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CHAPTER 13. MENTAL HEALTH COUNSELORS

§1101. Short title

This Chapter shall be known and may be cited as the "Louisiana Mental Health Counselor Licensing Act".

Acts 1987, No. 892, §1, eff. July 20, 1987.

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§1102. Statement of purpose

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

B. The legislature does further hereby find and declare that marriage and family therapy in this state is a professional practice which affects the public safety and welfare of the citizens of the state and requires appropriate regulation and control in the public interest. It is a purpose of this Chapter to establish a regulatory structure and procedures that will ensure that the public is protected from the unprofessional, improper, unauthorized, and unqualified practice of marriage and family therapy.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1995, No. 1301, §1; Acts 2001, No. 1195, §1; Acts 2014, No. 484, §1, eff. May 1, 2015.

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< RS 37:1103 >



§1103. Definitions

As used in this Chapter, the following terms have the meaning ascribed to them in this Section:

(1) "Advertise" means but is not limited to the issuing or causing to be distributed any card, sign, or device to any person, or the causing, permitting, or allowing any sign or marking on or in any building, or by advertising on radio or television, or any other means designed to secure public attention.

(2) "Advisory committee" means the Marriage and Family Therapy Advisory Committee.

(3) "Board" means the Louisiana Licensed Professional Counselors Board of Examiners.

(4) "Licensed marriage and family therapist" means a person to whom a license has been issued pursuant to the provisions of this Chapter, which license is in force and not suspended or revoked.

(5) "Licensed professional counselor" means any person who holds himself out to the public for a fee or other personal gain, by any title or description of services incorporating the words "licensed professional counselor" or any similar term, and who offers to render professional mental health counseling services denoting a client-counselor relationship in which the counselor assumes responsibility for knowledge, skill, and ethical considerations needed to assist individuals, groups, organizations, or the general public, and who implies that he is licensed to practice mental health counseling pursuant to this Chapter.

(6) "Marriage and family therapy" means the professional application of psychotherapeutic and family systems theories and techniques in the prevention, diagnosis, assessment, and treatment of mental, emotional, and behavioral disorders in an individual and relational disorders in couples and families.

(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. Moreover, nothing in this Chapter shall be construed to authorize any person licensed hereunder to administer or interpret intellectual, personality, developmental, or neuropsychological tests in accordance with the provisions of R.S. 37:2352(7), except as provided by LAC 46:LXIII.1702(E), or engage in the practice of psychology or to prescribe, either orally or in writing, distribute, dispense, or administer any medications. If intellectual, personality, developmental, or neuropsychological tests are deemed necessary, the licensed professional counselor or provisional licensed professional counselor shall make an appropriate referral.

(8) "Person" means any individual, firm, corporation, partnership, organization, or body politic.

(9) "Practice of marriage and family therapy" means the rendering of professional marriage and family therapy and psychotherapy services, limited to prevention, assessment, diagnosis, and treatment of mental, emotional, behavioral, relational, and addiction disorders to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through either public or private organizations for a fee, monetary or otherwise, in accordance with professional training as prescribed by R.S. 37:1116 and code of ethics/behavior involving the application of principles, methods, or procedures of the marriage and family therapy profession.

(10) "Practice of mental health counseling" 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, which 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 which includes but is not limited to:

(a) "Appraisal", which means the use or administration of tests of language, educational and achievement tests, adaptive behavioral tests, and symptoms screening checklists or instruments, as well as tests of abilities, interests, and aptitudes for the purpose of counseling persons in coping with or adapting to, changing life situations that are due to problems in living.

(b) "Consulting", which means interpreting or reporting scientific fact or theory to provide assistance in solving current or potential problems of individuals, groups, or organizations.

(c) "Mental health counseling", which means assisting an individual or group, through psychotherapy and the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan actions reflecting his or their interests, abilities, aptitudes, and needs as these are related to personal and

advisability of referral to other specialists.

(e) "Research activities", which means reporting, designing, conducting, or consulting on research in counseling with human subjects.

(11) "Provisional licensed marriage and family therapist" means any person who has completed the requirements provided in R.S. 37:1116(C) and in applicable rules of the board and who has been issued a provisional license pursuant to the provisions of this Chapter, and such provisional license is in force and not suspended or revoked. Provisional licensed marriage and family therapists may use the title "provisional licensed marriage and family therapist" 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 marriage and family therapist. A provisional licensed marriage and family therapist shall not, under any circumstances, provide or advertise that he is authorized to provide marriage and family therapy independently.

(12) "Provisional licensed professional counselor" means any person who has completed the requirements provided in R.S. 37:1107(F) and in applicable rules of the board, 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 use the title "provisional licensed professional counselor" and shall 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 shall not, under any circumstances, practice mental health counseling independently or advertise that he is authorized to practice independently.

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

(14) Repealed by Acts 2017, No. 235, §2, effective June 14, 2017.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1989, No. 415, §1; Acts 1993, No. 544, §1; Acts 1999, No. 72, §1; Acts 2001, No. 1195, §1; Acts 2007, No. 206, §1, eff. June 27, 2007; Acts 2009, No. 311, §1; Acts 2010, No. 613, §2; Acts 2011, No. 320, §1, eff. June 28, 2011; Acts 2012, No. 636, §1, eff. June 7, 2012; Acts 2014, No. 484, §1, eff. May 1, 2015; Acts 2014, No. 736, §1; Acts 2017, No. 235, §§1, 2, eff. June 14, 2017; Acts 2018, No. 206, §3.

< RS 37:1104 >



§1104. Louisiana Licensed Professional Counselors Board of Examiners

A. There is hereby created in the Louisiana Department of Health the Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the "board", consisting of eleven members who shall be residents of the state of Louisiana. Each term shall be for four years. Seven appointments to the board, including one consumer from the public at large, shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Counseling Association. The consumer member may also apply directly to the office of the governor. Four appointments to the board shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Association for Marriage and Family Therapy. Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

B.(1)(a) The membership of the board shall consist of three licensed professional counselors, three educators who are licensed professional counselors and whose function is the training of mental health counselors in accredited programs, four licensed marriage and family therapists, and one consumer from the public at large. The professional membership of the board shall be licensed under this Chapter. The board shall perform such duties and exercise such powers as this Chapter prescribes and confers upon it. No member of the board shall be liable in any civil action for any act performed in good faith in the execution of his duties under this Chapter.

(b)(i) The consumer member shall be appointed from the state at large and appointed by the governor, subject to confirmation by the Senate. The consumer member of the board shall possess all of the following qualifications:

(aa) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.

(bb) Has attained the age of majority.

(cc) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(dd) Has never been convicted of a felony.

(ee) Does not have and has never had a material financial interest in the healthcare profession.

(ii) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.

(2)(a) The board shall establish a Marriage and Family Therapy Advisory Committee, which shall consist of the four licensed marriage and family therapist board members appointed by the governor from a list of names submitted by the executive board of the Louisiana Association for Marriage and Family Therapy.

(b) The functions of the advisory committee shall be established by rules and regulations developed by the advisory committee, promulgated by the board, and approved jointly by the House and Senate Health and Welfare Committees.

(c) The functions and duties of the advisory board may include but are not limited to the following:

(i) Develop rules and regulations in accordance with the Administrative Procedure Act as it may deem necessary to implement the provisions of this Chapter for promulgation and implementation by the board.

(ii) Examine and qualify all applicants for licensure as marriage and family therapists and recommend to the board each successful applicant for licensure, attesting to his professional qualifications to be a marriage and family therapist.

(iii) Develop for the board application forms for licensure pursuant to this Chapter.

(iv) Maintain complete records of all meetings, proceedings, and hearings conducted by the advisory committee.

C. No board member shall serve more than two full consecutive terms. Any board member may be removed by the governor or majority vote of the board, after notice and hearing, for incompetence, neglect of duty, malfeasance in office, or moral turpitude. Any vacancy occurring in board membership for the three licensed professional counselors, three counselor educators, or one member of the public at large, other than by expiration of term, shall be appointed for the remainder of the unexpired term by the governor within thirty days from a list of qualified candidates supplied by the executive board of the Louisiana Counseling Association. Any vacancy occurring in board membership for the four licensed marriage and family therapists, other than by expiration of term, shall be appointed for the remainder of the unexpired term by the

Louisiana Association for Marriage and Family Therapy.

D. Each board member shall serve without compensation, but shall be reimbursed for actual travel, incidental, and clerical expenses incurred while engaged on official board business.

E. Each board member shall take the constitutional oath of office for state officials before any officer authorized to administer oaths in this state.

F. This board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1988, No. 225, §1; Acts 1995, No. 1301, §1; Acts 2001, No. 1195, §1; Acts 2003, No. 1139, §§1 and 2; Acts 2010, No. 613, §1; Acts 2018, No. 515, §2.

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RS 37:1105



§1105. Board meetings; procedures; powers and duties

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

B. An executive director, who shall not be a member of the board, shall be employed, within the limits of the funds received by the board pursuant to R.S. 37:1106. The board shall be empowered to accept grants from foundations and institutions to carry on its functions.

C. The board shall adopt a seal which shall be affixed to all licenses issued by the board.

D. The board shall adopt such rules, regulations, and examination procedures as it may deem necessary to effect the provisions of this Chapter. The board shall adopt the Code of Ethics of the American Counseling Association, including any revisions or additions deemed appropriate or necessary by the board.

E. 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 of this Chapter and rules and regulations promulgated pursuant thereto. The board shall review applications at least once a year. The board shall keep a record of its proceedings including applicant examinations, a register of applicants for licenses, and a register of licensed professional counselors which shall be made available to the public. Any person aggrieved by a ruling of the board may, within thirty days after notification, appeal to the district court for the parish of East Baton Rouge. The board shall have the power to conduct hearings on suspension or revocation of a license.

F. The board shall submit an annual report to the governor containing the financial and professional actions of the board during the past year.

G. 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.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1988, No. 225, §1; Acts 1995, No. 1301, §1; Acts 1999, No. 1159, §1; Acts 2001, No. 1195, §1; Acts 2014, No. 484, §1, eff. May 1, 2015.

< RS 37:1106 >



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

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

- (a) Application of privilege, credential, or provisional license \$200
- (b) Application of licensure \$ 325
- (c) Renewal of privilege, credential, provisional license, or license \$ 300
- (d) Examination or reexamination \$ 250
- (e) Late fees \$ 100
- (f) Failure to update contact information with board \$ 100
- (g) Reissuance of privilege, credential, provisional license, or license \$ 50
- (h) Name changes on record \$ 50
- (i) Copies of documents in the board's possession \$ 50
- (j) Formal verification of status of any privilege, credential, provisional license, or license \$ 25

(2) A fee below the maximum amount set forth in Paragraph (1) of this Subsection may be increased by the board by rule up to the maximum amount. However, the board shall not increase any fee by more than a total of fifteen percent over a consecutive three-year period.

B. The late fee for license renewal shall be imposed upon the licensee the day after such licensee's designated renewal deadline at 4:00 p.m. on such date. If the license renewal deadline falls on a weekend, the licensee shall have until the next working day at 4:00 p.m. on such date to renew his or her license.

C. Repealed by Acts 1999, No. 1159, §2.

D.(1) The board may assess and collect fines in an amount not to exceed five thousand dollars for violations of this Chapter and rules promulgated by the board. In addition to the disciplinary action or fine assessed by the board, the board may also assess all costs incurred in connection with the proceedings, 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. All costs and fees shall be paid no later than ninety 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. No license, provisional license, or certificate shall be issued, reinstated, or renewed until such costs and fees are paid.

(2) 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.

E. No part of any fee shall be refundable under any conditions other than failure of the board to hold examinations on the date originally announced. All fees collected in this manner and all gifts or grants shall be deposited and credited to the account of the board in a licensed financial institution of the board's choosing. The funds of the board may be used for printing, travel expenses of the board, and for other necessary expenses as are essential to the carrying out of the provisions of this Chapter. Expenses shall be paid under the written direction of the chairman of the board in accordance with procedures established by the division of administration. Any surplus at the end of the fiscal year shall be retained by the board for future expenditures.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1988, No. 225, §1; Acts 1995, No. 1301, §1; Acts 1997, No. 834, §1; Acts 1999, No. 1159, §2; Acts 2001, No. 1195, §1; Acts 2003, No. 1139, §2; Acts 2013, No. 173, §1, eff. Jan. 1, 2014; Acts 2014, No. 484, §1, eff. May 1, 2015.

< RS 37:1107 >



§1107. Requirements for licensed professional counselor; provisional license; temporary license or temporary provisional license; renewal of license or temporary provisional license

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

- (1) Is at least twenty-one 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 of Louisiana or is in the act of establishing residency in the state of Louisiana.

(5) Is not in violation of any of the provisions of this 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. Five hundred hours of supervised experience may be gained for each thirty 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 two thousand 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 forty-eight graduate semester hours prior to September 1, 2015, and at least sixty graduate hours after September 1, 2015. All applicants shall complete a course in each of the eight required areas specified in Subparagraph (b) of this Paragraph 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 sixty 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.

NOTE: The Heading and Subsection (A) of this Section as amended by Acts 2014, No. 848, §1, eff. May 1, 2015.

§1107. Requirements for licensed professional counselor; provisional license; temporary license or temporary provisional license; renewal of license or temporary provisional license

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

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

hereunder.

(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. Five hundred hours of supervised experience may be gained for each thirty 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 two thousand 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 forty-eight graduate semester hours prior to September 1, 2015, and at least sixty graduate hours after September 1, 2015. All applicants shall complete a course in each of the eight required areas specified in Subparagraph (b) of this Paragraph 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 sixty 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.

B. The board shall license to practice all persons who present satisfactory evidence of qualifications as specified in this Section and under provisions of the rules and regulations of the board. Such licensure shall be signed by the chairman and vice chairman of the board under the seal of the board.

C. No license shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, or physical impairment.

D.(1) A licensed professional counselor shall renew his license every two years in the month of June by meeting the requirement that forty clock hours of continuing education be obtained prior to each renewal date every two years in an area of professional mental health counseling as approved by the board and by paying a renewal fee. The chairman shall issue a document renewing the license for a term of two years.

(2) The license of any mental health counselor who fails to have his license renewed biannually during the month of June shall lapse; however, the failure to renew said license shall not deprive said counselor of the right of renewal thereafter. A lapsed license may be renewed within a period of two years after the expired renewal date upon payment of all fees in arrears and presentation of evidence of completion of the continuing education requirement. Application for renewal after two years from the date of expiration will not be considered for renewal; the individual must apply under the current licensure guidelines.

E.(1) A licensed professional counselor engaging in the appraisal of individuals shall furnish satisfactory evidence of formal graduate training in statistics, sampling theory, test construction, test and measurements and individual differences. Formal training shall include a practicum and supervised practice with appraisal instruments.

(2) Nothing in this Chapter shall be construed as authorizing persons licensed herein to use appraisal instruments, devices, or procedures for the purpose of treatment planning, diagnosis, classification, or description of mental and emotional disorders and disabilities, or of disorders of personality or behavior, which are outside the scope of this Chapter.

NOTE: Subsection (F) of this Section eff. until May 1, 2015. See Acts 2014, No. 484, §1.

F. The board may 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 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 all applicable provisions of law or board regulations, and possess a graduate degree the substance of which is mental health counseling.

NOTE: Subsection (F) of this Section as amended by Acts 2014, No. 484, §1, eff. May 1, 2015.

F. The board may issue a provisional license as a provisional licensed professional counselor 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 for the issuance of a

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 all applicable provisions of law or board regulations, and possess a graduate degree the substance of which is mental health counseling.

NOTE: Subsection (G) of this Section eff. until May 1, 2015. See Acts 2014, No. 484, §1.

G.(1) 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 ninety calendar days from the date of issuance.

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

NOTE: Subsection (G) of this Section as amended by Acts 2014, No. 484, §1, eff. May 1, 2015.

G.(1) 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 ninety calendar days from the date of issuance.

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

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1993, No. 544, §1; Acts 1995, No. 1301, §1; Acts 1999, No. 72, §1; Acts 2011, No. 320, §1, eff. June 28, 2011; Acts 2013, No. 173, §1, eff. Jan. 1, 2014; Acts 2014, No. 484, §1, eff. May 1, 2015.

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< RS 37:1108 >



§1108. Repealed by Acts 1995, No. 1301, §3.

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§1109. Reciprocity

Upon application accompanied by fee and without written or oral examination, the board may issue a license to any person who furnishes upon a form and in such manner as the board prescribes, evidence satisfactory to the board that he is licensed, certified, or registered as a professional counselor by another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico if the requirements for such licensure, certification, or registration are substantially equivalent to those of this Chapter.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1995, No. 1301, §1.

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§1110. Denial, revocation, or suspension of licenses

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

- (1) Has been convicted in a court of competent jurisdiction of a felony, the conviction being final, or upon a plea of guilty or nolo contendere to a felony, the record of conviction or plea being conclusive evidence thereof.
- (2) Has been convicted in a court of competent jurisdiction of any crime or offense which reflects the inability of the practitioner to practice with due regard for the health and safety of clients or patients.
- (3) Has violated the code of ethics adopted by the board.
- (4) Is abusing drugs or alcohol to an extent or in a manner dangerous to any other person or the public, or to an extent that the use impairs his ability to perform the work of a licensee.
- (5) Has impersonated another person holding a professional license issued pursuant to this Chapter or allowed another person to use his license.
- (6) Has used fraud or deception in applying for a license or in taking an examination provided for in this Chapter.
- (7) Has allowed his name or license issued under this Chapter to be used in connection with any person or persons who practice outside of the area of their training, experience, or competence.
- (8) Is legally adjudicated mentally incompetent, the record of such adjudication being conclusive evidence thereof.
- (9) Has willfully or negligently violated any of the provisions of this Chapter.

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

C. On the basis of any hearing or upon default of the applicant or licensee, the board shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision of the board denying, revoking, or suspending the license, shall become final thirty days after receipt of the copy of the determination unless within the period the applicant or licensee appeals the decision as provided by the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. No such appeal while pending appropriate court action shall supersede such denial, revocation, or suspension. All proceedings and evidence presented at hearings before the board may be admissible during appellate proceedings.

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

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

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1995, No. 1301, §1; Acts 1999, No. 1159, §1; Acts 2010, No. 613, §1; Acts 2013, No. 173, §1, eff. Jan. 1, 2014; Acts 2014, No. 484, §1, eff. May 1, 2015.

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§1111. Violations; penalties

NOTE: Subsection (A) of this Section eff. until May 1, 2015. See Acts 2014, No. 484, §1.

A. 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 under the authority of this Chapter. This provision shall become effective on January 1, 1988. Whoever violates the provisions of this Subsection shall be guilty of a misdemeanor and shall upon conviction be fined not more than five hundred dollars.

NOTE: Subsection (A) of this Section as amended by Acts 2014, No. 484, §1, eff. May 1, 2015.

A. 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 under the authority of this Chapter. Whoever violates the provisions of this Subsection shall be guilty of a misdemeanor and shall upon conviction be fined not more than five hundred dollars.

B. The board shall have the authority to administer oaths, to summon witnesses, and to take testimony in all matters relating to its duties. The attorney general of the state shall be the attorney of the board, but the board may employ other counsel. It shall be the duty of the district attorney of the judicial district wherein any offense is committed to prosecute violations of this Chapter. The board shall be the sole agency in this state empowered to issue licenses to professional mental health counselors.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 2014, No. 484, §1, eff. May 1, 2015.

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RS 37:1112



§1112. Injunctive proceedings

A. The board may, through the attorney general of the state of Louisiana, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act in violation of the provisions of this Chapter, any rules or regulations adopted by the board, and any codes of ethics adopted by the board.

B. If it is established that the defendant has been or is committing an act in violation of this Chapter or of rules or regulations adopted pursuant to this Chapter, including any codes of ethics adopted by the board, the court, or any judge thereof, shall enter a decree enjoining said defendant from further committing such act.

C. In case of violation of any injunction issued under the provisions of this Section, the court, or any judges thereof, may summarily try and punish the offender for contempt of court.

D. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Chapter.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1999, No. 1159, §1.

< RS 37:1113 >



§1113. Exclusions

The following persons and their activities are exempted from the licensing requirements of this Chapter:

(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 provisions of R.S. 37:1107.

(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 R.S. 37:1107 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 R.S. 37:1107.

(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 R.S. 37:1107.

NOTE: Paragraph (6) of this Subsection eff. until May 1, 2015. See Acts 2014, No. 484, §2.

(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.

NOTE: Paragraph (6) of this Subsection as amended by Acts 2014, No. 484, §2, eff. May 1, 2015.

(6) Repealed by Acts 2014, No. 484, §2, eff. May 1, 2015.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1988, No. 225, §2; Acts 1995, No. 1301, §1; Acts 2014, No. 484, §2, eff. May 1, 2015.

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§1114. Privileged communications

NOTE: §1114 eff. until May 1, 2015. See Acts 2014, No. 484, §1.

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.

NOTE: §1114 as amended by Acts 2014, No. 484, §1, eff. May 1, 2015.

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.

Acts 1987, No. 892, §1, eff. July 20, 1987; Acts 1992, No. 376, §6, eff. Jan. 1, 1993; Acts 2014, No. 484, §1, eff. May 1, 2015.

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§1115. Applicability

The licensing of individuals under the provisions of this Chapter shall not be construed to authorize those individuals to practice medicine or psychiatry in violation of the provisions of Part I of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950.

Acts 1987, No. 892, §1, eff. July 20, 1987.

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< RS 37:1116 >



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

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

(1) Is of good moral character.

(2) Is not in violation of any provision of this Chapter and the rules and regulations adopted by the board.

(3) Is qualified for licensure pursuant to the requirements provided for in this Chapter.

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:

(1) Successful completion of one of the following educational requirements:

(a) A master's degree or a doctoral degree in marriage and family therapy from a program in a regionally accredited educational institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education or a certificate from a postgraduate training institute in marriage and family therapy accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) A master's or doctoral degree in marriage and family therapy or a related clinical mental health field from a regionally accredited institution of higher education with course work that includes practicum and internship work in marriage and family therapy determined by the advisory committee to be substantially equivalent to a graduate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(c) A certificate from a postgraduate training institute in marriage and family therapy with course work that includes practicum and internship work determined by the advisory committee to be substantially equivalent to a graduate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(d) A masters degree or a doctoral degree in marriage and family therapy from a regionally accredited institution of higher education whose program and curriculum was approved by the board through the advisory committee at any time prior to July 1, 2010, and the applicant for licensure has at least five hundred hours of client contact, and where the client contact shall include all of the following:

(i) Two hundred and fifty hours of relational therapy.

(ii) One hundred hours in which the applicant has been subjected to qualified supervision as is defined in R.S. 37:1103(11).

(2) Successful completion of two calendar years of work experience in marriage and family therapy under qualified supervision as defined in R.S. 37:1103(11) following receipt of a qualifying degree.

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

C. 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. 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 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 ninety calendar days from the date of issuance.

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

E. Beginning January 1, 2018, a licensed marriage and family therapist who engages in the diagnosis of individuals shall furnish satisfactory evidence to the board that he has completed the standard training in the professional application of psychotherapeutic and family systems theories and a minimum of six credit hours in diagnostic psychopathology, where students are taught to systematically collect and analyze data based on one or both of the two standard diagnostic systems employed, International Classification of

required by the board shall be allowed to diagnose individuals upon demonstration of competency through continuing education or other measures as defined by the board.

F. If intellectual, personality, developmental, or neuropsychological tests are deemed necessary, the licensed marriage and family therapist or provisional licensed marriage and family therapist shall make an appropriate referral.

Acts 2001, No. 1195, §1; Acts 2003, No. 1139, §1; Acts 2009, No. 311, §1; Acts 2010, No. 613, §1; Acts 2013, No. 173, §1, eff. Jan. 1, 2014; Acts 2014, No. 484, §1, eff. May 1, 2015; Acts 2014, No. 736, §1; Acts 2017, No. 235, §1, eff. June 14, 2017.

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RS 37:1117



§1117. Examination for licensure as marriage and family therapists

A. The board, through the advisory committee, shall conduct an examination for licensure as a marriage and family therapist at least once a year at a time and place designated by the board.

B. Examinations may be written or oral as determined by the board, upon recommendation by the advisory committee. In any examination, each applicant shall be designated so that his name shall not be disclosed to the advisory committee until the examinations have been graded.

C. Examinations shall include questions in such theoretical and applied fields as the board, upon recommendation by the advisory committee, deems most suitable to test an applicant's knowledge and competence to engage in the practice of marriage and family therapy.

NOTE: Subsection (D) of this Section eff. until May 1, 2015. See Acts 2014, No. 484, §2.

D. 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.

NOTE: Subsection (D) of this Section repealed by Acts 2014, No. 484, §2, eff. May 1, 2015.

D. Repealed by Acts 2014, No. 484, §2, eff. May 1, 2015.

Acts 2001, No. 1195, §1; Acts 2014, No. 484, §2, eff. May 1, 2015.

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§1118. Reciprocal licenses for marriage and family therapists

A. The board shall issue, upon recommendation of the advisory committee, a license to any person who has been licensed as a marriage and family therapist for at least five years in another state, province, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico and has passed the Association of Marital and Family Therapy Regulatory Board's examination in Marital and Family Therapy, provided the applicant submits an application on forms prescribed by the board and upon payment of the required licensure fee.

B. The board shall issue, upon recommendation of the advisory committee, a license to any person licensed as a marriage and family therapist for less than five years in another state, province, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico whose requirements for the license are substantially equivalent to or exceed the requirements of this state, provided the applicant submits an application on forms prescribed by the board and upon payment of the required licensure fee.

Acts 2001, No. 1195, §1; Acts 2010, No. 613, §1.

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NOTE: §1119 eff. until May 1, 2015. See Acts 2014, No. 484, §1.

§1119. Renewal of licenses for marriage and family therapists

A. Licenses for marriage and family therapists shall be valid for two years and must be renewed biennially.

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

C. A marriage and family therapist must accrue forty clock hours of continuing education by every renewal period every two years.

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

NOTE: §1119 as amended by Acts 2014, No. 484, §1, eff. May 1, 2015.

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

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

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

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

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

B. 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.

Acts 2001, No. 1195, §1; Acts 2014, No. 484, §1, eff. May 1, 2015.

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§1120. Repealed by Acts 2010, No. 613, §2.

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RS 37:1121



§1121. Exemptions from licensure as marriage and family therapists

NOTE: §1121 eff. until May 1, 2015. See Acts 2014, No. 484, §1.

Nothing in this Chapter 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".

NOTE: §1121 as amended by Acts 2014, No. 484, §1, eff. May 1, 2015.

Nothing in this Chapter 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".

Acts 2001, No. 1195, §1; Acts 2003, No. 1139, §1; Acts 2014, No. 484, §1, eff. May 1, 2015.

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§1122. Prohibited acts; penalties

NOTE: Subsection (A) of this Section eff. until May 1, 2015. See Acts 2014, No. 484, §1.

A. No person, unless licensed as a marriage and family therapist, shall advertise as being a "licensed marriage and family therapist".

NOTE: Subsection (A) of this Section as amended by Acts 2014, No. 484, §1, eff. May 1, 2015.

A. 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".

B.(1) Any person who violates this Section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars for the first offense and one thousand dollars for each subsequent offense.

(2) In addition to the imposition of a fine, the board may proceed with an action to enjoin and restrain any unlicensed person from violating the provisions of this Chapter. The board shall not be required to post bond for such proceeding.

Acts 2001, No. 1195, §1; Acts 2014, No. 484, §1, eff. May 1, 2015.

< RS 37:1123 >



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

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

(1) "Applicant" means an individual who has made application to the board for the issuance, renewal, or reinstatement of any form of licensure which the board is authorized by law to issue.

(2) "Board" means the Louisiana Licensed Professional Counselors Board of Examiners.

(3) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(4) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release. It shall not include intelligence information gathered for investigatory purposes or any identification information which does not indicate involvement of the individual in the criminal justice system.

(5) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

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

B. In addition to any other requirements established by board rules, the board may require an applicant, as a condition of eligibility for licensure:

(1) To submit a full set of fingerprints, in a form and manner prescribed by the board.

(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To pay the reasonable costs incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedure prescribed by this Section, the board may request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. 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.

E. 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.

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

Acts 2013, No. 173, §1, eff. Jan. 1, 2014; Acts 2014, No. 484, §1, eff. May 1, 2015.