

Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 24, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Hospice Services
Pediatric Concurrent Care**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 20-21. It is anticipated that \$324 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing hospice services provided concurrently with life-prolonging treatments to individuals under age 21 in order to update existing terminology and reflect current practices, comply with federal requirements which allows for pediatric concurrent care, and promulgate these provisions clearly and accurately in the Louisiana Administrative Code (LAC). Implementation of this proposed Rule will be beneficial to recipients because it clarifies the existing LAC provisions regarding life-prolonging care children can receive concurrently with hospice services. This proposed Rule will have no impact on small businesses. It is anticipated that implementation of this proposed rule will not result in costs to hospice providers in FY 20-21, FY 21-22 and FY 22-23, but will be beneficial by reassuring providers that current practices are supported and in compliance with federal law.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2008#038

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Licensed Professional Counselors Board of Examiners**

Endorsement (LAC 46:LX.3701)

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 endorsement testing requirements. The LPCBE proposes to approve the Association of Marital and Family Therapy Regulatory Board's examination in marital and family therapy or an examination that would be substantially equivalent, as determined by the Marriage and Family Therapy Advisory Committee.

The Louisiana Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to amend chapter 37 for publication in the August 20, 2020 edition of the Louisiana Register.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LX. Professional Counselors

**Subpart 2. Professional Standards for Licensed
Marriage and Family Therapists and Provisional
Licensed Marriage and Family Therapists**

§3701. Endorsement

A. Upon recommendation of the board and Marriage and Family Therapy Advisory Committee, the board shall issue a license to any person who has been licensed as a marriage and family therapist and has actively practiced marriage and family therapy for at least five years in another jurisdiction. The applicant must submit an application on forms prescribed by the board in the prescribed manner and pay the required licensure fee. An applicant must submit documentation of at least 40 CEHs, in accordance with the requirements listed in Chapter 35, within two years of the date of application for licensure endorsement in Louisiana. An applicant must also be in good standing in all jurisdictions in which they are licensed and must not have been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice marriage and family therapy in the state of Louisiana at the time the act was committed.

B. Upon recommendation of the board and marriage and family therapy advisory committee, the board shall issue a license to any person licensed as a licensed as a marriage

and family therapist for less than five years in another jurisdiction whose requirements for the license are substantially equivalent to or exceed the requirements of the state of Louisiana. The applicant must submit an application on forms prescribed by the board in the prescribed manner and pay the required licensure fee. Applicants must also provide proof of having passed the Association of Marital and Family Therapy Regulatory Board's examination in marital and family therapy or an examination that would be substantially equivalent, as determined by the Marriage and Family Therapy Advisory Committee. An applicant must also be in good standing in all jurisdictions in which they are licensed and must not have been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice marriage and family therapy in the state of Louisiana at the time the act was committed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:162 (February 2003), amended LR 39:1806 (July 2013), LR 41:752 (April 2015), LR 46:

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

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

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 FOR ADMINISTRATIVE RULES

RULE TITLE: Endorsement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT 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 changes add an alternative path to licensure for Licensed Marriage and Family Therapists (LMFTs) seeking to practice in LA by allowing for licensure tests other than the one conducted by the Association of Marital and Family Therapy Regulatory Board (AMFTRB) to be accepted by the Marriage and Family Advisory Committee of the LA Licensed Professional Counselors Board of Examiners (LPC Board), provided the committee deems such examinations to be equivalent.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF 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.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes benefit persons seeking to practice in LA by allowing for licensure tests other than the one conducted by the AMFTRB to be accepted by the Marriage and Family Advisory Committee of the LPC Board, provided the committee deems such examinations to be equivalent. As a result, such potential licensees who have taken an equivalent exam may realize an immediate savings of \$365 associated with not having to take the AMFTRB exam. Furthermore, this process may expedite when such licensees may practice, which may advance timelines for when practitioners may receive revenues, as well as potentially increase their revenues over time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes may affect employment to the extent more persons from other states seek licensure by endorsement in Louisiana pursuant to the new requirement. However, the aggregate effect on competition and employment of the amended timelines cannot be determined because it is unknown if any additional persons will seek licensure as a result of the proposed rule changes.

Jamie S. Doming
Executive Director
2008#012

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Licensed Professional Counselors Board of Examiners

Teletherapy Guidelines (LAC 46:LX.503 and 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 proposed rule changes benefit licensees, provisional licensees and their supervising practitioners. Provisional licensees will no longer be required to complete one year of practice before engaging in telehealth. In addition, the requirements for teletherapy continuing education hours decreases and allows for all supervision hours to be completed via HIPAA compliant online platforms.

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

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

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

A. ...

* * *

Practice of Mental Health Counseling/Psychotherapy—...

a. - g. ...

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

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 16:302 (April 1990), LR 18:51 (January, 1992), LR 22:101 (February 1996), LR 24:437 (March 1998), LR 24:2124 (November 1998), LR 26:493 (March 2000), LR 29:130 (February 2003), LR 33:2654 (December 2007), LR 39:1783 (July 2013), LR 41:710 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:757 (June 2019), LR 46:

§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. Repealed.
4. The licensee must complete:
 - a. professional training with a minimum of three 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), amended LR 46:

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

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

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
FOR ADMINISTRATIVE RULES
RULE TITLE: Teletherapy Guidelines

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT 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 OR NONGOVERNMENTAL 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% 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.

Jamie S. Doming
Executive Director
2008#011

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Regulation 81—Automobile Liability Insurance Premium
Discount and Insurer Premium Tax Credit
(LAC 37:XIII.Chapter 95)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 81—Automobile Liability Insurance Premium Discount and Insurer Premium Tax Credit. The purpose of the amendment to Regulation 81 is to clarify the applicability and calculation of the discount offered through the insurance premium discount program for active military personnel based in Louisiana and to update statutory references that have changed due to recodification.

**Title 37
INSURANCE**

Part XIII. Regulations

**Chapter 95. Regulation Number 81—Automobile
Liability Insurance Premium Discount
and Insurer Premium Tax Credit**

§9501. Authority

A. This regulation is adopted pursuant to R.S. 22:11 and 22:1482.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1482.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 2005), amended LR 46:

§9503. Purpose

A. The purpose of this regulation is to implement the provisions of Acts 2004, No. 770 of the Louisiana Legislature, Regular Session, as well as to implement the amendment thereto as set forth in Acts 2005, No. 408 of the Louisiana Legislature, Regular Session. The original law created an insurance premium discount program for active military personnel based in Louisiana. The amendment creates a program whereby an insurer is entitled to a tax credit against the premium taxes imposed under R.S. 22:838 and R.S. 22:831 for the amount of the military discount provided to qualified active military personnel for the liability portion of their personal automobile liability policy. Both laws require the commissioner to adopt a regulation to implement the military discount program and to develop procedures for an insurer to follow to claim a tax credit and for other related matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1482.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 20, 2005), amended LR 32:94 (January 2006), LR 46:

§9509. Definitions

A. For the purposes of this regulation the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

Active Military Personnel—

a. a single or married person who is based in this state and serving on full time active duty status in the military as a member of:

- i. the Army, Navy, Marine Corps or Air Force; or
- ii. the Reserve or National Guard; or
- iii. the Coast Guard.

b. *Active military personnel* who are deployed out-of-state or overseas whose spouse and dependents remain in this state shall be considered as based in this state for purposes of receiving the discount provided by R.S. 22:1482 and §9515 of this regulation.

AMP—active military personnel.

*Authorized Insurer—*shall have the meaning found in R.S. 22:46(3), hereinafter “insurer.”

*Automobile Liability Insurance Policy—*a policy of insurance acquired in this state, insuring personal motor vehicles of the types described in R.S. 22:1266(A)(1)(a)-(b), and motorcycles of the types described in R.S. 32:1252(30),