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

Date: May 8, 2025

Subject: Louisiana Licensed Professional Counselors Board of Examiners  
Proposed Amendment to LAC 46:LX.901  
Licensed Professional Counselors – Teletherapy Registration Fee

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**I. SUMMARY**

The Louisiana Licensed Professional Counselors Board of Examiners (the “**Board**”) proposes amending LAC 46:LX.901 (the “**Proposed Amendment**”), regulating the Teletherapy Registration Fees for Licensed Professional Counselors.<sup>1</sup> The Proposed Amendment provides out of state mental health providers with a reduced registration fee to offer teletherapy services in Louisiana.

The Board published a Notice of Intent to promulgate the Proposed Amendment on February 20, 2025.<sup>2</sup> The Notice invited public comments on the Proposed Amendment until March 14, 2025 and received none.<sup>3</sup>

Licensing and registration fees create barriers to market entry for individuals desiring to engage in a profession or occupation, and the Proposed Amendment to §901 is therefore properly considered an occupational regulation with reasonably foreseeable anti-competitive effects.<sup>4</sup>

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendment to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on March 21, 2025. The OLRP invited public comments on the Proposed Amendment March 25 through April 3, 2025 and received no comments. As set forth below, the OLRP has determined the Board’s Proposed Amendment to LAC 46: LX §901 adheres to clearly articulated state policy and therefore approves the Proposed Amendment for adoption as drafted.

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<sup>1</sup> Louisiana Register, Vol. 51, No 2 at pgs. 319-320

<sup>2</sup> Id.

<sup>3</sup> Id. at 1366.

<sup>4</sup> La. R.S. 49:260 G(4)

## II. ANALYSIS

### A. Statutory Authority

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.”<sup>5</sup> Pursuant to the Louisiana Mental Health Counselor Licensing Act (the “*LMHCLA*”)<sup>6</sup>, 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 welfare<sup>7</sup> 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*.<sup>8</sup> 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.”<sup>9</sup> Fees may be established and collected by the Board and set by rule not to exceed statutorily set maximum amounts.<sup>10</sup>

The Mental Health Counselor Licensure Compact,<sup>11</sup> enacted in Louisiana effective August 1, 2022, was established to facilitate the interstate practice of licensed professional counselors and improve public access to counseling services. Pursuant to the provisions of the compact, a licensed professional counselor holding a valid license issued by a home state in accordance with the Compact is authorized to engage in the practice of professional counseling in any member state via telehealth, under the privilege to practice conferred by the Compact.<sup>12</sup> Such practice is governed by, and subject to, the laws and regulations of the remote state.<sup>13</sup>

### B. Proposed Amendment

LAC 46:LX.901 sets the fees collected by the Board for licensure application and renewal, appraisal application and renewal, late fees, and copies of files and/or documents. The Board proposes establishing an out of state teletherapy registration fee of one hundred dollars (\$100.00) and a teletherapy renewal fee of fifty dollars (\$50.00).

Pursuant to LA R.S. 37:1106, fees established and collected by the Board shall not exceed two hundred dollars (\$200.00) for application of a privilege, credential or provisional license, and three hundred dollars (\$300.00) for renewal of a license, privilege, credential, or provisional

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<sup>5</sup> LAC 46: LX.101, LA R.S. 37:1102

<sup>6</sup> LA R.S. 37:1101 et. seq.

<sup>7</sup> LA R.S. 37:1102

<sup>8</sup> LA R.S. 37:1104 (B)(2)(c)(i)

<sup>9</sup> LA R.S. 37:1107 (G)(2)

<sup>10</sup> LA R.S. 37:1106

<sup>11</sup> LA R.S. 37:1131 *et seq.*

<sup>12</sup> LA R.S. 37:1137

<sup>13</sup> *Id*

license. Registration fees create a barrier to market participation. Though necessary to fund the Board's regulatory oversight and administrative processes, the fees collected by the Board must prevent any undue restraints on those in the mental health counseling area while also protecting the public health, safety, and welfare.<sup>14</sup> The fees proposed by the Board for the out of state teletherapy registration and renewal of the teletherapy registration are below the statutory maximum set and do not provide an undue burden on out of state professional counselors, as the proposed fee is equal to or less than the fee for an in-state practitioner. The OLRP finds that the proposed amendment is within the Board's statutory authority and adheres to clearly articulated state policy.

### **Determination**

The Board is a state regulatory body created to provide regulation of the practice of mental health counseling by licensed professional counselors.<sup>15</sup> The Board holds the statutory authority to adopt rules, regulations, and examination procedures as deemed necessary and to establish the fees to obtain such license for the protection of the health and welfare of the residents of the state.<sup>16</sup> Because the Proposed Amendment is within the Board's statutory authority and adheres to clearly articulated state policy, the amendment is approved as submitted to the Attorney General and may be adopted by the Board in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL  
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<sup>14</sup> LA R.S. 37:1102

<sup>15</sup> LAC 47:LX.101

<sup>16</sup> LA R.S. 37:1105(D) and LA R.37:1106