

SENATE BILL NO. 155

BY SENATOR BOUIE AND REPRESENTATIVES GREEN, HUGHES, JONES, LYONS,
MARCELLE AND SELDERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 37:2704(A)(1) through (3), 2705(A) and (D), 2706(B), 2708(A)(3), 2709(B), 2712 , 2713, 2714(B) through (E), 2716(B), 2717(A)(2) and (D), 2721(A), and 2724(B) and to enact R.S. 37:2703(19), 2714(F) and (G), 2715(F), and 2717(A)(13), (G), and (H), relative to the Louisiana Social Work Practice Act; to provide for definitions; to provide for qualifications of the members of the Louisiana State Board of Social Work Examiners; to provide for the officers of the board; to provide for duties of the board; to provide for registered social workers; to provide for licensed clinical social workers; to provide for application for licensure; to provide for licensure of qualified applicants; to provide for renewal of registrations, certificates, and licenses; to provide for the use of the title of social worker; to provide for payment of fees; to provide for the basis of a disciplinary action; to provide for state representation at disciplinary hearings; to provide for cease and desist orders; to provide for certified social workers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2704(A)(1) through (3), 2705(A) and (D), 2706(B), 2708(A)(3), 2709(B), 2712, 2713, 2714(B) through (E), 2716(B), 2717(A)(2) and (D), 2721(A), and 2724(B) are hereby amended and reenacted and R.S. 37:2703(19), 2714(F) and (G), 2715(F), and 2717(A)(13), (G), and (H) are hereby enacted to read as follows:

§2703. Definitions

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

* * *

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

1 social work program.

2 §2704. Board of Social Work Examiners

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

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

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

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

23 * * *

24 §2705. Board; meetings; powers

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

30 * * *

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

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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 shall**~~
27 **consider circumstances warranting more than four years to complete this**
28 **experience requirement.**

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30 §2709. License, certification, or registration required

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

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

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

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

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

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

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

~~(2) The board may certify or register as a certified social worker or a registered social worker, respectively, an applicant for certification or for registration who is the equivalent of a certified social worker or a registered social worker, respectively, certified or registered under another state, territory, commonwealth, or District of Columbia when the requirements for certification or registration are at the date of certification or registration substantially equal to the requirements then or subsequently in force in this state and when the state, territory, commonwealth, or District of Columbia from which the applicant for certification or registration comes,~~

1 ~~accords similar privilege or certification or registration to holders of certificates or~~
 2 ~~registration under this Chapter.~~

3 **A. Any social worker from another state, territory, commonwealth, or**
 4 **the District of Columbia seeking authority to practice in this state through**
 5 **reciprocity or endorsement of credentials shall comply with the following:**

6 **(1) Be credentialed and in good standing with their respective social**
 7 **work regulatory board or agency based on substantially equivalent educational,**
 8 **supervision, and examination requirements for a Louisiana licensed clinical**
 9 **social worker, licensed master's social worker, certified social worker, or**
 10 **registered social worker.**

11 **(2) Pass an open-book examination on the Louisiana Social Work**
 12 **Practice Act including all applicable laws and rules, regulations, standards, and**
 13 **procedures adopted by the board.**

14 **(3) Pay the fee prescribed by the board.**

15 **B. If the board determines that a state, territory, commonwealth, or the**
 16 **District of Columbia does not have credentialing requirements that are**
 17 **substantially equivalent to those required by this state for the issuance of a**
 18 **social work license, certificate, or registration, the board may require the social**
 19 **worker to obtain the requisite educational, supervision, and examination**
 20 **requirements pursuant to the applicable provisions of the Louisiana Social**
 21 **Work Practice Act.**

22 §2713. License, certificate, registration

23 The board shall issue a license, certificate, or registration signed by the
 24 ~~chairman~~ **chair** and vice ~~chairman~~ **chair** of the board whenever an applicant for
 25 certification, licensure, or registration successfully qualifies therefor as provided in
 26 this Chapter.

27 §2714. Continuing education and license, certificate, and registration renewal

28 * * *

29 B. In addition to the continuing education requirements set out in Subsection
 30 A of this Section, each license, certificate, provisional certificate, or registration

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

13 C. If any person fails to renew his or her license, certificate, or registration
 14 by August thirty-first, such license, certificate, or registration shall lapse. ~~Failure to~~
 15 ~~fulfill these requirements shall cause the license, certificate, or registration to lapse,~~
 16 ~~and any~~ **Any** application for renewal ~~will~~ **shall** be declined until the continuing
 17 education requirements have been met. If a social worker fails to ~~complete the~~
 18 ~~continuing education requirements by June thirtieth~~ **renew by August thirty-first**
 19 of each year, at the licensed, certified, **or** registered level, he ~~may~~ **shall** not practice
 20 social work. ~~Renewal of a license, certificate, or registration which has lapsed for~~
 21 ~~three months or less may be effected upon submission to the board of a renewal~~
 22 ~~application accompanied by such renewal fee as is required by the board.~~ Renewal
 23 of a license, certificate, or registration which has lapsed for a ~~period in excess of~~
 24 ~~three months but less than~~ six months **or less** may be effected upon submission to the
 25 board of a renewal application accompanied by a fee which shall be twice the
 26 amount of the normal renewal fee specified by the board. If a license, certificate, or
 27 registration is allowed to lapse for six months or longer, the applicant for the license,
 28 certificate, or registration shall be considered a new applicant subject to appropriate
 29 provisions of this Chapter **including the reinstatement provisions of this Section.**

30 **D. If any license, certificate, or registration is lapsed for at least six**

1 months but not more than sixty months, the applicant for the license, certificate,
 2 or registration shall submit proof of completion of twenty hours of approved
 3 social work continuing education and pass the board exam on the Louisiana
 4 Social Work Practice Act and rules, standards, and procedures prior to
 5 reinstatement. Continuing education requirements for LCSW applicants shall
 6 include at least ten hours of clinical content and three hours of ethics training.
 7 Continuing education requirements for LMSW and RSW applicants shall
 8 include at least three hours of ethics training.

9 E. If any license, certificate, or registration is lapsed for more than sixty
 10 months, the applicant for license, certificate, or registration shall submit proof
 11 of completion of forty hours of approved social work continuing education and
 12 pass the board exam on the Louisiana Social Work Practice Act and the rules,
 13 standards, and procedures prior to reinstatement. Continuing education
 14 requirements for LCSW applicants shall include at least twenty hours of clinical
 15 content and three hours of ethics training. Continuing education requirements
 16 for LMSW and RSW applicants shall include at least three hours of ethics
 17 training.

18 ~~D.F.~~ The board shall have the authority to grant continuing education
 19 waivers for declared emergencies. In response to a disaster or emergency declared
 20 by the governor of the state of Louisiana, continuing education units required for
 21 renewal of a license may be waived by the board.

22 ~~E.G.~~ The board shall have the authority to grant continuing education
 23 extensions for extenuating circumstances. In response to an extenuating
 24 circumstance, the time frame mandated to complete continuing education units
 25 required for renewal of a license may be extended by the board.

26 §2715. Rights and privileges

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

1 §2716. Fees

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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~~ **Funds** may be expended by the board without
6 appropriation for cost of administration and other expenses. Additionally, ~~such~~ funds
7 may be used for the establishment and operation of continuing education programs
8 relating to the practice of social work and supervision of social work practice. Any
9 funds remaining unexpended and unencumbered at the end of each fiscal year shall
10 be retained by the board for expenditure in succeeding years and no part ~~thereof~~ shall
11 revert to the state 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 the**
20 **social worker 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
30 grounds of the charges against the social worker. The social worker has a right to

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

12 * * *

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

21 **H. Any individual whose license, certificate, or registration has been**
 22 **revoked or suspended shall return the license, certificate, or notice of**
 23 **registration to the office of the board no later than ten calendar days after**
 24 **receipt of a notice of revocation or suspension.**

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26 §2721. Injunctive proceedings

27 A. The board may, ~~in the name of the people of the state of Louisiana,~~
 28 ~~through the attorney general~~ apply for an injunction in any court of competent
 29 jurisdiction to enjoin any person from committing any act prohibited by the
 30 provisions of this Chapter.

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§2724. Qualification; certified social worker

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

* * *

Section 2. This Act shall become effective on January 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2022, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____