

2017 Regular Session

SENATE BILL NO. 38

BY SENATOR MORRELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COUNSELING/GUIDANCE. Provides with respect to mental health counselors. (gov sig)

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AN ACT

To amend and reenact R.S. 37:1103(7) and to repeal R.S. 37:1103(14) and 1116(F), relative to mental health counselors; to provide for changes to the definition of mental health counseling services; to provide for the repeal of the definition of serious mental illness; to provide for the repeal of provisions regarding consultation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1103(7) is hereby amended and reenacted to read as follows:

§1103. Definitions

* * *

(7) "Mental health counseling services" means rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed professional counselor, that is consistent with his professional training as prescribed by R.S. 37:1107(A)(6), by a provisional licensed professional counselor, that is consistent with the requirements as prescribed by R.S. 37:1107(F), and code of ethics/behavior involving the

1 application of principles, methods, or procedures of the mental health counseling
 2 profession. ~~However, nothing in this Chapter shall be construed to authorize any~~
 3 ~~person licensed under the provisions of this Chapter to assess, diagnose, or provide~~
 4 ~~treatment to any individual suffering from a serious mental illness, as defined by this~~
 5 ~~Section, when medication may be indicated, except when a licensed professional~~
 6 ~~counselor, in accordance with industry best practices, consults and collaborates with~~
 7 ~~a practitioner who holds a license or permit with the Louisiana State Board of~~
 8 ~~Medical Examiners or an advanced practice registered nurse licensed by the~~
 9 ~~Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner.~~
 10 Moreover, except as provided in this Section, nothing in this Chapter shall be
 11 construed to authorize any person licensed hereunder to administer or interpret tests
 12 in accordance with the provisions of R.S. 37:2352(5), except as provided by Title 46,
 13 Part LXIII, Chapter 17, Section 1702(E) of the Louisiana Administrative Code, or
 14 engage in the practice of psychology or to prescribe, either orally or in writing,
 15 distribute, dispense, or administer any medications.

16 * * *

17 Section 2. R.S. 37:1103(14) and 1116(F) are hereby repealed.

18 Section 3. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

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Present law provides that any person licensed under the mental health counselor law may not assess, diagnose, or provide treatment to any individual suffering from a serious mental illness when medication may be indicated, except when a licensed professional counselor, in accordance with industry best practices, consults and collaborates with a practitioner who holds a license or permit with the Louisiana State Board of Medical Examiners or an advanced practice registered nurse licensed by the Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner.

Proposed law repeals present law.

Present law provides a definition for serious mental illness to include schizophrenia or schizoaffective disorder, bipolar disorder, panic disorder, obsessive-compulsive disorder, major depressive disorder - moderate to severe, anorexia, bulimia, intermittent explosive disorder, autism, psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age, Rett's disorder, Tourette's disorder, and dementia.

Proposed law repeals present law.

Effective upon signature of the governor or upon lapse of time for gubernatorial action.

(Amends R.S. 37:1103(7); repeals R.S. 37:1103(14) and 1116(F))