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To: Ms. Emily DeAngelo
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From: Jessica Weimer
Louisiana Department of Justice
Occupational Licensing Review Program

Date: August 22, 2025

Subject: Louisiana State Board of Social Work Examiners
Proposed Amendment to LAC 46:XXV.701, 703, and 705
Regarding Chapter 7- Impaired Professional Program Authority/Recovering
Professional Program

I. SUMMARY

The Louisiana State Board of Social Work Examiners (the “**Board**”) proposes amending LAC 46:XXV.701, 703, and 705 (the “**Proposed Amendments**”), relative to the Impaired Professional Program Authority.¹ The Proposed Amendments (i) change the title of Chapter 7 to “Recovering Professional Program; (ii) provide for submission to a physical or mental examination, evaluation, test, or drug/alcohol screen if the Board receives verifiable information indicating the applicant or licensee may be unable to practice social work safely due to physical or mental condition; (iii) clarify that professionals who evaluate, monitor or treat applicants or licensees participating in the Recovering Professional Program must be recognized by the Board; and (iv) clarify procedures applicable to the Recovering Professional Program.”²

The Board published a Notice of Intent to promulgate the Proposed Amendments on January 20, 2025.³ The Notice invited public comments through February 10, 2025 and set a public hearing on the proposed rules to be held on February 25, 2025.⁴

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (the “**OLRP**”) on June 23, 2025. The OLRP invited public comments on the Proposed Amendments from June 24, 2025 through July 8, 2025 and received no comments.

¹ Louisiana Register Vol. 51 No. 1, January 20, 2025 at pgs. 119-140

² Id. at pg. 119

³ Id. at pg. 139

⁴ Id. at 1054

The OLRP reviews proposed occupational regulations of participating state occupational licensing boards.⁵ An Occupational Regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁶ The Louisiana Administrative Procedure Act (“*APA*”) defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).⁷ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁸

The Proposed Amendments serve to enhance flexibility and accountability in order to better safeguard public health and support professional recovery and rehabilitation. They do not create new barriers to entry, restrict competition, or limit consumer choice. As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:XXV §§701, 703, and 705 adhere to clearly articulated state policy but are not occupational regulations with reasonably foreseeable anti-competitive effects requiring input from OLRP.

II. ANALYSIS

The Louisiana Social Work Practice Act (the “*Act*”), La. R.S. 37:2701 *et seq.* was enacted to safeguard the public health, safety, and welfare by preventing the unauthorized, unqualified, or improper practice of social work. The Board was established as a regulatory authority authorized to adopt and revise rules necessary for the enforcement of the Act and establish ethical standards of practice.⁹

The Louisiana State Board of Social Work Examiners has established the Social Work Impaired Professional Program (the “*program*”) in recognition of the need to protect the public while supporting impaired professionals in recovery.¹⁰ The Board acknowledges that physical and mental illness, addictive disorders, and other impairments can affect professional judgment and the safe delivery of social work services. Accordingly, the program was developed as a structured mechanism to safeguard the public health, safety, and welfare, while promoting accountability and recovery and ensuring professional oversight that emphasizes both accountability and recovery.¹¹ The program allows impaired social workers to seek assistance through self-disclosure via initial or renewal application for licensure, Board determination, as a condition of continued practice, or other circumstances.¹² The program also offers preventative support, allowing for participation before impairment or harm occurs.¹³ A social worker participating in the program may, under certain circumstances, be allowed to maintain their credentials while in compliance with the

⁵ LA RS 49:260 (B)

⁶ LA R.S. 49:260 (G) (4)

⁷ LA R.S. 49:951 (8)

⁸ Black’s Law Dictionary, 12th Edition p. 116

⁹ LA R.S. 37:2705

¹⁰ LAC 46:XXV.701

¹¹ LAC 46:XXV.701 and 703, LA R.S. 37:2705(C)

¹² LAC 46:XXV.703(B)

¹³ LAC 46:XXV.703(A)

program.¹⁴ With required assessments, ongoing supervision, drug and alcohol screenings, professional supervision, and participation in recovery or treatment programs, the program balances public protection with opportunities for prevention, remediation and recovery, underscoring the Board's commitment to quality and professional integrity and oversight.¹⁵

A. Proposed LAC 46: XXV. Chapter 7- Title

The Board proposes amending the title of Chapter 7 to "Recovering Professional Program Authority" from "Impaired Professional Program Authority," indicating this is a more appropriate title for the chapter. This revision is a wording and/or stylistic change that does not alter the intent or the substantive meaning of the chapter. While this chapter governs the Recovering Professional Program and addresses the impairment of social workers, it does not present reasonably foreseeable anti-competitive effects that would limit entrance into, or the continued practice of, social work. Accordingly, it does not require input from the OLRP and the Board may proceed with promulgation of this amendment in accordance with the Louisiana APA.

B. Proposed LAC 46:XXV.701- Authority

The Board proposes amending §701 to remove the establishment of the Recovering Professional Program Committee. The Board further authorizes the administrator or Board designee to require a physical or mental examination, evaluation, test, or drug/alcohol screen upon receipt of verifiable information that may indicate impairment affecting a licensee's ability to practice social work safely. The program was established to protect public health, safety, and welfare by ensuring that social workers are capable of practicing with reasonable skill and judgment. The Board is statutorily authorized under the Act to regulate social work practice in order to safeguard against unqualified or impaired practitioners.

While this amendment may affect market participation by delaying licensure of applicants or restricting the practice of licensees who fail or refuse to comply with mandated evaluations, such effects are incidental to the legitimate state policy goal of public protection. The requirement applies uniformly to all licensees and applicants and does not favor any particular group or practice setting, thereby maintaining competitive neutrality. Moreover, the program provides a rehabilitative framework that allows professionals to continue or resume practice under monitored conditions, thus mitigating potential exclusionary effects.

Accordingly, the proposed amendment adheres to clearly articulated state policy and is within the Board's statutory authority. Any restrictions on entry or continued practice are narrowly tailored to safety and competency concerns, rather than economic competition. The proposed amendment is not an occupational regulation with reasonably foreseeable anticompetitive effects and thus does not require input from the OLRP. As such, the Board may proceed with promulgation of this amendment in accordance with the Louisiana APA.

¹⁴ LAC 46:XXV.703(B)

¹⁵ LAC 46:XXV.705

C. Proposed LAC 46:XXV.703-Purpose

The proposed amendment to §703 updates the program's title from the "Impaired Professional Program" to the "Recovering Professional Program." It also broadens the scope of covered conditions by expressly including "medical" disorders in addition to the mental, physical, and addictive conditions recognized under the current rule. Additionally, the amendment revises language in §703(C) to expand immunity under La. R.S. 37:2723 to professionals "recognized, approved, or designated" by the Board to provide evaluation, monitoring, and treatment services, thereby increasing flexibility in the use of qualified providers.

The proposed amendments to §703 do not present any reasonably foreseeable anticompetitive effects. While the revisions broaden the scope of impairments to include medical conditions and expands immunity protections to professionals "recognized, approved, or designated" by the Board, these changes neither restrict entry into the profession nor confer unfair competitive advantages to any subset of practitioners. Rather, they enhance flexibility in administering the program and encourage earlier disclosure and participation, which in turn may ultimately support workforce retention through the recovery program while focusing on public protection. Any incidental impact on practice would stem from legitimate public protection concerns rather than from restraints on economic competition.

Accordingly, the proposed amendment adheres to clearly articulated state policy and is within the Board's statutory authority. Any restrictions on entry or continued practice are narrowly tailored to safety and competency concerns, rather than economic competition. The proposed amendment is not an occupational regulation with reasonably foreseeable anticompetitive effects and thus does not require input from the OLRP. As such, the Board may proceed with promulgation of this amendment in accordance with the Louisiana APA.

D. Proposed LAC 46:XXV.705-Program Implementation

The proposed amendment to §705 updates the program's name from Social Work Impaired Professional Program (IPP) to Social Work Recovering Professional Program (RPP), reflecting a shift in emphasis from impairment to recovery as an ongoing process throughout the rule text.

Under the current rule, participants must undergo an "assessment" by a licensed, Board pre-approved professional, covering treatment history, relapse history, psychological/physical needs, and future treatment recommendations. The proposed amendment expands this requirement into an "intake interview" and/or evaluation by a "Board-recognized treatment provider." In cases of suspected addiction to drugs or alcohol, the evaluation must be conducted by a team of professionals recognized by the Board. The content of the evaluation is expanded to include a review of prescription monitoring records, observed drug/alcohol testing of urine, hair, and blood, collateral information, and recommendations for future treatment. These changes strengthen the initial evaluation process, increase the Board's oversight, and ensure a multidisciplinary approach in addiction related cases.

The Board also proposes removing the specific requirement of "bi-monthly" drug/alcohol screenings, instead granting discretion to the RPP Manager to determine frequency, with results to

be submitted in connection with “regularly scheduled Board meetings” rather than monthly. This amendment provides greater flexibility, integrates oversight with Board the Board’s review process, and allows for more frequent or varied testing based on individual circumstances.

Under the current rule, substance related impairments may require participation in “Twelve Step” or other appropriate support groups with pre-approved logs submitted monthly. The proposed amendment expands this to require participation in “a Twelve Step recovery program or an alternative mutual help program approved by the RPP Manager or the Board,” with verification submitted in a “manner, format, and timeline stipulated in the social worker’s participation agreement.” This amendment broadens acceptable recovery support programs while standardizing compliance verification.

The proposed amendment further updates language to require a relocating social worker to enroll in the new jurisdiction’s recovering professional program or, if no program exists, notify that jurisdiction’s board that the worker is recovering and enrolled in Louisiana’s RPP. Currently, relocating social workers are required to notify the new jurisdiction of their impairment and enrollment in Louisiana’s IPP. The amended language emphasizes recovery and professional accountability while maintaining multi-jurisdictional coordination.

Finally, the Board further proposes amending §705 to broaden recordkeeping to include attendance verification calendars and incorporate updated RPP terminology, while maintaining the same confidentiality and retention requirements for a minimum of five years. This amendment expands the scope of records for improved compliance tracking without changing privacy and confidentiality protections.

The proposed amendments to §705 expand evaluation requirements, strengthen monitoring, and refine compliance obligations uniformly to all licensees and applicants and are directly tied to public protection and professional rehabilitation and recovery. By broadening the scope of treatment providers, allowing alternative recovery programs, and emphasizing recovery over impairment, the rule promotes flexibility and continued workforce participation. Any incidental restrictions on practice are narrowly tailored to ensure competency and safety, rather than to limit competition within the profession. As such, this proposed amendment is not an occupational regulation with reasonably foreseeable anticompetitive effects that requires input from the OLRP. The Board may proceed with promulgation of this amendment in accordance with the Louisiana APA.

III. DETERMINATION

The Board is a state regulatory body created by the Louisiana Social Work Practice Act to in order to safeguard the public health, safety, and welfare against unauthorized, unqualified, and improper practice of social work.¹⁶ The Board was established as a regulatory authority authorized to adopt and revise rules necessary for the enforcement of the Act, including the establishment of ethical standards.¹⁷

¹⁶ LA R.S. 37:2701

¹⁷ LA R.S. 37:2705

The Proposed Amendments to LAC 46:XXV.701, 703, and 705 are within the Board's statutory authority and adhere to clearly articulated state policy. However, the Proposed Amendments are not occupational regulations with reasonably foreseeable anticompetitive effects. Accordingly, the Board may proceed with promulgation of the Proposed Amendments in accordance with the Louisiana Administrative Procedure Act without further input from the OLRP.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM



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