

SENATE BILL NO. 38

BY SENATOR MORRELL

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

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AN ACT

To amend and reenact R.S. 37:1103(7) and 1116(F) and to repeal R.S. 37:1103(14), 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) and 1116(F) are 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 application of principles, methods, or procedures of the mental health counseling profession. ~~However, nothing in this Chapter shall be construed to authorize any person licensed under the provisions of this Chapter to assess, diagnose, or provide treatment to any individual suffering from a serious mental illness, as defined by this Section, when medication may be indicated, except when a licensed professional~~

1 counselor, in accordance with industry best practices, consults and collaborates with
 2 a practitioner who holds a license or permit with the Louisiana State Board of
 3 Medical Examiners or an advanced practice registered nurse licensed by the
 4 Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner.
 5 Moreover, ~~except as provided in this Section,~~ nothing in this Chapter shall be
 6 construed to authorize any person licensed hereunder to administer or interpret
 7 **intellectual, personality, developmental, or neuropsychological** tests in
 8 accordance with the provisions of R.S. 37:2352~~(5)~~**(7)**, except as provided by Title
 9 46, Part LXIII, Chapter 17, Section 1702(E) of the Louisiana Administrative Code,
 10 or engage in the practice of psychology or to prescribe, either orally or in writing,
 11 distribute, dispense, or administer any medications. **If intellectual, personality,**
 12 **developmental, or neuropsychological tests are deemed necessary, the licensed**
 13 **professional counselor or provisional licensed professional counselor shall make**
 14 **an appropriate referral.**

15 * * *

16 §1116. Licensure application for marriage and family therapists; provisional license;
 17 temporary license or temporary provisional license

18 * * *

19 F. ~~Nothing in this Chapter shall be construed to authorize any person licensed~~
 20 ~~under the provisions of this Chapter to assess, diagnose, or provide treatment to any~~
 21 ~~individual suffering from a serious mental illness, as defined by R.S. 37:1103, when~~
 22 ~~medication may be indicated, except when a licensed marriage and family therapist,~~
 23 ~~in accordance with best practices, consults and collaborates with a practitioner who~~
 24 ~~holds a license or permit with the Louisiana State Board of Medical Examiners or an~~
 25 ~~advanced practice registered nurse licensed by the Louisiana State Board of Nursing~~
 26 ~~who is certified as a psychiatric nurse practitioner.~~ **If intellectual, personality,**
 27 **developmental, or neuropsychological tests are deemed necessary, the licensed**
 28 **marriage and family therapist or provisional licensed marriage and family**
 29 **therapist shall make an appropriate referral.**

30 Section 2. R.S. 37:1103(14) is hereby repealed.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____