

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 194 By Senator Mills

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

MENTAL HEALTH. Provides for licensing of mental health counselors. (5/1/15)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes effective date from August 1, 2014, to May 1, 2015.
2. Makes technical changes.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Mills

SB No. 194

Present law provides for the registration as a counselor intern.

Proposed law amends present law and replaces registered counselor intern with a provisional license as a provisional professional counselor or a provisional license as a provisional marriage and family counselor.

Proposed law amends present law's definition of "mental health counseling services" to include services provided by a provisional licensed professional counselor.

Proposed law amends present law's definition of "practice of mental health counseling" to include services provided by a provisional licensed professional counselor.

Proposed law defines "provisional licensed marriage and family therapist" to mean any person who has completed the requirements as defined in present law and in applicable rules of the La. Licensed Professional Counselors Board of Examiners ("board") and who has been issued a provisional license pursuant to the provisions of present law, and such provisional license is in force and not suspended or revoked. Provides that provisional licensed marriage and family therapists may use the title "provisional licensed marriage and family therapist" only under the direction and active supervision of a board approved supervisor and only while obtaining the post-graduate degree experience required for licensure as a marriage and family therapist. Further provides that a provisional licensed marriage and family therapist shall not, under any circumstances, provide or advertise himself as authorized to provide marriage and family therapy independently.

Proposed law defines "provisional licensed professional counselor" to mean any person who has completed the requirements as defined in present law and in applicable rules of the board and who has been issued a provisional license to provide mental health counseling services and to practice mental health counseling. Provides that provisional licensed professional counselors may use the title "provisional licensed professional counselor" and may practice mental health counseling only under the direction and active supervision of a board approved supervisor and only while obtaining the post-graduate degree experience required for licensure as a professional counselor. Further provides that a provisional licensed professional counselor shall not, under any circumstances, practice mental health counseling independently or advertise that he is authorized to practice independently.

Present law provides for the board's quorum to consist of at least four members.

Proposed law amends present law to make the board's quorum consisting of at least six members.

Present law provides the board may examine, approve, revoke, suspend, and renew the license of applicants and conduct investigations into alleged violations by a licensed professional counselor or applicant.

Proposed law amends present law to provide the board may examine, approve, revoke, suspend, and renew the license of applicants and conduct investigations into alleged violations by a licensed professional counselor, provisional licensed professional counselor, or applicant.

Present law provides the board shall approve, revoke, suspend, and renew the license of applicants for licensure as marriage and family therapists upon recommendation of the advisory committee.

Proposed law amends present law to provide the board shall approve, revoke, suspend, and renew the license of applicants for licensure as marriage and family therapists and the provisional license of applicants for provisional licensure as marriage and family therapists upon recommendation of the advisory committee.

Present law provides for fees for the application, renewal, reissuance, and formal verification of registration as a counselor intern.

Proposed law amends present law by replacing "registration" with "provisional license".

Present law provides for the requirements for licensure as a professional counselor:

- (1) Is at least 21 years of age.
- (2) Is of good moral character.
- (3) Is a citizen of the United States or has legally declared his intention of becoming such.
- (4) Is a resident of the state or is in the act of establishing residency in the state.
- (5) Is not in violation of any of the provisions of the Chapter and the rules and regulations adopted hereunder.
- (6) Can document a minimum of three thousand hours of supervised experience during a minimum of two years of post-master's degree experience in professional mental health counseling under the supervision of a licensed professional counselor. 500 hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health counseling and are acceptable to the board, provided that in no case the applicant has less than 2,000 hours of supervised experience.
- (7) Has declared special competencies and demonstrated professional competence therein by passing a written and, at the discretion of the board, an oral examination, as the board shall prescribe.
- (8)
 - (a) Has received a graduate degree the substance of which is professional mental health counseling in content from a regionally accredited institution of higher education offering a graduate program in counseling that is approved by the board and has accumulated at least 48 graduate semester hours prior to September 1, 2015, and at least 60 graduate hours after September 1, 2015. All applicants shall complete a course in each of the eight required areas specified in present law and shall complete a supervised internship in mental health counseling as defined in the rules and regulations adopted by the board pursuant to the Administrative Procedure Act. Applicants may apply post-masters counseling courses towards licensure if their degree program consisted of less than 60 hours.
 - (b) The following eight areas are required to have at least one semester course:

- (i) Counseling/theories of personality.
 - (ii) Human growth and development.
 - (iii) Abnormal behavior.
 - (iv) Techniques of counseling.
 - (v) Group dynamics, processes, and counseling.
 - (vi) Lifestyle and career development.
 - (vii) Appraisal of individuals.
 - (viii) Ethics.
- (c) The following two areas are encouraged for inclusion in graduate training:
- (i) Substance abuse.
 - (ii) Marriage and family studies.
- (d) Techniques of counseling.
- (e) Group dynamics, processes, and counseling.
- (f) Lifestyle and career development.
- (g) Appraisal of individuals.
- (h) Substance abuse.
- (i) Marriage and family studies.

Proposed law amends present law to provide for the requirements for licensure as a professional counselor:

- (1) Is at least 21 years of age.
- (2) Is of good moral character.
- (3) Is not in violation of any of the provisions of present law and the rules and regulations adopted.
- (4) Can document a minimum of three thousand hours of supervised experience during a minimum of two years of post-master's degree experience in professional mental health counseling under the supervision of a licensed professional counselor. 500 hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health counseling and are acceptable to the board, provided that in no case the applicant has less than 2,000 hours of supervised experience.
- (5) Has declared special competencies and demonstrated professional competence therein by passing a written and, at the discretion of the board, an oral examination, as the board shall prescribe.
- (6) (a) Has received a graduate degree the substance of which is professional mental health counseling in content from a regionally accredited institution of higher education offering a graduate program in counseling that is approved by the board and has accumulated at least 48 graduate semester hours prior to September 1, 2015, and at least 60 graduate hours after September 1, 2015. All applicants shall complete a course in each of the eight required areas

specified in present law and shall complete a supervised internship in mental health counseling as defined in the rules and regulations adopted by the board pursuant to the Administrative Procedure Act. Applicants may apply post-masters counseling courses towards licensure if their degree program consisted of less than 60 hours.

- (b) The following eight areas are required to have at least one semester course:
 - (i) Counseling/theories of personality.
 - (ii) Human growth and development.
 - (iii) Abnormal behavior.
 - (iv) Techniques of counseling.
 - (v) Group dynamics, processes, and counseling.
 - (vi) Lifestyle and career development.
 - (vii) Appraisal of individuals.
 - (viii) Ethics.
- (c) The following two areas are encouraged for inclusion in graduate training:
 - (i) Substance abuse.
 - (ii) Marriage and family studies.
- (d) Techniques of counseling.
- (e) Group dynamics, processes, and counseling.
- (f) Lifestyle and career development.
- (g) Appraisal of individuals.
- (h) Substance abuse.
- (i) Marriage and family studies.

Present law provides pending the results of the criminal history information inquiry, the board may issue a temporary license or registration authorizing the practice of licensed professional counseling, for a period of time not to exceed 90 calendar days from the date of issuance.

Proposed law amends present law to provide pending the results of the criminal history information inquiry, the board may issue a temporary license or a temporary provisional license authorizing the practice of mental health counseling, for a period of time not to exceed 90 calendar days from the date of issuance.

Present law provides the board the authority to deny, revoke, or suspend any license or registration.

Proposed law amends present law by deleting "registration".

Present law provides no person shall assume or use the title or designation "licensed professional counselor" or engage in the practice of mental health counseling unless he has in his possession a valid license issued by the board.

Proposed law amends present law to provide no person shall assume or use the title or designation "licensed professional counselor" or "provisional licensed professional counselor" or engage in the practice of mental health counseling unless he has in his possession a valid license issued by the board.

Present law provides testimonial privileges, exceptions, and waiver with respect to communications between a licensed professional counselor and his client are governed by the Louisiana Code of Evidence.

Proposed law amends present law to provide testimonial privileges, exceptions, and waiver with respect to communications between a licensed professional counselor or a provisional licensed professional counselor and his client are governed by the Louisiana Code of Evidence.

Present law provides the board may issue a registration as a marriage and family therapist intern to an applicant who meets qualifications established by the board.

Proposed law amends present law to provide the board may issue a provisional license as a provisional licensed marriage and family therapist to an applicant who meets qualifications established by the board.

Present law provides pending the results of the criminal history information inquiry, the board may issue a temporary license or registration authorizing the practice of marriage and family therapy, for a period of time not to exceed 90 calendar days from the date of issuance.

Proposed law amends present law to provide pending the results of the criminal history information inquiry, the board may issue a temporary license or a temporary provisional license authorizing the practice of marriage and family therapy, for a period of time not to exceed 90 calendar days from the date of issuance.

Proposed law provides the board shall adopt rules pursuant to the Administrative Procedure Act establishing such qualifications and requirements for the renewal of provisional licensed marriage and family therapist licenses.

Present law provides nothing in present law shall prevent qualified members of other professional groups as defined by the board including but not limited to clinical social workers, psychiatric nurses, psychologists, physicians, licensed professional counselors, or members of the clergy, including Christian Science practitioners, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions. However, no such persons shall use the title "licensed marriage and family therapist".

Proposed law amends present law to provide nothing in present law shall prevent qualified members of other professional groups as defined by the board including but not limited to clinical social workers, psychiatric nurses, psychologists, physicians, licensed professional counselors, or members of the clergy, including Christian Science practitioners, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions. However, no such persons shall use the title "licensed marriage and family therapist" or "provisional licensed marriage and family therapist".

Present law provides no person, unless licensed as a marriage and family therapist, shall advertise as being a "licensed marriage and family therapist".

Proposed law amends present law to provide no person, unless licensed as a marriage and family therapist, shall advertise as being a "licensed marriage and family therapist" or a "provisional licensed marriage and family therapist".

Present law defines "licensure" to mean any license, certification, or registration that the board is authorized to issue.

Proposed law amends present law to define "licensure" to mean any license, provisional license, or certification that the board is authorized to issue.

Present law provides the following persons and their activities are exempted from the licensing requirements of present law:

- (1) A certified school counselor who meets the standards prescribed by the State Department of Education and the Board of Elementary and Secondary Education, while practicing school counseling within the scope of his employment by a board of education or by a private school. Nothing herein shall be construed to allow such persons to render mental health counseling services to the public unless they have also been licensed under the present law.
- (2) Any nonresident temporarily employed in this state to render mental health counseling services for not more than thirty days a year, who meets the requirements of present law for licensure or who holds a valid license and certificate issued under the authority of the laws of another state.
- (3) Any student in an accredited educational institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional mental health counselor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.
- (4) Any persons licensed, certified, or registered under any other provision of the state law, as long as the services rendered are consistent with their laws, professional training, and code of ethics, provided they do not represent themselves as licensed professional counselors or mental health counselors, unless they have also been licensed under the provisions of present law.
- (5) Any priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination, provided they are practicing within the employment of their church or religious affiliated institution and they do not represent themselves as licensed professional counselors or mental health counselors unless they have also been licensed under the provisions of present law.
- (6) Any person with a master's degree in counseling while practicing mental health counseling under the board approved supervision of a licensed professional counselor. The supervisee must use the title "counselor intern" and shall not represent himself to the public as a licensed professional counselor.

Proposed law amends present law to provide the following persons and their activities are exempted from the licensing requirements of present law:

- (1) A certified school counselor who meets the standards prescribed by the State Department of Education and the Board of Elementary and Secondary Education, while practicing school counseling within the scope of his employment by a board of education or by a private school. Nothing herein shall be construed to allow such persons to render mental health counseling services to the public unless they have also been licensed under the present law.
- (2) Any nonresident temporarily employed in this state to render mental health counseling services for not more than thirty days a year, who meets the requirements of present law for licensure or who holds a valid license and certificate issued under the authority of the laws of another state.
- (3) Any student in an accredited educational institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional mental health counselor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

- (4) Any persons licensed, certified, or registered under any other provision of the state law, as long as the services rendered are consistent with their laws, professional training, and code of ethics, provided they do not represent themselves as licensed professional counselors or mental health counselors, unless they have also been licensed under the provisions of present law.
- (5) Any priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination, provided they are practicing within the employment of their church or religious affiliated institution and they do not represent themselves as licensed professional counselors or mental health counselors unless they have also been licensed under the provisions of present law.

Present law provides any person who fails an examination conducted by the board, through the advisory committee, shall not be admitted to a subsequent examination for at least six months.

Proposed law deletes this prohibition.

Effective May 1, 2015.

(Amends R.S. 37:1102(A), 1103(7), (10)(intro para), (11), and (12), 1105(A), (E), and (G), 1106(A)(1)(a), (c), (g), and (j) and (D)(1), 1107(A), (F), and (G), 1110(A)(intro para), (A)(4)-(7) and (B) - (E), 1111(A), 1114, 1116(B)(3), (C), and (D), 1119, 1121, 1122(A), and 1123(A)(6); adds R.S. 37:1103(13) and (14); repeals R.S. 37:1113(6) and 1117(D))

Thomas L. Tyler
Deputy Chief of Staff