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To: Ms. Raelene Lundin
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From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: October 20, 2025

Subject: Louisiana Licensed Professional Counselors Board of Examiners
Proposed Amendment to LAC 46:LX.503-Technical Revisions for Appraisal
Definitions

I. SUMMARY

The Louisiana Licensed Professional Counselors Board of Examiners (the “**Board**”) proposes amending LAC 46:LX.503 (the “**Proposed Amendment**”), relative to the definitions of appraisal. The Proposed Amendment makes technical revisions to the definitions of appraisal to remove language that may cause confusion for licensees related to the appraisal tools allowed for counselors.

The Board published a Notice of Intent to promulgate the Proposed Amendment on July 20, 2025.¹ The Notice invited written comments on this Proposed Amendment until August 10, 2025 and received none.

The OLRP reviews proposed occupational regulations of participating state occupational licensing boards.² An Occupational Regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”³ The Louisiana Administrative Procedure Act (“APA”) defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).⁴ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the

¹ Louisiana Register, Vol. 51, No. 7, at pgs. 999-1000

² LA RS 49:260 (B)

³ LA R.S. 49:260 (G) (4)

⁴ LA R.S. 49:951 (8)

market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁵

Technical and clarifying revisions to definitions are not likely to reduce or eliminate competition amongst practitioners in a profession and do not pose any reasonably foreseeable anti-competitive effects. Thus, such revisions do not constitute occupational regulations.

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 September 30, 2025. The *OLRP* invited public comments on the Proposed Amendment October 1, 2025 through October 14, 2025 and received no comments.

As set forth below, the *OLRP* has determined the Board’s Proposed Amendment to LAC 46: LX.503 is not an occupational regulation with any foreseeable anti-competitive effects and therefore the Board may proceed with promulgation of the Amendment as drafted without further input from the *OLRP*.

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 the use of the title of “licensed professional counselor.”⁶ Pursuant to the Louisiana Mental Health Counselor Licensing Act (the “*LMHCLA*”),⁷ 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 welfare⁸ 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*.⁹ 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.”¹⁰

B. Proposed Amendment 46:LX.503- Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

The Board proposes amending §503 to remove language that may cause confusion for licensees related to the appraisal tools allowed for counselors. The Proposed Amendment makes technical revisions to the definition of “Appraisals” under Chapter 5. It adds the word “and” to improve sentence clarity and removes the phrase “and symptom screening checklist or instruments” from

⁵ Black’s Law Dictionary, 12th Edition p. 116

⁶ LAC 46: LX.101, LA R.S. 37:1102

⁷ LA R.S. 37:1101 *et. seq.*

⁸ LA R.S. 37:1102

⁹ LA R.S. 37:1104 (B)(2)(c)(i)

¹⁰ LA R.S. 37:1107 (G)(2)

the list of tools included under appraisals. The Board asserts this change is intended to clarify the scope of appraisal activities allowed for counselors and does not create new regulatory obligation.

Additionally, the Proposed Amendment is not likely to reduce or eliminate competition within the practice of mental health counseling and does not have any reasonably foreseeable anti-competitive effects.

Therefore, the Board may proceed with promulgating the Proposed Amendment without any further input from the OLRP.

III. DETERMINATION

The Board is a state regulatory body established to regulate 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 Amendment is not an occupational regulation and does not have any foreseeable anti-competitive effects, the Board may proceed with promulgating the amendment as submitted to the Attorney General without any further input from the OLRP.

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¹¹ LAC 46:LX.101, LA R.S. 37:1101 *et seq*

¹² LA R.S. 37:1107 (G)(2)