

DIGEST

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SB 155 Reengrossed

2021 Regular Session

Bouie

Present law, R.S. 37:2701 et seq., encompasses the Louisiana Social Work Practice Act.

Present law provides for definitions. Proposed law retains present law and adds the following defined term and definition:

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

Present law provides that five years of experience is necessary for any registered social worker (RSW), licensed master's social worker (LMSW), or licensed clinical social worker (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.

Proposed law deletes present law requiring that the board, at each meeting, update the listing of licensed, certified, and registered social workers and make that list available to the public.

Present law provides that an applicant for LCSW licensure 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.

Proposed law deletes a requirement that the home state of an applicant grant reciprocity to Louisiana applicants there in order for the applicant to be licensed by reciprocity here.

Proposed law revises present law relative to licensure, certification, or registration by reciprocity or endorsement of credentials to provide that any social worker from another state, territory, commonwealth, or the District of Columbia seeking authority to practice in this state through reciprocity or endorsement shall comply with the following:

- (1) Be credentialed and in good standing with their respective social work regulatory board or agency based on substantially equivalent educational, supervision, and examination requirements for a Louisiana LCSW, LMSW, RSW, or certified social worker.
- (2) Pass an open-book examination on the Louisiana Social Work Practice Act including all applicable laws and rules, regulations, standards, and procedures adopted by the board.
- (3) Pay the fee prescribed by the board.

Proposed law stipulates that if a state, territory, commonwealth, or the District of Columbia does not have credentialing requirements for social workers that are substantially equivalent to those of this state, the La. State Board of Social Work Examiners may require a social worker to obtain the requisite educational, supervision, and examination requirements in accordance with present law and proposed law.

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. Provides that continuing education requirements for LCSW applicants whose licenses have lapsed for this period shall include at least 10 hours of clinical content and three hours of ethics training. Provides that continuing education requirements for LMSW and RSW applicants whose licenses have lapsed for this period 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. Provides that continuing education requirements for LCSW applicants whose licenses have lapsed for this period shall include at least 20 hours of clinical content and three hours of ethics training. Provides that continuing education requirements for LMSW and RSW applicants whose licenses have lapsed for this period 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 revises present law to provide 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. Proposed law adds practicing social work with a lapsed license, certificate, or registration as a cause for denial, revocation, or suspension of a license, certificate, or registration.

Proposed law deletes present law requiring 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 that the attorney general shall appear on behalf of the state.

Proposed law authorizes the board to 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. Provides further that 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 deletes reference to physical impairment and adds that no license, certificate, or registration shall be denied to any applicant based upon the applicant's age, sex, sexual orientation, gender expression, or differing abilities.

Present law authorizes the board, in the name of the people of the state of Louisiana, through the attorney general, to 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)-(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), 2719, 2721(A), and 2724(B); Adds R.S. 37:2703(19), 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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill:

1. Revise proposed law to provide that any social worker from another state, territory, commonwealth, or the District of Columbia seeking authority to practice in La. through reciprocity or endorsement of credentials shall be credentialed and in good standing with their respective social work regulatory board or agency based on educational, supervision, and examination requirements that are substantially equivalent to this state's.
2. Revise proposed law relative to licensure by reciprocity or endorsement to provide that if a state, territory, commonwealth, or the District of Columbia does not have credentialing requirements for social workers that are substantially equivalent to those of this state, the La. State Board of Social Work Examiners

may require a social worker to obtain the requisite educational, supervision, and examination requirements in accordance with present law and proposed law.

3. Make technical changes.