



WHEREAS, it is necessary for the Occupational Licensing Review Commission (OLRC) to issue a resolution regarding the approval or denial of specific occupational regulations submitted for its review:

NOW, THEREFORE, BE IT RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following occupational regulations, as defined by Louisiana Revised Statutes 37:43(7), shall be known to have been approved by the OLRC at a duly called meeting of its members on February 12, 2019. The OLRC finds that these occupational regulations comply with the state policy set forth in Louisiana Revised Statutes 37:44 and authorizes the respective occupational licensing boards to initiate promulgation of the regulations in accordance with the Administrative Procedure Act.

• **Rules of the Louisiana State Board of Architectural Examiners**

- LAC 46:I.1101. Registration Information
 - Increases the fee of an initial license of an in-state applicant by \$15 (from \$75 to \$90) effective November 1, 2019.
- LAC 46:I.1105. Licenses
 - Clarifies that the board issues licenses and not certificates to individual architects. The rule will also establish a fee of \$30 for a replacement license.
- LAC 46:I.1301. Renewal Procedure
 - Increases the fee for a renewal license for an in-state architect by \$15 (from \$75 to \$90). Increases the license renewal fee for an out-of-state architect by \$25 (from \$150 to \$175). Increases the delinquent fee for an in-state architect by \$5 (from \$105 to \$110) and for an out-of-state architect by \$20 (from \$180 to \$200).

• **Rules of the Louisiana State Board of Cosmetology**

- LAC 46:XXXI.309. Examination of Applicants
 - Section E. Examination
 - Removes the requirement for applicants to bring a mannequin "with the head styled for comb out" to the examination.
- LAC 46:XXXI.310. Requirements for High School Cosmetology Courses
 - Section A. Curriculum
 - Establishes a cosmetology theory course in high schools
 - Section B. Registration
 - Provides that high schools may register students who are enrolled within the school system, at least 16 years old, and have completed the 10th grade.
 - Section C. Faculty
 - Requires each faculty member who teaches cosmetology theory to have an active Louisiana Cosmetology Instructor License. Requires at least one active Louisiana Cosmetology Instructor to be available for substitution if the regular instructor is unavailable.
 - Section D. Classrooms
 - Requires the school to submit a detailed floor plan of the proposed classroom, drawn to scale to the board for approval.
 - Requires the classroom to be at least 400 square feet, have the equipment necessary for demonstration, and have adequate ventilation.
 - Establishes a student to teacher ratio of 20 to 1.
 - Prohibits a clinic from being operated in a high school and prohibits the performance of services for the public or on paying clients at a high school.
- LAC 46:XXXI.311. Reporting School Hours
 - Section A. Registration
 - Reduces the time for schools to register students from 60 to 45 days from the date that class begins. Reduces the maximum number of

- hours that will be accepted at the time of registration to those hours earned within 45 days (decreased from 60 days) before registration.
 - Creates a rule that any registration received by the board after 45 days is considered late and establishes a fee schedule for those late registrations.
 - Allows the board's staff to register the student and credit his/her hours earned upon payment of the late registration fine and provided the school waives its right to a hearing by the board.
 - Section B. Hours
 - Provides that schools may correct hours submitted to the board within 60 days without any fine.
 - Allows schools to correct hours submitted to the board after 60 days upon payment of a fine of \$50 per month for each student record corrected and provided the school waives its right to a hearing by the board.
 - Section C. Attendance
 - Changes the requirement that the school owner must certify the student's attendance hours by permitting a representative designated by the school owner to certify the hours.
- LAC 46:XXXI.315. Responsibilities of Schools
 - Section A. Enrollment
 - Creates a new rule requiring schools to verify all student registration documents within 30 days of the student beginning class.
 - Provides that if a school is not in possession of all required registration documents then the student cannot attend class for course credit or be charged student fees for attending class.
 - Section E. Faculty
 - Clarifies that no school shall employ an instructor who has an expired and/or inactive instructor's license to teach classes.
 - Removes the requirement for a senior instructor to supervise all other faculty members.
 - Section G. School Closing
 - Requires any school owner intending to close a school to notify the board in writing as soon as possible. Requires the school to provide electronic copies of documents relative to the closing to the board office.
 - Section J. Registrations
 - Allows student registrations to be kept in a binder in a place accessible to students during regular school hours.
 - Section L. Library
 - Repeals section L to remove the requirement for cosmetology schools to maintain a library.
 - Section P. Clinic Floor
 - Clarifies that the minimum requirements for students to perform services on the clinic floor are a student registration and completion of 100 hours in the curriculum. Dictates that students are only allowed to perform services within the curriculum in which they are registered.
 - Section Q. Uniform Policy
 - Requires schools to adopt and implement a uniform policy consistent with §321 by July 1, 2019.
 - Section R. Changes
 - Requires schools to request written board approval of any change in the curriculum, class schedule, or hours of school operation which impacts students prior to implementing the change unless the change is due to an emergency. Schools are required to notify the board of any emergency changes as soon as possible.
- LAC 46:XXXI.317. Equipment Required in Cosmetology Schools
 - Section A. Equipment
 - Decreases the required number of hair dryers from 6 to 3.
 - Removes the requirement for sufficient trays and supplies.

- Replaces the requirement of wet and dry sanitizer for each occupied station with a requirement of a single sanitizing station with an adequate supply of wet sanitizer.
 - Clarifies that the required 6 extra mannequins are for teaching purposes.
 - Clarifies that the required 20 working stations must have space for working and supplies.
 - Section B. Classroom
 - Makes the rule consistent with La. R.S. 37:595(A) requiring cosmetology schools to have a minimum of 3,500 square feet and for classrooms to have a minimum of 400 square feet.
 - Removes the requirement that classrooms have a “modern” anatomy chart.
 - Permits the use of a dry erase or electronic board for teaching and removes the minimum size for marker or chalk boards.
- LAC 46:XXXI.321. Responsibilities of Students
 - Section C. Uniforms
 - Makes the school uniform requirements applicable to male students.
 - Removes the requirement for hose as an option.
 - Removes the list of prohibited clothing.
 - Section D.
 - Proposed rule requires that students adhere to the school’s uniform policy.
 - Section E. Hours
 - Clarifies that student hours only become invalid if the student does not complete the curriculum.
 - Provides that earned hours do not expired if the student completes the curriculum.
- LAC 46:XXXI.501. Booth Renters
 - Section A. Agreement
 - Clarifies that an individual performing cosmetology services in a salon who is not paid by commission, an hourly rate, or a salary must obtain a booth renter’s permit.
 - Provides that a booth renter’s permit will be issued after an inspection of the booth prior to services being performed in the booth.
 - Provides that booth renter’s permits are non-transferable.
- LAC 46:XXXI.505. Cosmetology Instructors
 - Section A. Instructors
 - Removes “Gold Stamp” licensing and clarifies that an active cosmetology instructor’s license is required to teach a cosmetology, manicuring, esthetics, or any other course required for licensure.
 - Section B. Master Instructors
 - Clarifies that to become a master instructor, an instructor must have a minimum of five consecutive years of teaching experience and have completed 16 hours of continuing education for five consecutive years.
 - Section C. Reinstatements
 - Provides that an expired or inactive instructor’s license may be reinstated or renewed only if the applicant has completed the required continuing education hours within the 24 months prior to the application for renewal or reinstatement.
 - Section D. Continuing Education
 - Provides that licensed instructors must obtain 16 hours of continuing education every two years to maintain active status.
- LAC 46:XXXI.707. Equipment Required in Salons Offering Esthetics Services
 - Section A. Equipment
 - Technical amendment changing the word “therapist” to “operator.”
- LAC 46:XXXI.709. Equipment Required in Salons Offering Manicuring Services
 - Section A. Manicuring Equipment
 - Adds “a water basin or pedicure chair” to the list of required equipment for manicuring salons offering pedicures.
- LAC 46:XXXI.710. Equipment Required in Threading Facilities

- Section A. Threading Equipment
 - Establishes a list of required equipment for threading facilities.
- LAC 46:XXXI.711. Procedures for Esthetics Services
 - Section B. Procedures
 - Technical amendment corrects the misspelling of the word “antimicrobial.”
- LAC 46:XXXI.715. Disposable Equipment
 - Adds razors to the list of equipment which is disposable.
- LAC 46:XXXI.1707. Remodeling
 - Section A. Application
 - Replaces the word “application” with “notice of intent” for any school, salon, or mobile station seeking to remodel.
 - Section B. Temporary Permits
 - Changes the requirement that an inspection and approval of temporary premises during remodeling be performed by a “board member inspector” to “an inspector.”
- LAC 46:XXXI.1709. Picture Identification
 - Clarifies the type of picture identification licensees or permittees must have in their possession when performing services includes a valid driver’s license, a valid identification card issued pursuant to La. R.S. 40:1321, or other generally recognized identification card that includes the name and picture of the licensee or permittee.
- LAC 46:XXXI.1711. NSF Checks
 - Clarifies that if a check is returned by the bank for non-sufficient funds, the payment date will be the date of receipt of valid payment and any applicable late fee will apply.
 - Clarifies that any license issued prior to the board receiving notice from the bank of non-sufficient funds will be subject to revocation.

• **Rules of the Louisiana Board of Professional Geoscientists**

- LAC 46:LXII.1501. Seals
 - Provides a non-exclusive list of the types of documents included in the definition of “geoscience document” and delineates how professional geoscientists should affix their stamps to geoscience documents.

• **Rules of the Louisiana Licensed Professional Counselors Board of Examiners**

- LAC 46:LX.3105. Definitions for Licensed Marriage and Family Therapists and Provisional Licensed Marriage and Family Therapists
 - Clarifies the definition of “active supervision.”
- LAC 46:LX.3309. Academic Requirements for MFT Licensure or Provisional Licensure
 - Technical amendment to clarify the academic requirements set forth in La. R.S. 37:1116.
- LAC 46:LX.3315. Application, Practice, and Renewal Requirements for Provisional Licensed Marriage and Family Therapists
 - Section C. PLMFT Supervision Requirements for Licensure
 - Clarifies that supervision experience hours for PLPC and PLMFT may be accrued concurrently after receiving approval from the board.
 - Provides that the advisory committee has the discretion to approve the transfer of direct and indirect hours and supervision from out of state.
 - Changes the requirement of the 100 hours of face-to-face supervisor contact from “only 50 hours may” to “50 hours must” be counted as individual supervision.
 - Provides that concurrent accrual of hours may not begin until both provisional licenses have been approved if approval was not obtained on the same date. Prohibits retroactive supervision experience hours.
- LAC 46:LX.3316. Active, Inactive, Lapse, Retirement Status
 - Enacts and provides for definitions of active status, inactive status, lapse status, and retirement status.
 - Active Status

- Defines active status as one that is current and allows the LMFT and PLMFT to practice marriage and family therapy.
 - Inactive Status
 - Defines inactive status as one which allows a licensee to pause his/her license for a period of up to one year during which the LMFT or PLMFT may not practice mental health counseling.
 - Prohibits a licensee from requesting inactive status if his/her license has already lapsed or to avoid disciplinary action.
 - Provides that a licensee may be eligible for "inactive status" if one or more of four conditions are met and the licensee provides documentation.
 - Lapsed Status
 - Defines a lapsed license as one which the licensee did not request inactive status or retired status by the date of license expiration. Lapsed Status is automatic and assigned due to inaction by the licensee.
 - Prohibits a licensee from providing mental health counseling while in lapsed status.
 - Provides that a LMFT or PLMFT must follow procedures for reinstatement in order to renew his/her license and will incur a late fee in addition to the renewal fee.
 - Provides that a lapsed license may be renewed within 90 days after the date of licensure lapse upon the payment of all fees and evidence of completion of continuing education hours.
 - Requires a LMFT or PLMFT to apply for licensure after 90 days.
 - Retired Status
 - Defines retired status as one for those retired from the profession.
 - Prohibits a licensee from providing mental health counseling while in retired status.
 - Provides that a LMFT cannot apply for retired status if his/her license is already expired.
 - Provides that a retired LMFT must reapply under current licensure requirements if he/she wants to reenact his/her license.
- LAC 46:LX.3317. Qualifications of the LMFT-Approved Supervisor, LMFT-Registered Supervisor Candidate, and Registered Supervisor Candidate
 - Section D. Requirements for Registration as a Registered Supervisor Candidate
 - Removes the requirement that the 90 hours of supervision be completed in no more than 3 years.
- LAC 46:LX.3319. Responsibilities of the Provisional Licensed Marriage and Family Therapist
 - Section C. Revocation, Suspension, or Limitation of the Terms of the Provisional Licensure of the PLMFT
 - Requires a board-approved supervisor to attend a LMFT board-approved supervisor's orientation within one year of the supervisor's date of certification.
 - Allows the board-approved supervisor to count the orientation as continuing education for license renewal as a marriage and family therapist.
- LAC 46:LX.3701. Endorsement
 - Provides for requirements for Louisiana licensure endorsement of a person licensed as a marriage and family therapist in another jurisdiction.
 - Decreases the amount of time the applicant must have practiced marriage and family therapy from five years to "at least one licensure renewal cycle."
 - Requires the applicant to submit documentation of CEHs within two years of the date of application for licensure endorsement in Louisiana.
 - Allows for the issuance of a license to a person licensed as a LMFT for at least two years in another jurisdiction whose requirements for licensure are substantially equivalent to or exceed those of the state of Louisiana.

• **Rules of the Louisiana Physical Therapy Board**

- LAC 46:LIV.120. Rule Promulgation, Amendment, and Appeal Procedures
 - Provides for procedures for the adoption of rules and advisory opinions to comply with the mandate of La. R.S. 49:953(C).
- LAC 46:LIV.121. Declaratory Orders and Advisory Opinions
 - Provides for procedures for declaratory orders and advisory opinions to comply with the mandate of La. R.S. 49:953(C).
- LAC 46:LIV.123. Definitions
 - Changes the definitions of “continuous supervision” and “HIPDB”.
- LAC 46:LIV.337. Clinical Instruction of Student PTs and PTAs
 - Provides that a PT student shall receive on-premises supervision by a clinical instructor while a PTA student must receive continuous supervision by a clinical instructor.

This Resolution was ADOPTED by unanimous vote of the Commission on February 12, 2019.


Erin Monroe Wesley, Chair