

Regular Session, 2014

SENATE BILL NO. 194

BY SENATOR MILLS AND REPRESENTATIVE HAZEL

MENTAL HEALTH. Provides for mental health counselors. (8/1/14)

AN ACT

To amend and reenact R.S. 37:1102(A), 1103(7), (10), (11), and (12), 1105(A), (E), and (G), 1106(A)(1)(a), (c), (g), and (j) and (D)(1), 1107(A), (F), and (G), the introductory paragraph of 1110(A), (A)(4) through (7) and (B) through (E), 1111(A), 1114, 1116(B)(3), (C), and (D), 1119, 1121, 1122(A), and 1123(A)(6), to enact R.S. 37:1103(13) and (14), and to repeal R.S. 37:1113(6) and 1117(D), relative to mental health counselors; to provide for a provisional license as a provisional licensed marriage and family therapist; to provide for a provisional license as a provisional licensed professional counselor; to define a provisional licensed marriage and family therapist and a provisional licensed professional counselor; to provide for quorum of the Louisiana Licensed Professional Counselors Board of Examiners; to provide with respect to a fee schedule; to provide for requirements for licensure of a professional counselor; to provide for a provisional license; to provide for a temporary license and a temporary provisional license; to provide for disciplinary authority; to provide with respect to penalties; to provide for privileged communications; to provide a provisional licensure for provisional marriage and family therapist; to provide for a temporary provisional marriage and family therapist

1 license; to provide for the renewal of a provisional marriage and family counselor  
2 license; to provide for prohibited acts; to provide for authorization to obtain criminal  
3 history record information; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 37:1102(A), 1103(7), (10), (11), and (12), 1105(A), (E), and (G),  
6 1106(A)(1)(a), (c), (g), and (j) and (D)(1), 1107(A), (F), and (G), the introductory paragraph  
7 of 1110(A), (A)(4) through (7) and (B) through (E), 1111(A), 1114, 1116(B)(3), (C), and  
8 (D), 1119, 1121, 1122(A), and 1123(A)(6) are hereby amended and reenacted, and R.S.  
9 37:1103(13) and (14) are hereby enacted to read as follows:

10 §1102. Statement of purpose

11 A. It is declared to be the policy of this state that those persons who render  
12 service to the public in the mental health counseling area are entitled to use the title  
13 "licensed professional counselor" **or "provisional licensed professional**  
14 **counselor"**. It is further declared to be the policy of this state that activities of such  
15 persons in the mental health counseling area should be regulated for the protection  
16 of public health, safety, and welfare. Therefore, it is the purpose of this Chapter to  
17 provide for the regulation of the practice of mental health counseling in the state of  
18 Louisiana and to provide for the regulation of the use of the title "licensed  
19 professional counselor" **and "provisional licensed professional counselor"**.

20 \* \* \*

21 §1103. Definitions

22 \* \* \*

23 (7) "Mental health counseling services" means rendering or offering  
24 prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of  
25 mental, emotional, behavioral, and addiction disorders to individuals, groups,  
26 organizations, or the general public by a licensed professional counselor, that is  
27 consistent with his professional training as prescribed by R.S. 37:1107(A)(8), **by a**  
28 **provisional licensed professional counselor, that is consistent with the**  
29 **requirements as prescribed by R.S. 37:1107(F)**, and code of ethics/behavior

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

17 \* \* \*

18 (10) "Practice of mental health counseling" means rendering or offering  
19 prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of  
20 mental, emotional, behavioral, and addiction disorders to individuals, groups,  
21 organizations, or the general public by a licensed professional counselor, which is  
22 consistent with his professional training as prescribed by R.S. 37:1107(A)(8), **by a**  
23 **provisional licensed professional counselor, that is consistent with the**  
24 **requirements as prescribed by R.S. 37:1107(F)**, and code of ethics/behavior  
25 involving the application of principles, methods, or procedures of the mental health  
26 counseling profession which includes but is not limited to:

27 (11) **"Provisional licensed marriage and family therapist" means any**  
28 **person who has completed the requirements as defined in R.S. 37:1116(C) and**  
29 **the board's rules and who has been issued a provisional license pursuant to the**

1 provisions of this Chapter, which such provisional license being in force and not  
2 suspended or revoked. Provisional licensed marriage and family therapists may  
3 only use the title "provisional licensed marriage and family therapist" under  
4 the direction and active supervision of a board approved supervisor and only  
5 while obtaining the post-graduate degree experience required for licensure as  
6 a marriage and family therapist. A provisional licensed marriage and family  
7 therapist may not, under any circumstances, provide or advertise himself as  
8 able to provide marriage and family therapy independently.

9 (12) "Provisional licensed professional counselor" means any person who  
10 has completed the requirements as defined in R.S. 37:1107(F) and the board's  
11 rules and who has been issued a provisional license to provide mental health  
12 counseling services and to practice mental health counseling. Provisional  
13 licensed professional counselors may only use the title "provisional licensed  
14 professional counselor" and may practice mental health counseling only under  
15 the direction and active supervision of a board approved supervisor and only  
16 while obtaining the post-graduate degree experience required for licensure as  
17 a professional counselor. A provisional licensed professional counselor may not,  
18 under any circumstances, practice mental health counseling independently or  
19 advertise themselves as able to practice independently.

20 (13) "Qualified supervision" means the supervision for a licensed marriage  
21 and family therapist of clinical services, in accordance with standards developed by  
22 the advisory committee, and approved by the board by an individual who has been  
23 recognized by the advisory committee as an approved supervisor.

24 ~~(12)~~(14) "Serious mental illness" means any of the following diagnoses:

- 25 (a) Schizophrenia or schizoaffective disorder.
- 26 (b) Bipolar disorder.
- 27 (c) Panic disorder.
- 28 (d) Obsessive-compulsive disorder.
- 29 (e) Major depressive disorder - moderate to severe.

- 1 (f) Anorexia/bulimia.
- 2 (g) Intermittent explosive disorder.
- 3 (h) Autism.
- 4 (i) Psychosis NOS (not otherwise specified) when diagnosed in a child under
- 5 seventeen years of age.
- 6 (j) Rett's disorder.
- 7 (k) Tourette's disorder.
- 8 (l) Dementia.

9 \* \* \*

10 §1105. Board meetings; procedures; powers and duties

11 A. The board shall be domiciled in Baton Rouge and shall hold its meetings  
 12 in places to be designated by the board. The board shall hold a meeting within sixty  
 13 days after October 1, 1987, and semiannually thereafter. The board shall elect from  
 14 its membership a chairman, vice chairman, and secretary. The board may meet at  
 15 such other times as deemed necessary by the chairman, or by the majority of its  
 16 members, or by the governor. Reasonable notice of all meetings shall be given in the  
 17 manner prescribed by the board. ~~Four~~ Six members of the board shall constitute a  
 18 quorum at any meeting or hearing.

19 \* \* \*

20 E. The board may examine, approve, revoke, suspend, and renew the license  
 21 of applicants and conduct investigations into alleged violations by a licensed  
 22 professional counselor, **provisional licensed professional counselor**, or applicant  
 23 of this Chapter and rules and regulations promulgated pursuant thereto. The board  
 24 shall review applications at least once a year. The board shall keep a record of its  
 25 proceedings including applicant examinations, a register of applicants for licenses,  
 26 and a register of licensed professional counselors which shall be made available to  
 27 the public. Any person aggrieved by a ruling of the board may, within thirty days  
 28 after notification, appeal to the district court for the parish of East Baton Rouge. The  
 29 board shall have the power to conduct hearings on suspension or revocation of a

1 license.

2 \* \* \*

3 G. The board shall approve, revoke, suspend, and renew the license of  
4 applicants for licensure as marriage and family therapists **and the provisional**  
5 **license of applicants for provisional licensure as marriage and family therapists**  
6 upon recommendation of the advisory committee.

7 §1106. Fees; application for license; violations; penalties

8 A.(1) Fees established and collected by the board pursuant to this Chapter  
9 shall be set by rule and shall not exceed the following maximum amounts:

10 (a) Application of privilege, credential, or ~~registration~~ **provisional license**  
11 \$200

12 \* \* \*

13 (c) Renewal of privilege, credential, ~~registration~~, **provisional license**, or  
14 license \$300

15 \* \* \*

16 (g) Reissuance of privilege, credential, ~~registration~~, **provisional license**, or  
17 license \$50

18 \* \* \*

19 (j) Formal verification of status of any privilege, credential, ~~registration~~,  
20 **provisional license**, or license \$25

21 \* \* \*

22 D.(1) The board may assess and collect fines in an amount not to exceed five  
23 thousand dollars for violations of this Chapter and rules promulgated by the board.  
24 In addition to the disciplinary action or fine assessed by the board, the board may  
25 also assess all costs incurred in connection with the proceedings, including but not  
26 limited to the costs of an investigator, a stenographer, legal fees, or witness fees, and  
27 any costs and fees incurred by the board on any judicial review or appeal. All costs  
28 and fees shall be paid no later than ninety days after the decision of the board  
29 becomes final and delays for seeking judicial review of the decision have expired

1 without action by an aggrieved party. No license, **provisional license, or** certificate;  
2 ~~or registration~~ shall be issued, reinstated, or renewed until such costs and fees are  
3 paid.

4 \* \* \*

5 §1107. Requirements for licensed professional counselor; **provisional license;**  
6 temporary license or ~~registration~~ **temporary provisional license;**  
7 renewal of license or ~~registration~~ **temporary provisional license**

8 A. The board shall issue a license to each applicant who files an application  
9 upon a form and in such manner as the board prescribes, accompanied by such fee  
10 as required by R.S. 37:1106, and who furnishes satisfactory evidence to the board  
11 that he:

12 (1) Is at least twenty-one years of age.

13 (2) Is of good moral character.

14 ~~(3) Is a citizen of the United States or has legally declared his intention of~~  
15 ~~becoming such.~~

16 ~~(4) Is a resident of the state of Louisiana or is in the act of establishing~~  
17 ~~residency in the state of Louisiana.~~

18 ~~(5)~~ **(3)** Is not in violation of any of the provisions of this Chapter and the rules  
19 and regulations adopted hereunder.

20 ~~(6)~~ **(4)** Can document a minimum of three thousand hours of supervised  
21 experience during a minimum of two years of post-master's degree experience in  
22 professional mental health counseling under the supervision of a licensed  
23 professional counselor. Five hundred hours of supervised experience may be gained  
24 for each thirty graduate semester hours earned beyond the master's degree, provided  
25 that such hours are clearly related to the field of mental health counseling and are  
26 acceptable to the board, provided that in no case the applicant has less than two  
27 thousand hours of supervised experience.

28 ~~(7)~~ **(5)** Has declared special competencies and demonstrated professional

1 competence therein by passing a written and, at the discretion of the board, an oral  
2 examination, as the board shall prescribe.

3 ~~(8)~~(6)(a) Has received a graduate degree the substance of which is  
4 professional mental health counseling in content from a regionally accredited  
5 institution of higher education offering a graduate program in counseling that is  
6 approved by the board and has accumulated at least forty-eight graduate semester  
7 hours prior to September 1, 2015, and at least sixty graduate hours after September  
8 1, 2015. All applicants shall complete a course in each of the eight required areas  
9 specified in Subparagraph (b) of this Paragraph and shall complete a supervised  
10 internship in mental health counseling as defined in the rules and regulations adopted  
11 by the board pursuant to the Administrative Procedure Act. Applicants may apply  
12 post-masters counseling courses towards licensure if their degree program consisted  
13 of less than sixty hours.

14 (b) The following eight areas are required to have at least one semester  
15 course:

16 (i) Counseling/theories of personality.

17 (ii) Human growth and development.

18 (iii) Abnormal behavior.

19 (iv) Techniques of counseling.

20 (v) Group dynamics, processes, and counseling.

21 (vi) Lifestyle and career development.

22 (vii) Appraisal of individuals.

23 (viii) Ethics.

24 (c) The following two areas are encouraged for inclusion in graduate training:

25 (i) Substance abuse.

26 (ii) Marriage and family studies.

27 (d) Techniques of counseling.

28 (e) Group dynamics, processes, and counseling.

29 (f) Lifestyle and career development.



- 1 (g) Appraisal of individuals.
- 2 (h) Substance abuse.
- 3 (i) Marriage and family studies.

4 \* \* \*

5 F. The board may issue a ~~registration~~ **provisional license** as a ~~counselor~~  
 6 ~~intern~~ **provisional licensed professional counselor** to an applicant who meets  
 7 qualifications established by the board. The board shall adopt rules pursuant to the  
 8 Administrative Procedure Act establishing such qualifications and requirements **for**  
 9 **the issuance of a provisional license** as necessary for the adequate protection of the  
 10 health and welfare of the residents of this state. Such qualifications shall include, at  
 11 a minimum, that the applicant shall be at least twenty-one years old, of good moral  
 12 character, in compliance with all applicable provisions of law or board regulations,  
 13 and possess a graduate degree the substance of which is mental health counseling.

14 G.(1) Pending the results of the criminal history information inquiry, the  
 15 board may issue a temporary license ~~or registration~~ **or a temporary provisional**  
 16 **license** authorizing the practice of ~~licensed professional counseling~~ **mental health**  
 17 **counseling**, for a period of time not to exceed ninety calendar days from the date of  
 18 issuance.

19 (2) The board shall adopt rules and regulations in accordance with the  
 20 Administrative Procedure Act establishing the necessary qualifications,  
 21 requirements, and formalities for the issuance of such licenses ~~and registrations~~ as  
 22 are necessary for the adequate protection of the health and welfare of the residents  
 23 of this state.

24 \* \* \*

25 §1110. Denial, revocation, or suspension of licenses ~~or registration~~

26 A. The board shall withhold, deny, revoke, or suspend any license ~~or~~  
 27 ~~registration~~ issued or applied for in accordance with the provisions of this Chapter  
 28 or otherwise discipline a licensee upon proof that the applicant; ~~or~~ licensee; ~~or~~  
 29 registrant:

1 \* \* \*

2 (4) Is abusing drugs or alcohol to an extent or in a manner dangerous to any  
3 other person or the public, or to an extent that said use impairs his ability to perform  
4 the work of a licensee ~~or registrant~~.

5 (5) Has impersonated another person holding a professional license ~~or~~  
6 ~~registration~~ issued pursuant to this Chapter or allowed another person to use his  
7 license ~~or registration~~.

8 (6) Has used fraud or deception in applying for a license ~~or registration~~ or in  
9 taking an examination provided for in this Chapter.

10 (7) Has allowed his name; or license; ~~or registration~~ issued under this Chapter  
11 to be used in connection with any person or persons who practice outside of the area  
12 of their training, experience, or competence.

13 \* \* \*

14 B. Notice of denial, revocation, suspension, or disciplinary action shall be  
15 sent to the applicant; or licensee; ~~or registrant~~ by registered mail or personal service  
16 setting forth the particular reasons for the proposed action and fixing a date at which  
17 time the applicant; ~~registrant~~; or licensee shall be given an opportunity for a prompt  
18 and fair hearing. The written notice shall be sent to the person's last known address,  
19 but the nonappearance of the person shall not prevent such a hearing. For the purpose  
20 of such hearing, the board may subpoena persons, books, and papers, on its own  
21 behalf or on behalf of the applicant; or licensee; ~~or registrant~~ who may appear by  
22 counsel or personally in his own behalf.

23 C. On the basis of any hearing or upon default of the applicant; or licensee;  
24 ~~or registrant~~, the board shall make a determination specifying its findings of fact and  
25 conclusions of law. A copy of such determination shall be sent by registered mail or  
26 served personally upon the applicant; or licensee; ~~or registrant~~. The decision of the  
27 board denying, revoking, or suspending the license ~~or registration~~, shall become final  
28 thirty days after receipt of the copy of the determination unless within said period the  
29 applicant; or licensee; ~~or registrant~~ appeals the decision as provided by the Louisiana

1 Administrative Procedure Act, R.S. 49:950 et seq. No such appeal while pending  
2 appropriate court action shall supersede such denial, revocation, or suspension. All  
3 proceedings and evidence presented at hearings before the board may be admissible  
4 during appellate proceedings.

5 D. Every order and judgment of the board shall take effect immediately on  
6 its promulgation unless the board in such order or judgment fixes a probationary  
7 period for the applicant; or licensee; ~~or registrant~~. Such order and judgment shall  
8 continue in effect until expiration of any specified time period or termination by a  
9 court of competent jurisdiction. The board shall notify all applicants; or licensees;  
10 ~~or registrants~~ of any action taken against a licensee and may make public its orders  
11 and judgments in such manner and form as it deems proper if such orders and  
12 judgments are not consent orders or compromise judgments.

13 E. The board is authorized to suspend the license of a licensee ~~and the~~  
14 ~~registration of a registrant~~ for a period not exceeding two years. At the end of this  
15 period, the board shall re-evaluate the suspension and may recommend to the  
16 chairman the reinstatement or revocation of the license ~~or registration~~. A person  
17 whose license ~~or registration~~ has been revoked under the provisions of this Section  
18 may apply for reinstatement after a period of not less than two years from the date  
19 such denial, or revocation is legally effective. The board may, upon favorable action  
20 by a majority of the board members present and voting, recommend such  
21 reinstatement.

22 §1111. Violations; penalties

23 A. No person shall assume or use the title or designation "licensed  
24 professional counselor" or "provisional licensed professional counselor" or  
25 engage in the practice of mental health counseling unless he has in his possession a  
26 valid license issued by the board under the authority of this Chapter. ~~This provision~~  
27 ~~shall become effective on January 1, 1988~~. Whoever violates the provisions of this  
28 Subsection shall be guilty of a misdemeanor and shall upon conviction be fined not  
29 more than five hundred dollars.

\* \* \*

§1114. Privileged communications

Testimonial privileges, exceptions, and waiver with respect to communications between a licensed professional counselor **or a provisional licensed professional counselor** and his client are governed by the Louisiana Code of Evidence.

\* \* \*

§1116. Licensure application for marriage and family therapists; **provisional license;** temporary license or ~~registration~~ **temporary provisional license**

\* \* \*

B. An applicant who meets the requirements of Subsection A of this Section shall be recommended by the advisory committee to the board for issuance of a license by the board upon providing satisfactory evidence to the advisory committee that such person meets the following requirements:

\* \* \*

(3) Passage of an examination ~~administered~~ **approved** by the board.

C. The board may issue a ~~registration~~ **provisional license** as a **provisional licensed** marriage and family therapist ~~intern~~ to an applicant who meets qualifications established by the board. The board shall adopt rules pursuant to the Administrative Procedure Act establishing such qualifications and requirements as necessary for the adequate protection of the health and welfare of the residents of this state. Such qualifications shall include, at a minimum, that the applicant shall be at least twenty-one years old, of good moral character, in compliance with applicable provisions of law or board regulations, and possess a graduate degree in marriage and family therapy, or a related clinical mental health field from a regionally accredited institution of higher education, or a certificate from a postgraduate training institute in marriage and family therapy.

D. (1) Pending the results of the criminal history information inquiry, the

1 board may issue a temporary license or ~~registration~~ **a temporary provisional license**  
2 authorizing the practice of marriage and family therapy, for a period of time not to  
3 exceed ninety calendar days from the date of issuance.

4 (2) The board shall adopt rules and regulations in accordance with the  
5 Administrative Procedure Act establishing the necessary qualifications,  
6 requirements, and formalities for the issuance of such licenses ~~and registrations~~ as  
7 are necessary for the adequate protection of the health and welfare of the residents  
8 of this state.

9 \* \* \*

10 §1119. Renewal of licenses for marriage and family therapists; **renewal of**  
11 **provisional licenses for marriage and family therapists**

12 A.**(1)** Licenses for marriage and family therapists shall be valid for two years  
13 and must be renewed biennially.

14 B.~~(2)~~ On or before January first of the year preceding the expiration of a  
15 license, the board shall forward to the licensee a form of application for renewal.

16 C.~~(3)~~ A marriage and family therapist must accrue forty clock hours of  
17 continuing education by every renewal period every two years.

18 D.~~(4)~~ Upon the receipt of the completed application form, verification of  
19 completion of required continuing education units, and the required renewal fee, the  
20 advisory committee shall recommend to the board for issuance of a license renewal.

21 **B. The board shall adopt rules pursuant to the Administrative Procedure**  
22 **Act establishing such qualifications and requirements for the renewal of**  
23 **provisional licensed marriage and family therapist licenses.**

24 \* \* \*

25 §1121. Exemptions from licensure as marriage and family therapists

26 Nothing in this Chapter shall prevent qualified members of other professional  
27 groups as defined by the board including but not limited to clinical social workers,  
28 psychiatric nurses, psychologists, physicians, licensed professional counselors, or  
29 members of the clergy, including Christian Science practitioners, from doing or

1 advertising that they perform work of a marriage and family therapy nature  
2 consistent with the accepted standards of their respective professions. However, no  
3 such persons shall use the title "licensed marriage and family therapist" **or**  
4 **"provisional licensed marriage and family therapist"**.

5 §1122. Prohibited acts; penalties

6 A. No person, unless licensed as a marriage and family therapist, shall  
7 advertise as being a "licensed marriage and family therapist" **or a "provisional**  
8 **licensed marriage and family therapist"**.

9 \* \* \*

10 §1123. Louisiana Licensed Professional Counselors Board of Examiners;  
11 authorization to obtain criminal history record information

12 A. As used in this Section, the following terms shall have the following  
13 meanings:

14 \* \* \*

15 (6) "Licensure" means any license, **provisional license, or** certification, ~~or~~  
16 ~~registration~~ that the board is authorized to issue.

17 \* \* \*

18 Section 2. R.S. 37:1113(6) and 1117(D) are hereby repealed.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Christopher D. Adams.

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DIGEST

Mills (SB 194)

Present law provides for the registration as a counselor intern.

Proposed law amends present law and replaces registered counselor intern with a provisional license as a provisional professional counselor or a provisional license as a provisional marriage and family counselor.

Proposed law amends present law's definition of "mental health counseling services" to include services provided by a provisional licensed professional counselor.

Proposed law amends present law's definition of "practice of mental health counseling" to include services provided by a provisional licensed professional counselor.

Proposed law defines "provisional licensed marriage and family therapist" to mean any person who has completed the requirements as defined in present law and the Louisiana Licensed Professional Counselors Board of Examiners's (the board) rules and who has been

issued a provisional license pursuant to the provisions of present law, which such provisional license being in force and not suspended or revoked. Provisional licensed marriage and family therapists may only use the title "provisional licensed marriage and family therapist" under the direction and active supervision of a board approved supervisor and only while obtaining the post-graduate degree experience required for licensure as a marriage and family therapist. A provisional licensed marriage and family therapist may not, under any circumstances, provide or advertise himself as able to provide marriage and family therapy independently.

Proposed law defines "provisional licensed professional counselor" to mean any person who has completed the requirements as defined in present law and the board's rules and who has been issued a provisional license to provide mental health counseling services and to practice mental health counseling. Provisional licensed professional counselors may only use the title "provisional licensed professional counselor" and may practice mental health counseling only under the direction and active supervision of a board approved supervisor and only while obtaining the post-graduate degree experience required for licensure as a professional counselor. A provisional licensed professional counselor may not, under any circumstances, practice mental health counseling independently or advertise themselves as able to practice independently.

Present law provides for the board's quorum to consist of at least four members.

Proposed law amends present law to make the board's quorum consisting of at least six members.

Present law provides the board may examine, approve, revoke, suspend, and renew the license of applicants and conduct investigations into alleged violations by a licensed professional counselor or applicant.

Proposed law amends present law to provide the board may examine, approve, revoke, suspend, and renew the license of applicants and conduct investigations into alleged violations by a licensed professional counselor, provisional licensed professional counselor, or applicant.

Present law provides the board shall approve, revoke, suspend, and renew the license of applicants for licensure as marriage and family therapists upon recommendation of the advisory committee.

Proposed law amends present law to provide the board shall approve, revoke, suspend, and renew the license of applicants for licensure as marriage and family therapists and the provisional license of applicants for provisional licensure as marriage and family therapists upon recommendation of the advisory committee.

Present law provides for fees for the application, renewal, reissuance, and formal verification of registration as a counselor intern.

Proposed law amends present law by replacing "registration" with "provisional license".

Present law provides for the requirements for licensure as a professional counselor:

- (1) Is at least 21 years of age.
- (2) Is of good moral character.
- (3) Is a citizen of the United States or has legally declared his intention of becoming such.
- (4) Is a resident of the state or is in the act of establishing residency in the state.

- (5) Is not in violation of any of the provisions of the Chapter and the rules and regulations adopted hereunder.
- (6) Can document a minimum of three thousand hours of supervised experience during a minimum of two years of post-master's degree experience in professional mental health counseling under the supervision of a licensed professional counselor. 500 hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health counseling and are acceptable to the board, provided that in no case the applicant has less than 2,000 hours of supervised experience.
- (7) Has declared special competencies and demonstrated professional competence therein by passing a written and, at the discretion of the board, an oral examination, as the board shall prescribe.
- (8)(a) Has received a graduate degree the substance of which is professional mental health counseling in content from a regionally accredited institution of higher education offering a graduate program in counseling that is approved by the board and has accumulated at least 48 graduate semester hours prior to September 1, 2015, and at least 60 graduate hours after September 1, 2015. All applicants shall complete a course in each of the eight required areas specified in present law and shall complete a supervised internship in mental health counseling as defined in the rules and regulations adopted by the board pursuant to the Administrative Procedure Act. Applicants may apply post-masters counseling courses towards licensure if their degree program consisted of less than 60 hours.
- (b) The following eight areas are required to have at least one semester course:
- (i) Counseling/theories of personality.
  - (ii) Human growth and development.
  - (iii) Abnormal behavior.
  - (iv) Techniques of counseling.
  - (v) Group dynamics, processes, and counseling.
  - (vi) Lifestyle and career development.
  - (vii) Appraisal of individuals.
  - (viii) Ethics.
- (c) The following two areas are encouraged for inclusion in graduate training:
- (i) Substance abuse.
  - (ii) Marriage and family studies.
- (d) Techniques of counseling.
- (e) Group dynamics, processes, and counseling.
- (f) Lifestyle and career development.
- (g) Appraisal of individuals.



- (h) Substance abuse.
- (i) Marriage and family studies.

Proposed law amends present law to provide for the requirements for licensure as a professional counselor:

- (1) Is at least 21 years of age.
- (2) Is of good moral character.
- (3) Is not in violation of any of the provisions of present law and the rules and regulations adopted.
- (4) Can document a minimum of three thousand hours of supervised experience during a minimum of two years of post-master's degree experience in professional mental health counseling under the supervision of a licensed professional counselor. 500 hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health counseling and are acceptable to the board, provided that in no case the applicant has less than 2,000 hours of supervised experience.
- (5) Has declared special competencies and demonstrated professional competence therein by passing a written and, at the discretion of the board, an oral examination, as the board shall prescribe.
- (6)(a) Has received a graduate degree the substance of which is professional mental health counseling in content from a regionally accredited institution of higher education offering a graduate program in counseling that is approved by the board and has accumulated at least 48 graduate semester hours prior to September 1, 2015, and at least 60 graduate hours after September 1, 2015. All applicants shall complete a course in each of the eight required areas specified in present law and shall complete a supervised internship in mental health counseling as defined in the rules and regulations adopted by the board pursuant to the Administrative Procedure Act. Applicants may apply post-masters counseling courses towards licensure if their degree program consisted of less than 60 hours.
  - (b) The following eight areas are required to have at least one semester course:
    - (i) Counseling/theories of personality.
    - (ii) Human growth and development.
    - (iii) Abnormal behavior.
    - (iv) Techniques of counseling.
    - (v) Group dynamics, processes, and counseling.
    - (vi) Lifestyle and career development.
    - (vii) Appraisal of individuals.
    - (viii) Ethics.
  - (c) The following two areas are encouraged for inclusion in graduate training:
    - (i) Substance abuse.

- (ii) Marriage and family studies.
- (d) Techniques of counseling.
- (e) Group dynamics, processes, and counseling.
- (f) Lifestyle and career development.
- (g) Appraisal of individuals.
- (h) Substance abuse.
- (i) Marriage and family studies.

Present law provides pending the results of the criminal history information inquiry, the board may issue a temporary license or registration authorizing the practice of licensed professional counseling, for a period of time not to exceed 90 calendar days from the date of issuance.

Proposed law amends present law to provide pending the results of the criminal history information inquiry, the board may issue a temporary license or a temporary provisional license authorizing the practice of mental health counseling, for a period of time not to exceed 90 calendar days from the date of issuance.

Present law provides the board the authority to deny, revoke, or suspend any license or registration.

Proposed law amends present law by deleting "registration".

Present law provides no person shall assume or use the title or designation "licensed professional counselor" or engage in the practice of mental health counseling unless he has in his possession a valid license issued by the board.

Proposed law amends present law to provide no person shall assume or use the title or designation "licensed professional counselor" or "provisional licensed professional counselor" or engage in the practice of mental health counseling unless he has in his possession a valid license issued by the board.

Present law provides testimonial privileges, exceptions, and waiver with respect to communications between a licensed professional counselor and his client are governed by the Louisiana Code of Evidence.

Proposed law amends present law to provide testimonial privileges, exceptions, and waiver with respect to communications between a licensed professional counselor or a provisional licensed professional counselor and his client are governed by the Louisiana Code of Evidence.

Present law provides the board may issue a registration as a marriage and family therapist intern to an applicant who meets qualifications established by the board.

Proposed law amends present law to provide the board may issue a provisional license as a provisional licensed marriage and family therapist to an applicant who meets qualifications established by the board.

Present law provides pending the results of the criminal history information inquiry, the board may issue a temporary license or registration authorizing the practice of marriage and family therapy, for a period of time not to exceed 90 calendar days from the date of issuance.

Proposed law amends present law to provide pending the results of the criminal history information inquiry, the board may issue a temporary license or a temporary provisional license authorizing the practice of marriage and family therapy, for a period of time not to exceed 90 calendar days from the date of issuance.

Proposed law provides the board shall adopt rules pursuant to the Administrative Procedure Act establishing such qualifications and requirements for the renewal of provisional licensed marriage and family therapist licenses.

Present law provides nothing in present law shall prevent qualified members of other professional groups as defined by the board including but not limited to clinical social workers, psychiatric nurses, psychologists, physicians, licensed professional counselors, or members of the clergy, including Christian Science practitioners, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions. However, no such persons shall use the title "licensed marriage and family therapist".

Proposed law amends present law to provide nothing in present law shall prevent qualified members of other professional groups as defined by the board including but not limited to clinical social workers, psychiatric nurses, psychologists, physicians, licensed professional counselors, or members of the clergy, including Christian Science practitioners, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions. However, no such persons shall use the title "licensed marriage and family therapist" or "provisional licensed marriage and family therapist".

Present law provides no person, unless licensed as a marriage and family therapist, shall advertise as being a "licensed marriage and family therapist".

Proposed law amends present law to provide no person, unless licensed as a marriage and family therapist, shall advertise as being a "licensed marriage and family therapist" or a "provisional licensed marriage and family therapist".

Present law defines "licensure" to mean any license, certification, or registration that the board is authorized to issue.

Proposed law amends present law to define "licensure" to mean any license, provisional license, or certification that the board is authorized to issue.

Present law provides the following persons and their activities are exempted from the licensing requirements of present law:

- (1) A certified school counselor who meets the standards prescribed by the State Department of Education and the Board of Elementary and Secondary Education, while practicing school counseling within the scope of his employment by a board of education or by a private school. Nothing herein shall be construed to allow such persons to render mental health counseling services to the public unless they have also been licensed under the present law.
- (2) Any nonresident temporarily employed in this state to render mental health counseling services for not more than thirty days a year, who meets the requirements of present law for licensure or who holds a valid license and certificate issued under the authority of the laws of another state.
- (3) Any student in an accredited educational institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional mental health counselor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is

being trained.

- (4) Any persons licensed, certified, or registered under any other provision of the state law, as long as the services rendered are consistent with their laws, professional training, and code of ethics, provided they do not represent themselves as licensed professional counselors or mental health counselors, unless they have also been licensed under the provisions of present law.
- (5) Any priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination, provided they are practicing within the employment of their church or religious affiliated institution and they do not represent themselves as licensed professional counselors or mental health counselors unless they have also been licensed under the provisions of present law.
- (6) Any person with a master's degree in counseling while practicing mental health counseling under the board approved supervision of a licensed professional counselor. The supervisee must use the title "counselor intern" and shall not represent himself to the public as a licensed professional counselor.

Proposed law amends present law to provide the following persons and their activities are exempted from the licensing requirements of present law:

- (1) A certified school counselor who meets the standards prescribed by the State Department of Education and the Board of Elementary and Secondary Education, while practicing school counseling within the scope of his employment by a board of education or by a private school. Nothing herein shall be construed to allow such persons to render mental health counseling services to the public unless they have also been licensed under the present law.
- (2) Any nonresident temporarily employed in this state to render mental health counseling services for not more than thirty days a year, who meets the requirements of present law for licensure or who holds a valid license and certificate issued under the authority of the laws of another state.
- (3) Any student in an accredited educational institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional mental health counselor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.
- (4) Any persons licensed, certified, or registered under any other provision of the state law, as long as the services rendered are consistent with their laws, professional training, and code of ethics, provided they do not represent themselves as licensed professional counselors or mental health counselors, unless they have also been licensed under the provisions of present law.
- (5) Any priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination, provided they are practicing within the employment of their church or religious affiliated institution and they do not represent themselves as licensed professional counselors or mental health counselors unless they have also been licensed under the provisions of present law.

Present law provides any person who fails an examination conducted by the board, through the advisory committee, shall not be admitted to a subsequent examination for at least six months.

Proposed law deletes this prohibition.

Effective August 1, 2014.

(Amends R.S. 37:1102(A), 1103(7), (10), (11), and (12), 1105(A), (E), and (G), 1106(A)(1)(a), (c), (g), and (j) and (D)(1), 1107(A), (F), and (G), 1110(A)(intro para), (A)(4)-(7) and (B) - (E), 1111(A), 1114, 1116(B)(3), (C), and (D), 1119, 1121, 1122(A), and 1123(A)(6); adds R.S. 37:1103(13) and (14); repeals R.S. 37:1113(6) and 1117(D))