



LOUISIANA

Licensed Professional Counselors Board of Examiners

March 21, 2025

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.901. 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.

The Louisiana Telehealth Act (R.S. 40:1223.1–R.S. 40:1223.5) mandates that each state agency, professional or occupational licensing board, or commission regulating the practice of a healthcare provider, as defined in this part, must promulgate rules in accordance with the Administrative Procedure Act. These rules are required to facilitate, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice governed by the licensing entity. Additionally, the Telehealth Act authorizes each state agency, professional, or occupational licensing board or commission to establish reasonable fees for licenses or registrations through rulemaking.

The proposed rule will allow fully licensed counselors or therapists from other states to register in Louisiana to provide mental health counseling services if their license is unencumbered. The registration fee will be \$100, with a renewal fee of \$50. Additionally, out-of-state providers will still have the option to apply for an endorsement license to practice in Louisiana for a fee of \$300.

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 policy of the Louisiana Mental Health Counselor Practice Act, as stated in LA R.S. 37:1103, is that activities of such persons in the mental health counseling area should be regulated for the protection of the public health, safety, and welfare and to provide for the regulation of the practice of mental health counseling in the state of Louisiana.

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 proposed rule changes will provide out-of-state mental health providers with a reduced registration fee to offer teletherapy services in Louisiana. This may benefit Licensed Professional Counselors (LPCs) and Licensed Marriage and Family Therapists (LMFTs) by simplifying the process of practicing in Louisiana, provided they are licensed and in good standing in another jurisdiction. Additionally, this change could benefit Louisiana residents by increasing their access to LPCs and LMFTs.

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 February 2025 Louisiana Register with public comments being accepted until March 14, 2025. 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 (Not 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

Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on March 13, 2025. 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 April 1, 2025 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 March 13, 2025. 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: Nursing Facilities Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation in FY 24-25. It is anticipated that \$648 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the licensing of nursing facilities (NFs) in order to require NFs to access the certified nurse aide (CNA) registry and the Louisiana adverse actions list prior to hire and then monthly thereafter to ensure that a prospective hire or currently employed or contracted CNA does not have a finding.

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

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections in FY 24-25, FY 25-26, or FY 26-27.

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

It is anticipated that implementation of this proposed rule will not result in costs to providers in FY 24-25, FY 25-26, or FY 26-27.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This proposed rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2502#038

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Teletherapy Registration Fee (LAC 46:LX.901)

In accordance with the applicable provisions of the Louisiana 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 provide licensed counselors or therapists from other states to

register to provide mental health counseling services via telehealth if their license is unencumbered. The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 9 Section 901 in the February 20, 2025, 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 9. Fees

§901. General

A. - A.4. ...

5. out of state teletherapy registration—\$100;
6. application for appraisal, board-approved supervisor, and other specialty areas—\$100;
7. application for change/additional board-approved supervisor—\$50;
8. application for expedited review—\$55;
9. renewal of license—\$170;
10. renewal of provisional license—\$85;
11. renewal of teletherapy registration, appraisal, board-approved supervisor, and other specialty areas—\$50;
12. late fee for renewal of license—\$55;
13. late fee for renewal of provisional license—\$55;
14. late fee for renewal of appraisal, board-approved supervisor, and other specialty areas—\$25;
15. reissue of license duplicate—\$25;
16. copy of file—\$25;
17. copy of any documents—cost incurred.

B. - E. ...

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 29:136 (February 2003), amended LR 29:2783 (December 2003), LR 39:1790 (July 2013), LR 41:723 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:437 (March 2019), LR 49:1087 (June 2023), LR 51:

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 March 14, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Teletherapy Registration Fee

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

The state board will develop a database and licensure application for telehealth registrants, with an estimated cost of approximately \$50,000 in FY 25, funded through self-generated revenue. Rulemaking, which involves publishing the proposed and final rule in the *Louisiana Register*, is expected to cost approximately \$800 in FY 25.

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

If more individuals from other states seek registration to practice teletherapy in Louisiana under the new regulation, licensure fee revenues for the Louisiana Licensed Professional Counselors Board may increase correspondingly. However, the extent of this potential increase is currently indeterminable. Conversely, if out-of-state licensees allow their existing endorsement licenses to expire and instead opt to pay the registration fee for teletherapy privileges, the board's revenue could decrease. The magnitude of this potential decrease is also indeterminable.

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

The proposed rule changes will provide out-of-state mental health providers with a reduced registration fee to offer teletherapy services in Louisiana. This may benefit Licensed Professional Counselors (LPCs) and Licensed Marriage and Family Therapists (LMFTs) by simplifying the process of practicing in Louisiana, provided they are licensed and in good standing in another jurisdiction. Additionally, this change could benefit Louisiana residents by increasing their access to LPCs and LMFTs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes could impact employment and competition by encouraging individuals from other states to seek registration to provide mental health counseling in Louisiana under the new regulations. However, the overall effect on competition and employment cannot be determined, as it is unclear how many additional individuals will pursue licensure as a result of the proposed changes.

Jamie Doming
Executive Director
2502#031

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

Accident Reports (LAC 55:I.Chapter 9)

In accordance with the provisions of R.S. 32:398(E), the Department of Public Safety and Corrections, Public Safety Services, Office of State Police (Department) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department hereby proposes to supplement and amend Title 55, Part I, Chapter 9, Section 901 regarding the cost of photographs and video/audio recordings (Body Worn Cameras) pertaining to accident reports.

The proposed Rule establishes a fee to obtain photographs and videos/audio recordings (BWC) relative to accident reports.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 9. Photographs and Videos

§901. Costs of Photographs and Videos Pertaining to Accident Reports

A. The following rules apply to the sale of photographs pertaining to accident reports:

1. Pursuant to R.S. 32:398 (E), the following fee scale shall be used for the sale of photographs and video/audio, body-worn camera (BWC) and in-car camera (ICC), pertaining to accident report.

a. For a proof sheet that includes thumbnails of all photographs, the cost shall be \$10 per sheet. Each sheet holds a maximum of 40 thumbnails.

b. For an individual photograph selected from the proof sheet, the cost shall be \$15 per individual photograph.

c. For an entire set of photographs (with or without purchasing the proof sheet), the cost shall be \$10 per photograph.

d. For a CD containing the photographs, the cost shall be \$10 per CD.

2. Photographs are available for purchase online at lsp.org, via facsimile to 225-925-4401, or via U.S. mail to: Office of State Police, Photo Lab, D-3, P.O. Box 66614, Baton Rouge, LA 70896.

3. Photographs and CDs will be shipped within three to five business days after receiving payment.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Jamie S. Doming Dept: Health
Phone: 225.295.8444 Office: LA Licensed Professional Counselors Board of Examiners
Return Address: 11410 Lake Sherwood Ave N STE A Rule Title: Teletherapy Registration
Baton Rouge, LA 70816

Date Rule Takes Effect: Immediate

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

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

The state board will develop a database and licensure application for telehealth registrants, with an estimated cost of approximately \$50,000 in FY 25, funded through self-generated revenue. Rulemaking, which involves publishing the proposed and final rule in the *Louisiana Register*, is expected to cost approximately \$800 in FY 25.

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

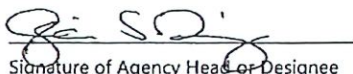
If more individuals from other states seek registration to practice teletherapy in Louisiana under the new regulation, licensure fee revenues for the Louisiana Licensed Professional Counselors Board may increase correspondingly. However, the extent of this potential increase is currently indeterminable. Conversely, if out-of-state licensees allow their existing endorsement licenses to expire and instead opt to pay the registration fee for teletherapy privileges, the board's revenue could decrease. The magnitude of this potential decrease is also indeterminable.

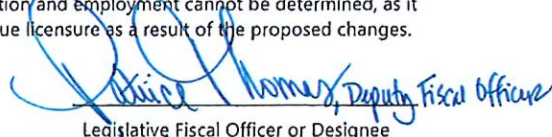
III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule changes will provide out-of-state mental health providers with a reduced registration fee to offer teletherapy services in Louisiana. This may benefit Licensed Professional Counselors (LPCs) and Licensed Marriage and Family Therapists (LMFTs) by simplifying the process of practicing in Louisiana, provided they are licensed and in good standing in another jurisdiction. Additionally, this change could benefit Louisiana residents by increasing their access to LPCs and LMFTs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes could impact employment and competition by encouraging individuals from other states to seek registration to provide mental health counseling in Louisiana under the new regulations. However, the overall effect on competition and employment cannot be determined, as it is unclear how many additional individuals will pursue licensure as a result of the proposed changes.


Signature of Agency Head or Designee
Jamie Doming, Executive Director
Typed Name & Title of Agency Head or Designee


Legislative Fiscal Officer or Designee
1/09/2025
Date of Signature

1/8/2025
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule will allow fully licensed counselors or therapists from other states to register in Louisiana to provide mental health counseling services if their license is unencumbered. The registration fee will be \$100, with a renewal fee of \$50. Additionally, out-of-state providers will still have the option to apply for an endorsement license to practice in Louisiana for a fee of \$300.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The Louisiana Telehealth Act (R.S. 40:1223.1-R.S. 40:1223.5) mandates that each state agency, professional or occupational licensing board, or commission regulating the practice of a healthcare provider, as defined in this part, must promulgate rules in accordance with the Administrative Procedure Act. These rules are required to facilitate, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice governed by the licensing entity. Additionally, the Telehealth Act authorizes each state agency, professional, or occupational licensing board or commission to establish reasonable fees for licenses or registrations through rulemaking.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule change will not require any additional funding or expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) X NO. If no, provide justification as to why this rule change should be published at this time

The Louisiana Licensed Professional Counselors Board operates on self-generated funds and receives no funding from the Legislature.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 25	FY 26	FY 27
Personal Services	\$0	\$0	\$0
Operating Expenses	\$50,800	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repairs & Constr.	\$0	\$0	\$0
TOTAL	\$50,800	\$0	\$0
POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The state board will develop a database and licensure application for telehealth registrants, with an estimated cost of approximately \$50,000, funded through self-generated revenue. Rulemaking, which involves publishing the proposed and final rule in the *Louisiana Register*, is expected to cost approximately \$800 in FY 25. This cost will also be covered using self-generated funds.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 25	FY 26	FY 27
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$50,800	\$0	\$0
Dedicated	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Other (Specify)	\$0	\$0	\$0
TOTAL	\$50,800	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, the Louisiana Licensed Professional Counselors Board currently has sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule changes are not anticipated to reset in any costs or savings to local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 25	FY 26	FY 27
State General Fund	\$0	\$0	\$0
Agency Self-Generated	SEE BELOW	SEE BELOW	SEE BELOW
Dedicated Funds*	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

If more individuals from other states seek registration to practice teletherapy in Louisiana under the new regulation, licensure fee revenues for the Louisiana Licensed Professional Counselors Board may increase correspondingly. However, the extent of this potential increase is currently indeterminable. Conversely, if out-of-state licensees allow their existing endorsement licenses to expire and instead opt to pay the registration fee for teletherapy privileges, the board's revenue could decrease. The magnitude of this potential decrease is also indeterminable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR
NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule changes will provide out-of-state mental health providers with a reduced registration fee to offer teletherapy services in Louisiana. This may benefit Licensed Professional Counselors (LPCs) and Licensed Marriage and Family Therapists (LMFTs) by simplifying the process of practicing in Louisiana, provided they are licensed and in good standing in another jurisdiction. Additionally, this change could benefit Louisiana residents by increasing their access to LPCs and LMFTs.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

An out-of-state licensee obtaining a telehealth registration under the proposed rule changes may experience an increase in income.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes could impact employment and competition by encouraging individuals from other states to seek registration to provide mental health counseling in Louisiana under the new regulations. However, the overall effect on competition and employment cannot be determined, as it is unclear how many additional individuals will pursue licensure as a result of the proposed changes.

NOTICE OF INTENT
Department of Health
Licensed Professional Counselors Board of Examiners
Teletherapy Registration Fee (LAC 46: LX.901)

In accordance with the applicable provisions of the Louisiana 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 provide licensed counselors or therapists from other state to register to provide mental health counseling services via telehealth if their license is unencumbered. The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 9 Section 901 in the February 20, 2025, edition of the Louisiana Register.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED
Part LX. Licensed Professional Counselors Board of Examiners
Subpart 1. Licensed Professional Counselors
Chapter 9. Fees

§901. General

A. The board shall collect the following fees:

1. licensure application, license and seal—\$200;
2. out of state licensure application, license, and seal—\$300;
3. provisional licensure application and license—\$100;
4. out of state provisional licensure application and license—\$150;
5. out of state teletherapy registration—\$100;
- 5 6. application for appraisal, board-approved supervisor, and other specialty areas—\$100;
- ~~6~~7. application for change/additional board-approved supervisor—\$50;
- 7 8. application for expedited review—\$55;
- 8 9. renewal of license—\$170;
- 9 10. renewal of provisional license—\$85;
- ~~10~~ 11. renewal of teletherapy registration, appraisal, board-approved supervisor, and other specialty areas—\$50;
- ~~11~~12. late fee for renewal of license—\$55;
- ~~12~~ 13. late fee for renewal of provisional license—\$55;
- ~~13~~ 14. late fee for renewal of appraisal, board-approved supervisor, and other specialty areas—\$25;
- ~~14~~15. reissue of license duplicate—\$25;
- ~~15~~ 16. copy of file—\$25;
- ~~16~~17. copy of any documents—cost incurred.

B. Late fees will be incurred the day after a licensee's designated renewal deadline (no grace period). No part of any fee shall be refundable under any conditions. The renewal shall be deemed timely when:

1. the renewal is delivered on or before the due date; or

2. the renewal is postmarked and mailed on or before the due date. The timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. For purpose of this Section, "by mail" applies only to the United States Postal Service.

C. The board may assess and collect fines in an amount not to exceed \$500 for violations of Chapter 9 and rules promulgated by the board.

D. Senate Concurrent Resolution 104 of the Regular Session of the Louisiana Legislature suspended certain state law provisions relative to continuing education, annual applications, and/or annual payment of licensing fees for individuals on "active military service."

E. Licensees who are placed on active duty status shall immediately notify the board of such status, and provide documentation of same, and shall likewise promptly notify the board, and provide documentation of the cessation of active duty status. Licensees with questions concerning the continued applicability of the resolution should contact the board office.

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 29:136 (February 2003), amended LR 29:2783 (December 2003), LR 39:1790 (July 2013), LR 41:723 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:437 (March 2019), LR 49:1087 (June 2023).

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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;
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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 March 14, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

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

The state board will develop a database and licensure application for telehealth registrants, with an estimated cost of approximately \$50,000 in FY 25, funded through self-generated revenue. Rulemaking, which involves publishing the proposed and final rule in the *Louisiana Register*, is expected to cost approximately \$800 in FY 25.

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

If more individuals from other states seek registration to practice teletherapy in Louisiana under the new regulation, licensure fee revenues for the Louisiana Licensed Professional Counselors Board may increase correspondingly. However, the extent of this potential increase is currently indeterminable. Conversely, if out-of-state licensees allow their existing endorsement licenses to expire and instead opt to pay the registration fee for teletherapy privileges, the board's revenue could decrease. The magnitude of this potential decrease is also indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-
GOVERNMENTAL GROUPS (Summary)

The proposed rule changes will provide out-of-state mental health providers with a reduced registration fee to offer teletherapy services in Louisiana. This may benefit Licensed Professional Counselors (LPCs) and Licensed Marriage and Family Therapists (LMFTs) by simplifying the process of practicing in Louisiana, provided they are licensed and in good standing in another jurisdiction. Additionally, this change could benefit Louisiana residents by increasing their access to LPCs and LMFTs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes could impact employment and competition by encouraging individuals from other states to seek registration to provide mental health counseling in Louisiana under the new regulations. However, the overall effect on competition and employment cannot be determined, as it is unclear how many additional individuals will pursue licensure as a result of the proposed changes.