



LIZ MURRILL  
ATTORNEY GENERAL

STATE OF LOUISIANA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 94005  
BATON ROUGE, LA  
70804-9005

To: Ms. Raelene Lundin  
Deputy Director  
Louisiana Licensed Professional Counselors Board of Examiners

From: Jessica Weimer  
Louisiana Department of Justice  
Occupational Licensing Review Program

Date: November 22, 2024

Subject: Louisiana Licensed Professional Counselors Board of Examiners  
Proposed Amendments to LAC 46:LX.611, 707, 3315, 3503  
Licensed Professional Counselors - Social and Cultural Foundations Continuing  
Education

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## I. SUMMARY

The Louisiana Licensed Professional Counselors Board of Examiners (the “**Board**”) proposes amending LAC 46:LX.611, 707, 3315, and 3503 (the “**Proposed Amendments**”), regulating the licensing requirements for Licensed Professional Counselors.<sup>1</sup> The Proposed Amendments change the categorical requirements for continuing education standards for all licensed professional counselors. In particular, the Proposed Amendments require one and a half clock hours of continuing education for provisional licensees and three clock hours for Licensed Professional Counselors (“**LPC**”) and Licensed Marriage Family Therapists (“**LMFT**”) in social and cultural foundations. The Proposed Amendments allow these hours to count towards the required continuing education hours for provision licensees and LPC and LMFT.

The Board published a Notice of Intent to promulgate the Proposed Amendments on September 20, 2024.<sup>2</sup> The Notice invited public comments on these Proposed Amendments until October 10, 2024 and received none.<sup>3</sup>

Licensing requirements create barriers to market entry for individuals desiring to engage in a profession or occupation, and the Proposed Amendments to §611, 707, 3315, and 3503 are therefore properly considered occupational regulations with reasonably foreseeable anti-competitive effects.<sup>4</sup>

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<sup>1</sup> Louisiana Register, Vol. 50, No 9 at pgs 1364-1366

<sup>2</sup> Id.

<sup>3</sup> Id. at 1366.

<sup>4</sup> La. R.S. 49:260 G(4)

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“*OLRP*”) on September 24, 2024. The OLRP invited public comments on the Proposed Amendments October 7, 2024 through October 21, 2024 and received no comments. As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:LX §611, 707, 3315, and 3503 adhere to clearly articulated state policy and therefore approves the Proposed Amendments for adoption as drafted.

## **II. ANALYSIS**

Act 892 of the 1987 Louisiana Legislature created the Louisiana Licensed Professional Counselors Board of Examiners to provide regulation of the practice of mental health counseling and provide for the regulation of the use of the title of “licensed professional counselor.”<sup>5</sup> Pursuant to the Louisiana Mental Health Counselor Licensing Act (the “*LMHCLA*”)<sup>6</sup>, it is the policy of the State of Louisiana that licensed professional counselors or provisional licensed professional counselors be regulated for the protection of public health, safety and welfare<sup>7</sup> by the Louisiana Licensed Professional Counselors Board of Examiners. The Board is responsible for developing rules and regulations in accordance with the Administrative Procedure Act as deemed necessary to implement the provisions of the LMHCLA.<sup>8</sup> Further, 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 licenses as are necessary for the adequate protection of the health and welfare of the residents of this state.”<sup>9</sup>

### **A. Proposed Amendments**

Currently, the Board does not have any requirements for continuing education hours to be accrued in social and cultural foundations. The Board proposes amending:

- (i) §611 by adding a requirement of one and a half hours to be accrued for a provisional licensee in social and cultural foundations,
- (ii) §707 by adding a requirement of three hours to be accrued for a LPC in social and cultural foundations,
- (iii) §3315 by adding a requirement of one and a half hours to be accrued for a provisional licensee for LMFT in social and cultural foundations, and
- (iv) §3503 by adding a requirement of three hours to be accrued for a LMFT in social and cultural foundations.

The Board further proposes amending §3315 and §3503 by expanding the continuing education hours to evolve from eight topic areas adding social and cultural foundations to the topic area list, and establishing what social and cultural foundations education shall include as

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<sup>5</sup> LAC 46: LX.101, LA R.S. 37:1102

<sup>6</sup> LA R.S. 37:1101 et. seq.

<sup>7</sup> LA R.S. 37:1102

<sup>8</sup> LA R.S. 37:1104 (B)(2)(c)(i)

<sup>9</sup> LA R.S. 37:1107 (G)(2)

“studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.”<sup>10</sup>

In accordance with the LMCHA, the Board is responsible for developing rules, regulations, and examinations for licensed professional counselors<sup>11</sup> for the protection of public health, safety, and welfare.<sup>12</sup> Requiring continuing education to cover the studies defined in the Proposed Amendments for social and cultural foundations protects the public health, safety, and welfare from potential harmful practices of licensed professional counselors by ensuring each LPC and LMFT is adequately prepared to identify and provide care based upon the current social situations and diverse populations and cultures of the individual client. Thus, the Proposed Amendments align with clearly articulated state policy and are within the Board’s aforementioned discretionary powers.

### **Determination**

The Board is a state regulatory body created to provide regulation of the practice of mental health counseling by licensed professional counselors.<sup>13</sup> The Board holds the statutory authority to adopt rules, regulations, and examination procedures as deemed necessary and to establish the requirements, qualifications and formalities to obtain such license for the protection of the health and welfare of the residents of the state.<sup>14</sup> Because the Proposed Amendments are within the Board’s statutory authority and adheres to clearly articulated state policy, these amendments are approved as submitted by the Attorney General and may be adopted by the Board.

OFFICE OF THE ATTORNEY GENERAL  
OCCUPATIONAL LICENSING REVIEW PROGRAM



Jessica B. Weimer, OLRP- Section Chief  
Public Protection Division  
Louisiana Department of Justice  
[olrp@ag.louisiana.gov](mailto:olrp@ag.louisiana.gov)

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<sup>10</sup> Louisiana Register, Vol. 50, No 9 at 1365

<sup>11</sup> LA R.S. 37:1107 (G)(2)

<sup>12</sup> LA R.S. 37:1102

<sup>13</sup> LAC 47:LX.101

<sup>14</sup> LA R.S. 37:1105(D) and LA R.37:1107(G)(2)