

this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by easing the financial burden on the family and ensuring that beneficiaries have access to affordable prescription medicine.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of services as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary Attn: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on, October 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 31, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacy Benefits Management Program—Pharmacy Copayment

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in decreased state costs of approximately \$54,493 for FY 24-25, \$54,120 for FY 25-26, and \$54,120 for FY 26-27. It is anticipated that \$432 (\$216 SGF and \$216 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will decrease federal revenue collections by approximately \$400,542 for FY 24-25, \$400,483 for FY 25-26, and \$400,483 for FY 26-27. It is anticipated that \$216 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the Pharmacy Benefits Management Program to update copay tier payment schedule to align with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services recommended guidelines. Implementation of this proposed rule is anticipated to result in decreased Medicaid payments to pharmacy providers of approximately \$454,603 for FY 24-25, \$454,603 for FY 25-26, and \$454,603 for FY 26-27. Pharmacy providers will be responsible for collecting all co-pay amounts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2409#069

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Licensed Professional Counselors Board of Examiners

Continuing Education for PLMFTs and LMFTs
(LAC 46:LX.3315, 3501, and 3503)

In accordance with the applicable provisions of the Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to clarify and amend the continuing education requirements for PLMFT and LMFT renewal applicants.

The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 33 Section 3315, Chapter 35 Section 3501 and Section 3503 for publication in the September 20, 2024, edition of the *Louisiana Register*.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LX. Licensed Professional Counselors Board of
Examiners

Subpart 2. Professional Standards for Licensed
Marriage and Family Therapists and Provisional
Licensed Marriage and Family Therapists

Chapter 33. Requirements for Licensure and
Provisional Licensure

§3315. Application Practice, and Renewal
Requirements for Provisional Licensed
Marriage and Family Therapists

A. - E. ...

1. A provisional licensee must accrue 20 clock hours of continuing education by every renewal period every two years. Of the 20 clock hours of continuing education, one and a half clock hours must be accrued in ethics specific to marriage and family therapy and one and a half clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the most recent *Diagnostic and Statistical Manual of Mental Disorders*, as published by the American Psychiatric Association. The required training in diagnosis, assessment, and treatment under the most recent *Diagnostic and Statistical Manual of Mental Disorders* may be specific to a particular condition and/or may be general training in diagnosis, assessment, and treatment. A generic ethics course is not acceptable.

E.1.a. ...

b. Accrual of continuing education begins after the date the license was issued for initial licensure and only during the renewal period for renewal applicants. The renewal period is November 1 to October 31.

c. CEHs accrued beyond the required 20 hours may not be applied toward the next renewal period.

E.1.d. ...

e. At the time of renewal, 10 percent of the licensees will be audited to ensure that the continuing education requirement is being met.

E.1.f. - E.2. ...

a. A licensee may obtain the 20 CEHs through one or more of the options listed below. A maximum of 10 CEHs may be obtained through an online format, with the exception of coursework obtained through a regionally accredited institution of higher education.

i. The advisory committee will accept workshops and presentations approved by the Louisiana Counseling Association (LCA), the American Association for Marriage and Family Therapy (AAMFT) and its regional or state divisions including the Louisiana Association for Marriage and Family Therapy (LAMFT). Contact them directly to find out which organizations, groups, or individuals are approved providers. Graduate coursework either taken for credit or audit must be from a regionally accredited college or university and in the areas of marriage and family therapy described in §3315.E.4.

E.2.b.ii. - E.2.c.i.(b). ...

ii. Original presentations at workshops, seminars, symposia, and meetings in an area of marriage and family therapy as described in §3315.E.4 may count for up to 10 hours maximum at a rate of three clock hours per one-hour

presentation. Presenters must meet the qualifications stated in §3315.E.2.b.iii.(c). The presentation must be to the professional community, not to the lay public or a classroom presentation.

iii. Peer Consultation (10 hours maximum per renewal period). One may receive one clock hour of continuing education per hour of participation in peer consultation activities. Per consultation content must meet the guidelines indicated in 3503.C.3. All peer consultation sessions must include at least one LMFT.

E.3. - F.3. ...

4. Completed peer supervision form

5. For authoring, editing, or reviewing professional manuscripts or presentations in the area of marriage and family therapy:

i. copy of article plus the table of contents of the journal it appears in

ii. copy of chapter plus table of contents for chapter authored for books

iii. title page and table of contents for authoring or editing books

iv. letter from conference coordinator or journal editor for reviewing refereed workshop presentations or journal articles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:158 (February 2003), amended LR 29:2787 (December 2003), LR 35:1114 (June 2009), LR 38:1966 (August 2012), LR 39:1806 (July 2013), LR 41:742 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1983 (October 2017), LR 45:1204 (September 2019), LR 47:1529 (October 2021), LR 50:

Chapter 35. Renewal of License for Licensed
Marriage and Family Therapists

§3501. General Provisions

A. Licenses shall be renewed every two years. The licensee shall submit an application form and payment of the renewal fee. Upon approval by the advisory committee, the board shall issue a document renewing the license for two years.

B. ...

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 29:160 (February 2003), amended LR 29:2789 (December 2003). LR 50:

§3503. Continuing Education Requirements

A. - A.2. ...

3. Accrual of continuing education begins after the date the license was issued for initial licensure and only during the renewal period for renewal applicants. The renewal period is January 1 to December 31.

4. Continuing education hours accrued beyond the required 40 clock hours may not be applied toward the next renewal period.

5. ...

6. At the time of renewal 10 percent of the licensees will be audited to ensure that the continuing education requirement is being met. Licensees audited will be notified as specified in §3503.B of their continuing education hours.

7. - 8. ...

9. A licensee must accrue six clock hours of training in diagnosis every renewal period that specifically addresses the assessment, diagnosis, and treatment of clinical conditions under the most recent *Diagnostic and Statistical Manual of Mental Disorders*, as published by the American Psychiatric Association. This required training may be specific to the diagnosis, assessment, and treatment of a particular condition and/or may be general training in diagnosis, assessment, and treatment under the most recent *Diagnostic and Statistical Manual of Mental Disorders*.

A.10. - B.3. ...

4. Completed peer consultation form

5. For authoring, editing, or reviewing professional manuscripts or presentations in the area of marriage and family therapy:

- i. copy of article plus the table of contents of the journal it appears in
- ii. copy of chapter plus table of contents for chapter authored for books
- iii. title page and table of contents for authoring or editing books
- iv. letter from conference coordinator or journal editor for reviewing refereed workshop presentations or journal articles.

C. ...

1. An LMFT may obtain the 40 clock hours of continuing education through the options listed. Effective January 1, 2017, a maximum of 20 CEHs may be obtained through an online format, with the exception of coursework obtained through a regionally accredited institution of higher education. All continuing education hours may be obtained through Subparagraph a or 20 of the 40 hours may be obtained through Subparagraph b:

C.2.a. ...

i. The advisory committee will accept workshops and presentations approved by, the Louisiana Counseling Association (LCA), the American Association for Marriage and Family Therapy (AAMFT) and its regional or state divisions including the Louisiana Association for Marriage and Family Therapy (LAMFT). Contact them directly to find out which organizations, groups, or individuals are approved providers. Graduate coursework either taken for credit or audit must be from a regionally accredited college or university and in the areas of marriage and family therapy described in Paragraph C.3.

C.2.a.ii. - C.2.b.i.(b). ...

ii. Original presentations at workshops, seminars, symposia, and meetings in an area of marriage and family therapy as described in Paragraph C.3 may count for up to 10 hours maximum at a rate of three clock hours per one-hour presentation. Presenters must meet the qualifications stated in Subparagraph 2.a. The presentation must be to the professional community, not to the lay public or a classroom presentation.

iii. Peer Consultation (10 hours maximum per renewal period). One may receive one clock hour of continuing education per hour of participation in peer consultation activities. Per consultation content must meet the guidelines indicated in 3503.C.3. All peer consultation sessions must include at least one LMFT.

C.3. - C.3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), repromulgated LR 29:581 (April 2003), amended LR 29:2789 (December 2003), LR 41:752 (April 2015), LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by October 10, 2024, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Continuing Education for PLMFTs and LMFTs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, which is approximately \$900 in FY 25 related to publishing the proposed rule and final

rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. The cost of rulemaking will be paid from self-generated funds.

Existing rules provide that preapproved continuing education for Licensed Marriage and Family Therapists (LMFT) may be provided by the American Association for Marriage and Family Therapy (AAMFT) and its regional or state divisions. The proposed changes would allow additional preapproval of continuing education hours by the Louisiana Counseling Association (LCA). Secondly, the proposed changes add peer consultation as a mode of accruing continuing education hours for LMFTs, as it is currently permitted for Licensed Professional Counselors (LPC). Thirdly, the continuing education hours for original presentations would count as three continuing education hours per one hour presentation for LMFTs. Currently, the ratio is two continuing education hours per one hour presentation. For informational purposes, rules for LPCs currently allow five continuing education hours per one hour presentation. The proposed changes also include technical revisions that were made to provide clarity on the definition of continuing education and the requirement that information be submitted to the board online rather than via mail.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Applicants for license renewal may benefit from the additional modes of obtaining continuing education provided under the proposed changes. Peer consultation does not require preapproved coursework, and a licensee can obtain up to ten hours via this mode. The proposed changes will allow licensees to accrue more continuing education hours via presentations. The addition of the LCA as a preapproved continuing education provider for LMFTs may also benefit renewal applicants as they can obtain preapproval of continuing education for both the LPC and LMFT licenses at one annual conference.

The proposed rule changes may result in decreased income to accredited providers of continuing education coursework or professional associations, as licensees will be able to obtain continuing education hours from additional sources under the proposed changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes may result in increased competition among continuing education providers as there will be more options for preapproved coursework and additional methods for accruing hours. The proposed rule changes are not expected to affect employment.

Jamie S. Doming
Executive Director
2409#053

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Licensed Professional Counselors Board of Examiners**

Endorsement
(LAC 46: LX.1101 and 3701)

In accordance with the applicable provisions of the Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to amend the requirement for endorsement applicants.

The Licensed Professional Counselors Board of Examiners hereby gives notice of intent to propose changes to Chapter 11 Section 1101 and Chapter 37 Section 3701 for publication in the September 20, 2024, edition of the *Louisiana Register*.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part LX. Licensed Professional Counselors Board of
Examiners**

**Subpart 1. Licensed Professional Counselors
Chapter 11. Endorsement and Expedited Processing
§1101. Endorsement**

A. Upon recommendation of the board, the board shall issue a license to any person who has been licensed as a licensed professional counselor and has actively practiced mental health counseling for at least one year in another jurisdiction. The applicant must submit an application on forms prescribed by the board in the prescribed manner and pay the required licensure fee. Applicants must also provide proof of having passed the National Counselor Examination (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE) or successfully complete an oral exam administered by the board. An applicant must submit documentation of at least 40 CEHs, in accordance with the requirements listed in Chapter 7, within two years of the date of application for licensure endorsement in Louisiana. An applicant must also be in good standing in all jurisdictions in which they are licensed and must not have been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice mental health counseling in the state of Louisiana at the time the act was committed.

B. Upon recommendation of the board, the board shall issue a license to any person licensed as a licensed as a licensed professional counselor for less than one year in another jurisdiction whose requirements for the license are substantially equivalent to or exceed the requirements of the state of Louisiana. The applicant must submit an application