EMERGENCY RULE
Department of Health and Hospitals
Licensed Professional Counselors Board of Examiners

Disclosure or Transfer of Client Records (LAC 46: LX Section 2105)

The Louisiana Department of Health and Hospitals, Louisiana Professional Counselors Board of Examiners has exercised the emergency provisions of the Administrative Procedures Act, specifically R.S. 49:953(B), to adopt rules relative to the Disclosure or Transfer of Client Records to revise Section 2105 of the Board Rules. This emergency rule is effective October 20th, 2013 for a period of 120 days. This action is necessary to ensure Licensed Professional Counselors disclose or transfer client records in accordance with state law. The Licensed Professional Counselors Board of Examiners is in the process of developing the permanent rule associated with Act 173 of the 2013 Regular Legislative Session and will revise Section 2105 as part of this larger rule change.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Licensed Professional Counselors Board of Examiners

Subpart 1. Licensed Professional Counselors

Chapter 21. Code of Conduct for Licensed Professional Counselors

§2105. Confidentiality, Privileged Communication, and Privacy

A. – A.6.e. …

f. Disclosure or Transfer. Unless exceptions to confidentiality exist, counselors obtain written permission from clients to disclose or transfer records to legitimate third parties. Steps are taken to ensure that receivers of counseling records are sensitive to their confidential nature.

A.6.g. – A.8.c. …

B. Effect on Existing Rules. All existing rules or parts thereof are hereby superseded and amended to the extent that they specifically conflict with these emergency rules. Existing Board rules shall be revised and re-codified at such time as the final Board rules implementing Act 173 are adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 15:623 (August 1989), amended LR 24:440 (March 1998), LR 29:144 (February 2003), LR 39:1796 (July 2013), LR 39:

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Executive Director