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To: Ms. Raelene Lundin
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From: Jessica Weimer
Louisiana Department of Justice
Occupational Licensing Review Program

Date: November 22, 2024

Subject: Louisiana Licensed Professional Counselors Board of Examiners
Proposed Amendments to LAC 46:LX.1101, 3701
Licensed Professional Counselors – Endorsement of Licensed Professional
Counselors and Licensed Marriage and Family Therapists

I. SUMMARY

The Louisiana Licensed Professional Counselors Board of Examiners (the “**Board**”) proposes amending LAC 46:LX.1101 and 3701 (the “**Proposed Amendments**”), regulating endorsement of Licensed Professional Counselors (“**LPC**”) and Licensed Marriage and Family Therapists (“**LMFT**”).¹ The Proposed Amendments reduce the number of years allowed for endorsement of licensure to any person who is licensed and actively practicing in another jurisdiction to align with Act 253 of the 2024 Legislative Session.

The Board published a Notice of Intent to promulgate the Proposed Amendments on September 20, 2024.² The Notice invited public comments on these Proposed Amendments until October 10, 2024 and received none.³

Licensing requirements create barriers to market entry for individuals desiring to engage in a profession or occupation, and the Proposed Amendments to §1101 and 3701 are therefore properly considered occupational regulations with reasonably foreseeable anti-competitive effects.⁴

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on September 22, 2024. The OLRP invited public comments on the Proposed Amendments October 23, 2024

¹ Louisiana Register, Vol. 50, No 9 at pgs 1359-1362

² Id.

³ Id. at 1361

⁴ La. R.S. 49:260 G(4)

through November 6, 2024 and received no comments. As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:LX §1101 and 3701 adhere to clearly articulated state policy and therefore approves the Proposed Amendments for adoption as drafted.

II. ANALYSIS

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.”⁵ Pursuant to the Louisiana Mental Health Counselor Licensing Act (the “*LMHCLA*”)⁶, 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 welfare⁷ 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*.⁸ 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.”⁹

A. Proposed Amendment to §1101 and 3701 Regarding Endorsement of LPC and LMFT

Currently, the board shall issue a license to any person who has been licensed as a LPC or LMFT and has actively practiced in mental health counseling or as a marriage and family therapist for at least five years in another jurisdiction. The Board proposes reducing the requirement and allowing for endorsement of licensure at one year in order to align with Act 253 of the 2024 Legislative Session, also known as the “Welcome Home Act”, effective August 1, 2024.¹⁰

In accordance with the *LMHCLA*, the Board is responsible for developing rules, regulations, and examinations for licensed professional counselors¹¹ for the protection of public health, safety, and welfare.¹² Further, the Board may examine, approve, revoke, suspend and renew the license of applications for a LPC or LMFT.”¹³ By enacting the “Welcome Home Act”, it is the policy of the State to attract skilled professionals to the state of Louisiana through the endorsement of licensure in this state¹⁴. The Board is tasked with regulating LPCs and LMFTs

⁵ LAC 46: LX.101, LA R.S. 37:1102

⁶ LA R.S. 37:1101 et. seq.

⁷ LA R.S. 37:1102

⁸ LA R.S. 37:1104 (B)(2)(c)(i)

⁹ LA R.S. 37:1107 (G)(2)

¹⁰ LA R.S. 37:51-59 at 37:52

¹¹ LA R.S. 37:1107 (G)(2)

¹² LA R.S. 37:1102

¹³ LA R.S. 37:1105 (E), LA R.S. 37:1105 (G)

¹⁴ [Landry Applauds the Passage of the Welcome Home Act | Office of Governor Jeff Landry](#)

by establishing rules, regulations, and procedures required to obtain licensure as a LPC or LMFT in the State of Louisiana. Thus, the Proposed Amendments align with clearly articulated state policy and are within the Board's aforementioned discretionary powers.

Determination

The Board is a state regulatory body created to provide regulation of the practice of mental health counseling by licensed professional counselors.¹⁵ The Board 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.¹⁶ Because the Proposed Amendments are within the Board's statutory authority and adhere to clearly articulated state policy, these amendments are approved as submitted by the Attorney General and may be adopted by the Board.

OFFICE OF THE ATTORNEY GENERAL
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¹⁵ LAC 47:LX.101

¹⁶ LA R.S. 37:1105(D) and LA R.37:1107(G)(2)