

NOTICE OF INTENT
Department of Health
Licensed Professional Counselors Board of Examiners
Teletherapy Registration
(LAC 46: LX. 503 and 505)

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 5, Section 503 and 505 for publication in the May 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 5. License and Practice of Counseling

§503. Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

A. ...

Criminal History Record Information—information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising from, including sentencing, criminal correctional supervision and release. It shall not include intelligence information gathered for investigatory ~~purposes~~ ~~purposed~~ or any identification information that does not indicate involvement of the individual in the criminal justice system.

Licensee—an individual holding ~~either an approved registration as a telehealth provider or~~ a full or provisional Louisiana license issued by the ~~board Louisiana Licensed Professional Counselors Board of Examiners.~~ All *licensees* must accurately identify themselves as licensed for telehealth, fully licensed (i.e., licensed) or provisionally licensed.

Telehealth Registration—

a. 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

AUTHORITY NOTE: Promulgated in accordance with R.S. 371101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 16:302 (April 1990), LR 18:51 (January, 1992), LR 22:101 (February 1996), LR 24:437 (March 1998), LR 24:2124 (November 1998), LR 26:493 (March 2000), LR 29:130 (February 2003), LR 33:2654 (December 2007), LR 39:1783 (July 2013), LR 41:710 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:757 (June 2019), LR 46:1686 (December 2020)); **LR 51: ____**.

**§505. Teletherapy Guidelines for Registrants and Licensees
(Formerly Diagnosing for Serious Mental Illnesses)**

A.-C. ...

D. Licensees shall provide services consistent with the jurisdictional licensing laws and rules in both the jurisdiction in which licensee is physically located and where the client is physically located. Licensees providing teletherapy services to clients outside of Louisiana must comply with the regulations in the state in which the client is located at the time of service. The licensee shall contact the licensing board in the state where the client is located and document all relevant regulations regarding teletherapy. A nonresident of Louisiana who wishes to provide teletherapy health services in Louisiana must ~~be licensed~~ have approval by the board.

E. Teletherapy is a specialty area and requires board approval. ~~Registrants Licensees~~ who may provide teletherapy must meet the following requirements.

1. The licensee must ~~be licensed~~ have board approval in Louisiana.

E.2 -E.3.a.viii. ...

45. Louisiana ~~L~~icensees privileged in teletherapy must accrue three clock hours of continuing education during each renewal period.

F. – K ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 45:438 (March 2019), amended LR 46:1687 (December 2020); **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 June 10, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Licensed Professional Counselors Board of Examiners is approximately \$800 in FY 25 for the notice and rule publication in the Louisiana Register.

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

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

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

Proposed rule changes establish registration process for out-of-state licensed mental health professionals to provide teletherapy services to Louisiana clients. The rule defines telehealth registration, outlines eligibility and background check requirements, and sets practice standards consistent with in-person care. Additionally, the rule specifies training and continuing education requirements, informed consent procedures, documentation standards, and disciplinary provisions applicable to both Louisiana licensees and telehealth registrants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.