

1 Section 1. R.S. 37:2704(A)(1), (2), and (3), 2705(A) and (D), 2706(B), 2708(A)(3),
 2 2709(B), 2712, 2713, 2714(B) through (E), 2716(B), 2717(A)(2) and (D), 2719, 2721(A),
 3 and 2724(B) are hereby amended and reenacted and R.S. 37:2703(19), 2712(3), 2714(F) and
 4 (G), 2715(F), and 2717(A)(13), (G), and (H) are hereby enacted to read as follows:

5 §2703. Definitions

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

8 * * *

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

12 §2704. Board of Social Work Examiners

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

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

29 (2) One licensed master's social worker with at least ~~five~~ **three** years of social

1 work experience.

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

4 * * *

5 §2705. Board; meetings; powers

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

11 * * *

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

15 * * *

16 §2706. Qualifications; registered social worker

17 * * *

18 B. An individual registered as a registered social worker may engage in
19 generalist social work practice based on the application of social work theory,
20 knowledge, ethics, and utilizing problem-solving methods to restore or enhance
21 social functioning of individuals, families, groups, organizations, and communities
22 through assessment, prevention, and intervention and evaluation, case management,
23 information and referral, supportive counseling, advocacy, research, supervision,
24 community organization, **education**, and the implementation and administration of
25 policies, programs, and activities. A social worker at this level shall work as an
26 employee in an agency and shall not engage in advanced practice or in clinical social
27 work.

28 * * *

29 §2708. Qualification; licensed clinical social worker

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

3 * * *

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

11 * * *

12 §2709. License, certification, or registration required

13 * * *

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

17 * * *

18 §2712. Licensure, certification, or registration by reciprocity or endorsement of
19 credentials

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

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

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

29 ~~(b) The state, territory, commonwealth, or District of Columbia from which~~

1 ~~the applicant for a license comes, accords similar privilege or licensure without~~
2 ~~examination to holders of licenses under this Chapter.~~

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

6 ~~(2) The board may certify or register as a certified social worker or a~~
7 ~~registered social worker, respectively, an applicant for certification or for registration~~
8 ~~who is the equivalent of a certified social worker or a registered social worker,~~
9 ~~respectively, certified or registered under another state, territory, commonwealth, or~~
10 ~~District of Columbia when the requirements for certification or registration are at the~~
11 ~~date of certification or registration substantially equal to the requirements then or~~
12 ~~subsequently in force in this state and when the state, territory, commonwealth, or~~
13 ~~District of Columbia from which the applicant for certification or registration comes,~~
14 ~~accords similar privilege or certification or registration to holders of certificates or~~
15 ~~registration under this Chapter.~~

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

19 **(1) Be credentialed and in good standing with their respective social**
20 **work regulatory board or agency based on equivalent educational, supervision,**
21 **and examination requirements for a Louisiana licensed clinical social worker,**
22 **licensed master's social worker, certified social worker, or registered social**
23 **worker.**

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

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

28 **B. If the board determines that a state, territory, commonwealth, or the**
29 **District of Columbia does not have credentialing requirements that are**

1 ~~and any~~ **Any** application for renewal ~~will~~ **shall** be declined until the continuing
2 education requirements have been met. If a social worker fails to ~~complete the~~
3 ~~continuing education requirements by June thirtieth~~ **renew by August thirty-first**
4 of each year, at the licensed, certified registered level, he ~~may~~ **shall** not practice
5 social work. ~~Renewal of a license, certificate, or registration which has lapsed for~~
6 ~~three months or less may be effected upon submission to the board of a renewal~~
7 ~~application accompanied by such renewal fee as is required by the board. Renewal~~
8 ~~of a license, certificate, or registration which has lapsed for a period in excess of~~
9 ~~three months but less than six months~~ **or less** may be effected upon submission to the
10 board of a renewal application accompanied by a fee which shall be twice the
11 amount of the normal renewal fee specified by the board. If a license, certificate, or
12 registration is allowed to lapse for six months or longer, the applicant for the license,
13 certificate, or registration shall be considered a new applicant subject to appropriate
14 provisions of this Chapter **including the reinstatement provisions of this Section.**

15 **D. If any license, certificate, or registration is lapsed for at least six**
16 **months but not more than sixty months, the applicant for the license, certificate,**
17 **or registration shall submit proof of completion of twenty hours of approved**
18 **social work continuing education and pass the board exam on the Louisiana**
19 **Social Work Practice Act and rules, standards, and procedures prior to**
20 **reinstatement. Continuing education requirements for LCSW applicants shall**
21 **include at least ten hours of clinical content and three hours of ethics training.**
22 **Continuing education requirements for LMSW and RSW applicants shall**
23 **include at least three hours of ethics training.**

24 **E. If any license, certificate, or registration is lapsed for more than sixty**
25 **months, the applicant for license, certificate, or registration shall submit proof**
26 **of completion of forty hours of approved social work continuing education and**
27 **pass the board exam on the Louisiana Social Work Practice Act and the rules,**
28 **standards, and procedures prior to reinstatement. Continuing education**
29 **requirements for LCSW applicants shall include at least twenty hours of clinical**

1 content and three hours of ethics training. Continuing education requirements
 2 for LMSW and RSW applicants shall include at least three hours of ethics
 3 training.

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

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

12 §2715. Rights and privileges

13 * * *

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

17 §2716. Fees

18 * * *

19 B. The fees established under the provisions of this Section shall be paid to
 20 ~~the secretary-treasurer~~ of the board. The board shall retain all fees and other monies
 21 received by it. ~~Such funds~~ **Funds** may be expended by the board without
 22 appropriation for cost of administration and other expenses. Additionally, ~~such~~ funds
 23 may be used for the establishment and operation of continuing education programs
 24 relating to the practice of social work and supervision of social work practice. Any
 25 funds remaining unexpended and unencumbered at the end of each fiscal year shall
 26 be retained by the board for expenditure in succeeding years and no part thereof shall
 27 revert to the state general fund.

28 * * *

29 §2717. Disciplinary action; hearing; procedures; appeal

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

4 * * *

5 (2) Incapacity or impairment due to the use Use of drugs or intoxicating
6 beverages to an extent which affects his professional competence. that prevents the
7 social worker from engaging in the practice of social work with reasonable skill,
8 competence, and safety to the public.

9 * * *

10 (13) Practicing social work with a lapsed license, certificate, or
11 registration.

12 * * *

13 D. No license, certificate, or registration shall be suspended or revoked until
14 a hearing is held before the board, after notice of at least thirty days to the social
15 worker. The notice shall be served by registered mail, return receipt requested, shall
16 state the date, time, and place of the hearing, and shall set forth the ground or
17 grounds of the charges against the social worker. The social worker has a right to
18 present his own defense either in proper person or by counsel, to produce testimony
19 and to testify in his own behalf. A record of the hearing shall be taken and preserved.
20 The record shall contain the notice, documents, and data filed in the proceedings; all
21 statements of the board pertinent thereto; the testimony, exhibits, and the written
22 findings of fact and orders of the board. ~~The state of Louisiana shall be a party to the~~
23 ~~prosecution of all such actions and hearings before the board pertaining to the~~
24 ~~suspension or revocation of a license, certificate, or registration, and the attorney~~
25 ~~general shall appear in behalf of the state.~~ The hearing may be adjourned from time
26 to time. If the social worker pleads guilty, or if upon hearing the charges the majority
27 of the board finds them true, the board may enter an order suspending or revoking
28 the license, certificate, or registration or imposing probationary conditions.

29 * * *

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

6 * * *

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

The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Matt DeVille.

DIGEST

SB 155 Reengrossed

2021 Regular Session

Bouie

Present law provides for the Louisiana Social Work Practice Act.

Present law provides for definitions. Proposed law adds a definition for "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 (board). Proposed law reduces the experience necessary to serve on the board to three years.

Present law provides that an individual beginning practice as a social worker shall submit an application for credentials within 90 days of commencing practice. Proposed law provides that all components of application for licensure, certification, or registration shall be completed within 90 days of commencing practice.

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

Present law provides that an applicant for LCSW must have completed 5,760 postgraduate hours of social work practice, including 3,840 hours practicing social work under the supervision of a board-approved clinical supervisor. Proposed law reduces the required experience to 3,000 hours over a minimum of two years and a maximum of four years and provides that the board may extend this timeframe if circumstances warrant.

Present law extends reciprocity regarding applications for licensure as an LMSW or LCSW to those from any state, territory, commonwealth, or the District of Columbia which has substantially equal licensure requirements, requires an examination for licensure, and grants reciprocity to those with La. credentials. Proposed law removes the requirement that the home state of the applicant grant reciprocity to La. applicants.

Proposed law provides that the board may license an applicant if the applicant passes the

board exam on the La. Social Work Practice Act and the rules, standards, and procedures of the board.

Present law provides that the board shall mail an application for renewal of a license, certificate, or registration to each person to whom a license, certificate, or registration was issued or renewed during the current year. Proposed law requires the board to provide notice for renewal of a license, certificate, or registration.

Present law provides that the renewal of a license, certificate, or registration which has lapsed for a period in excess of three months but less than six months may be effected upon submission to the board of a renewal application accompanied by a fee which shall be twice the amount of the normal renewal fee specified by the board. Proposed law extends applicability of present law to a license, certificate, or registration which has lapsed for six months or less.

Proposed law provides that for the renewal of any license, certificate, or registration which has lapsed for at least six months but not more than 60 months, the applicant shall submit proof of completion of 20 hours of approved social work continuing education and pass the board exam on the La. Social Work Practice Act and rules, standards, and procedures prior to reinstatement. Continuing education requirements for LCSW applicants shall include at least 10 hours of clinical content and three hours of ethics training. Continuing education requirements for LMSW and RSW applicants shall include at least three hours of ethics training.

Proposed law provides that for the renewal of any license, certificate, or registration which has lapsed for more than 60 months, the applicant shall submit proof of completion of 40 hours of approved social work continuing education and pass the board exam on the La. Social Work Practice Act and the rules, standards, and procedures prior to reinstatement. Continuing education requirements for LCSW applicants shall include at least 20 hours of clinical content and three hours of ethics training. Continuing education requirements for LMSW and RSW applicants shall include at least three hours of ethics training.

Proposed law provides that no individual shall assume the title "social worker" until that person has successfully completed an undergraduate academic social work program or a graduate level academic social work program.

Present law provides that the board may deny, revoke, or suspend any license, certificate, or registration issued by the board or applied for, or otherwise discipline a social worker for certain enumerated causes including the use of drugs or intoxicating beverages to an extent which affect a social worker's professional competence. Proposed law provides that the board may discipline a social worker for incapacity or impairment due to the use of drugs or intoxicating beverages that prevents the social worker from engaging in the practice of social work with reasonable skill, competence, and safety to the public and proposed law further adds the cause of practicing social work with a lapsed license, certificate, or registration.

Present law provides that the state of Louisiana shall be a party to the prosecution of all disciplinary actions and hearings before the board pertaining to the suspension or revocation of a license, certificate, or registration and the attorney general shall appear on behalf of the state. Proposed law deletes this requirement.

Proposed law provides that the board may issue a cease and desist order to stop an individual from engaging in an unauthorized practice or violating or threatening to violate a statute, rule, or order which the board has issued or is empowered to enforce. Proposed law further provides the cease and desist order shall state the reason for its issuance and notice of the individual's right to request a hearing.

Proposed law provides that any individual whose license, certificate, or registration has been

revoked or suspended shall return the license, certificate, or notice of registration to the office of the board within 10 days after a notice of revocation or suspension.

Present law provides that no license, certificate, or registration shall be denied to any applicant based upon the applicant's race, religion, creed, national origin, sex, or physical impairment so long as the physical impairment does not interfere with the performance of professional duties. Proposed law adds age, sex, sexual orientation, gender expression, or differing abilities, and removes physical impairment.

Present law provides that the Board of Social Work Examiners may, in the name of the people of the state of Louisiana, through the attorney general apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any enumerated prohibited act. Proposed law removes the requirement that the board apply in the name of the people of the state through the attorney general.

Present law provides that an individual may hold a social worker certificate for no more than three years from the issuance of the original certificate and requires the individual to 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. Proposed law removes the requirement for the individual to take the examination.

Effective January 1, 2022.

(Amends R.S. 37:2704(A)(1), (2), and (3), 2705(A) and (D), 2706(B), 2708(A)(3), 2709(B), 2712, 2713, 2714(B)-(E), 2716(B), 2717(A)(2) and (D), 2719, 2721(A) and 2724(B); adds R.S. 37:2703(19), 2712(3), 2714(F) and (G), 2715(F), and 2717(A)(13), (G), and (H))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Establishes reciprocity procedure for out-of-state social workers to practice in Louisiana.
3. Removes the state as a party to the prosecution of actions and hearings before the Board of Social Work Examiners pertaining to the suspension or revocation of a license, certificate, or registration and the requirement that the attorney general appear on behalf of the state.
4. Allows the Board of Social Work examiners to apply for an injunction in any court to enjoin any person from committing prohibited acts.