



## Legislative Session Begins March 14, Sen. Mizell Returns with "Fairness in Women's Sports Act"

The Louisiana Legislature will convene March 14 for the 2022 Regular Session, and adjourn no later than June 6.

Several hundred bills are filed already including the return of Senator Beth Mizell's "Fairness in Women's Sports Act." The proposed law, SB 44, will have the effect of prohibiting transgender females, those assigned as male at birth, from competing in traditional women's sports. The effort failed to override a veto by the governor last year.

According to the digest, the "Fairness in Women's Sports Act" requires an athletic team or sporting event sponsored by an elementary, secondary, or post-secondary educational institution to be designated, based upon the biological sex of team members, as only one of the following:

- (1) A males', boys', or men's team or event only for students who are biological males.
  - (2) A females', girls', or women's team or event only for students who are biological females.
  - (3) A coeducational or mixed team or event for students who are biological males or biological females.
- Among other provisions, the proposed law provides that certain persons are entitled to legal causes of action and legal remedies under proposed law. A biological female student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of proposed law.

## Governor Prays for Ukraine

Last week, Gov. Edwards issued a statement saying, "I am holding the people of Ukraine in my prayers and in my heart, as their safety and sovereignty is threatened. The Ukrainians deserve to know peace and I hope all Louisianans will join me in praying that this peace comes swiftly," he said.

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## Discrimination Complaint about LSBEP Discussed in Private

A Request for Investigation, stating that board members at Louisiana State Board of Examiners of Psychologists are operating outside of their area of competence in regard to selection testing and racial discrimination, was reviewed in an executive session of the Board last month.

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## Did the BA Bd Follow Psychology Down the Rabbit Hole?

Last October in our report, "Invisible Changes in the 'Complaints Committee' of the State Board and the Rising Price Tag," we reviewed how the structure, personnel, and tone of the state psychology board's complaints subcommittee had changed dramatically. Evolving from a small, basically volunteer group of senior psychologists, to a committee

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## Experts Point to Alarming Trend of Increased Opioid Related Overdose Fatalities

A new report warns of soaring overdose deaths from the opioid crisis. Authors from the Lancet's, "Responding to the Opioid Crisis in North America and Beyond: Recommendations of the Stanford-Lancet Commission," published in February, said that in the USA and Canada, 2020 was the worst year on record for fatal opioid overdoses. The US overdoses rose 37%.

The Centers for Disease Control and Prevention (CDC) said that provisional data analysis estimates for the 12 months ending in May 2021, there were 75,387 deaths from opioid toxicity.

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# Editorial Page – Opinions

## Every Morning Now

by J. Nelson

Every morning now I say a quick prayer before I turn on the news, hoping that President Volodymyr Zelenskyy has survived another day in this Shakespearean drama unfolding on the world stage. He's Putin's #1 target.

This is the first war I've seen where we are close up and in real time. No embedded correspondents needed. The personal impact of war is immediately available to everyone via the Internet.

I have seen a vacuum bomb being set off in Kharkiv. I have listened in on a conversation between a Ukrainian citizen and a Russian tank driver taking place on some road in rural Ukraine. I have watched employees at a beer factory



making Molotov cocktails. And I have heard a Ukrainian cyber specialist explain how they are hacking Russian websites. Just as a sampling.

I have listened to President Zelenskyy speak with the European Union, a plea to let Ukraine in their door.

While there are no players in this tragedy with clean hands, including the US and maybe especially the US, the Ukraine president has emerged as the valiant, inspiring David in the story. He's Ukraine's Churchill in the darkest hour, galvanizing his people and capturing the hearts of ignorant strangers like me around the world.

Zelenskyy has a law degree, according to the Internet info, but pursued a career in acting and as a comedian. He created a production company called Kvartal 95, and produced films, cartoons, and TV shows including a show called *Servant of the People* in which Zelenskyy himself played the role of the president of Ukraine.

From 2015 to 2019 the series was immensely popular and spawned a political party. Zelenskyy ran for Ukrainian president in 2019 as an outsider, a populist, an anti-establishment candidate, and an anti-corruption candidate. He won the election with 73% of the vote in the second round.

It's been said that human beings are one of the only species that can kill its own members. The hypothesis is that we psychologically distance ourselves from the instinctual taboo of taking another's life because we use weapons. The Internet has removed some of that distance.

Soviet dictator Joseph Stalin allegedly said "The death of one man is a tragedy, the death of millions is a statistic."

And even though I'm reminded of Jefferson's warning that the tree of liberty must be watered with the blood of patriots, it's impossible not to care about Zelenskyy's survival, and all those whose faces I've seen, those whose courage I've witnessed, and those whose pleas I have heard.

[Julie Nelson is a licensed psychologist, journalist, and publisher of the Times. She also holds other 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](mailto:drj@drjulienelson.com), —she welcomes feedback.]

## The Psychology Times

Member, Louisiana Press Association

Published monthly  
by Nelson News, LLC.  
[psychologytimes@drjulienelson.com](mailto:psychologytimes@drjulienelson.com)

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## Corrections & Clarifications

No corrections were received for last month's issue. We found a mistake in page numbers. Please send your corrections to: [psychologytimes@drjulienelson.com](mailto:psychologytimes@drjulienelson.com)



State & National News

Governor Prays for Ukraine  
*continued*

"No one knows precisely what the coming weeks and months will bring, but I am also praying for the members of our American military and their families, who always stand ready to defend freedom alongside our allies."

Under these conditions the Vice President has delayed her trip to Louisiana, said the Governor. "I am praying for the President and the Vice President and their advisors and our military leaders at this time, that they may act with strength and resolve in response to this escalating conflict. I look forward to welcoming her to our great state at a more appropriate time."

"No one knows precisely what the coming weeks and months will bring, but I am also praying for the members of our American military and their families, who always stand ready to defend freedom alongside our allies."

In a related item, U.S. Congressman Garret Graves of South Louisiana was critical of the Biden Administration in a statement this week.

"[...] Blocking the production of American energy while increasing our reliance on Russian energy is beyond stupid, yet this is exactly what has happened. These very policies have effectively funded much of Vladimir Putin's attack on Ukraine and attack on freedom. We predicted this exact outcome and nothing but more pain is on the horizon without wholesale energy policy changes."

Gov. Extends Emergency  
Order but Lifts Restrictions

On Feb. 16. Gov. Edwards extended Louisiana's COVID public health emergency order to support Louisiana's response to the pandemic, but without any remaining required mitigation measures.

The Governor's Office, the Louisiana Department of Health and the CDC still recommend that all people wear masks when they are indoors in public or in a large outdoor crowd while all areas of the state are considered high transmission areas for the coronavirus.

While masks are not required statewide in Louisiana, there are still federal regulations requiring them in health care settings and on transit. In addition, local governments, school districts and businesses may choose to require masks as they see fit, based on the level of COVID in their communities.

The Governor's current order expires on March 16, 2022, though he may end it before that date. The original COVID public health emergency was signed on March 11, 2020 and has been extended and altered as the COVID situation in Louisiana has changed. The Governor's office is working with Cabinet officials to determine if allowing the order to expire would hinder Louisiana's response to COVID.

Gov. Edwards' Appointments to Boards and  
Commissions Announced in February

Alexis D. Young of Zachary has been reappointed to the Louisiana Rehabilitation Council. Young is the owner and clinical therapist for Therapeutic Wellness Solutions LLC. She will serve as a former recipient of vocational rehabilitation services. The Louisiana Rehabilitation Council listens to the concerns of those with disability issues.

Bryan L. Fontenot of Baton Rouge has been appointed to the Workers' Compensation Advisory Council. Fontenot is a business insurance producer for McGriff Insurance Services. Also, Cristina M. Fauchaux of Zachary has been appointed to the Workers' Compensation Advisory Council. Fauchaux is the vice president of Moreau Physical Therapy.

Claire A. Stevenson of Baton Rouge has been appointed to the Louisiana Health Works Commission. Stevenson is a legislative liaison for the Office of Governor John Bel Edwards. She will represent the Office of the Governor. The purpose of the Health Works Commission is to serve as a collaborative working group to integrate and coordinate resources relative to health care workforce development within various state departments and key organizations.

Jo'Quishia "Jo" Hilliard of Baker has been appointed to the Board of Supervisors for the University of Louisiana System. Hilliard is a registered nurse for Gifted Healthcare.

Board of Supervisors for the University of Louisiana System is responsible for supervising and managing state colleges and universities that are not managed by a higher education board created specifically for such a purpose. The following universities are under the specific supervision and management of the board: Grambling State University, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Louisiana at Lafayette, University of Louisiana at Monroe and University of New Orleans.

Paula C. Rodriguez of Gonzales has been appointed to the Governor's Advisory Council on Disability Affairs. Rodriguez is a video relay interpreter for Sorenson Communications. She will serve at-large.

The Governor's Advisory Council on Disability Affairs was established by the Governor's Office to adequately educate, address and resolve issues relative to the disability community. The mission of the office is to promote, encourage and support citizens with disabilities.



Discrimination Complaint about  
LSBEP Discussed in Private  
continued

The psychologists, Drs. William Costelloe, Julie Nelson, and Marc Zimmermann, are all business psychologists who have extensive experience with high stakes selection testing in the private sector.

On February 15, Dr. Zimmerman emailed Executive Director Ms. Jamie Monic asking her, "It has been in excess of 30 days since this was sent. We have not received any response. I am writing to be sure the Request was received and if there has been any action on this matter."

Ms. Monic replied, "Your Request for Investigation was received on January 11, 2022. I will send you a formal acknowledgment of receipt and response following the Board Meeting on February 18, 2022."

The agenda for the February meeting of the board included the Executive Session item "Legal Issues and Strategy [LSA-R.S.42.17.A(4), 44:4.1] – Attorney-Client Privilege" and numbered "P21-22-09P Received 1/11/2022."

No additional information has been received as of publication.

In their Request for Investigation, Costelloe, Nelson, and Zimmermann wrote: "We submit this request for investigation because we believe that the psychologists serving on the board (Drs. Gibson, Gormanus, Moore, Harness, and Sam) are currently in violation of ethical principle §1305, A.1., 2., 5., & 6. This is because the board members do not have the specific competences to develop an anti-discriminatory selection program, then members are in violation of the ethics code.

"There is evidence that confirms that the EPPP has adverse impact against African-Americans and Hispanics. Dr. Brian Sharpless proved adverse impact for the EPPP in New York. He studied 4,892 New York applicants and first-time EPPP takers over 25 years. He found that Blacks had a failure rate of 38.50% and Hispanics had a failure rate of 35.60%. Whereas, Whites had a failure rate of 14.07%. Dr. Sharpless also studied 642 applicants to the Connecticut State Board of Examiners of Psychologists with similar results. Whites had a 5.75% failure rate, Blacks had a 23.33% failure rate, and Hispanics had a 18.6% failure rate.

"Once adverse impact has been shown for a test it is improper to ignore the selection problems. Furthermore, the way in which the test is used by the Board members drives up adverse impact. As just one example, the use of a hard cut off, and one that sets a higher bar considering the restricted sample, on a test with proven adverse impact, is an error in professional selection testing design.

[...] "Finally, we are sympathetic to the situation that very few psychologists have developed expertise in this subspecialty of selection testing, and in particular, ways to reduce or totally avoid discriminatory practices. To that point, we are open to a resolution in concert with the aspirational goal of working closely with colleagues when we perceive an ethics code violation regarding area of competence.

"Summary We submit our complaint that the psychologists who are serving on the Board are unwittingly authorizing an inadequately designed selection program and therefore participated in unfairly denying African-American and Hispanic individuals licenses. This process may also be harming the public by restricting the number of minority psychologists who serve the diverse citizens of our state.

"We request an investigation and make ourselves available for additional questions and a collaborative review of the matter."

La Congressional Delegation Seeks  
Relief for Laura, Delta, Zeta and Ida

WASHINGTON, DC – On February 23, Louisiana's Congressional Delegation announced it is working to obtain more federal resources to address the needs of those impacted by Hurricanes Laura, Delta, Zeta and Ida. "We respectfully request swift action to make good on the promise of the down payment in the September Continuing Resolution and appropriate additional supplemental funding dollars for unmet needs in Louisiana."

According to the announcement, the three main asks of Louisiana's Congressional Delegation:

1. Provide additional funding to those affected by 2020 Hurricanes Laura, Delta and Zeta. In September, \$5 billion in disaster aid was included in response to the 2020 and 2021 disasters. So far, \$600 million has been allocated for those impacted by Louisiana's 2020 hurricanes.
2. Hurricane Ida victims are yet to receive any of the \$5 billion from the September 2021 law, the delegation seeks to increase disaster aid to comply with updated damage assessments from this powerful storm.

OAAS Appointment

The Louisiana Department of Health (LDH) has announced the appointment of Melinda "Mendy" Richard as assistant secretary for the Department's Office of Aging and Adult Services (OAAS). Richard most recently served as the deputy assistant secretary for the Bureau of Community Preparedness and Health Protection in the Office of Public Health (OPH). OAAS was formed within the Department of Health as a healthcare reform initiative.

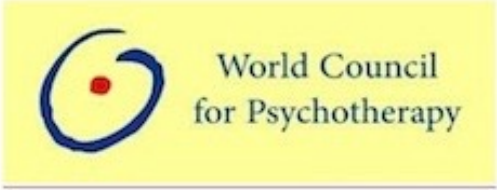
3. Complementary hurricane protection, coastal restoration and flood control investments help to improve the safety and security of communities impacted by the 2020 and 2021 hurricanes. The delegation is working to include additional investment in key Corps of Engineers projects to prevent future hurricane damages.

The Congressional Delegation also asked for the previously approved hurricane recovery funding, included in the September government funding legislation, to be expedited as families continue to struggle across Louisiana – some still without housing, living in tents or lacking access to critical services.

Dr. Nemeth Announces  
Statement from WCP

Darlyne G. Nemeth, PhD, MP, the Co-Secretary General of he World Council for Psychotherapy, announced that the Council has put forth a position statement, calling on Russia "to immediately cease the invasion of Ukraine; stop the war; respect the law of nations; and bring back all Russian troops and weapons to their home country." The World Council for Psychotherapy is an international group whose aims include to promote psychotherapy on all continents of the world and cooperate with national and international organisations in peacekeeping and conflict management measures."

Dr. Nemeth owns and directs The Neuropsychology Center of Louisiana, located in Baton Rouge.



World Council  
for Psychotherapy

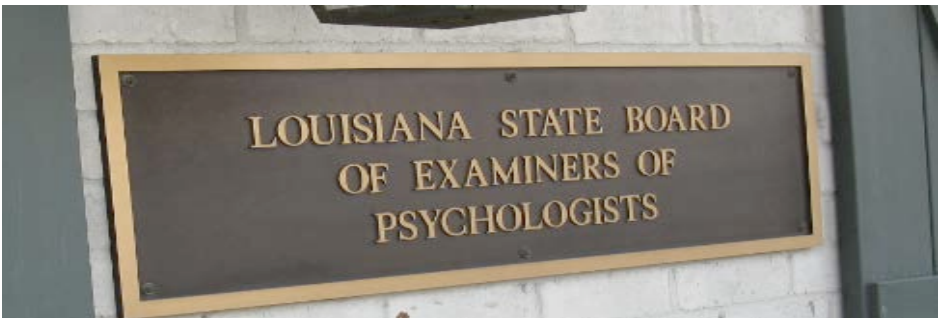
STATEMENT FROM THE WORLD COUNCIL FOR PSYCHOTHERAPY  
TO THE RUSSIAN GOVERNMENT

The World Council for Psychotherapy calls upon the Russian Government to immediately cease the invasion of Ukraine; stop the war; respect the law of nations; and bring back all Russian troops and weapons to their home country.

It is our view as Psychotherapists that a military invasion never solves problems, and never achieves its intended aims. Instead it creates immense damage, and causes destruction on many levels which can reverberate through the generations. This includes the personal suffering and deep trauma of both families and individuals at somatic, mental and emotional levels. Psychotherapists are committed to peaceful negotiation, dialogue and debate in conflict resolution, and we condemn war and violence. We call upon the Russian Government to stop the war, and establish peace through diplomacy in a thoughtful and mutually respectful manner.

We hope that the highest principles of the human spirit will prevail, and with all our hearts we wish that a resolution can be found which will restore freedom.





*From the Minutes*  
Selected Items from Dec. 2021 Minutes of the  
Louisiana State Board of Examiners of  
Psychologists (LSBEP)

December 2021 (Posted Feb 16)

**1. Finance Committee** – Ms. Monic presented a Financial Report [...]: **Income: Renewal** \$258,290 This category was amended on 11/12/2021 to reduce the projection due to no renewals collected for Assistants to Psychologists and correct the amount projected for License Renewal Fees. With the amendment, 99.8% of the budgeted amount has been collected. **Contract Labor** \$21,545.97 Budgeted \$139,232 We have expended 15.5% of the budgeted amount (total contracted amounts). This category is less predictable depending on complaint matters. Although considering risks associated with potential hearings, category is currently stable. Additionally, the Board will be posting for a Complaints Coordinator III. **Salaries and Benefits** \$74,155.10 Budgeted \$195,887 This category was amended on 11/12/2021 due to the vacant Compliance Officer position and proposed establishment of an Operations position. There was also an increase to the Clerical Assistant position that is currently filled by a student worker. The Board intends to redirect funds from Contract Labor to Salaries and Benefits, in the event that a qualified individual is found to fill the In-house Attorney position.

A final Budget, approved on November 12, 2021, is provided with this report for the ensuing FY 2022-23 and contains amendments to the Current 2021-22 Budget, also approved November 12, 2021. With the approved changes, noted COVID19 related savings, and current downward trend in contract spending, there is an anticipated increase in the fund balance (cash on hand) to be carried over to 2022-23 now estimated to be **\$67,733**. While this is good news, your unreserved fund balance is still anticipated to be (\$-286,708) and there remains a long way to go to achieve your new goals for revenue generation that is included in this projection.

**Board Strategy Recommendations:**  
Consider emergency rulemaking for the Registration of Assistants to Psychologists, particularly given the importance highlighted on this issue through the legislative process by legislators.

Make primary focus rulemaking to implement the CPD standards and begin revenue development; and on updating rules impacting licensing, license renewal for emeritus, telepsychology, complaints, etc. to improve functionality and liability.

Focus on organizational structure to address both immediate and long-term viability and employee retention. Continue to explore financially sustainable options for technology to be utilized in the application and renewal process which may either counter (or reduce) the cost of employees, workload, and related expenses for processing applications, and/or counter (or reduce) the cost of real-estate needed to store paper files.

Consider setting a goal to achieve and maintain a reserve balance to cover deferred liability plus unexpected expenses (e.g., hearing costs, lawsuits, major technology developments, moving) plus 3-6 months of operating expenses. Consider creating guidelines for Board approval to tap your reserve and then rebuild that amount.

**8. Liaison to Professional Organizations** – Dr. Moore reported that she attended ASPPB’s Planning Committee for the upcoming Midyear Meeting scheduled to occur in New Orleans. Due to her confidentiality agreement with ASPPB, the details could not be reported. However, she stated that her first meeting enabled a better understanding for the confidentiality agreement, given the committee reviewed feedback and evaluations from prior conferences and this information is not available to the public.

[Discussion Items] **3. Declaration of Competencies** - Dr. Sam presented a recommendation and a draft for board consideration to revise the Declaration of Competencies, as previously discussed in November 2021. The draft included a question that would enable the candidate to declare competence to provide telepsychology and enable the examining members to explore an individual’s understanding and limitations in utilizing this service delivery modality. The Board discussed the preferred structure and by motion of Dr. Moore, adopted the revised format for the Declaration of Competencies by unanimous roll call vote of the members present as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

Funds Allocated to Support  
Recovery from Zeta, Ida

In Feb. the Gov. said that \$100 million dollars has been allocated to 33 Louisiana parishes through the Hazard Mitigation Grant Program (HMGP). The HMGP funding will be used to support recovery and mitigation projects in the parishes related to Hurricane Zeta, the severe winter weather event in 2021, the May 2021 flooding event and Hurricane Ida.

The goal is to reduce or eliminate long-term risk to life and property by lessening the impact of a disaster. Examples of mitigation work include residential elevation, reconstruction or acquisition of flood prone structures and converting land to green space, localized drainage improvements, safe room construction, wind retrofit of structures and emergency power for critical facilities.

Funding by parish:

- Ascension Parish (\$2,574,573)
- Assumption Parish (\$1,822,065)
- Bossier Parish (\$365,680)
- Caddo Parish (\$2,551,373)
- Calcasieu Parish (\$1,620,789)
- Concordia Parish (\$486,765)
- DeSoto Parish (\$398,424)
- East Baton Rouge (\$2,298,401)
- East Feliciana (1,578,357)
- Grant Parish (\$331,673)
- Iberia Parish (\$1,519,644)
- Iberville Parish (\$1,891,639)
- Jefferson Parish (\$5,666,431)
- Lafayette Parish (\$374,491)
- Lafourche Parish (\$17,390,470)
- Livingston Parish (\$3,635,223)
- Orleans Parish (\$3,749,318)
- Ouachita Parish (\$479,472)
- Plaquemines Parish (\$2,886,649)
- Pointe Coupee Parish (\$1,575,092)
- St. Bernard Parish (\$2,388,221)
- St. Charles Parish (\$4,293,548)
- St. Helena Parish (\$2,086,405)
- St. James Parish (\$2,871,829)
- St. John the Baptist Parish (\$4,791,909)
- St. Martin Parish (\$1,634,799)
- St. Mary Parish (\$1,682,626)
- St. Tammany Parish (\$2,040,190)
- Tangipahoa Parish (\$2,971,666)
- Terrebonne Parish (\$17,685,825)
- Washington Parish (\$1,532,414)
- West Baton Rouge Parish (\$1,768,265)
- West Feliciana Parish (\$1,310,949)

Louisiana Health Care Quality  
Forum Names Carol Patin,  
MD, to Board of Directors

The Louisiana Health Care Quality Forum (LHCQF), a not-for-profit organization dedicated to reshaping healthcare in Louisiana, has announced the appointment of Carol Patin, MD, to their Board of Directors. For more than 30 years, Dr. Patin’s calling has been for the underserved with an emphasis on community-based programs. She is an experienced and respected physician leader whose professional experience includes developing community-based clinical programs, starting and running a solo women’s health care private practice, serving in C-suite level leadership positions in rural and community health care centers, and training health care providers at all levels in both academic and clinical settings.

“We are thrilled to welcome Dr. Carol Patin to the Quality Forum’s Board of Directors,” said Cindy Munn, LHCQF Chief Executive Officer.





***Taylor Johnson, UL Lafayette Student, is Finalist at SEPA***

The Southeastern Psychological Association will hold its 68th Annual Meeting March 23-26 at Hilton Head Island, South Carolina.

From the University of Louisiana Lafayette, Taylor Johnson, & Dr. Manyu Li, will present, "Fandom Communities' Engagement in Black Lives Matters Digital Activism: A Study of Intragroup Processes."

Taylor Johnson, an undergraduate student and a McNair Scholar at the Psychology Department of UL Lafayette, conducted the study under the supervision of Dr. Manyu Li, Assistant Professor in the department. Taylor is the finalist of CEPO Student Award for Justice, Equity, Diversity and Inclusion (JEDI) research at the Annual Meeting of the Southeastern Psychological Association.

The study examined digital activism among a global KPop fandom group. From May to June 2020, fans of the most influential Kpop band, "BTS A.R.M.Y" tweeted extensively to bring the artists' and the fans' attention to the Black Lives Matter (BLM). Their tweets successfully led to more than \$2 million donated to the BLM campaign.

This study employed intragroup process theories within social psychology to understand how fans interacted to promote the success of the digital activism. A total of 2,132 tweets were retrieved and analyzed using content analysis performed by three human coders and a computerized method of automated text analysis.

Main findings included: Although close to one-fifth of the tweets showed disapproval of the movement and showed concerns of violation of group norms and group cohesion, more than half of the tweets expressed sense of solidarity, pointing out injustices, and calling for actions.

Self-identified Black members played a significant role in the success of the activism. One strategy was the use of "we" instead of "I" in many of the tweets made by these members, appealing to the group entity and avoiding subjectivity and singling out "I."

The study found that Black A.R.M.Y voices were eventually heard and recognized by mutual effort of Black members and global members who tweet about the needs for justice.

Dr. Manyu Li's research spans the areas of social, community, and cross-cultural psychology, including the topic of place attachment, or the psychology connections that people form with specific places. She is also interested in cross-cultural studies of migration and immigration. Dr. Manyu Li is a recipient of the 2020 Outstanding Master's Mentor Award, director of the DAISO Lab, and Associate Editor of Current Psychology.

***Stress Solutions***

*by Susan Andrews, PhD*

**Some Benefits of Keeping Indoor Plants Around**

Nature walks and the beauty of nature have long been identified by philosophers and researchers alike as a good method to reduce stress. So many of us do not live next to a beautiful park or serene lake around which to walk or take a meditation break. The next best thing is keeping plants around your workplace.

Plants not only provide an oxygen-carbon dioxide exchange, but also, they are natural things of beauty. Plants capture the carbon dioxide in their environment and release oxygen into the atmosphere. The process is called photosynthesis. The more carbon dioxide, the better the plants thrive. A recent study indicates that as global warming increases, plants will actually take in more carbon dioxide. Science backs up more benefits to keeping indoor plants around you. Indoor plants improve our mental health. And stress reduction just happens to be one of the ways that indoor plants improve our mental health. Dr. Leonard Perry, Horticulture Professor Emeritus at the University of Vermont, has research that shows visual exposure (just seeing plants) helps reduce stress in only five minutes.

An interesting study conducted at Washington State University (Lohr, et al. 1996. J. Environmental Horticulture) found that the presence of plants in a workplace helped reduce stress levels of employees. The research was conducted in two computer labs, identical except for the plants present in one lab. The subjects in the lab with plants were 12% faster in reaction time and their systolic blood pressure was lower (measure of stress). The subjects also reported feeling more attentive when surrounded by plants.

Plants in the same room while working increases a person's ability to pay attention and stay focused (J. Environmental Psychology). Flowers are even more impressive. Research at Rutgers showed an immediate impact on happiness. One hundred percent of the people in the study immediately responded with a smile.

Even more impressive is that a study published in 2010 that was performed in 101 Michigan high schools strongly supported the positive effects of nature on students' performance on standardized test scores. More students were planning to attend college. The long-term implication for teachers is offer more lessons outside and keep plants in your classrooms. It will pay off in students grades and attention.

So, treat that forgotten Boston fern in the corner of your office or therapy room with a little more respect! Plants are not just fluff for the decorator; having plants around us is improves our lives in so many ways.



*Dr. Susan Andrews is a Clinical Neuropsychologist, an award-winning writer/author (her book Stress Solutions for Pregnant Moms, published in 2013, has been translated into Chinese,) and 2016 Distinguished Psychologist of the Louisiana Psychological Association.*





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## Rep. Frieman Seeks to Repeal Workers' Compensation Council

Representative Frieman has introduced HB 56 repeals provisions regarding the creation and composition of the Workers' Compensation Advisory Council.

The present law provides that the Workers' Compensation Advisory Council is created within the Louisiana Workforce Commission (LWC). The council shall consist of 17 members. One member is a representative of the La. Psychological Association. HB 156 repeals present law.

The present law provides that to the extent practicable, every organization or entity that provides nominations to the council shall strive for diversity in its appointments on the basis of sex, race, ethnicity, and geography.

The current law also provides that the council shall monitor and, at least 30 days prior to the convening of the regular session of the legislature, report to the governor and the legislature on the implementation and administration of present law and make specific recommendations.

Present law provides that the council shall review and make recommendations to the governor, through LWC, on any proposed rules affecting the administration or resolution of claims provided for in present law.

Among other provisions, present law provides that no member of the council acting within the scope of his official functions and duties shall be held individually liable for a policy recommendation or policy action by the council, unless damage or injury is caused by the member's willful or wanton misconduct.

Present law provides that the Workers' Compensation Advisory Council is transferred to and shall be within LWC.

The proposed law repeals present law.

## HB 136 Would Require Dyslexia Education for Teachers

Representative Marino has introduced a measure which adds dyslexia education to list of qualifications and requirements for teacher education programs. The bill is HB 136.

Present law establishes certain requirements for a teacher education program to be approved by the State Bd. of Elementary and Secondary Education (BESE) for certification of graduates. HB 136 retains present law.

The proposed new law requires that teacher education programs include at least three credit hours on teaching students with dyslexia and specifies content of such coursework.

Proposed law applies to the 2024-2025 school year and thereafter.

## Mental Health License Plate Proposed with Sen. McMath's Bill

SB 61 would create the "Mental Health" special prestige license plate. Proposed law requires the secretary of the Department of Public Safety and Corrections to issue the special prestige license plates, provided there is a minimum of 1,000 applicants for the plate. The proposed law provides the design of the plate shall include the words "Mental Health" and directs the department to collect an annual royalty fee and forward certain percentages to the NAMI Louisiana and the Louisiana Rural Mental Health Alliance.



## Expressive Activities on College Campuses Focus of HB 185

Representative Charles Owen has authored HB 185 which revises provisions relative to expressive activities on college campuses.

The present law provides for the protection of expressive activities at public postsecondary education institutions, and requires public postsecondary education management boards to adopt policies on free expression, including prohibiting protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a "substantial and material disruption" to the functioning of the institution or to someone's expressive activity.

Proposed law adds that "substantial and material disruption" means when a person, with the intent and knowledge of doing so, significantly hinders expressive activity; prevents the communication of the message; or prevents the transaction of the business of a lawful meeting, gathering, or procession by either of the following: 1. Engaging in fighting, violence, or similar unlawful behavior; 2. Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

The new proposal provides that no conduct shall be deemed a material and substantial disruption that is protected under the federal or state constitution.

## Sen. Cathey's SB 29 Supports Health Professional Free Speech

SB 29 by Senator Cathey supports healthcare professionals exercising free-speech. The new proposed law provides that a licensed healthcare professional shall not be adversely affected for any of the following:

- (1) Treating a patient with any healthcare treatment, procedure, or product administered with the consent of the patient.
- (2) Speaking publicly about any healthcare or tangential topic.
- (3) Accepting or rejecting a healthcare procedure, treatment, or product.
- (4) Exercising free speech.

Proposed law defines "adverse action."

The proposed law prohibits disciplinary actions unless certain conditions are met and provides for a minimum settlement of \$5,000,000 if the healthcare professional's position cannot be refuted in accordance with proposed law.



Legislative News

Sen. Mizell Seeks to Expand Reporting Requirements for Sex Trafficking

Sen. Mizell's SB 63 would expand reporting of abuse. The present law provides for reports of child abuse or neglect where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not to be made to the Dept. of Children and Family Services (DCFS). Further provides that all other reports are to be made to a local or state law enforcement agency.

The new proposed law retains present law and provides that if a report involves alleged sex trafficking, the provisions of proposed law also apply.

Proposed law provides that DCFS shall identify and assess all reports of alleged abuse and neglect involving a child known or suspected to be a victim of sex trafficking and coordinate with law enforcement, the juvenile justice system, other state agencies, and healthcare service providers to provide comprehensive services for children who are sex trafficking victims, regardless of whether there is alleged parental or caretaker culpability.

The proposed law provides for required actions by DCFS when a child has been identified as a victim of sex trafficking which include making referrals to needed services, conducting face-to-face visits and telephone contacts with the family, and educating the parents or other caretakers about possible high risk behaviors associated with sex trafficking victims.

Rep. Frieman Wants to Affirm Right to Reject Health Care

HB 53 would add the right of Louisiana citizens to accept or reject any form of health care to the Constitution of Louisiana.

The proposed constitutional amendment adds the right to autonomy with respect to healthcare decisions including palliative care, medical treatments, surgical procedures, vaccines, or any other forms of medicine.

Proposed constitutional amendment requires that any adverse treatment or denial of the right shall be subject to strict scrutiny.

Proposed constitutional amendment states that any person adversely affected by a violation of this right shall have standing to raise its illegality in the appropriate court.

The measure provides for submission of the proposed amendment to the voters at the statewide election to be held on Nov. 8, 2022.

SB 69 Seeks to Ease Restrictions and Help Support Victims of Crimes

Present law provides rights for victims of crimes.

The proposed law, SB 69 by Sen. Connick, retains present law and eases restrictions on eligibility and involvement in criminal justice processes. Proposed law removes requirement that a victim must report a crime within 72 hours in order to receive benefits available under present law, and expands eligibility to victims of additional crimes.

Proposed law removes requirement that the victim or designated family member must register with the La. Commission on Law Enforcement and Administration of Criminal Justice in order to receive services.

Rep. Newell's HB 41 Adds Racial Features to Anti-Discrimination Law

Rep. Newell's HB 41 rovides relative to race and national origin discrimination in education, employment, public accommodations, and housing options.

Present law provides that no person shall be refused admission into or be excluded from any public school in this state based on race, creed, color, disability as defined in present law, or national origin.

Proposed law retains present law and additionally prohibits discrimination in any form based on race, creed, color, disability as defined in present law, or national origin.

The proposed law adds that "race" and "national origin" shall include traits associated with race and national origin, including but not limited to skin color, facial characteristics, hair texture, natural hairstyles, and protective hairstyles.

Proposed law defines "natural hairstyles" and "protective hairstyles" to include but not be limited to afros, dreadlocks, twists, locs, cornrows braids, Bantu knots, and curls.

Measure by Rep. Green Aims to Eliminate Death Penalty

HB 106 eliminates the death penalty as a possible punishment for the offenses of first degree murder, first degree rape, and treason.

Present law (R.S. 14:30) provides that any person convicted of the crime of first degree murder shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law (R.S. 14:42) provides that any person convicted of the crime of first degree rape shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. However, if the victim of the first degree rape was under the age of 13 years, the district attorney may seek the death penalty. Although this provision which allowed for the offender to be sentenced to death for first degree rape was declared to be unconstitutional by the U.S. Supreme Court in the case Kennedy v. Louisiana, 128 S.Ct. 2641 (June 25, 2008), this provision was never repealed from present law.



## Sen. Connick Seeks to Protect Those with Infirmities from Crime

Proposed law does the following:

- (1) Adds the present law crimes of aggravated kidnapping of a child, molestation, and sexual battery of persons with infirmities to the list of crimes of violence.
- (2) Defines rape to include foreign object penetration.
- (3) Defines first degree/aggravated rape to include rapes committed during the course of burglary crimes.
- (4) Replaces the definitions of "physical infirmity" and "mental infirmity" relative to first degree/aggravated rape with more inclusive language to better protect victims with disabilities.
- (5) Defines the term "sexually abused" relative to second degree kidnapping and aggravated kidnapping of a child to mean that the victim was subjected to any offense defined as a sex offense by present law.
- (6) Aligns second degree sexual battery, oral sexual battery, and sexual battery of persons with infirmities with other provisions of present law.

Present law provides penalties for violation of protective orders depending upon recidivist status, whether the offender battered the victim and whether the offender committed a crime of violence against the victim. Proposed law further provides that a violation of a protective order, if the violation involves a battery or any crime of violence against the victim to whose benefit the protective order is in effect, is a crime of violence.

The proposed law retains present law and provides enhanced penalties when the offender goes to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm.

## *Senator Fred Mills Aims to Reduce Pre-Payment Reviews with SB 59*

The current law provides for the Louisiana Medicaid managed care program and the payment of claims submitted by participating healthcare providers.

implemented directly by the La. Dept. of Health and in accordance with the provisions of the Medical Assistance Programs Integrity Law.

Proposed law provides that "prepayment review" means requiring a healthcare provider to provide medical record documentation in conjunction with, or after, the submission of a claim for payment for medical services rendered but before the claim has been adjudicated by the Medicaid managed care organization.

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# Experts Point to Alarming Trend of Increased Opioid Related Overdose Fatalities, continued

Opioids—mainly synthetic opioids (other than methadone)—are currently the main driver of drug overdose deaths, said the CDC, with 72.9% of opioid-involved overdose deaths involving synthetic opioids. And, overdose deaths involving psychostimulants such as methamphetamine are increasing with and without synthetic opioid involvement.

Also in February, *Medscape* reported a surge in the rate of Black Americans dying from a combination of opioids and cocaine, an increase of 575%. The rate for White Americans increased by 184%.

A recent analysis in the *American Journal of Epidemiology*, found that in the South, deaths from cocaine and opioids increased 26% per year among Black people, 27% per year among Latinx people, and 12% per year among non-Hispanic Whites.

Dr. Marc Zimmermann is a neuropsychologist and medical psychologist in Baton Rouge, with over 30 years experience. He is noted for his work in forensic psychology having testified in multiple states and jurisdictions, and he has been a consultant to many chemical dependency programs such as the Serenity Center and Lane Recovery Solutions. He is also a staff member at PTI in Baton Rouge.

Dr. Zimmermann said that according to the Louisiana Department of Health, the bulk of all recorded opioid overdose deaths occurred in the parishes of Southeast Louisiana. St. Tammany Parish experienced an average of over 47 opioid overdoses a year and Jefferson Parish averaged over 71 opioid overdoses a year.

While their age-adjusted rates are not as high as St. Tammany and Jefferson Parishes, Orleans and East Baton Rouge Parish experienced high average numbers of deaths from opioid overdoses during the same time period.

Dr. Tiffany Jennings is a Louisiana native who is the Rural Health Coordinator for the Louisiana Psychological Association and in full time private practice. Dr. Jennings has worked in a variety of settings, including outpatient, inpatient, state and Federal agencies. She was previously an Assistant Professor, Department of Neurology, at Ochsner LSU Health Shreveport and a Neuropsychologist at Overton Brooks VAMC in Shreveport, and for the US Army's Traumatic Brain Injury Clinic at Fort Polk in Leesville.

How serious does she feel the opioid crisis is in rural settings for Louisiana? "The opioid crisis continues to be a serious crisis that has not shown any signs of abating," Dr. Jennings said.

"The COIVD-19 may have exacerbated the crisis. The Louisiana Dept of Health's website notes an increase in fatal and nonfatal opioid overdoses as people are 'cut off from services and disconnected from support systems, have made it difficult for individuals to seek help.'

"The Louisiana Opioid Surveillance Program has noted an increase in deaths from overdose," she said. "This was noted to be in part due to availability of synthetic opioid drugs, which are much more powerful than morphine. This results in a

higher chance of death from use — such as fentanyl."

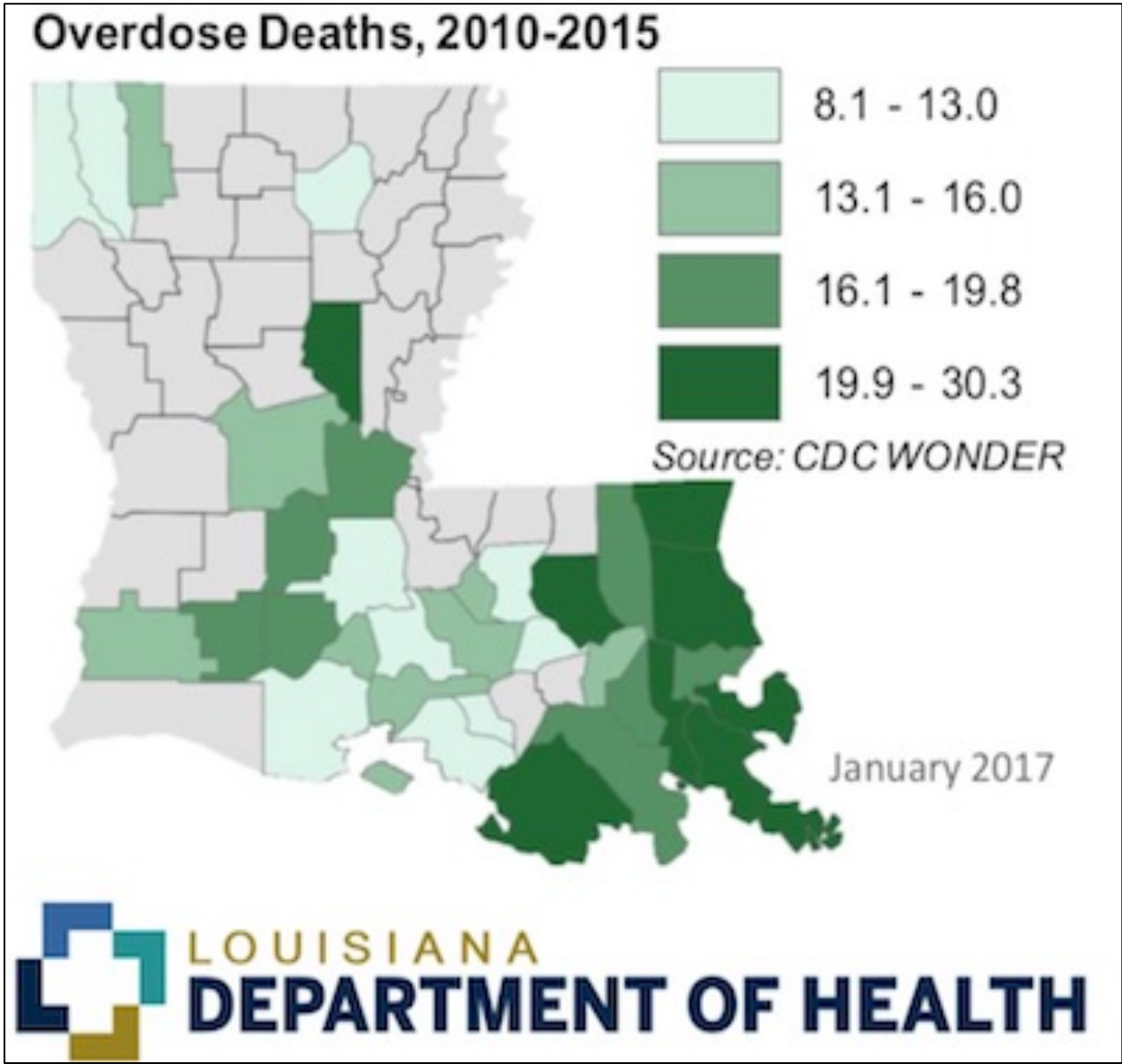
Has she seen any changes over the last couple of years? "There's been several high-profile lawsuits against drug manufacturers for their alleged role in the opioid crisis," Dr. Jennings said. "I believe there currently four US companies in the process of settling, to the tune of approximately \$26 billion. This has certainly brought attention to the extent of the current opioid epidemic.

"Many insurance agencies, including Medicaid, expanded telehealth access due to the ongoing COVID-19 pandemic. Unfortunately, I have not seen much change with regard to access to service for rural health settings in Louisiana. There continues to be a wait list to see Medicaid providers. Reimbursement remains an issue. Also, those in rural areas may not have the technology to fully utilize telehealth services," Dr. Jennings said.

The Lancet Commission Report pointed to the lack of accessible, high-quality, non-stigmatising, integrated health and social care services for people with opioid use disorder in the USA. The authors recommended reforming public and private health-insurance systems to address this issue, including cutting off funding for care that is likely to be harmful.

Dr. Geralyn Datz is a licensed Clinical Health and Medical Psychologist and a national educator of healthcare providers, attorneys and the public. Dr. Datz is licensed in Louisiana, Alabama, and Mississippi, and specializes in pain psychology, forensic assessments, and public speaking. She is President and Clinical Director of Southern Behavioral Medicine Associates PLLC, in Hattiesburg, Mississippi, a group specialty practice devoted to treating patients with chronic pain, She is a past president of the Southern Pain Society, and previously with New Orleans Veteran Affairs Medical Center and Pennington Biomedical Research Center.

We asked Dr. Datz if there is adequate treatment available? "No there is not," she said. "The treatment of opioid use disorder is a very large, systems based issue that right now is in dire straits and vastly underfunded. The short answer is that we need more insurance reimbursed programs, and the treatment needs to extend well beyond 'rehab' as it is traditionally defined. Private treatment centers are one component of treatment, but cannot meet the needs of this diverse population, which often has serious mental health issues and/or comorbid pain conditions. There are effective treatment models like Pain Rehabilitation Programs, that help people with medical conditions come off of opioids, but sadly these are no longer reimbursed by insurance. In



# Experts Point to Alarming Trend of Increased Opioid Related Overdose Fatalities, continued

addition, the treatment of opioid misuse is ideally multidisciplinary and requires medical and mental health follow up, which frequently does not occur. The Commissions comment on using the Chronic Disease Model for treatment, and in healthcare, is exactly on point."

Is treatment covered by funding such as insurance for those who need help? ".Again...no. There are wide ranges in what insurance will and will not cover in treating opioid overuse and addiction. Often, comorbidities, such as pain or severe or even mild mental illness, are left untreated. In addition, there are variations between what private addiction centers will accept which insurances if any at all. As a result, care ends up being parsed out for opioid-dependent individuals and not as effective. Furthermore, many individuals do not have insurance coverage at all, further complicating the problem," Dr. Datz said.

"The 2008 Mental Health Parity and Addiction Equity Act was designed to make treatment of mental health and substance abuse conditions as easily and fairly reimbursed as medical conditions. This Act was a step in the right direction but is still not fully realized. A recent report showed that many insurances are non compliant, and showed wide disparities between behavioral health care and medical/ surgical healthcare. Mental health parity needs increased attention, and enforcement, in order to address the public health needs that we are now facing."

Dr. Jennings agrees. "Given the number of deaths from opioid overdose, I would say there is not nearly enough treatment, recovery and support systems in place for this population. This is especially true of those in rural settings," she said.

"The state has enacted laws in an attempt to better regulate prescriptions and to reduce the chance of 'doctor shopping' for those addicted or who have developed a tolerance to their pain medication. Government agencies on federal and state levels are holding providers accountable for illegal prescriptions for opioids," said Dr. Jennings.

"Louisiana is expecting to receive approximately \$325 million from a national settlement of opioid lawsuits. The intention is to divide monies into addiction treatment, response and recovery services. The goal is to send the monies—divided up over a 20-year period—to local agencies that directly work with those suffering from opioid addiction," she said.

"For some patients, education into the nature of chronic pain and their ability to manage pain can be helpful. There are evidence based psychotherapy treatments (such as Cognitive Behavioral Therapy for Chronic Pain) that can be used to help a patient manage pain. For patients in need of an increase in structure or level of care, there is certainly a need for agencies that provide this care. Again, insurance and location can often be a barrier to treatment."

Pain costs society up to \$635 billion annually, according to the CDC, and is the number one reason for disability. Pain is becoming better understood as a multifaceted phenomenon with psychological factors.

In 2016, CDC authors published Guidelines and said that there was no evidence for a long-term benefit of opioid pain medications. The authors found strong evidence for serious risks, including overdose, opioid use disorder, and motor vehicle injuries. The CDC said that other treatments, including psychological approaches, had long-term benefits, without the high risks of opioids.

"It is now widely accepted that pain is a biopsychosocial phenomenon," Dr. Datz, told the *Times* in a previous interview. "The Guidelines are really exciting because they explicitly state that physicians should be using nonpharmacological strategies including cognitive behavioral therapy as well as exercise for patients with pain," Datz said.

"This is a departure from the traditional belief that pain was primarily physical, and to be only treated by medical means, which was the biomedical model," Datz said.

"The benefits of pain psychology are that the person experiencing chronic pain ultimately has more control over their pain process, their reaction to it, and their life," Datz said. "This is accomplished by teaching patients about how their expectations, their attention, and their stress levels interact with chronic pain and can greatly exacerbated."

"A large body of research," said Datz, "has shown that use of structured cognitive behavioral therapy, and in particular cognitive behavioral therapy combined with physical therapy, as happens in functional restoration programs, are extremely effective ways of dramatically improving physical function, mental health, and overall well-being in patients with chronic pain," she said.

"Unfortunately, these methods have been sorely underused, partly due to insurance coverage issues. With the advent of the ACA however, this is getting a lot better. Also, I think providers and patients are more open to these ideas now that the opioid epidemic has become such a hot topic nationally," she said. Among the key messages of the Lancet Commission report, the authors noted that "The profit motives of actors inside and outside the health-care system will continue to generate harmful over-provision of addictive pharmaceuticals unless regulatory systems are fundamentally reformed."

Dr. Datz will be presenting "Forced Opioid Tapers and the Culture of the Opioid Crisis: Time to revisit pain psychology" at the American Academy of Pain Medicine in Scottsdale Arizona on March 19. She will speak about how the approach of using pain psychology during opioid therapy is not new, but is enjoying a renewed urgency in the context of rising rates of opioid tapers and the safety issues surrounding preventable side effect from forced opioid tapers.

Lancet Commission authors warned that pharmaceutical companies based in the USA are actively expanding opioid prescribing worldwide, and are using fraudulent and corrupting tactics that have now been banned domestically.





# Did the Behavior Analysts Board Follow Psychology Down the Complaints Committee Rabbit Hole? continued

by J. Nelson

of criminal law enforcement professionals, these changes were accompanied by skyrocketing legal costs, for both the board and the defendants.

For this report we examined how the Behavior Analysts appear to have followed the psychologists down the same rabbit hole, creating another complaints committee that is steeped in secrecy, financial conflicts of interests, and due process violations.

## Two Complaints Committees Share Their Origins

According to several sources, beginning around 2013, the Louisiana State Board of Examiners of Psychologists (LSBEP) began to embrace a more aggressive, adversarial style for dealing with complaints. By 2015, both the structure and personnel of the complaints committee had changed from a psychologist-dominated committee to a group of law enforcement professionals.

The then new Executive Director, Ms. Kelly Parker, had a background focused on criminal law enforcement. She had previously worked as a Fraud Analyst/Investigator in the Criminal Division of the Maryland Attorney General. Parker took a significant role in designing and participating in the new complaints process. The 2017 policies identified the Executive Director as not only a committee member but a participant in face-to-face meetings with individuals involved in the disciplinary process. Parker was both to "oversee" operations and "may participate in face-to-face meetings with Complainant, Respondent or witnesses as deemed necessary;...."

Also for the first time, the complaints committee had its own attorney who was involved in prosecuting and in investigations. A Private Investigator was also added. The requirement for board service, or a certain number of years of experience for Complaints Coordinator, the only psychologist, was dropped.

The LSBEP Complaints Committee began to operate with a great deal of autonomy and limited checks and balances. No firewall existed between a determination about a complaint, an investigation, or a prosecution toward the consent agreement. By 2017 even the term "Complaint" had been replaced with "Request for Investigation."

The same aggressive design was inherited by the fledgling Louisiana Behavior Analysts Board (LBAB) which came into being in 2013 with Sen. J.P. Morrell's legislation. The new board was to share expenses with the psychology board and so Ms. Parker served as Executive Director. She brought her background in criminal law enforcement to the LBAB.

Similar to psychology, the LBAB's regulatory rules for dealing with complaints gave wide leeway to hire anyone they wanted.

"§601. B. Unless otherwise provided by law, the board may delegate its authority and responsibility under these rules to a committee of one or more board members, to a hearing officer, or to other persons."



To this is added a vague description in the policies and procedures. "The complaints committee shall consist of full board members. The board chair shall appoint one complaint committee member and the chair. The role of the Board to hear recommendations, make decisions regarding the disposition of investigations, and hold hearings on administrative complaints should not be confused with the duties of said Committee. The full board may appoint/hire a board agent, utilize the chair of the Complaints Committee, a hearing officer, or other delegated person or persons hereinafter referred to as complaints coordinator, who will be responsible for an initial review of all complaints submitted to the board and any investigations deemed necessary."

The policies explain that a complaint may be dismissed by the complaints coordinator, but, "If the review reveals a legitimate evidence of possible ethical violation(s), the complaints coordinator requests, in writing, that the Board office assign the file an official complaint number and turn the complaint over to the Investigator." The reasoning for such a decision is not explained.

There are no job descriptions in the policies for the investigator or prosecutor, and there are no details as to how a decision is made to advance from a simple complaint to an investigation, or when or why to advance into a prosecution for a consent agreement, or finally, to a hearing.

According to minutes and other sources, the complaints committee includes the complaints coordinator, an investigator, an attorney, a compliance officer, a sitting board member, and the executive director. However, the composition and personnel of this committee does not appear to be published.

Regarding subject matter experts, while the complaints coordinator and board member are behavior analysts, the investigator, prosecuting attorney, compliance officer, and executive director are not.

Similar to the psychology board, the behavior analyst complaint review process

is primarily conducted in secrecy until decisions are provided to the Board.

The Executive Director has a dual role. She serves as a resource for answering licensees' and the public's questions. However, she is also a member of the Complaints Committee. Combining a service role and an investigation type role could create situations where the Director shifts between roles without disclosing the change.

## Financial Incentives & Rising Costs?

Several of the members of the Complaints Committee receive financial compensation based on work volume, creating possible financial incentives.

Based on a contract position posting, the complaints coordinator's compensation is \$100/hour, up to \$200 per case review. However, it appears that added to this is \$100 per hour for all meetings, including meetings with attorneys and preliminary hearings.

Mr. James Raines is the attorney for the LBAB Complaints Committee. He was also hired at the psychology board's complaints subcommittee in December 2014 by Ms. Parker. His fees were \$275 per hour.

Legal fees began to increase. Mr. Raines' original contract for the psychology board was set at \$15,000. However shortly after his contract needed to be raised to \$28,000 according to government records, and then raised again to \$60,000. By 2017 the LSBEP legal costs for their complaint subcommittee increased by over 300%.

Financial data for the LBAB shows the same type of escalation in legal costs. See graph next page.

In 2015 legal fees for LBAB were less than \$500 but by 2022 they are estimated to be \$114,000.

What do the defendants spend? According to several sources, the fees to defend against the board can vary from almost zero to \$50,000 or more.

Cont next pg

# Down the Complaints Committee Rabbit Hole? continued

Insurance may pay for much of the attorney fees but the defendant may also have to pay prosecuting costs if they agree to a consent order, or lose at a formal hearing.

Did disciplinary actions warrant this much criminal law enforcement? Over the same time frame there were 17 individuals disciplined. Five of these amounted to administrative errors regarding registration of assistants. Two were regarding complaints about the quality of supervision for assistants.

This leaves 10 disciplinary actions that were not administrative errors. Over a span of seven years and approximately 460 licensees this is a base rate of.002. to 003. This rate is generally similar to the base rate for other mental and behavioral health professionals.

The low base rate indicates that the probability is that any single defendant is innocent. A low base rate and weak screening methodology is vulnerable to false positives.

The generally low base rate and motivated criminal investigation committee suggest questions with fair treatment of defendants, stemming from financial conflicts of interest, inadequate checks and balances, and lack of transparency. Do these problems cause motivated reasoning and due process violations?

## Due Process Violations?

Due process is guaranteed by the Constitution and includes such rights as a speedy trial, a right to confront an accuser, a right to understand the charges, and a right to a fair, unbiased hearing.

In the psychology community numerous individuals pointed to problems in the psychology board's due process.

Several sources in the psychology community reported an adversarial, motivated attitude in the subcommittee during the complaint process. "You're guilty until proven innocence," one source said. Another said, "They told me one thing and did another."

Another reported that after being exonerated from the original complaint, the investigators then asked to review unrelated files, to which he felt coerced into compliance.

Several sources indicate similar problems with the process for the LBAB. One individual reported that they were not interviewed or allowed to challenge the basis of the complaint. The defendant possessed evidence that directly disputed the allegations, but this information was not gathered by the board.

Another indicated that there was no guideline for the investigation process and this severely limited the person's defense.

The consent agreement, being conducted in secrecy and without clear checks and balances, and including financial incentives of those conducting the procedure, is particularly concerning, according to sources.

One individual reported that behavior analysts were being coerced to falsely admit guilt that they did not feel was true, consequently perjuring themselves, in order to negotiate to retain their license and livelihood.

Obvious mistakes in factual descriptions and technology, on the part of those testifying and also those conducting the hearing, could not be corrected, reported one of the defendants.

Another source said, "An important tactic of the Board is to wear their victims down mentally, emotionally, and financially. It would be interesting to report an average time frame for investigations from beginning to end. It is often YEARS before a resolution is found, which leads to behavior analysts acquiescing to their demands because they cannot afford to fight back."

Punishments and fines have been said to be inconsistent and unfair. For the same offense different defendants were charged \$500, \$800, \$1050, and \$1500. One of the lowest fees was from an associate with a board member colleague.

Issues with due process violations were so salient that they were mentioned in the Louisiana Senate debate in 2018

while the Behavior Analyst Board was under Sunset review.

Senator Milkovich said, "As I have looked into this matter, it is very clear that the legislature is still a long way from home in creating a state board that number one, operates in a constitutional manner so as to avoid needless litigation and actionable offenses; [...]

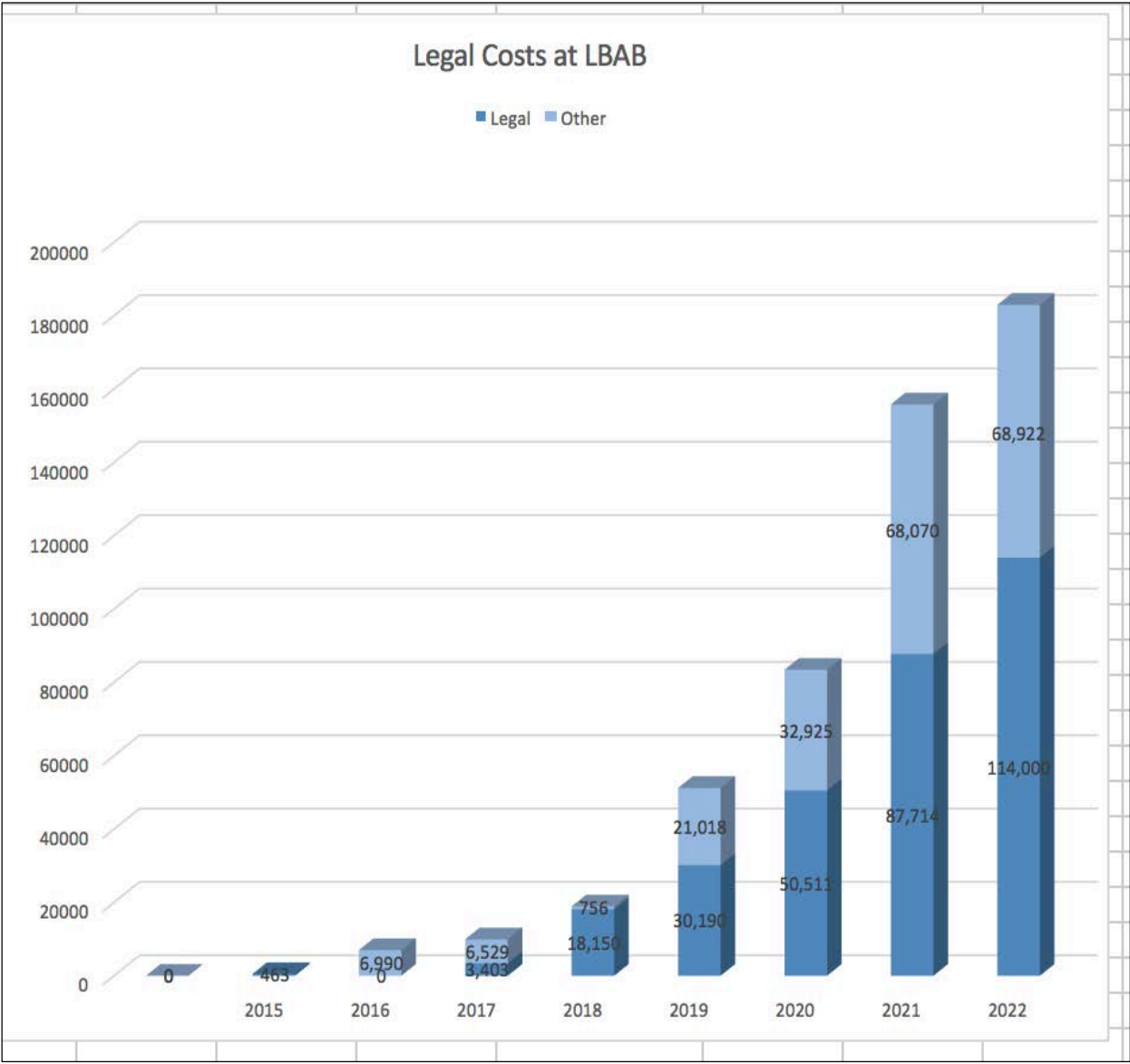
"... we have a constitutional problem with our board, in that, the board in its present structure acts as prosecutor, jury, and judge.

"...any time charges are brought by the board against any behavioral clinician the deck is stacked. [...]

"The board is also at this time operating in a constitutional violation in that it fails even the minimum requirement of notice. Notice of course being the legal concept that describes the requirement that a party made aware of the legal process affecting the rights, obligations, or duties."

Senator Martiny appeared to agree at least in part to this portrayal.

"I'm not saying what Senator Peacock and Senator Milkovich said is not true. [...] I know that that they're very..., some of these boards are very arrogant and they give you the impression 'Hey, stay out of my business.' And I have a standard line on that. I don't need to be in your business, but don't tell me it's none of my business, because it is. It's all of our business. And if you got a problem with the board, take 'em to task, use the tools that are available to you and fix it."





# A Shrink at the Flicks

## *The Tinder Swindler* A Review

by Alvin G. Burstein, PhD

This very recent Netflix documentary’s popularity exploded during the first week of its release, drawing my attention to a genre that has not previously interested me: true crime accounts. *The Tinder Swindler* turned out to be interesting, and, to make a pun, even arresting, in unexpected ways. It features accounts by three young women who describe their becoming enmeshed in a web of exploitative lies woven by a con man who rivals Frank Abagnale, Jr., played by Leonardo DiCaprio in the 2002 biopic, *Catch Me If You Can*. The villain of the Netflix documentary, Simon Leviev, neè Shimon Hayut, seeks out targets different from those of Abagnale, and the documentary has an ironic element that the biopic lacked. Moreover, as documentary, the Netflix piece, unlike a biopic, is not emplotted, with an ending that provides narrative closure.

The documentary opens with an interview of Cecilie Fjellhoy telling of her addiction to the Tinder site in her search for love. When her swipe-right on a posting by Leviev is matched, she accepts his invitation to join him for dinner, and she is awed by lavish arrangements. He tells her that he is the son of the “King of Diamonds,” Lev Leviev, a billionaire Israeli Hasidic Jew. Simon, styling himself “The Prince of Diamonds,” flies her around the world, wooing her with expensive gifts and protestations of love. Soon, however, he tells her of complex business affairs requiring elaborate security arrangements that make it necessary for him to avoid using his credit cards requiring him to ask her to do him a favor: a loan of a few thousand dollars. Over time, Cecilie is lured into massive debt. Terrified and ashamed, she cannot find a way out of her predicament. In an effort to deter others from getting scammed she asks a newspaper to tell her story.

Guest Columnist,  
Dr. Alvin Burstein

Burstein, a psychologist and psychoanalyst, is a professor emeritus at the University of Tennessee and a 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;



courtesy photo

*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.



We next hear from a second victim, Pernilla Sjöholm. Leviev, using money from Cecilie, in tandem with his relationship with her, is regaling—and courting—Pernilla, employing the same tactics, making the same protestations, and ultimately requiring the same financial assistance.

Finally, we see an interview with Ayleen Koeleman, a long term flame of Leviev. Enraged by the newspaper accounts of Cecilie’s predicament and Liviev’s carryings on, she relishes describing how she scammed the scammer. Employed in the fashion industry, she deals with Leviev’s on-going pleas for financial assistance by offering to sell much of his extensive high-end wardrobe. But she keeps the proceeds for herself rather than remitting them to Liviev.

Ayleen also reaches out to the other two victims. Taking advantage of the publicity afforded by the newspaper coverage, the three open a Kickstarter account, hoping to recover some of the money they lost.

In a final twist, the newspaper’s ongoing efforts to track Leviev’s evasive peregrinations result in his arrest by the Israeli police, and an all too brief incarceration. He is said to be currently offering his services as a financial advisor.

The documentary closes with Cecilie’s telling us that she is still looking for love on Tinder. The irony is her failure to consider that the kind of intimacy she yearns for might require more effort and time than swiping right on potential Prince Charmings.

There is a report that Netflix may have a movie in the works. If we accept Aristotle’s definition of comedy as emplotted narratives in which the characters are such that the audience looks down on them and can relish rather than regret their discomfitures, that film will be a comedy.



## AFCC-LA State Conference to be Held Friday, March 18th in Baton Rouge

The AFCC-LA State Conference will be held Friday, March 18th at the Baton Rouge Embassy Suites. The all-day conference will offer CEUs for Family Court-related issues such as the use (and misuse) of technology and risk management for working with professionals working with DV cases.

## La Psychological Association to Host APA Past-Pres. Dr. Jennifer Kelly at Convention

The Louisiana Psychological Association will host Dr. Jennifer Kelly, clinical health psychologist and past president of the American Psychological Association, at their 2022 Spring convention to be held April 8–9 in New Orleans. Dr. Kelly will deliver the *Janet and Lee Mathews Invited Address*.

## Southwestern Psychological Association Will Hold Convention in Baton Rouge

The Southwestern Psychological Association will hold its annual convention in Baton Rouge, April 8 through 10, at the Crown Plaza Hotel. Dr. Katie Cherry, the Emogene Pliner Distinguished Professor of Aging Studies at Louisiana State University, and the Director of Research and Community Outreach, LSU Life Course and Aging Center, is this year's Psi Chi Distinguished Speaker at the event.



(L to R) Dr. Christopher Parkinson (New Orleans), Dr. Sonia Blauvelt (Baton Rouge), and Dr. Richard Flicker (Baton Rouge) represented the Louisiana Psychological Association at the 22<sup>nd</sup> Annual Irene W. Pennington Wellness Day for Women held Saturday, February 19 at Pennington Biomedical Research Center in Baton Rouge. The psychologists conducted depression screening for attendees.

Dr. Blauvelt said, "From speaking with individuals who stopped at the table, it is clear there is a need for specific screenings for insomnia/sleep concerns, trauma, work burnout, and grief during future events. These seemed to be the most pressing issues individuals were going through and were requesting resources for."

Photo courtesy of Dr. Flicker

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