

2022 Regular Session

HOUSE BILL NO. 993

BY REPRESENTATIVE EDMONDS

COUNSELORS: Provides a right of conscience protection for marriage and family therapists

1 AN ACT

2 To enact R.S. 37:1110.1, relative to marriage and family therapists; to provide relative to the
3 right of conscience protection for licensed marriage and family therapists; to provide
4 relative to liability; to provide relative to licensing; to provide relative to notice to
5 employers and patients; to provide for venue; to provide for definitions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1110.1 is hereby enacted to read as follows:

9 §1110.1. Right of conscience in counseling protection; marriage and family
10 therapists

11 A.(1) A marriage and family therapist has the right not to participate in and
12 shall not be required to counsel or participate in any counseling service that violates
13 the conscience, religious belief, or moral conviction of the therapist to the extent that
14 patient access to counseling services is not compromised.

15 (2) A marriage and family therapist shall not be held civilly liable or
16 criminally prosecuted for declining to counsel or participate in any counseling
17 service that violates the conscience, religious belief, or moral conviction of the
18 therapist.

19 (3) A marriage and family therapist shall not be dismissed, demoted, or in
20 any way discriminated or prejudiced against for declining to counsel or participate

1 in any counseling service that violates the conscience, religious belief, or moral
2 conviction of the therapist.

3 (4) The board shall not withhold, deny, revoke, or suspend any license issued
4 or applied for in accordance with the provisions of this Chapter or otherwise
5 discipline a licensee for declining to counsel or participate in any counseling service
6 that violates the conscience, religious belief, or moral conviction of the therapist.

7 B.(1) A therapist shall notify his employer in writing as soon as practicable
8 of any counseling service that violates his conscience, religious belief, or moral
9 conviction.

10 (2) Prior to any consultation or counseling service rendered, the therapist
11 shall notify any patient of any counseling service that the therapist would decline to
12 participate in due to the service violating his conscience, religious belief, or moral
13 conviction.

14 (3) As soon as practicable after a patient requests counseling services, a
15 marriage and family therapist shall give written notice to the patient of the therapist's
16 declination to provide counseling services to the patient pursuant to this Section.

17 C.(1) This Section shall not prevent an employer or patient from inquiring
18 about a reason for a marriage and family therapist's declination of counseling or
19 participation in counseling services.

20 (2) Any counseling facility that employs a person with a sincerely held
21 religious belief or moral conviction shall ensure that the healthcare counseling
22 facility has sufficient staff to provide patient care in the event an employee declines
23 to participate in any counseling service that violates the conscience, religious beliefs,
24 or moral convictions of the employee.

25 D. A civil action alleging a violation of this Section shall be brought in a
26 district court in accordance with Part XIX of Chapter 32 of Title 13 of the Louisiana
27 Revised Statutes of 1950 or R.S. 23:303.

28 E. For the purposes of this Section:

- 1 (1) "Conscience" means a sincerely held religious belief or moral conviction
- 2 concerning a counseling service as provided by this Section.
- 3 (2) "Counseling service" means either of the following:
- 4 (a) Counseling related to abortion, abortifacient drugs, human embryonic
- 5 stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.
- 6 (b) Counseling provided by a marriage and family therapist who is licensed
- 7 pursuant to this Chapter.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 993 Original

2022 Regular Session

Edmonds

Abstract: Provides the right of marriage and family therapists to decline counseling services that violate their conscience.

Proposed law provides that a marriage and family therapist shall not be required to participate in any counseling service that violates the therapist's conscience, religious belief, or moral conviction to the extent that patient access to counseling services is not compromised.

Proposed law provides that a marriage and family therapist shall not be held civilly liable or criminally prosecuted for declining any counseling service pursuant to proposed law.

Proposed law provides that a marriage and family therapist shall not be dismissed, demoted, discriminated, or prejudiced again for declining any counseling service pursuant to proposed law.

Proposed law provides that a marriage and family therapist shall not have his license withheld, denied, revoked, or suspended or disciplined for declining any counseling service pursuant to proposed law.

Proposed law provides that a marriage and family therapist shall notify his employer in writing as soon as practicable of any counseling service that violates his conscience.

Proposed law provides that the therapist shall any patient of any counseling service that the therapist would decline to participate in pursuant to proposed law.

Proposed law provides that as soon as practicable after a patient requests counseling services that the therapist would decline to participate in pursuant to proposed law, the therapist shall give written notice of the therapist's declination.

Proposed law provides that proposed law does not prevent an employer or patient from inquiring about a reason for the therapist's declination pursuant to proposed law.

Proposed law provides that any counseling facility that employs a therapists with known beliefs as provided by proposed law shall ensure that the facility has sufficient staff to

provide patient care in the event an employee declines to participate in any counseling service pursuant to proposed law.

Proposed law provides for venue for civil actions brought pursuant to proposed law.

Proposed law provides that a civil action may be brought in accordance with present law Preservation of Religious Freedom Act or the Louisiana Employment Discrimination Law.

Proposed law defines "conscience" and "counseling service".

(Adds R.S. 37:1110.1)