

NOTICE OF INTENT

Department of Health

Licensed Professional Counselors Board of Examiners

Teletherapy Guidelines

(LAC 46:LX.503.505)

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 Louisiana Licensed Professional Counselors Board of Examiners proposes to amend teletherapy regulatory rules.

The Louisiana Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to rescind Chapter 5 (503) definition for Internet Counseling and amend chapter 5 (505) for publication in the August 20, 2020 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

§503. Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

h. *Internet Counseling*—mental health services delivered over the internet are rendered where the patient/client is situated. All counselors/therapists serving Louisiana residents via internet counseling must be fully licensed in Louisiana and must adhere to all applicable state laws relative to the practice of mental health counseling. R.S. 37:1111 prohibits any person from engaging in the practice of mental health counseling in Louisiana unless he/she possesses a full and valid license issued by the Louisiana LPC board. No individuals holding a provisional license may engage in internet counseling

§505. Teletherapy Guidelines for Licensees (Formerly Diagnosing for Serious Mental Illnesses)

A.- D. ...

E. Teletherapy is a specialty area and requires board approval. Licensees who may provide teletherapy must meet the following requirements.

1. The licensee must be licensed in Louisiana.
2. The licensee must be licensed in the state where the client is located if licensing is required.
3. The licensee must complete:

a. Professional Training with a minimum of 3 asynchronous or synchronous clock hours in teletherapy. The training shall meet continuing education standards established by the board. Teletherapy education/training shall include but is not limited to:

- i. appropriateness of teletherapy;
- ii. teletherapy theory and practice;
- iii. theory integration;
- iv. modes of delivery;
- v. risk management;
- vi. managing emergencies;
- vii. legal/ethical issues.
- viii. HIPAA compliance

E.5. – J. ...

K. Telesupervision is defined as a method delivering clinical mental health and marriage and family therapy supervision as prescribed by R.S 37:1101 and R.S. 37:1116 using technology-assisted media that enables a supervisor and a supervisee separated by distance to interact via synchronous video and audio transmissions. One hundred percent of total supervision hours may be used within a telesupervision format.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 45:438 (March 2019).

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this Rule 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

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.

Public Comments

Interested persons may submit written comments by September 10, 2020 at 5 p.m. to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North STE A, Baton Rouge, LA 70816.

Jamie S. Doming
Executive Director

Fiscal and Economic Impact Statement

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

The proposed rule changes are not anticipated to result in any additional costs or savings for state or local governmental units. The proposed rule revisions amend standards and requirements for persons licensed by the LA Licensed Professional Counselors Board of Examiners (LPC Board) to deliver teletherapy services, as well as make technical changes.

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

The proposed rule changes will not affect revenue collections of state or local governmental units.

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

(Summary)

The proposed rule changes will benefit LPC Board licensees, as the requirements for continuing education (CE) hours for teletherapy decrease by 6 hours, from 9 hours annually to 3 hours annually. This revision will result in an indeterminable net savings for LPC Board licensees that is dependent upon the cost of the CE courses that they previously completed to comply with the 9-hour requirement. Furthermore, the proposed rule changes associated with the decrease in CE hours are expected to decrease revenues for CE providers by a like, but similarly indeterminable amount.

Furthermore, the proposed rule changes benefit LPC Board licensees seeking to practice via telehealth, as they will no longer be required to complete one year of in-person practice before engaging in telehealth. This may increase revenues for such practitioners, or advance timelines for when they may receive such revenues by up to a year.

The proposed rule changes will also benefit provisional licensees and their supervising practitioners, as they allow for all supervision hours to be completed via telesupervision. Currently provisional licensees may only complete 25 percent of their hours via telesupervision. As a result, expenses for provisional licensees and supervising practitioners associated with commuting for in-person supervision may decrease. The decrease associated with this rule change is indeterminable and dependent upon the number of practitioners who choose to utilize telesupervision in lieu of in-person supervision, as well as the number of hours involved. However, the proposed rule changes do not alter the overall number of supervision hours a provisional licensee must complete.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT

(Summary)

The proposed rule changes are not anticipated to affect competition and employment.