



LOUISIANA Licensed Professional Counselors Board of Examiners

September 23, 2024

Sent via Electronic Submission

To: Louisiana Department of Justice
Public Protection Division-
Occupational Licensing Review Program
olrp@ag.louisiana.gov

From: Licensed Professional Counselors Board of Examiners

To Whom It May Concern:

The Licensed Professional Counselors Board of Examiners has proposed amendments to LAC 46: LX.603. To facilitate the Department of Justice's review of the proposed rule, the Licensed Professional Counselors Board of Examiners provides answers to the following questions:

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation.

Existing rules provide that in order to be eligible for supervision as a provisional licensed professional counselor, an applicant must complete at least one three-hour course covering ethics and professional orientation, including the ethical standards of the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies. The proposed rule change states that such a course must cover the most recent edition of the Code of Ethics as published by the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies in order to count toward licensure. As with the current rule requiring the most recent coursework in diagnosing mental illness, this rule would require the most recent continuing education or academic coursework for the code of ethics.

2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

In accordance with the Louisiana Administrative Procedures Act (R.S. 49:4950 et seq.) and through the authority of the Mental Health Counseling Licensing Act (R.S. 37:1101 et seq.).

3. Check all of the following that apply as reasons the occupational regulation is subject to review

- Other activity: Active state supervision to ensure compliance.

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

The rule is intended to protect the safety of the client in the counseling relationship in accordance with LA R.S. 37:1101. The statutes require the counselor to abide by an approved code of conduct.

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

The Board is not aware of any less restrictive alternatives. The Code of Conduct is accepted as a rule by the Board. If the counselor does not complete coursework with current requirements, the public is not protected from possible harmful practices.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

The Fiscal and Economic Impact Statement (FEIS) was submitted and approved. The notice of intent was sent to the Louisiana Register along with the required Oversight Committees. The Notice of Intent was published in the August 2024 Louisiana Register with public comments being accepted until September 10, 2024. The Board did not receive any requests or public comments and therefore did not conduct a public hearing.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order?

No.

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

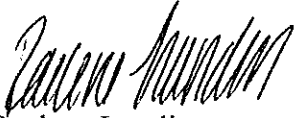
Roy Salgado, Jr. (Active), Laura Fazio-Griffith (Active), Nakeisha Pierce (Active), Earnest Airhia (Active), Chastity Butler (Active), Abigail Hays (Active), Kristal Hebert (Active), Amanda Dossaji (Active), Foley Nash (Active), Mark Reynaud (Active), Kelly Tyner (Active).

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule?

No.

The Board did not receive any requests or public comments and therefore did not conduct a public hearing. Should you have any questions or need any additional information, please contact Jamie S. Doming or Raelene Lundin at (225) 295-8444 or via email to lpcboard@lpcboard.org.

Respectfully,



Raelene Lundin

Louisiana Licensed Professional Counselors Board of Examiners
11410 Lake Sherwood Ave N Ste A
Baton Rouge, LA 70816
(225) 295-8444