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 DIGEST

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Morrell

SB No. 86

Present law provides the fee schedule for the Louisiana Licensed Professional Counselors Board of Examiners ("board").

Proposed law provides the maximum amount of each fee the board may collect as follows:

(1)	Application of privilege, credential, or registration	\$200
(2)	Application of licensure	\$325
(3)	Renewal of privilege, credential, registration, or license	\$300
(4)	Examination or reexamination	\$250
(5)	Late fees	\$100
(6)	Failure to update contact information with board	\$100
(7)	Reissuance of privilege, credential, registration, or license	\$50
(8)	Name changes on record	\$50
(9)	Copies of documents in the board's possession	\$50
(10)	Formal verification of status of any privilege, credential, registration, or license	\$25

Proposed law provides that the board shall not increase any fee by more than a total of 15% over a consecutive three-year period.

Present law allows the board to assess and collect fines in an amount not to exceed \$500.

Proposed law increases the amount the board may assess and collect in fines from not to exceed \$500 to not to exceed \$5,000.

Proposed law authorizes the board to assess all costs incurred in connection with any disciplinary proceeding, including but not limited to the costs of an investigator, a stenographer, legal fees, or witness fees, and any costs and fees incurred by the board on any judicial review or appeal.

Proposed law provides that all costs and fees shall be paid no later than 90 days after the decision of the board becomes final and delays for seeking judicial review of the decision have expired without action by an aggrieved party.

Proposed law prohibits any license, certificate, or registration from being issued, reinstated, or renewed until such costs and fees are paid.

Proposed law provides that a person aggrieved by a final decision of the board who prevails upon judicial review may recover reasonable costs, attorney fees, and other expenses incurred as a result of the administrative investigation, adjudication, and judicial review, in addition to other remedies provided by law.

Proposed law allows the board to issue a registration as a counselor intern to an applicant who meets qualifications established by the board. The board shall adopt rules pursuant to

the APA, establishing qualifications and requirements as necessary for the adequate protection of the health and welfare of the residents of the state. Such qualifications shall include but are not limited to the applicant being at least 21 years of age, have good moral character, in compliant with all applicable provisions of law or board regulations, and possess a graduate degree the substance of which is mental health counseling.

Proposed law provides that the board may issue a registration as a marriage and family therapist intern to an applicant who meets qualifications established by the board. The board shall adopt rules pursuant to the APA establishing such qualifications and requirements as necessary for the adequate protection of the health and welfare of Louisiana residents. Such qualifications shall include, but are not limited to the applicant being at least 21 years of age, having good moral character, in compliant with applicable provisions of the 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.

Proposed law provides for the issuance of temporary licenses and registrations effective for a period of 90 calendar days from the date of issuance.

Present law provides for the denial, revocation, or suspension of licenses.

Proposed law maintains present law and provides for the denial, revocation, or suspension of registrations.

Proposed law authorizes the board to require an applicant, as a condition of eligibility for licensure, to do the following:

- (1) Submit a full set of fingerprints, in a form and manner prescribed by the board.
- (2) Permit the board to request and obtain state and national criminal history and identification files required, along with a bureau survey of criminal history and identification files with a simultaneous request of the FBI for like information from other jurisdictions.
- (3) Pay the reasonable costs incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

Proposed law provides that the board may request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections ("bureau") and the Federal Bureau of Investigation ("FBI") relative to any applicant for licensure whose fingerprints the board has obtained pursuant to law for the purpose of determining the applicant's suitability and eligibility for licensure.

Proposed law provides that upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the FBI for like information from other jurisdictions. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

Proposed law provides that any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

Proposed law provides that upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted

for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, such notice shall state the reasons for such rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

Effective January 1, 2014.

(Amends R.S. 37:1106(A) and (D) and 1110; adds R.S. 37:1107(F) and (G), 1116(C) and (D), and 1123)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Reduces the amount of fines the board may collect from not to exceed \$5,000 to not to exceed \$1,500.
2. Provides that all costs and fees shall be paid no later than 90 days after the decision of the board becomes final and delays for seeking judicial review of the decision have expired without action by an aggrieved party.
3. Provides that a person aggrieved by a final decision of the board who prevails upon judicial review may recover reasonable costs, attorney fees, and other expenses incurred as a result of the administrative investigation, adjudication, and judicial review, in addition to other remedies provided by law.

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical changes.
2. Allows the board to issue registration as a counselor intern to an applicant meeting board qualifications.
3. Allows the board to issue registration as a marriage and family therapist intern to an applicant meeting board qualifications.
4. Requires the board to survey criminal history records and identification files as well as requesting like data from the FBI.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill.

1. Increased the amount of fines the board may collect from not to exceed \$1,500 to not to exceed \$5,000.
2. Clarified that provisions regarding notice of denial, revocation, suspension, or disciplinary action and notice of an order and judgment of the board shall apply to applicants, licensees, and registrants.

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill.

1. Adds a reference to the proposed public records exemption in the Public Records Law and makes conforming technical changes.