Regular Session, 2012

HOUSE BILL NO. 830

BY REPRESENTATIVE SIMON

MENTAL HEALTH: Revises definitions within the Mental Health Counselors Licensing Act

1	AN ACT
2	To amend and reenact R.S. 37:1103(7) and (12)(e), relative to mental health counselors; to
3	provide with respect to certain definitions for the Mental Health Counselors
4	Licensing Act; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 37:1103(7) and (12)(e) are hereby amended and reenacted to read
7	as follows:
8	§1103. Definitions
9	* * *
10	(7) "Mental health counseling services" means rendering or offering
11	prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of
12	mental, emotional, behavioral, and addiction disorders to individuals, groups,
13	organizations, or the general public by a licensed professional counselor, which is
14	consistent with his professional training as prescribed by R.S. 37:1107(A)(8), and
15	code of ethics/behavior involving the application of principles, methods, or
16	procedures of the mental health counseling profession. However, nothing in this
17	Chapter shall be construed to authorize any person licensed pursuant to this Chapter
18	to assess, diagnose, or provide treatment to any individual suffering from a serious
19	mental illness, as defined by this Section, unless that individual is under the active
20	care of except when a licensed professional counselor, in accordance with industry

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1	best practices, consults and collaborates with a practitioner who is licensed by the
2	Louisiana State Board of Medical Examiners or a comparable state licensing
3	authority and is authorized to prescribe medications in the management of
4	psychiatric illness, and only in the context of an ongoing consultation and
5	collaboration with that practitioner. Moreover, except as provided in this Section,
6	nothing in this Chapter shall be construed to authorize any person licensed hereunder
7	to administer or interpret tests in accordance with the provisions of R.S. 37:2352(5),
8	except as provided by Title 46, Part LXIII, Chapter 17, Section 1702(E) of the
9	Louisiana Administrative Code, or engage in the practice of psychology or to
10	prescribe, either orally or in writing, distribute, dispense, or administer any
11	medications.
12	* * *
13	(12) "Serious mental illness" means any of the following diagnoses:
14	* * *
15	(e) Major depressive disorder <u>-moderate to severe</u> .
16	* * *
17	Section 2. This Act shall become effective upon signature by the governor or, if not
18	signed by the governor, upon expiration of the time for bills to become law without signature
19	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20	vetoed by the governor and subsequently approved by the legislature, this Act shall become
21	effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Simon

HB No. 830

Abstract: Amends definitions within the Mental Health Counselors Licensing Act.

<u>Present law</u> (R.S. 37:1103(7)) in pertinent part, the definition of "mental health counseling services" provides that nothing in the Mental Health Counselors Licensing Act shall be construed to authorize any person licensed under it to assess, diagnose, or provide treatment to any individual suffering from a serious mental illness, as defined by <u>present law</u>, unless that individual is under the active care of a practitioner who is licensed by the La. State

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Board of Medical Examiners and is authorized to prescribe medications in the management of psychiatric illness, and only in the context of an ongoing consultation and collaboration with that practitioner.

<u>Proposed law</u> allows a person licensed under the provisions of <u>present law</u> to assess, diagnose, or provide treatment to any individual suffering from a serious mental illness when a licensed professional counselor, in accordance with industry best practices, consults and collaborates with a practitioner who is licensed by the La. State Board of Medical Examiners or a comparable state licensing authority and is authorized to prescribe medications in the management of psychiatric illness.

<u>Present law</u> (R.S. 37:1103(12)(e)) defines "serious mental illness" to include a diagnosis of major depressive disorder.

<u>Proposed law</u> modifies <u>present law</u> by specifying that "serious mental illness" includes a diagnosis of major depressive disorder-moderate to severe.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1103(7) and (12)(e))