

2017 Regular Session

SENATE BILL NO. 38

BY SENATOR MORRELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COUNSELING/GUIDANCE. Provides with respect to mental health counselors. (gov sig)

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AN ACT

To amend and reenact R.S. 37:1103(7) and 1116(F) and to repeal R.S. 37:1103(14), relative to mental health counselors; to provide for changes to the definition of mental health counseling services; to provide for the repeal of the definition of serious mental illness; to provide for the repeal of provisions regarding consultation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1103(7) is hereby amended and reenacted to read as follows:

§1103. Definitions

* * *

(7) "Mental health counseling services" means rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed professional counselor, that is consistent with his professional training as prescribed by R.S. 37:1107(A)(6), by a provisional licensed professional counselor, that is consistent with the requirements as prescribed by R.S. 37:1107(F), and code of ethics/behavior involving the

1 application of principles, methods, or procedures of the mental health counseling
 2 profession. ~~However, nothing in this Chapter shall be construed to authorize any~~
 3 ~~person licensed under the provisions of this Chapter to assess, diagnose, or provide~~
 4 ~~treatment to any individual suffering from a serious mental illness, as defined by this~~
 5 ~~Section, when medication may be indicated, except when a licensed professional~~
 6 ~~counselor, in accordance with industry best practices, consults and collaborates with~~
 7 ~~a practitioner who holds a license or permit with the Louisiana State Board of~~
 8 ~~Medical Examiners or an advanced practice registered nurse licensed by the~~
 9 ~~Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner.~~
 10 Moreover, ~~except as provided in this Section,~~ nothing in this Chapter shall be
 11 construed to authorize any person licensed hereunder to administer or interpret
 12 **intellectual, personality, developmental, or neuropsychological** tests in
 13 accordance with the provisions of R.S. 37:2352~~(5)~~**(7)**, except as provided by Title
 14 46, Part LXIII, Chapter 17, Section 1702(E) of the Louisiana Administrative Code,
 15 or engage in the practice of psychology or to prescribe, either orally or in writing,
 16 distribute, dispense, or administer any medications. **If intellectual, personality,**
 17 **developmental, or neuropsychological tests are deemed necessary, the licensed**
 18 **professional counselor or provisional licensed professional counselor shall make**
 19 **an appropriate referral.**

* * *

20 §1116. Licensure application for marriage and family therapists; provisional license;
 21
 22 temporary license or temporary provisional license

* * *

23
 24 F. ~~Nothing in this Chapter shall be construed to authorize any person licensed~~
 25 ~~under the provisions of this Chapter to assess, diagnose, or provide treatment to any~~
 26 ~~individual suffering from a serious mental illness, as defined by R.S. 37:1103, when~~
 27 ~~medication may be indicated, except when a licensed marriage and family therapist,~~
 28 ~~in accordance with best practices, consults and collaborates with a practitioner who~~
 29 ~~holds a license or permit with the Louisiana State Board of Medical Examiners or an~~

1 advanced practice registered nurse licensed by the Louisiana State Board of Nursing
 2 who is certified as a psychiatric nurse practitioner. If intellectual, personality,
 3 developmental, or neuropsychological tests are deemed necessary, the licensed
 4 marriage and family therapist or provisional licensed marriage and family
 5 therapist shall make an appropriate referral.

6 Section 2. R.S. 37:1103(14) is hereby repealed.

7 Section 3. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

SB 38 Reengrossed

2017 Regular Session

Morrell

Present law provides that any person licensed under the mental health counselor law may not assess, diagnose, or provide treatment to any individual suffering from a serious mental illness when medication may be indicated, except when a licensed professional counselor, or a licensed marriage and family therapist in accordance with industry best practices, consults and collaborates with a practitioner who holds a license or permit with the Louisiana State Board of Medical Examiners or an advanced practice registered nurse licensed by the Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner.

Proposed law repeals present law.

Proposed law provides that if intellectual, personality, developmental, or neuropsychological tests are deemed necessary, the licensed professional counselor, provisional licensed professional counselor, the licensed marriage and family therapist, or provisional licensed marriage and family therapist will make an appropriate referral.

Present law provides a definition for serious mental illness to include schizophrenia or schizoaffective disorder, bipolar disorder, panic disorder, obsessive-compulsive disorder, major depressive disorder - moderate to severe, anorexia, bulimia, intermittent explosive disorder, autism, psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age, Rett's disorder, Tourette's disorder, and dementia.

Proposed law repeals present law.

Effective upon signature of the governor or upon lapse of time for gubernatorial action.

(Amends R.S. 37:1103(7) and 1116(F); repeals R.S. 37:1103(14))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Requires certain counselors and therapists to make a referral if certain testing is deemed necessary.
2. Makes technical corrections.