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From: Jessica Weimer  
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Occupational Licensing Review Program

Date: September 18, 2025

Subject: Louisiana Licensed Professional Counselors Board of Examiners  
Proposed Amendments to LAC 46:LX.503 and 505 regarding Teletherapy  
Registration

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## **I. SUMMARY**

The Louisiana Licensed Professional Counselors Board of Examiners (the “**Board**”) proposes amending LAC 46:LX.503 and 505 (the “**Proposed Amendments**”), regulating the Teletherapy Registration for Licensed Professional Counselors.<sup>1</sup> The Proposed Amendments (i) change the established registration process for out-of-state mental health professionals to provide teletherapy services to Louisiana clients, (ii) define telehealth registration, and (iii) amend the definition for licensee. Currently, §505 also outlines background check and eligibility requirements, sets practice standards consistent with in person care, and specifies training and continuing education requirements, informed consent procedures, documentation standards and disciplinary provisions applicable to both Louisiana licensees and telehealth registrants.

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 one comment from Kyle Zebley, Executive Director of American Telemedicine Association (ATA).<sup>3</sup> The Board responded on July 10, 2025, providing clarification that the proposed rule aims to reduce the requirements for fully licensed out of state counselors to provide services to individuals located within Louisiana.

Licensing and permitting requirements are barriers to market entry for individuals desiring to engage in a profession or occupation, and the Proposed Amendments to §503 and 505 are

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<sup>1</sup> Louisiana Register, Vol. 51, No 5 May 20, 2026 at pgs. 714-715

<sup>2</sup> Id.

<sup>3</sup> Id. at 715

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 none. As set forth below, the OLRP has determined the Board's Proposed Amendments to LAC 46:LX §503 and 505 adhere 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>

Pursuant to the Mental Health Counselor Licensure Compact, a licensed professional counselor who holds a valid license issued by a home state in accordance with the Compact shall be authorized to engage in the practice of professional counseling in any member state via telehealth, under the privilege to practice afforded by the Compact.<sup>10</sup> Such practice shall be subject to the laws and regulations of the remote state.<sup>11</sup>

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

<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)

<sup>10</sup> LA R.S. 37:1137

<sup>11</sup> Id

## **B. Proposed Amendment LAC 46:LX.503**

The Board proposes amending §503 to (i) correct a typographical error in the definition for *Criminal History Record Information*, (ii) amend the definition for *Licensee*, and (iii) define *Telehealth Registration*.

The amendment to the definition of *Criminal History Record Information* is a technical correction that does not alter the intent or substantive meaning of the existing regulation and has no reasonably foreseeable anticompetitive effects.

The Board proposes adding the definition of *Telehealth Registration* as “any person who:

- (i) Holds a full and unrestricted license or certificate in mental health counseling/psychotherapy in another state or U.S. territory;
- (ii) Completes a background check in accordance with licensure requirements;
- (iii) Attests to be under the authority of the jurisdiction of the State of Louisiana.”

This definition creates a streamlined pathway for fully licensed out-of-state mental health counselors and psychotherapists to provide telehealth services to Louisiana residents without undergoing full Louisiana licensure. Although the requirement for a full and unrestricted license or certification could exclude provisionally licensed or supervised practitioners who are otherwise competent to provide certain telehealth services, the rule reduces barriers to entry for qualified professionals, increases the number of available providers, and improves access to care. It also lowers the cost and administrative burden for out of state practitioners by avoiding duplicative education, examination, or licensure requirements, thereby enabling providers to serve Louisiana residents more quickly and efficiently. Expanded participation in the profession may reduce wait times, encourage price competition, and improve service quality. The background check and jurisdictional attestation provide reasonable consumer protection safeguards and maintain accountability without imposing restrictive obligations.

A licensee is currently defined as “an individual holding a full or provisional license issued by the Board. All licensees must accurately identify themselves as fully licensed (i.e., licensed) or provisionally licensed.” The Board proposes modification of this define a licensee as “an individual holding an approved registration as a telehealth provider, or a full or provisional Louisiana license issued by the board. All licensees must accurately identify themselves as licensed for telehealth, fully licensed (i.e., licensed) or provisionally licensed.”

This amendment expands the term *licensee* to explicitly include individuals holding an approved telehealth registration, in addition to those holding a full or provisional license, and updates the self-identification requirement to reflect telehealth status. Including telehealth registrants in the definition of *licensee* brings these individuals under the Board’s jurisdiction, allowing the Board to apply its rules and disciplinary authority to telehealth registrants. This promotes quality assurance and public protection across all modalities of practice as it ensures a level playing field among telehealth and in-person providers. By recognizing telehealth providers, the Board is likely to increase the number of practitioners available to serve Louisiana consumers and improve access to care. The revised self-identification requirement

also enhances consumer transparency by clarifying whether a provider is telehealth only, fully licensed, or provisionally licensed, thereby helping consumers make informed decisions about their care.

The proposed amendment to §503 is consistent with Louisiana’s clearly articulated policy to regulate the practice of the profession for the protection of public health, safety, and welfare. Further, the amendment is procompetitive as it expands the pool of recognized practitioners, improves consumer transparency, and ensures consistent regulatory oversight across service modalities. The Board is authorized to adopt rules and regulations necessary to enforce the LMHCLA, and to approve, revoke, suspend, or renew licenses of applicants.<sup>12</sup> The proposed amendment to §503 is therefore within the Board’s statutory authority and adheres to clearly articulated state policy. Accordingly, the Board may proceed with promulgation in accordance with the APA.

### **C. Proposed Amendment LAC 46:LX.505**

Section 505 establishes the minimum standards for delivering mental health counseling, psychotherapy, and marriage and family services using technology-assisted media. Teletherapy is defined as real-time (synchronous) counseling via secure audio-visual technology that allows a licensee and client to interact from a distance. The rule clarifies that teletherapy must meet the same professional and ethical standards as in-person counseling and cannot be provided via asynchronous methods (email, text, chat, or fax), except in emergencies to ensure client safety.

Currently, the rule requires licensees to be licensed both in Louisiana and, if applicable, in the state where the client is located, and to complete specific teletherapy training (minimum three hours) covering appropriateness, risk management, legal/ethical issues, and HIPAA compliance. Continuing education in teletherapy (three hours per renewal cycle) is required to maintain the privilege. Licensees must obtain and document informed consent, verify client identity and location each session, develop an emergency plan, and ensure that all technology used is HIPAA/HiTECH compliant.

The rule also mandates secure documentation and recordkeeping consistent with in-person services, requires disclosure of encryption and data retention policies, and prohibits the use of social media for service delivery or client references. Additionally, it authorizes telesupervision, permitting 100% of supervision hours to be conducted synchronously via secure video and audio platforms.

The proposed amendment retains these core safeguards, training requirements, documentation standards, and technology requirements. The most significant change is that the proposed rule explicitly applies not only to Louisiana licensees but also to telehealth registrants, as defined in §503. This creates a formal regulatory framework for nonresident providers, allowing them to participate in Louisiana under clear standards. The current rule requires that a nonresident “must be licensed by the Board,” whereas the proposed amendment softens this requirement

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<sup>12</sup> LA R.S. 37:1105

to allow a nonresident to “have approval by the Board,” aligning with the new telehealth registration process rather than requiring full licensure. The proposed rule also updates terminology throughout (e.g., replacing “licensee” with “registrant or licensee”) to clarify that all teletherapy requirements apply equally to both groups, ensuring that registrants are held to the same professional and ethical standards as fully licensed Louisiana providers.

The proposed amendments to §505 expand access to teletherapy services by allowing nonresident providers to practice under a registration and approval system rather than requiring full Louisiana licensure. The substantive clinical, ethical, and training standards remain unchanged, preserving consumer protection and quality of care. The proposed amendments could reduce barriers to market participation, increase competition, and improve consumer choice, consistent with Louisiana’s clearly articulated policy of protecting the public health while facilitating access to mental health services. The Board is authorized to adopt rules and regulations necessary to enforce the LMHCLA, and to approve, revoke, suspend, or renew licenses of applicants.<sup>13</sup> The proposed amendment to §505 is therefore within the Board’s statutory authority and adheres to clearly articulated state policy. Accordingly, the Board may proceed with promulgation in accordance with the APA.

### **III. DETERMINATION**

The Board is a state regulatory body charged with regulating the practice of mental health counseling by licensed professional counselors.<sup>14</sup> It 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>15</sup> The Proposed Amendments are within the Board’s statutory authority under the LMHCLA to regulate the practice of mental health counseling, psychotherapy, and marriage and family therapy, and to adopt rules necessary to safeguard public health, safety, and welfare. The Proposed Amendments are consistent with Louisiana’s clearly articulated state policy and do not impose unreasonable or unnecessary barriers to market participation. Accordingly, the OLRP approves the Proposed Amendments for promulgation in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL  
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<sup>13</sup> LA R.S. 37:1105

<sup>14</sup> LAC 46:LX.101

<sup>15</sup> LA R.S. 37:1105(D) and LA R.37:1107(G)(2)