

2021 Regular Session

SENATE BILL NO. 155

BY SENATOR BOUIE

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

COUNSELING/GUIDANCE. Provides relative to the Louisiana Social Work Practice Act.
(1/1/22)

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), 2713, 2714(B) through (E), 2716(B), 2717(A)(2) and
4 (D), 2719, and 2724(B) and to enact R.S. 37:2703(19), 2712(3), 2714(F) and (G),
5 2715(F), and 2717(A)(13), (G), and (H), relative to the Louisiana Social Work
6 Practice Act; to provide for definitions; to provide for qualifications of the members
7 of the Louisiana State Board of Social Worker Examiners; to provide for the officers
8 of the board; to provide for duties of the board; to provide for registered social
9 workers; to provide for licensed clinical social workers; to provide for application
10 for licensure; to provide for licensure of qualified applicants; to provide for renewal
11 of registrations, certificates, and licenses; to provide for the use of the title of social
12 worker; to provide for payment of fees; to provide for the basis of a disciplinary
13 action; to provide for state representation at disciplinary hearings; to provide for
14 cease and desist orders; to provide for prohibitions against discrimination; to provide
15 for certified social workers; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 37:2704(A)(1), (2), and (3), 2705(A) and (D), 2706(B), 2708(A)(3),

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

4 §2703. Definitions

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

7 * * *

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

11 §2704. Board of Social Work Examiners

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

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

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

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

3 * * *

4 §2705. Board; meetings; powers

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

10 * * *

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

14 * * *

15 §2706. Qualifications; registered social worker

16 * * *

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

27 * * *

28 §2708. Qualification; licensed clinical social worker

29 A. No individual shall be eligible for licensure by the board as a licensed

1 clinical social worker unless the individual:

2 * * *

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

10 * * *

11 §2709. License, certification, or registration required

12 * * *

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

16 * * *

17 §2712. Licensure, certification, or registration by reciprocity or endorsement of
18 credentials

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

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

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

28 (b) ~~The state, territory, commonwealth, or District of Columbia from which~~
29 ~~the applicant for a license comes, accords similar privilege or licensure without~~

1 ~~examination to holders of licenses under this Chapter.~~

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

5 * * *

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

8 §2713. License, certificate, registration

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

13 §2714. Continuing education and license, certificate, and registration renewal

14 * * *

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

29 C. If any person fails to renew his or her license, certificate, or registration

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

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

26 E. If any license, certificate, or registration is lapsed for more than sixty
27 months, the applicant for license, certificate, or registration shall submit proof
28 of completion of forty hours of approved social work continuing education and
29 pass the board exam on the Louisiana Social Work Practice Act and the rules,

1 standards, and procedures prior to reinstatement. Continuing education
 2 requirements for LCSW applicants shall include at least twenty hours of clinical
 3 content and three hours of ethics training. Continuing education requirements
 4 for LMSW and RSW applicants shall include at least three hours of ethics
 5 training.

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

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

14 §2715. Rights and privileges

15 * * *

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

19 §2716. Fees

20 * * *

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

* * *

§2717. Disciplinary action; hearing; procedures; appeal

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

* * *

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

* * *

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

* * *

D. No license, certificate, or registration shall be suspended or revoked until a hearing is held before the board, after notice of at least thirty days to the social worker. The notice shall be served by registered mail, return receipt requested, shall state the date, time, and place of the hearing, and shall set forth the ground or grounds of the charges against the social worker. The social worker has a right to present his own defense either in proper person or by counsel, to produce testimony and to testify in his own behalf. A record of the hearing shall be taken and preserved. The record shall contain the notice, documents, and data filed in the proceedings; all statements of the board pertinent thereto; the testimony, exhibits, and the written findings of fact and orders of the board. The state of Louisiana shall be a party to the prosecution of all such actions and hearings before the board pertaining to the suspension or revocation of a license, certificate, or registration; and the attorney general **or other approved legal counsel** shall appear in behalf of the state. The hearing may be adjourned from time to time. If the social worker pleads guilty, or if upon hearing the charges the majority of the board finds them true, the board may

1 enter an order suspending or revoking the license, certificate, or registration or
2 imposing probationary conditions.

3 * * *

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

12 **H. Any individual whose license, certificate, or registration has been**
13 **revoked or suspended shall return the license, certificate, or notice of**
14 **registration to the office of the board within ten days after a notice of revocation**
15 **or suspension.**

16 * * *

17 §2719. Discrimination

18 No license, certificate, or registration shall be denied any applicant based
19 upon the applicant's race, religion, creed, national origin, **age**, sex, **sexual**
20 **orientation, gender expression, or differing abilities** ~~or physical impairment so~~
21 ~~long as the physical impairment does not interfere with the performance of~~
22 ~~professional duties.~~

23 * * *

24 §2724. Qualification; certified social worker

25 * * *

26 B. The board may issue a social worker certificate to an individual who has
27 completed all requirements for certification as a certified social worker. The
28 individual may hold the certificate for no more than three years from the issuance of
29 the original certificate, ~~and the individual shall take an examination approved by the~~

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 allows other approved legal counsel to appear on behalf of the state.

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