

NOTICE OF INTENT
Department of Health
Licensed Professional Counselors Board of Examiners
Code of Ethics Requirement (LAC 46: LX.603)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to amend LAC 46: LX.603 pertaining to the required coursework in Ethics and Professional Orientation. Specifically, to require the most recent edition of the Code of Ethics as published by the American Counseling Association. The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 6 Section 603 in the August 20, 2024, edition of the Louisiana Register.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED
Part LX. Licensed Professional Counselors Board of Examiners
Subpart 1. Licensed Professional Counselors
Chapter 6. Application, Practice, and Renewal Requirements for
Provisional Licensed Professional Counselors

§603. Provisional Licensed Professional Counselors Licensing Requirements

A.1.-A.4.a.viii. ...

(a). the most recent ethical standards as published by of the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies;

A.4.a.viii.(b).—A.8...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:712 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:277 (February 2019), LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by September 10, 2024, at 5 p.m.

Jamie S. Doming
Executive Director

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Other than the cost of rulemaking, which is approximately \$400 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

Existing rules provide that in order to be eligible for supervision as a provisional licensed professional counselor, an applicant must complete at least one three-hour course covering ethics and professional orientation, including the ethical standards of the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies. The proposed rule change states that such a course must cover the **most recent edition** of the Code of Ethics as published by the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies in order to count toward licensure. As with the current rule requiring the most recent coursework in diagnosing mental illness, this rule would require the most recent continuing education or academic coursework for the code of ethics.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

To the extent that the proposed rule change decreases the number of applicants for provisional licensure, there may be a decrease in fee revenues, as the provisional licensure application carries a \$100 fee. The total amount of such a decrease, if any, is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Applicants for provisional licensure who have completed their ethics education requirements using a course that does not qualify under the proposed rule changes will need to take a newer ethics course which meets the proposed requirement. The Licensed Professional Counselors Board of Examiners estimates that between 5% and 15% of applicants submit outdated ethics coursework.

Any applicants who completed their ethics coursework prior to 2014 (when the most recent Code of Ethics was published) will need to take either a preapproved continuing education ethics course or an ethics course provided by an academic program. The board reports that preapproved continuing education ethics courses cost \$350 on average, while tuition for an ethics course provided through an academic program will vary by university.

The proposed rule change may increase revenue for accredited providers of continuing education coursework or academic institutions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes may affect employment to the extent that anyone wanting to apply for licensure with older academic coursework may choose not to apply for licensure because they would have to obtain the academic requirement through continuing education or academic coursework. The aggregate effect on competition and employment cannot be determined because it is unknown if there would be any decrease in applications for licensure due to the requirement.