His work will be presented at the upcoming meeting of the National Academy of Neuropsychology.

The LPA Awards Committee is chaired by Dr. Chafetz and committee members include Drs. Kim VanGeffen, Beth Arredondo, and Brian Mizuki. LPA is the state affiliate of the American Psychological Association.

LSU News Reports On Dr. Paul Frick's Newest Article in *Nature Reviews*

The LSU News reported on June 28 that Psychologist Dr. Paul Frick and his international co-authors published a new article in *Nature Reviews*, and concluded that society pays a heavy price for its failure to diagnose and treat conduct disorders.

Conduct disorder is associated with an exceptionally high costs for individuals and society, said the report. "The health and personal burden of it is seven times greater than that of attention-deficit/hyperactivity disorder, or ADHD, a much more widely known disorder. Whilst it is likely that children diagnosed with ADHD may also show signs of conduct disorder, very few will be diagnosed or receive treatment for it. Conduct disorder is also associated with a greater health burden than autism."

Cont'd pg 16



Tiffany Augustine, MA, along with Shaely Cheramie, MA, and Christoph Leonhard, PhD, authored the winning research presentation for the Evidence-Based Practice category for graduate students, titled "Making a difference in marginalized populations: mindfulness and adjudicated youth." She represents The Chicago School of Professional Psychology at Xavier University of Louisiana, New Orleans.

Winners in State Poster Research Announced

Winners were named in the state-wide research poster presentation and competition, held at the Louisiana Psychological Association Scientific Poster Session, on June 14. The session was organized by Melissa Dufrene PhD, chair of the Early Career Psychologist Committee for the Association.

Tiffany Augustine, MA, Shaely Cheramie, MA, and Christoph Leonhard, PhD, authored the winning research presentation for the Evidence-Based Practice category for graduate students, titled "Making a difference in marginalized populations: mindfulness and adjudicated youth."

The authors represented The Chicago School of Professional Psychology at

Xavier University of Louisiana, New Orleans.

The undergraduate winner for Evidenced-Based Practice was Anna Elysse Lee, with research titled, "Esketamine as an adjunct to psychotherapy, efficacy and possible side effects: Implications for therapists." Ms. Lee represents Louisiana Tech University, Ruston, and her sponsor is Mary-Margret Livingston, PhD.

In the category for Original Research, the graduate student entry winner was for the research, "Posttraumatic stress symptoms and gender: Independent and interactive associations with suicidal ideation among veterans with military sexual trauma."

Authors were Chelsea R. Ennis, MS, from South Central Mental Illness Research, Education and Clinical Center (MIRECC), New Orleans; Taylor Ceroni, MA, also from MIRECC, Amanda M. Raines, PhD, from MIRECC, Southeast Louisiana Veterans Health Care System, New Orleans and School of Medicine, Louisiana State University, New Orleans; and C. Laurel Franklin, PhD, from MIRECC, Southeast Louisiana Veterans Health Care System, New Orleans, and Department of Psychiatry and Behavioral Sciences, Tulane University School of Medicine, New Orleans.

The undergraduate winner in the category for Original Research was Sarah Grace Guillaume for "Racial socialization of Black preschool-aged children: The influences of child sex and maternal arrest."

Ms. Guillaume represented Tulane University, New Orleans, and was sponsored by Justin Carreras, PhD.



Dr. Paul Frick has teamed up with other international experts to help focus on the need for diagnosis and treatment of children with conduct disorders.

A Shrink at the Flicks

Rocketman Review

by Alvin G. Burstein, PhD

This movie about Elton John dazzles, and raises provocative questions. The first of those is that of authorship. Is this a biography, or is it an autobiography? A biography is usually a straightforward historical account of its subject's life told by someone else. It offers us a chance to evaluate the life, and to reflect on what constitutes a good one. It interests the reader who makes a judgment about whether the life was well lived, whether it was a good life. It has the authority of objectivity based on factual documentation.

An autobiography is authored by the subject. It has the authority of direct involvement. Though it may lack objectivity, it tells us the truth of what the narrator makes of his own life, and by implication, what he or she believes a good life to be.

So one would like to know what role Elton John, the Rocketman in the film, played in the construction of this movie. John himself is listed as an executive producer, and his husband, David Furnish, is listed among the producers. We can reasonably expect that the film conveys Elton John's view of himself. We should view it autobiographically.

However, this autobiography is not cast in a traditional narrative mode. Rather than a straightforward historical account, it has been called a musical fantasy. Like any autobiography, it seeks to capture the truth of what Elton John makes of, or has made of, his life, but it does so in an unconventional way.

Rather than a conventional narrative, the film is a series of spectacles—perhaps a reflection of two of its subject's salient features, his eyeware and his vocation as a musical showman.

Guest Columnist,
Dr. Alvin Burstein

Burstein, a psychologist and psychoanalyst, is a professor emeritus at the University of Tennessee and a former faculty member of the New Orleans-Birmingham Psychoanalytic Center with numerous scholarly works to his credit.



He is also a member of Inklings, a Mandeville critique group that meets weekly to review its members' imaginative writings. Burstein has published flash fiction and autobiographical pieces in e-zines; *The Owl*, his first novelette, is available at Amazon. He is, in addition to being a movie fan, a committed Francophile, unsurprisingly a lover of fine cheese and wine, and an unrepentant cruciverbalist.



In a way, the film is operatic, a collection of highly choreographed, coruscating song and dance extravaganzas interspersed with vivid, intensely dramatic episodes. It opens with Elton John in one of his extravagant glam rock outfits striding into a twelve-step therapy session, announcing that he knows the drill, giving his name and asserting his identity as a drug / and sex addict, an alcoholic, a bulimic and a homosexual.

What then unfolds is his life story as an unloved child, his father cold and his mother wayward, a musical prodigy from a working class family who evolved from pub musician to pop music idol earning millions. His life was one of extraordinary unbridled excesses that attempted to fill the void left by a life-long lack of love. Ultimately, he comes to embrace his child self, and to forgive those who had failed him.

Basically, his autobiography portrays a struggle against social and economic disadvantage and self-abuse that battered and scarred its teller, but left him, in the words of his song, "Still standing."

The film ends with an epilogue celebrating his thirty years of being 'clean,' of his life-long brotherhood with his lyricist, his devoted relationship with his husband and their two children, and his contribution to charitable causes, especially those of dealing with victims of AIDs and those who are socially disadvantaged.

There is a striking and curious omission in this autobiography. There is no allusion to Elton John's knighthood. Born Reginald Dwight, he was dubbed Sir Elton Hercules John in 1998. The award acknowledged his charitable and musical contributions, but it also reflected his long association with the royal family. Princess Margaret and the Queen Mother were Elton John fans in the early 1970's. In the early 1980's, when he was playing for Prince Andrew's twenty-first birthday party at Windsor Palace, he met Princess Diana. The couple danced a long Charleston together, and became close friends. When Diana died in an auto accident in 1997, Elton John rewrote *Candle in the Wind*, originally dedicated to Marilyn Monroe, as *Goodbye England's Rose*, and played it at Diana's funeral. There is a tenderness in this part of Elton John's life that is missing from his autobiography.



The Bookshelf

**Classics (Not to Be Missed)
by Authors in Our Community**

Strange Attractors *Chaos, Complexity, and the Art of Family Therapy*

*Michael Butz, Linda Chamberlain,
and William McCown*

*Wiley series in Couples and Family Dynamics and Treatment,
Wiley & Sons, Inc., 1997*

In *Strange Attractors: Chaos, Complexity, and the Art of Family Therapy*, William McCown, PhD, Louisiana psychologist and Associate Dean at University of Louisiana Monroe, stretches readers' minds to the edges of the galaxy.

A fun, inspiring, and seriously theoretical look into connections between the "Third Revolution in Science" and psychotherapy concepts, *Strange Attractors* is at the same time surprisingly useful.

Despite the publication date of 1997, the concepts still fascinate. Strange attractors, fractals, bifurcations, chaos, and complexity – the authors show how the concepts relate to the course and sometimes chaotic movements of family systems. It feeds the reader with fantastic notions from theoretical physics.

"It's become so mainstream in physics," said Dr. McCown to the *Times*, "and well accepted in psychology." There is an organization for this area of study, the Society for Chaos Theory in Psychology & Life Sciences, he noted. "The area is now usually called non-linear dynamical theory," he explained.

Drawing on chaos theory, and showing how chaos has inspired advancements in almost all scientific fields, guiding our attention to the unexplained phenomena, the authors make their major point: nature includes disorder. Sometimes there is no cause and effect, regardless of how much we want to believe in it.

The value of the work is to shake us up, to cause us to drop or at least reconsider our linear, mechanic thinking about things.

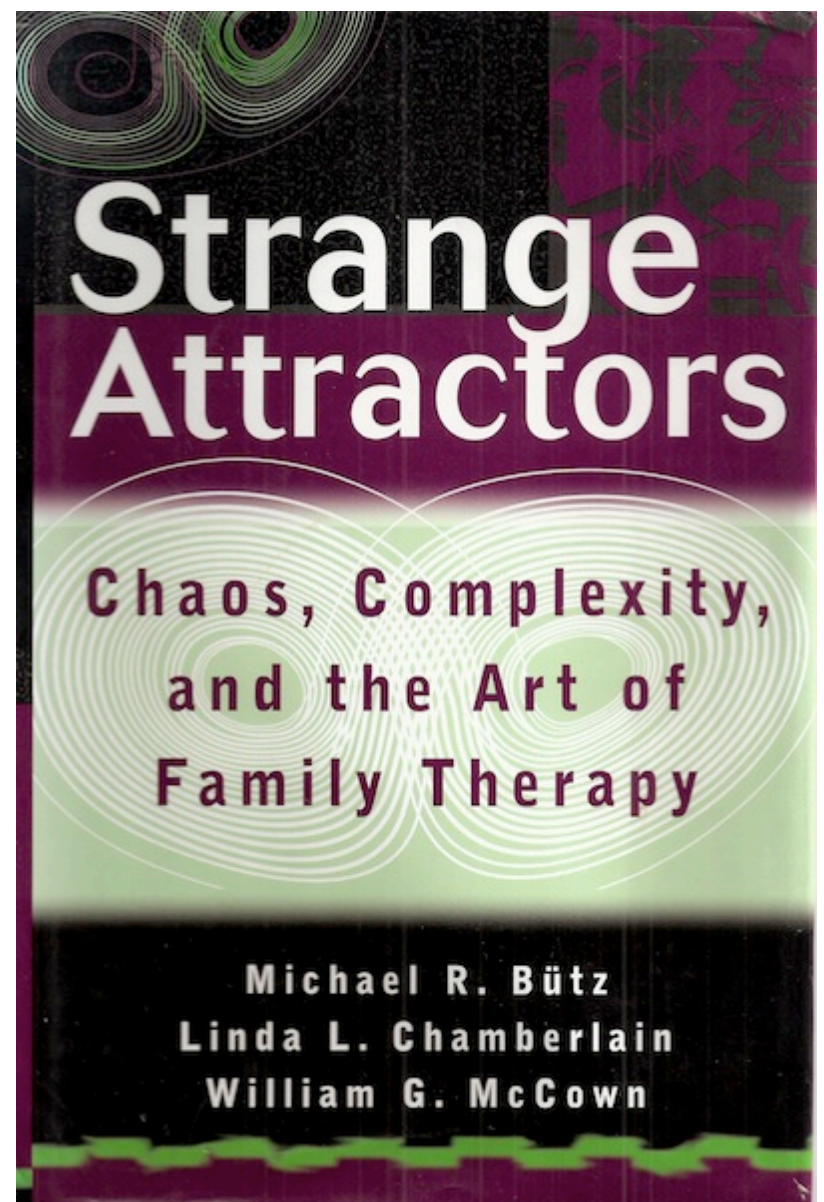
The concepts and writing are poetic, as authors grab new ideas from chaos theory and apply them to family systems. Titles are imaginative and intriguing: "Warning, Objects Behind the Mirror May Be More Complex Than They Appear;" "The Eerie Beauty of Strange Attractors;" "Fractals and Forks in the Road;" and "Trying to Unscramble the Eggs."

There is much that does seem more art than science in *Strange Attractors*, but the wisdom is the intuitive truth that some things don't fit, are not linear, and cannot be predicted. Often the eggs cannot be unscrambled. A system must adapt to the new state. Therapists should be able to recognize this in psychology.

We are reminded of a lesson we should not forget, the dramatic limitations of the machine model, the linear model. "... the Age of the Machine is screeching to a halt ... the decline of the industrial age forces us to confront the painful limitations of the machine model of reality," the authors quote Alvin Toffler from *Order out of Chaos*.

"What does chaos theory do that cybernetics and general systems theory do not do?" The authors pose the question and explain that on a pure systems model, cybernetic theory relates to characteristics of mechanistic processes. These ideas were adapted to family therapy by Haley in 1959 and organic systems by Von Bertalanffy in 1968, with concepts of "steady state and transformative states," they write.

Chaos goes further. To show us five paradigm shifts in family theory, they take us on a trip through the advances in family therapy, through familiar names of Don Jackson, Jay Haley, John



Weakland, Lidz, Bowen, and Whitaker, and Laing, Minuchin, and Satir.

Bateson's double bind and metacommunication tangles were first. Then came Jay Haley and his use of cybernetic theory to describe how a "totality that autocorrects." The third shift came with General Systems Theory, a shift, once and for all, from thinking of organisms as machines. With Bertalanffy the concept of open systems and transformative states made permanent the recognition of homeostasis in concert with transformation.

By the early 90s Maturana and Varela had described the idea of "autopoiesis," that living things are self-producing.

And the fifth paradigm, and the Third Great Revolution in Science, came at the turn of the century, "self-organization and chaos theory," pointing to a constant motion of systems and the constant non-linear change, explained the authors.

For this new paradigm we give up predictability, viewing the therapist as a force, and the traditional view of resistance, and we take up the circular rather than linear reasoning, changing from "cause" to "fit" and adding positive to negative interpretations. It is a lot to change, for a linear mind, but the authors move us along tenderly.

The work opens Part One with "Sensitivity to Initial Conditions," and "Warning, Objects Behind the Mirror May be More Complex Than They Appear."

In "A Walk Through the Canyon," authors give us a partial definition. "Chaos theory, as an umbrella term, describes a holistic process of adaptive transformation, where over time, small instabilities may result in complex behavior, that eventually appears random and is experienced as chaos by those accustomed to linear science."

The authors introduce the reader to chaos theory concepts of attractor, point attractor, strange attractor, and also perturbation, bifurcation, sensitivity to initial conditions—called the butterfly effect, and also self-organizing, and period-doubling route to chaos.

"Where chaos begins, classical science stops," they quote Gleick and tell us that new theory is essential for understanding reality, pointing out how quantum theory

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Strange Attractors

Chaos, Complexity,
and the Art of Family
Therapy — continued

challenged how we tried to understand the nature of the world, and crystallized the limits of reductionism.

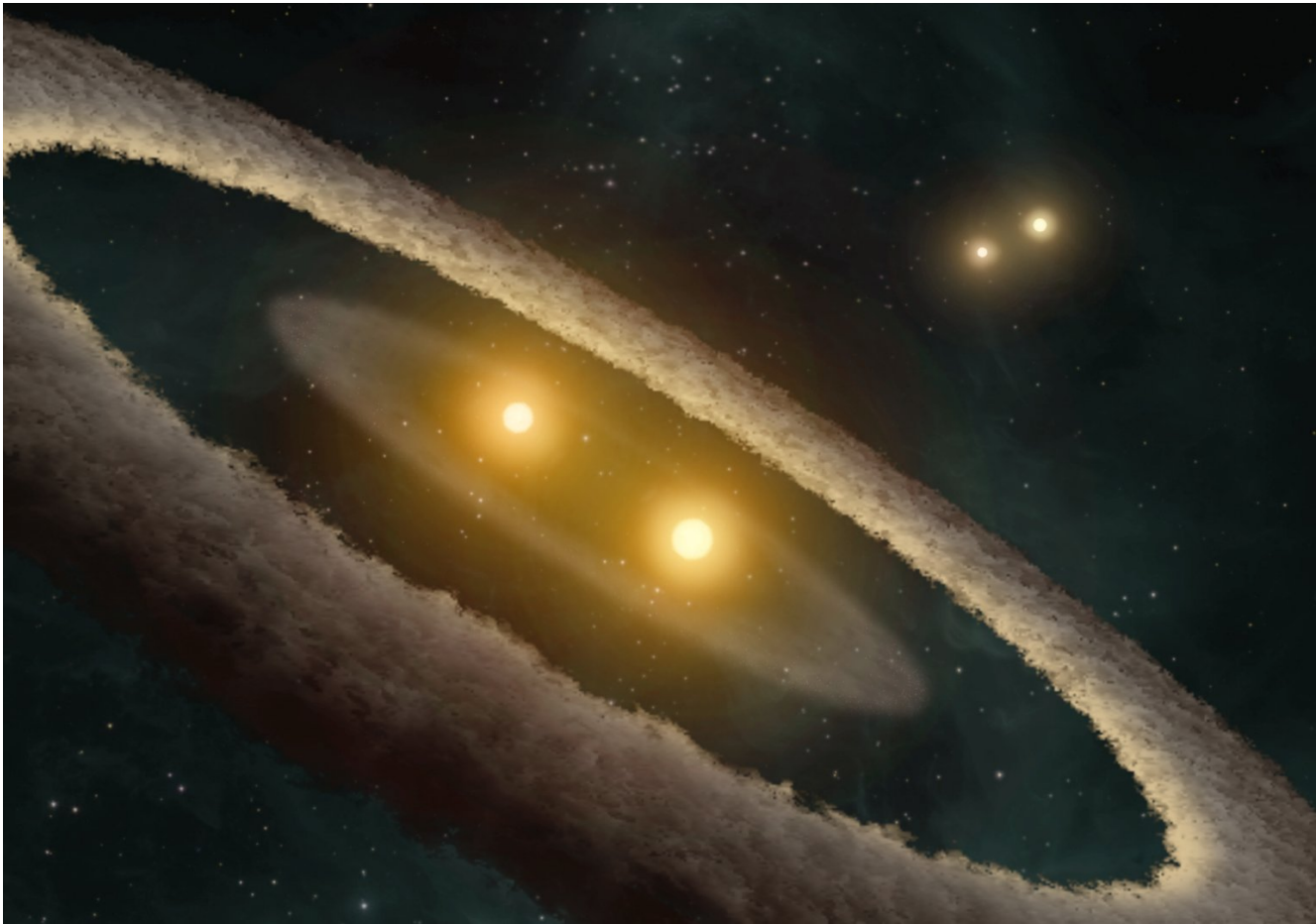
Part Two, “Families ... Complex Terrain,” brings it closer to home. For “Into the ‘Phrase Space’,” the authors help define the clinician’s role, looking through this new view finder, and in particular the focus on the system’s attempt to adapt and its fluid boundaries.

In Chapter 4, “The Eerie Beauty of Strange Attractors” authors show the reader how a dynamic system can settle into a pattern, how a system can function between stability and change, that phenomena repeatedly observed in nature change once scientists began looking for it. It is a state that can be “thought of as an idealized state toward which an unpredictable or dynamical system is attracted.” The concept can be applied to mental states of people in therapy, fluctuations in mood, and personality dynamics, explain the authors.

“Catching the Butterfly—Chaos in Therapy,” Part Three, expands on the activities and thinking of a family therapist embracing this new perspective. Authors describe what the “butterfly” means in family therapy, and relate it to more traditional concepts of reframing, paradoxical, surprise, confusion, and strategic techniques.

The metaphor of the butterfly effect, the chaos theory idea that the flapping wings of a butterfly can impact the weather, points to the importance of small changes, magnified by the system.

“Any small difference that can be magnified by the existing family



Much in systems theory takes its lead from physics and astrophysics. This photo from NASA is evidence for a "strange stellar family" that has an unusual arrangement that isn't easily explained.

system can generate new and potentially more adaptive patterns,” the authors explain. Therapists need to be aware of small interactions that are not receiving notice, attention, or energy, such as “playfulness, humor, privacy, affection, diversity, conflict, forgiveness, respect ...”

In “Fractals and Forks in the Road,” authors expand on the concept of fractals and bifurcations. When researchers starting looking for fractals they found them to be everywhere in nature. While the Western mind typically thinks in symmetrical shapes, “fractals are devoid of transitional symmetry. This means they are infinitely jagged,” a concept authors relate to work with undifferentiated family systems.

“At the Turning Point,” may be one of the most salient chapters for the application of chaos theory

to family therapy, focusing on issues of family crisis, with constructs of steady states, change, and self-reorganization.

Authors show how Chaos Theory helps to highlight issues in crisis, such as the meaning of abrupt changes, the unpredictability of changes, and the self-limiting aspect of crisis.

“Trying to Unscramble the Eggs,” looks at destabilization. Authors provide case studies and define the dangers, ethics, and prediction about when destabilization is counter-therapeutic.

In “The Critical Moment,” the authors apply the concept of bifurcations and the “irreversible path cut by the system over time.” The authors say to look for

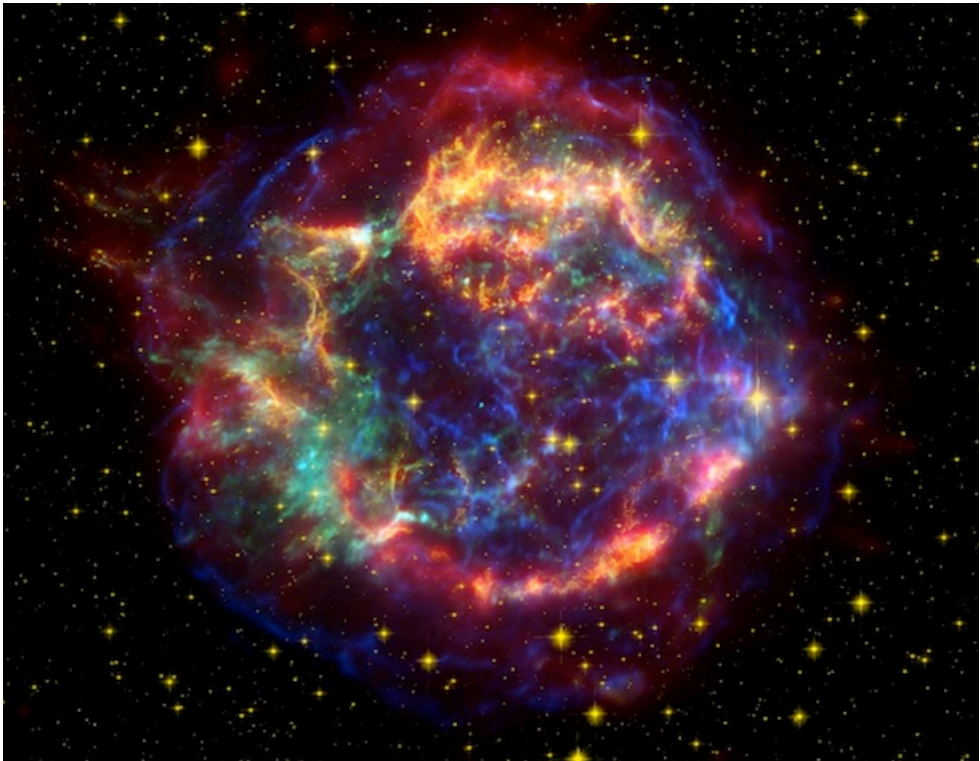
bifurcation points in the family’s history, and this will help see stability, flow of information, and boundaries.

“No Predictable Period,” Part Four, continues with “From Chaos to Order, or ... From Order to Chaos.” The authors look at the future of family therapy, the impact of the concepts of chaos on the present theories, training, ethics, and how we measure outcomes. They note their belief that therapist will become less invasive, and that views regarding psychotherapy outcomes, measurements, and ethics, will need to change to encompass this perspective.

The text closes with Chapter 11, “Epigram: Measuring Change in Chaotic Systems, Problems with Modeling, and the Need for Case Studies.” Authors approach the challenge of how to collect data and create models for this new paradigm in family therapy.

He explained that many theorists call the approach non-linear dynamical systems, and the term chaos sometimes less favored, but that the concepts are appealing and the text is still selling well.

Strange Attractors is a delightful walk through the canyon, apt to bring about some very new views for the reader. It can be acquired through for the Kindle from Amazon.



Cassiopeia, a supernova remnant.

From NASA and the Spitzer and Hubble space telescopes.

Dr. Frick's Article in *Nature Reviews* continued

Dr. Frick is an endowed Professor in the Department of Psychology, Louisiana State University, Baton Rouge, LA, USA; and also Institute for Learning Science and Teacher Education, Australian Catholic University, Brisbane, Queensland, Australia.

“Despite the fact that it is associated with a very high personal, familial, and societal burden, conduct disorder is under-recognized and frequently goes undiagnosed and untreated. Unfortunately, the longer this goes on, the more difficult it is to treat. It truly exemplifies the old saying that ‘an ounce of prevention is worth a pound of cure.’ Also, many treatments that are being used in the community have not proven effective,” Frick said to LSU News.

His co-authors for the Nature Reviews article include scientists from the University of Bath, Bath, UK, University of Sydney, Sydney, New South Wales, Australia, University Medical Center, Nijmegen, the Netherlands, and Goethe University, Frankfurt am Main, Germany.

The abstract of the article notes that "Conduct disorder (CD) is a common and highly impairing psychiatric disorder that usually emerges in childhood or adolescence and is characterized by severe antisocial and aggressive behaviour. It frequently co-occurs with attention-deficit/hyperactivity disorder (ADHD) and often leads to antisocial

personality disorder in adulthood. CD affects ~3% of school-aged children and is twice as prevalent in males than in females. This disorder can be subtyped according to age at onset (childhood-onset versus adolescent-onset) and the presence or absence of callous-unemotional traits (deficits in empathy and guilt). The aetiology of CD is complex, with contributions of both genetic and environmental risk factors and different forms of interplay among the two (gene–environment interaction and correlation). In addition, CD is associated with neurocognitive impairments; smaller grey matter volume in limbic regions such as the amygdala, insula and orbitofrontal cortex, and functional abnormalities in overlapping brain circuits responsible for emotion processing, emotion regulation and reinforcement-based decision-making have been reported. Lower hypothalamic–pituitary–adrenal axis and autonomic reactivity to stress has also been reported. Management of CD primarily involves parent-based or family-based psychosocial interventions, although stimulants and atypical antipsychotics are sometimes used, especially in individuals with comorbid ADHD."

The researchers suggest that with the correct diagnosis and child and adolescent mental health services, management for the condition is possible, reported LSU. "The study highlights the value of both training parents in better supporting children with conduct disorder and skills training for children and adolescents with the condition to help them improve their social and problem-solving skills and ability to regulate their emotions. Frick and his co- authors suggest these approaches can have profound impacts on the patient’s well-being and life chances."

Times Awards at Press Association, continued

The Gibbs Adams Award is given to the investigative reporter for the 1st place in the Best Investigative Reporting category. The award is named in memory of long-time *State Times-Morning Advocate* investigative reporter Gibbs Adams.

The *Times* also won second places for Best Column, for the editorial page columns by Julie Nelson. The Sam Hanna Award is given for first place. Other awards earned by the Times' staff this year were second places in Community Service, Newspaper Self-Promotion, and Website.

No awards are currently given for Best News Coverage or Best Continuing Coverage, per changes by the Press Assn.

The Advocate (Baton Rouge), the *Daily Comet* (Thibodaux), *The Livingston Parish News* (Denham Springs), and *The St. Charles Herald-Guide* (Boutte) earned Newspaper of the Year honors in their respective divisions in the Louisiana Press Association Better Newspaper Competition for 2019, judged by the Nebraska Press Association for work produced during 2018.

In the Freedom of Information Competition, *The American Press* (Lake Charles) was the winner, writing about discovering that a new plant would receive \$2.8 billion in public subsidies over 10 years. The reporting sparked more than 1,000 citizens to sign petitions challenging the way the decision had been made.

The coveted “Freedom of Information” award originally came from an idea that Gordon Nelson, long-time member of the Press Association and publisher of the *Coushatta Citizen*, and Bob Holeman, current *Psychology Times* journalism consultant, presented to the Louisiana Press Association in the 1980s. The late Gordon and Lynn Nelson owned and operated the *Coushatta Citizen*, and were parents of the *Psychology Times* publisher, Julie Nelson. Gordon and Lynn won the first Freedom of Information (FOI) award almost four decades ago.



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