

Regular Session, 2010
HOUSE BILL NO. 989
BY REPRESENTATIVE STIAES

ACT No. 613

1 AN ACT

2 To amend and reenact R.S. 37:1104(A), (B)(1) and (2)(a) and (C), 1110(A)(introductory
3 paragraph), (2), (4), (5), and (7) and (E), 1116(A)(introductory paragraph) and (2),
4 (B)(introductory paragraph) and (1), and 1118 and to repeal R.S. 37:1103(12) and
5 1120, relative to licensed marriage and family therapists; to provide for an additional
6 member to the Licensed Professional Counselors Board of Examiners; to provide for
7 denial, revocation, or suspension of a licensee; to provide for changes to licensure
8 application for marriage and family therapists; to provide for changes for reciprocity
9 licensure; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:1104(A), (B)(1) and (2)(a) and (C), 1110(A)(introductory
12 paragraph), (2), (4), (5), and (7) and (E), 1116(A)(introductory paragraph) and (2),
13 (B)(introductory paragraph) and (1), and 1118 are hereby amended and reenacted to read as
14 follows:

15 §1104. Louisiana Licensed Professional Counselors Board of Examiners

16 A. There is hereby created in the Department of Health and Hospitals the
17 Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred
18 to as the "board", consisting of ~~ten~~ eleven members who shall be residents of the
19 state of Louisiana. Each term shall be for four years. Seven appointments to the
20 board, including one individual from the public at large, shall be made by the
21 governor from a list of qualified candidates submitted by the executive board of the
22 Louisiana Counseling Association. ~~Three~~ Four appointments to the board shall be
23 made by the governor from a list of qualified candidates submitted by the executive
24 board of the Louisiana Association for Marriage and Family Therapy. Each
25 appointment by the governor shall be submitted to the Senate for confirmation.

1 B.(1) The membership of the board shall consist of three licensed
 2 professional counselors, three educators who are licensed professional counselors
 3 and whose function is the training of mental health counselors in accredited
 4 programs, ~~three~~ four licensed marriage and family therapists, and one individual
 5 from the public at large. The professional membership of the board shall be licensed
 6 under this Chapter. The board shall perform such duties and exercise such powers
 7 as this Chapter prescribes and confers upon it. No member of the board shall be
 8 liable in any civil action for any act performed in good faith in the execution of his
 9 duties under this Chapter.

10 (2)(a) The board shall establish a Marriage and Family Therapy Advisory
 11 Committee, which shall consist of the ~~three~~ four licensed marriage and family
 12 therapist board members appointed by the governor from a list of names submitted
 13 by the executive board of the Louisiana Association for Marriage and Family
 14 Therapy.

15 * * *

16 C. No board member shall serve more than two full consecutive terms. Any
 17 board member may be removed by the governor or majority vote of the board, after
 18 notice and hearing, for incompetence, neglect of duty, malfeasance in office, or
 19 moral turpitude. Any vacancy occurring in board membership for the three licensed
 20 professional counselors, three counselor educators, or one member of the public at
 21 large, other than by expiration of term, shall be ~~filled~~ appointed for the remainder of
 22 the unexpired term by the governor within thirty days from a list of qualified
 23 candidates supplied by the executive board of the Louisiana Counseling Association.
 24 Any vacancy occurring in board membership for the ~~three~~ four licensed marriage and
 25 family therapists, other than by expiration of term, shall be ~~filled~~ appointed for the
 26 remainder of the unexpired term by the governor within thirty days from a list of
 27 qualified candidates supplied by the executive board of the Louisiana Association
 28 for Marriage and Family Therapy.

29 * * *

1 §1110. Denial, revocation, or suspension of license

2 A. The board shall withhold, deny, revoke, or suspend any license issued or
3 applied for in accordance with the provisions of this Chapter or otherwise discipline
4 a ~~licensed professional counselor~~ licensee upon proof that the applicant or ~~licensed~~
5 ~~professional counselor~~ licensee:

6 * * *

7 (2) Has been convicted in a court of competent jurisdiction of any crime or
8 offense which reflects the inability of the practitioner to practice ~~mental health~~
9 ~~counseling~~ with due regard for the health and safety of clients or patients.

10 * * *

11 (4) Is abusing drugs or alcohol to an extent or in a manner dangerous to any
12 other person or the public, or to an extent that said use impairs his ability to perform
13 the work of a ~~licensed professional counselor~~ licensee.

14 (5) Has impersonated another person holding a professional ~~mental health~~
15 ~~counselor~~ license issued pursuant to this Chapter or allowed another person to use
16 his license.

17 * * *

18 (7) Has allowed his name or license issued under this Chapter to be used in
19 connection with any person or persons who ~~perform mental health counseling~~
20 ~~services~~ practice outside of the area of their training, experience, or competence.

21 * * *

22 E. The board is authorized to suspend the license of a ~~licensed professional~~
23 ~~counselor~~ licensee for a period not exceeding two years. At the end of this period,
24 the board shall re-evaluate the suspension and may recommend to the chairman the
25 reinstatement or revocation of the license. A person whose license has been revoked
26 under the provisions of this Section may apply for reinstatement after a period of not
27 less than two years from the date such denial, or revocation is legally effective. The
28 board may, upon favorable action by a majority of the board members present and
29 voting, recommend such reinstatement.

30 * * *

1 §1116. Licensure application for marriage and family therapists

2 A. ~~Each person desiring to obtain a license as a practicing marriage and~~
3 ~~family therapist shall make application to the~~ The board shall issue a license to each
4 applicant who files an application upon such forms a form and in such manner as the
5 board prescribes, accompanied by such fee as required by R.S. 37:1106, and ~~shall~~
6 ~~furnish~~ who furnishes evidence satisfactory to the board and the advisory committee
7 that such person:

8 * * *

9 (2) ~~Is not engaged or has not engaged in any practice or conduct which~~
10 ~~would be grounds for refusing to issue a license.~~ Is not in violation of any provision
11 of this Chapter and the rules and regulations adopted by the board.

12 * * *

13 B. ~~Any person who applies to the board for recommendation for licensure~~
14 ~~as a marriage and family therapist between January 1, 2003 and June 30, 2004, and~~
15 ~~who meets the requirements of Subsection A of this Section shall be recommended~~
16 ~~by the advisory committee to the board for issuance of a license upon providing~~
17 ~~satisfactory evidence to the advisory committee that such person meets the following~~
18 ~~education and experience requirements:~~

19 (1) ~~An appropriate graduate degree in an allied mental health discipline as~~
20 ~~defined by the board upon recommendation of the advisory committee from a~~
21 ~~regionally accredited institution so recognized at the time of the granting of such~~
22 ~~degree.~~

23 (2) ~~At least two years of supervised clinical experience in the practice of~~
24 ~~marriage and family therapy.~~

25 C. ~~Any person who applies to the board for licensure as a marriage and~~
26 ~~family therapist after June 30, 2004, and~~ An applicant who meets the requirements
27 of Subsection A of this Section shall be recommended by the advisory committee to
28 the board for issuance of a license by the board upon providing satisfactory evidence
29 to the advisory committee that such person meets the following ~~education and~~
30 ~~experience~~ requirements:

1 (1) Successful completion of one of the following educational requirements:

2 (a) A master's degree or a doctoral degree in marriage and family therapy
3 from a recognized educational institution as defined in R.S. 37:1103(12) or a
4 graduate degree in an allied field from a recognized educational institution as defined
5 in R.S. 37:1103(12) and graduate level coursework which is equivalent to a master's
6 degree in marriage and family therapy and is evidenced by certified transcripts
7 demonstrating completion of coursework in the following areas: a program in a
8 regionally accredited educational institution accredited by the Commission on
9 Accreditation for Marriage and Family Therapy Education or a certificate from a
10 postgraduate training institute in marriage and family therapy accredited by the
11 Commission on Accreditation for Marriage and Family Therapy Education.

12 (b) A master's or doctoral degree in marriage and family therapy or a related
13 clinical mental health field from a regionally accredited institution of higher
14 education with course work that includes practicum and internship work in marriage
15 and family therapy determined by the advisory committee to be substantially
16 equivalent to a graduate degree in marriage and family therapy from a program
17 accredited by the Commission on Accreditation for Marriage and Family Therapy
18 Education.

19 (c) A certificate from a postgraduate training institute in marriage and family
20 therapy with course work that includes practicum and internship work determined
21 by the advisory committee to be substantially equivalent to a graduate degree in
22 marriage and family therapy from a program accredited by the Commission on
23 Accreditation for Marriage and Family Therapy Education.

24 (d) A masters degree or a doctoral degree in marriage and family therapy
25 from a regionally accredited institution of higher education whose program and
26 curriculum was approved by the board through the advisory committee at anytime
27 prior to July 1, 2010, and the applicant for licensure has at least five hundred hours
28 of client contact, and where the client contact shall include all of the following:

29 (i) Two hundred and fifty hours of relational therapy.

1 (ii) One hundred hours in which the applicant has been subjected to qualified
2 supervision as is defined in R.S. 37:1103 (11).

3 ~~(a) Two or three semester courses, each course consisting of at least three~~
4 ~~hours, in Marriage and Family Therapy Foundations which includes coursework in~~
5 ~~the following areas: historical development, theoretical and empirical foundations,~~
6 ~~and contemporary conceptual directions of the field of marriage and family therapy.~~
7 ~~These areas shall provide a comprehensive survey and substantive understanding of~~
8 ~~the major models of marriage and family therapy. Students should be able to~~
9 ~~conceptualize and distinguish the critical epistemological issues in the profession of~~
10 ~~marriage and family therapy. If the applicant has five Marriage and Family Clinical~~
11 ~~Practice semester courses, each course consisting of at least three hours, then he is~~
12 ~~required only to obtain two semester courses in Marriage and Family Therapy~~
13 ~~Foundations.~~

14 ~~(b) Four or five semester courses, each course consisting of at least three~~
15 ~~hours, in Marriage and Family Therapy Clinical Practice which includes coursework,~~
16 ~~at a minimum, in the following areas: relational and systematic perspectives,~~
17 ~~psychopharmacology, physical health and illness, traditional psychodiagnostic~~
18 ~~categories, the assessment and treatment of major health issues and a wide variety~~
19 ~~of presenting problems.~~

20 ~~(c) Two semester courses, each course consisting of at least three hours, in~~
21 ~~Individual Development and Family Relations which includes coursework in the~~
22 ~~following areas: individual development across the lifespan and family development~~
23 ~~across the lifespan.~~

24 ~~(d) One semester course consisting of at least three hours in Professional~~
25 ~~Identity and Ethics which includes coursework in the following areas: professional~~
26 ~~identity, professional socialization, scope of practice, membership in professional~~
27 ~~organizations, licensure, and certification, confidentiality issues, legal and ethical~~
28 ~~responsibilities of the profession, and recordkeeping. A generic course in ethics does~~
29 ~~not meet this requirement.~~

1 B. The board shall issue, upon recommendation of the advisory committee,
2 a license to any person licensed as a marriage and family therapist for less than five
3 years in another state, province, territorial possession of the United States, District
4 of Columbia, or Commonwealth of Puerto Rico whose requirements for the license
5 are substantially equivalent to or exceed the requirements of this state, provided the
6 applicant submits an application on forms prescribed by the board and upon payment
7 of the required licensure fee.

8 Section 2. R.S. 37:1103(12) and 1120 are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____