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

Date: June 30, 2025

Subject: Louisiana Licensed Professional Counselors Board of Examiners
Proposed Amendments to LAC 46:LX.707
Licensed Professional Counselors – Certificate of Completion S-Renewal

I. SUMMARY

The Louisiana Licensed Professional Counselors Board of Examiners (the “**Board**”) proposes amending LAC 46:LX.707 (the “**Proposed Amendment**”), regulating the Certificate of Completion for Supervisors for Licensed Professional Counselors.¹ The Proposed Amendment requires supervisors to complete a bi-annual training, which will be made available on the Board’s website.

The Board published a Notice of Intent to promulgate the Proposed Amendments on March 20, 2025.² The Notice invited public comments on these Proposed Amendments until April 10, 2025 and received none.³

Licensing and continuing education (“**CE**”) requirements create barriers to market entry for individuals desiring to engage in a profession or occupation, and the Proposed Amendment to §707 is therefore properly considered an occupational regulation with reasonably foreseeable anti-competitive effects.⁴

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 May 29, 2025. The OLRP invited public comments on the Proposed Amendment May 30 through June 13, 2025 and received no comments. As set forth below, the OLRP has determined the Board’s

¹ Louisiana Register, Vol. 51, No 3 at pgs 435-437

² Id.

³ Id. at 435

⁴ La. R.S. 49:260 G(4)

Proposed Amendment to LAC 46:LX §707 adheres to clearly articulated state policy and therefore approves the Proposed Amendments for adoption as drafted.

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.”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

B. Proposed Amendment

Under the current rule §707, a licensee must accrue 40 clock hours of CE every two years. A Board-approved supervisor must accrue three of those 40 hours in supervision specific CE. The Board proposes requiring that supervisors also complete the bi-annual supervisor orientation provided on the Board website. According to the Board, the orientation video would address essential topics related to Board regulations, including any changes to regulatory requirements. Upon completion, the Board office would issue a Certificate of Completion to be submitted with the renewal application via the online portal. The certificate would also be available automatically on the licensee’s online portal.

The Board further notes, that unlike many other states which require a jurisprudence exam and charge a fee as part of the process to become a Board-approved supervisor, this requirement would involve no exam or cost to the licensee.

Requiring a supervisor orientation promotes public health, safety, and welfare through enhanced oversight and accountability in professional practice. Supervisors play a critical role in shaping the competence, ethics, and clinical judgment of those being supervised. By mandating a standardized, biannual orientation, the Board ensures that all supervisors are informed of current regulatory requirements, ethical obligations, and best practices. This

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)

requirement helps to prevent inconsistent or outdated supervision, reduces the risk of professional misconduct, and strengthens compliance with state laws. It also supports the state's broader public policy goals of ensuring high quality, ethical care for consumers and maintaining the integrity of the licensed professional counselors without imposing burdens such as additional fees or testing on Board approved supervisors.

The Board is authorized to adopt rules and regulations necessary for the protection of public health, safety, and welfare.¹⁰ Requiring additional training for Board-approved supervisors supports this mandate by ensuring that individuals in supervisor positions possess current knowledge of regulatory requirements, ethical standards, and best practices in clinical oversight. Supervisors provide a critical role in ensuring the competence of those they oversee, and the evolving nature of healthcare practices, laws, and professional standards necessitates ongoing education. Without periodic training, supervisors may rely on outdated or inconsistent practices, potentially compromising the quality of care provided by those under their supervision. The proposed bi-annual orientation ensures that supervisors remain informed about changes in Board regulations and professional expectations, thereby reducing the risk of harm to the public and enhancing the quality of services delivered. Accordingly, this amendment aligns with clearly articulated state policy and falls squarely within the Board's statutory authority.

Determination

The Board is a state regulatory body created to provide regulation of the practice of mental health counseling by licensed professional counselors.¹¹ 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.¹² Because the Proposed Amendments are within the Board's statutory authority and adheres 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
OCCUPATIONAL LICENSING REVIEW PROGRAM



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¹⁰ LA R.S. 37:1102

¹¹ LAC 46:LX.101

¹² LA R.S. 37:1105(D) and LA R.37:1107(G)(2)