

2020 Regular Session

SENATE BILL NO. 389

BY SENATOR BOUIE

COUNSELING/GUIDANCE. Provides relative to the Louisiana Social Work Practice Act.
(8/1/20)

1 AN ACT

2 To amend and reenact R.S. 37:2704(A) (1), (2), and (3), 2705(A) and (D), 2706(B),
3 2708(A)(3), 2709(B), 2712 (1)(b), 2713, 2714(B) and (C), 2716(B), 2717(A)(2) and (D),
4 2719, 2724(B), and to enact 37:2703(19), 2712(3), 2714(F) and (G), 2715(F), 2717(A)(13),
5 (G) and (H), and to repeal R.S. 37:2712(1)(c) and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:2704(A) (1), (2), and (3), 2705(A) and (D), 2706(B), 2708(A)(3),
8 2709(B), 2712(1)(b), 2713, 2714(B) and (C), 2716(B), 2717(A)(2) and (D), 2719, 2724(B)
9 are hereby amended and reenacted and 37:2703(19), 2712(3), 2714(F) and (G), 2715(F),
10 2717(A)(13), (G) and (H) are hereby enacted to read as follows:

11 §2703. Definitions

12 As used in this Chapter, unless the context clearly requires otherwise, and
13 except as otherwise expressly provided:

14 * * *

15 **(19) "Social worker" means a person who holds a degree in social work,**
16 **having successfully completed an undergraduate or graduate level academic**
17 **social work program.**

1 §2704. Board of Social Work Examiners

2 A. There is hereby created a Louisiana State Board of Social Work
3 Examiners within the Louisiana Department of Health. The board shall be subject
4 to the provisions of R.S. 36:803. It shall consist of seven members to include six
5 social workers and one consumer member. The members shall be appointed by the
6 governor, subject to Senate confirmation. All appointees shall be selected from one
7 list compiled by all statewide social work membership organizations that have
8 written bylaws and meet all state and federal laws, and the Louisiana Chapter of the
9 National Association of Social Workers shall be responsible for the coordination of
10 this process. The consumer member may apply directly to the office of the governor.
11 The governor shall ensure that his appointments demonstrate race, gender, ethnic,
12 and geographical diversity. All appointees shall serve no more than two consecutive
13 full terms. The completion of an unexpired portion of a full term shall not constitute
14 a full term for purposes of this Section. The board shall consist of the following
15 members:

16 (1) One registered social worker with at least ~~five~~ **three** years of social work
17 experience.

18 (2) One licensed master's social worker with at least ~~five~~ **three** years of social
19 work experience.

20 (3) Three licensed clinical social workers each with at least ~~five~~ **three** years
21 of clinical social work experience.

22 * * *

23 §2705. Board; meetings; powers

24 A. The board shall hold meetings at least semiannually. The board shall elect
25 annually from its membership a ~~chairman~~ **chair**, vice ~~chairman~~ **chair**, and
26 secretary/treasurer. Meetings may be called by the chairman or upon written request
27 of four members of the board or by the governor. The board shall meet as often as
28 necessary and four members shall constitute a quorum.

29 * * *

1 D. The board shall keep a listing of social workers licensed, certified, or
2 registered under this Chapter. ~~At each meeting of the board the listing shall be~~
3 ~~updated and made available to the general public.~~

4 * * *

5 §2706. Qualifications; registered social worker

6 * * *

7 B. An individual registered as a registered social worker may engage in
8 generalist social work practice based on the application of social work theory,
9 knowledge, ethics, and utilizing problem-solving methods to restore or enhance
10 social functioning of individuals, families, groups, organizations, and communities
11 through assessment, prevention, and intervention and evaluation, case management,
12 information and referral, supportive counseling, advocacy, research, supervision,
13 community organization, **education**, and the implementation and administration of
14 policies, programs, and activities. A social worker at this level shall work as an
15 employee in an agency and shall not engage in advanced practice or in clinical social
16 work.

17 * * *

18 §2708. Qualification; licensed clinical social worker

19 A. No individual shall be eligible for licensure by the board as a licensed
20 clinical social worker unless the individual:

21 * * *

22 (3) Has completed at least ~~five~~ **three** thousand ~~seven hundred sixty~~ hours of
23 postgraduate social work practice **over a minimum of two years and a maximum**
24 **of four years while**. ~~At least three thousand eight hundred forty hours of the~~
25 ~~required postgraduate social work experience shall be in a setting practicing social~~
26 ~~work under the supervision of a board-approved clinical supervisor. The board~~
27 **shall consider circumstances warranting more than four years to complete this**
28 **experience requirement.**

29 * * *

1 §2709. License, certification, or registration required

2 * * *

3 B. An individual shall ~~submit an~~ **complete all components of the** application
4 **process** for licensure, certification, or registration to the board within ninety days of
5 commencement of social work practice.

6 * * *

7 §2712. Licensure, certification, or registration by reciprocity or endorsement of
8 credentials

9 The board may issue licenses, certificates, or registrations under the
10 following special conditions:

11 (1) The board may issue a license as a licensed clinical social worker or issue
12 a license as a licensed master's social worker without examination, on payment of
13 the prescribed fee, to an applicant for licensure who is the equivalent of a licensed
14 clinical social worker or a licensed master's social worker, respectively, licensed
15 under another state, territory, commonwealth, or District of Columbia when:

16 (a) The requirements for licensure are at the date of licensure substantially
17 equal to the requirements then or subsequently in force in this state.

18 ~~(b) The state, territory, commonwealth, or District of Columbia from which~~
19 ~~the applicant for a license comes, accords similar privilege or licensure without~~
20 ~~examination to holders of licenses under this Chapter.~~

21 ~~(c)~~ The state, territory, commonwealth, or District of Columbia from which
22 the applicant for a license comes, requires successful completion of an examination
23 as a condition of such licensure.

24 * * *

25 **(3) The applicant passes the board exam on the Louisiana Social Work**
26 **Practice Act and the rules, standards, and procedures.**

27 §2713. License, certificate, registration

28 The board shall issue a license, certificate, or registration signed by the
29 ~~chairman~~ **chair** and vice ~~chairman~~ **chair** of the board whenever an applicant for

1 certification, licensure, or registration successfully qualifies therefor as provided in
2 this Chapter.

3 §2714. Continuing education and license, certificate, and registration renewal

4 * * *

5 B. In addition to the continuing education requirements set out in Subsection
6 A of this Section, each license, certificate, provisional certificate, or registration
7 issued under the provisions of this Chapter shall be renewed annually except as
8 otherwise provided. On or before July first of each year, the board shall ~~mail an~~
9 ~~application~~ **send notice** for renewal of a license, certificate, or registration to each
10 person to whom a license, certificate, or registration was issued or renewed during
11 the current year, ~~which application shall be mailed to the most recent address of said~~
12 ~~person as it appears on the records of the board.~~ Such person shall complete the
13 renewal application and **pay the renewal fee** ~~return it to the board accompanied by~~
14 ~~such renewal fee~~ as is required by the board before August thirty-first of the year in
15 which said ~~application~~ **notice** was received. Upon receipt of any application and fee,
16 the board shall verify the accuracy of such application and ~~issue to the applicant a~~
17 ~~notice of renewal of~~ **update** the license, certificate, or registration for the current
18 year, beginning September first and expiring August thirty-first.

19 C. If any person fails to renew his or her license, certificate, or registration
20 by August thirty-first, such license, certificate, or registration shall lapse. ~~Failure to~~
21 ~~fulfill these requirements shall cause the license, certificate, or registration to lapse,~~
22 ~~and any~~ **Any** application for renewal ~~will~~ **shall** be declined until the continuing
23 education requirements have been met. If a social worker fails to ~~complete the~~
24 ~~continuing education requirements by June thirtieth~~ **renew by August thirty-first**
25 of each year, at the licensed, certified registered level, he ~~may~~ **shall** not practice
26 social work. ~~Renewal of a license, certificate, or registration which has lapsed for~~
27 ~~three months or less may be effected upon submission to the board of a renewal~~
28 ~~application accompanied by such renewal fee as is required by the board.~~ Renewal
29 of a license, certificate, or registration which has lapsed for a period in excess of

1 ~~three months but less than six months~~ **or less** may be effected upon submission to the
2 board of a renewal application accompanied by a fee which shall be twice the
3 amount of the normal renewal fee specified by the board. If a license, certificate, or
4 registration is allowed to lapse for six months or longer, the applicant for the license,
5 certificate, or registration shall be considered a new applicant subject to appropriate
6 provisions of this Chapter **including the reinstatement provisions of this Section.**

7 * * *

8 **F. If any license is lapsed for at least six months but not more than sixty**
9 **months, the applicant for the license or registration shall submit proof of**
10 **completion of twenty hours or approved social work continuing education and**
11 **pass the board exam on the Louisiana Social Work Practice Act and rules,**
12 **standards, and procedures prior to reinstatement. Continuing education**
13 **requirements for LCSW applicants shall include at least ten hours of clinical**
14 **content and three hours of ethics training. Continuing education requirements**
15 **for LMSW and RSW applicants shall include at least three hours of ethics**
16 **training.**

17 **G. If any license is lapsed for more than sixty months, the applicant for**
18 **license or registration shall submit proof of completion of forty hours of**
19 **approved social work continuing education and pass the board exam on the**
20 **Louisiana Social Work Practice Act and the rules, standards, and procedures**
21 **prior to reinstatement. Continuing education requirements for LCSW**
22 **applicants shall include at least twenty hours of clinical content and three hours**
23 **of ethics training. Continuing education requirements for LMSW and RSW**
24 **applicants shall include at least three hours of ethics training.**

25 §2715. Rights and privileges

26 * * *

27 **F. No individual shall assume the title "social worker" until that person**
28 **has successfully completed an undergraduate academic social work program or**
29 **a graduate level academic social work program.**

1 §2716. Fees

2 * * *

3 B. The fees established under the provisions of this Section shall be paid to
4 ~~the secretary-treasurer~~ of the board. The board shall retain all fees and other monies
5 received by it. Such funds may be expended by the board without appropriation for
6 cost of administration and other expenses. Additionally, such funds may be used for
7 the establishment and operation of continuing education programs relating to the
8 practice of social work and supervision of social work practice. Any funds remaining
9 unexpended and unencumbered at the end of each fiscal year shall be retained by the
10 board for expenditure in succeeding years and no part thereof shall revert to the state
11 general fund.

12 * * *

13 §2717. Disciplinary action; hearing; procedures; appeal

14 A. The board shall have the power to deny, revoke, or suspend any license,
15 certificate, or registration issued by the board or applied for in accordance with this
16 Chapter, or otherwise discipline a social worker for any of the following causes:

17 * * *

18 (2) Incapacity or impairment due to the use Use of drugs or intoxicating
19 beverages ~~to an extent which affects his professional competence.~~ **that prevents**
20 **licensee from engaging in the practice of social work with reasonable skill,**
21 **competence, and safety to the public.**

22 * * *

23 (13) Practicing social work with a lapsed license, certificate, or
24 registration.

25 * * *

26 D. No license, certificate, or registration shall be suspended or revoked until
27 a hearing is held before the board, after notice of at least thirty days to the social
28 worker. The notice shall be served by registered mail, return receipt requested, shall
29 state the date, time, and place of the hearing, and shall set forth the ground or

1 grounds of the charges against the social worker. The social worker has a right to
 2 present his own defense either in proper person or by counsel, to produce testimony
 3 and to testify in his own behalf. A record of the hearing shall be taken and preserved.
 4 The record shall contain the notice, documents, and data filed in the proceedings; all
 5 statements of the board pertinent thereto; the testimony, exhibits, and the written
 6 findings of fact and orders of the board. The state of Louisiana shall be a party to the
 7 prosecution of all such actions and hearings before the board pertaining to the
 8 suspension or revocation of a license, certificate, or registration; and the attorney
 9 general **or other approved legal counsel** shall appear in behalf of the state. The
 10 hearing may be adjourned from time to time. If the social worker pleads guilty, or
 11 if upon hearing the charges the majority of the board finds them true, the board may
 12 enter an order suspending or revoking the license, certificate, or registration or
 13 imposing probationary conditions.

14 * * *

15 **G. The board may in its own name issue a cease and desist order to stop**
 16 **an individual from engaging in an unauthorized practice or violating or**
 17 **threatening to violate a statute, rule, or order which the board has issued or is**
 18 **empowered to enforce. The cease and desist order shall state the reason for its**
 19 **issuance and notice of the individual's right to request a hearing under**
 20 **applicable procedures as set forth in the Administrative Procedure Act. Nothing**
 21 **herein shall be construed as barring criminal prosecutions for violations of this**
 22 **Act.**

23 **H. Any individual whose license, certificate, or registration has been**
 24 **revoked or suspended shall return such license or certificate or notice of**
 25 **registration to the office of the board within ten days after a notice of revocation**
 26 **or suspension.**

27 * * *

28 2719. Discrimination

29 No license, certificate, or registration shall be denied any applicant based

1 upon the applicant's race, religion, creed, national origin, **age**, sex, **sexual**
2 **orientation, gender expression, or differing abilities** or physical impairment so
3 long as the physical impairment does not interfere with the performance of
4 professional duties.

5 * * *

6 2724. Qualification; certified social worker

7 * * *

8 B. The board may issue a social worker certificate to an individual who has
9 completed all requirements for certification as a certified social worker. The
10 individual may hold the certificate for no more than three years from the issuance of
11 the original certificate, and the individual shall take an examination approved by the
12 board within the first six months after certification and annually for the next two and
13 a half years or until they have achieved a passing score.

14 * * *

15 Section 2. R. S. 37:2712(1)(c) is hereby repealed.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

SB 389 Original

2020 Regular Session

Bouie

Present law contains no specific definition of a "social worker".

Proposed law defines "social worker" as one who has successfully completed an undergraduate or graduate level academic program in social work.

Present law provides that five years of experience is necessary for any RSW, LMSW, or LCSW to serve on the Louisiana State Board of Social Work Examiners.

Proposed law reduces the experience necessary to serve on the board to three years.

Present law requires that one beginning practice as a social worker shall submit an application for credentials within 90 days of commencing practice.

Proposed law requires that all components of application for licensure, certification, or registration shall be completed within 90 days of commencing practice.

Present law requires the board, at each meeting, to update the listing of licensed, certified, and registered social workers and to make that list available to the public. Proposed law eliminates that requirement.

Present law requires 38 to 40 hours of clinical practice, over a minimum of two years and

a maximum of four years for an LCSW.

Proposed law reduces the number of clinical hours required for an LCSW to 3000 over the same timeframe, but the extension beyond four years is at the discretion of the board.

Present law extends reciprocity regarding licensure, certification, and registration of social workers to those from any state, territory, Commonwealth, or the District of Columbia who grants reciprocity to those with Louisiana credentials.

Proposed law requires that those from other jurisdictions seeking Louisiana credentials shall pass the board exam on the Louisiana Social Work Practice Act.

Proposed law removes language regarding mutual reciprocity of licensure in a particular state, territory, Commonwealth, or the District of Columbia.

Proposed law sets requirements for reinstatement of licenses and registration which have lapsed for more than six months and less than 60 months, including passing the board exam and a required number of continuing education hours with ethics training included for all. LCSW, are required to include at least 10 hours of clinical content in their required hours.

Proposed law sets requirements for reinstatement of licenses and registration which have lapsed for more than 60 months, including passing the board exam and a required number of continuing education hours with ethics training included for all. LCSWs are required to include at least 20 hours of clinical content in their required hours.

Proposed law adds language regarding licenses which have lapsed for at least six months, but less than five years, and for those whose licenses have lapsed for more than five years.

Proposed law lists continuing education hours, including those with clinical content and ethics hours, for a LCSW whose license has lapsed between six months and five years and for those whose license has lapsed for more than five years.

Proposed law specifically states that no one shall hold himself out to be a social worker unless they shall have successfully completed an undergraduate or graduate level academic social work program.

Proposed law restates the provision for disciplinary action by the board regarding incapacity and impairment due to the use of drugs or intoxicating beverages which prevents the person from practicing social work with reasonable skill, competence, and safety to the public.

Proposed law allows the board to issue cease and desist orders in certain circumstances and in compliance with the provisions of the APA.

Proposed law adds the prohibition of discrimination based on age, sexual orientation, gender expression, or differing abilities.

Effective August 1, 2020.

(Amends R.S. 37:2704(A) (1), (2), and (3), 2705(A) and (D), 2706(B), 2708(A)(3), 2709(B), 2712 (1)(b), 2713, 2714(B) and (C), 2716(B), 2717(A)(2) and (D), 2719, 2724(B); adds R.S. 37:2703(19), 2712(3), 2714(F) and (G), 2715(F), 2717(A)(13), (G) and (H); repeals R.S. 37:2712(1)(c))