ably contribute to the attainment of a specific goal.

B. At such time that the department obtains sufficient information to meet the conditions in Subsection A for requiring commercial fishermen in Louisiana waters to use turtle exclusion devices, the department shall promulgate rules and regulations to require such devices. Any rules and regulations promulgated pursuant to this Section shall be subject to the Administrative Procedure Act, R.S. 49:950 et seq.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana.

Approved by the Governor, July 20, 1987.

Published in the Official Journal of the State:
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A true copy:
James H. "Jim" Brown
Secretary of State

ACT No. 892

HOUSE BILL NO. 199

BY MESSRS. JACKSON AND BORNE, AND MRS. LOWENTHAL AND SENATOR BAGNERIS

AN ACT

To enact Chapter 13 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1101 through 1115, and to enact R.S. 36:259(U), and to amend and reenact R.S. 13:3734(A)(1), relative to the practice of mental health counseling, to provide for the licensing of mental health counselors; to create the Louisiana Licensed Professional Counselors Board of Examiners in the Department of Health and Human Resources, to provide for board membership, terms of office, powers, duties, and for a report to the governor; to provide for various fees and requirements; to provide for requirements for licensure, for licensure without examination, for renewal of licenses, and for reciprocity; to provide relative to violations, revocation of licenses, and penalties; to provide relative to examination of mental health counselors or employees; to provide for privileged communication; to provide exclusions to licensure requirements, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 13 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1101 through 1115, is hereby enacted to read as follows:

CHAPTER 13. MENTAL HEALTH COUNSELORS

§1101. Short title

This Chapter shall be known and may be cited as the Louisiana Mental Health Counselor Licensing Act.

§1102. Statement of purpose

It is declared to be the policy of this state that activities of those persons who render service to the public in the mental health counseling area and use the title "licensed professional counselor" should be regulated for the protection of public health, safety, and welfare. Therefore, it is the purpose of this Chapter to provide for the regulation of the practice of mental health counseling in the state of Louisiana and to provide for the regulation of the use of the title "licensed professional counselor".

§1103. Definitions

(1) "Board" means the Louisiana Licensed Professional Counselors Board of Examiners.

(2) "Licensed professional counselor" means any person who holds himself out to the public for a fee or other personal gain, by any title or description of services incorporating the words "licensed professional counselor" or any similar term, and who offers to render professional mental health counseling services denoting a client-counselor relationship in which the counselor assumes responsibility for knowledge, skill, and ethical considerations needed to assist individuals, groups, or-

ganizations, or the general public, and who implies that he is licensed to practice mental health counseling pursuant to this Chapter.

(3) "Mental health counseling services" means those acts and behaviors coming within the "practice of mental health counseling" as defined in this Chapter. However, nothing in this Chapter shall be construed to authorize any person licensed hereunder to administer or interpret psychological tests or engage in the practice of psychology in accordance with the provisions of R.S. 37:2352(5).

(4) "Practice of mental health counseling" means rendering or offering to individuals, groups, organizations, or the general public any service involving the application of principles, methods, or procedures of the mental health counseling profession which include but are not limited to:

(a) "Mental health counseling", which means assisting an individual or group, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan actions reflecting his or their interests, abilities, aptitudes, and needs as these are related to personal and social concerns, educational progress, and occupations and careers.

(b) "Consulting", which means interpreting or reporting scientific fact or theory to provide assistance in solving current or potential problems of individuals, groups, or organizations.

(c) "Referral activities", which means the evaluating of data to identify problems and to determine the advisability of referral to other specialists.

(d) "Research activities", which means reporting, designing, conducting, or consulting on research in counseling with human subjects.

§1104. Louisiana Licensed Professional Counselors Board of Examiners

A. There is hereby created in the Department of Health and Human Resources the Louisiana Licensed Professional Counselors Board of Examiners, hereafter

referred to as the "board", consisting of five members, who shall be residents of the state of Louisiana. The members shall be appointed by the governor as specified in this Section within sixty days after the effective date of this Chapter to serve the following terms: one member for a term of two years, two members for terms of three years, and two members for terms of four years. Thereafter, each term shall be for four years. Each appointment by the governor shall be submitted to the Senate for confirmation.

B. The membership of the board shall consist of two licensed professional counselors, two educators whose function is the training of mental health counselors in accredited programs, and one individual from the public at large. The original professional membership of the board shall be qualified to be licensed under this Chapter, except that the initial professional members shall be persons who have rendered mental health counseling for at least three years, or who have been training mental health counselors in accredited programs for at least three years. Within thirty days after the effective date of this Chapter, the executive committee of the Louisiana Association for Counseling and Development shall submit to the governor a list of qualified candidates for the board. The list shall contain the names of at least five qualified mental health counselor educators, six individuals who are qualified to be licensed professional counselors, and five citizens from the public at large. The board shall perform such duties and exercise such powers as this Chapter prescribes and confers upon it. No member of the board shall be liable in any civil action for any act performed in good faith in the execution of his duties under this Chapter.

C. No board member shall serve more than two full consecutive terms. Subsequent appointments to the board shall be made in the manner of the original appointments, including the submission of a list of qualified candidates by the executive committee of the Louisiana Association for Counseling and Development. Any