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

Date: September 19, 2025

Subject: Louisiana Licensed Professional Counselors Board of Examiners  
Proposed Amendments to LAC 46:LX.603  
Licensed Professional Counselors – Billing Technical Revisions

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## **I. SUMMARY**

The Louisiana Licensed Professional Counselors Board of Examiners (the “**Board**”) proposes amending LAC 46:LX.603 (the “**Proposed Amendment**”), regarding Provisional Licensed Professional Counselors Licensing Requirements Billing Technical Revisions.<sup>1</sup> The Proposed Amendment provides a technical revision to clarify billing practices for provisional licensed professional counselors (“**PLPC**”s). The Board indicates that PLPCs may accept payment from employers that seek reimbursement through insurance and the Proposed Amendment is a technical rule revision to clarify its meaning regarding reimbursement for a PLPC.

The Board published a Notice of Intent to promulgate the Proposed Amendments on May 20, 2025.<sup>2</sup> The Notice invited public comments on these Proposed Amendments until June 10, 2025 and received none.<sup>3</sup>

The Proposed Amendment creates a barrier to market participation by restricting PLPCs from independently billing for services, thereby limiting their economic participation in the counseling services market. The Proposed Amendment to §603 is therefore properly considered an occupational regulation with reasonably foreseeable anti-competitive effects.<sup>4</sup>

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendment to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on August 8, 2025. The OLRP invited public comments on the Proposed Amendment August 11 through August 25, 2025 and received no comments. As set forth below, the OLRP has determined the

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<sup>1</sup> Louisiana Register, Vol. 51, No 2 at pgs. 713-714

<sup>2</sup> Id.

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

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

Board's Proposed Amendment to LAC 46:LX §603 adheres to clearly articulated state policy and therefore approves the Proposed Amendments for adoption as drafted.

## **II. ANALYSIS**

### **A. Statutory Authority**

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>

### **B. Proposed Amendment to LAC 46:LX.603**

The Board proposes amending LAC 46:LX.603(6)(f) to state, "The agency or employer may bill for services provided by the PLPC. The PLPC may not accept direct payments from the client." Currently, the rule states, "The PLPC may not bill directly for services provided to clients and the PLPC may not bill under another person's name." The proposed amendment would allow an agency or employer to bill for services provided by a PLPC, while continuing to prohibit the PLPC from directly accepting payments from clients.

By restricting PLPCs from billing clients directly, the rule prevents provisional licensees from independently practicing in the market. This requirement channels PLPC services through agencies or employers, creating dependence on others who may control billing rates, limit practice opportunities, and capture the economic value of the PLPC's labor. Such restrictions may reduce consumer choice and limit price competition in the market for counseling services.

However, the amendment is consistent with Louisiana's clearly articulated state policy to protect public health, safety, and welfare by ensuring that only fully licensed professionals may independently render and bill for counseling services. The restriction reinforces the requirement that PLPCs practice only under Board-approved supervision and within approved

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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)

practice settings, thereby ensuring accountability and oversight in the provision of services.<sup>10</sup> The amendment balances consumer protection with gradual market entry by allowing PLPCs to provide services through supervised settings while preventing them from holding themselves out as independent providers or directly accepting payments from clients.

While the Proposed Amendment may restrict independent market participation and reduce consumer choice, it aligns with Louisiana's clearly articulated state policy to regulate provisional practitioners for the protection of the public health and welfare. Accordingly, the Proposed Amendment is within the Board's statutory authority and is approved for adoption as drafted.

### **Determination**

The Board is a state regulatory body established to regulate the practice of mental health counseling by licensed professional counselors.<sup>11</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>12</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 and promulgated in accordance with the APA.

OFFICE OF THE ATTORNEY GENERAL  
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<sup>10</sup> LAC 46:LX.601 *et seq.*

<sup>11</sup> LAC 46:LX.101, LA R.S. 37:1101 *et seq.*

<sup>12</sup> LA R.S. 37:1105(D) and LA R.37:1107(G)(2)