

**NOTICE OF INTENT**  
**Department of Health**  
**Board of Social Work Examiners**

**Credentials of Social Work Examiners**  
(LAC 46:XXV Chapters 1, 3, 5, 7, 10, 11, and 13)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Social Work Examiners (“Social Work Board”) proposes to amend LAC 46: XXV. Chapters 1, 3, 5 and 7 and to enact LAC 46: XXV Chapters 10, 11 and 13.

Section 101 provides the scope and applicability of the rules. Section 111 is amended to clarify that the informed consent to provide services must be documented, to clarify that a social worker is from accessing records of any individual they are not treating without a legitimate purpose and to clarify the requirement that social workers supervising students must indicate their supervisory function when cosigning records. Section 113 is amended to clarify social work relationships. Section 125 is being enacted to adopt standards of practice specific to social work educators.

Section 301 is amended to add definitions for Part XXV. Section 305 is amended to provide qualifications for certification and licensure. Section 307 is amended to provide early testing. Section 309 is amended to be consistent with Act 215 (2021). Section 311 is amended to require licensed clinical social workers to list all master’s social workers and certified social workers that are under their supervision on their renewal form for licensure requirements.

Section 313 increases license renewal fees for LCSWs, CSWs, LMSWs, and RSWs, fees for late renewals and for written verification of licenses, certificates, and registrations, removes the fee for reissuing lost or duplicate identification card and postage for shipping and handling for mailing lists now sent electronically, and includes the current e-commerce fee in the rule. Section 317 regarding continuing education requirements is redesignated as Chapter 13. Continuing Education.

Section 319 is amended to be consistent with reciprocity requirements in R.S. 37:2712 as amended by Act 215 (2021). Section 325 enacts inactive status requested by social workers to take time away from active practice. During inactive status a social worker will be required to complete 10 hours of continuing education annually. Section 327 enacts emeritus status requested by social workers who have retired but desire to maintain a license to perform community service. Emeritus status requires 10 hours of continuing education annually and payment of one-half of the annual license renewal fee.

Section 503 is amended to be consistent with R.S. 37:2708(A)(3) as amended by Act 215 (2021). Section 505 is amended to make technical changes. Section 509 is enacted to promulgate rules and procedures regarding telesupervision as required by Act 457 (2024).

Chapter 7 is amended to rename the Impaired Professional Program the Recovering Professional Program, to authorize the administrator to refer a licensee to the program, and to revise program requirements.

Chapter 9 entitled Procedural Rules is being repealed.

Chapter 10 entitled Procedural Rules for Disciplinary Hearing is being enacted.

Chapter 11 is enacted to provide procedures for compliance hearings, declaratory orders, and hearings on matters other than disciplinary matters.

Chapter 13 is enacted to revise continuing education requirements. Section 1311 is enacted to change the collection period for continuing education hours and to authorize up to ten hours of continuing education to carry over to the next collection period. Section 1313 is enacted to authorize up to 10 hours of asynchronous distance or virtual learning or teaching and clarifies that synchronous, interactive webinars are in-person hours. Section 1315 is enacted to pro-rate the number of required continuing education hours for the initial year of a credential.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XXV. Credentialed Social Workers**

**Chapter 1. Standards of Practice**

**§101. Scope and Applicability**

A. The standards of practice apply to all social workers, as that term is defined in R.S. 37:2703 ~~applicants and those who are registered, certified or licensed~~. The use of the term social worker within these standards of practice includes all applicants; and those who are registered, certified or licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Worker Examiners, LR 26:295 (February 2000), amended by the Department of Health, Board of Social Worker Examiners, LR 51:

**§111. Practice Requirements**

A.– E. ...

F. Informed Consent

1. Social workers shall provide services to clients only in the context of a professional relationship with ~~valid~~ documented informed consent. Social workers should use clear and understandable language to inform clients of the plan for services, relevant costs, reasonable alternatives, the client's right to refuse or withdraw consent, and the time frame covered by the consent. Social workers shall provide clients with an opportunity to ask questions.

2. – 3. ...

G. Records

1.-3. ...

4. ~~Social work students in field placement are specifically allowed to provide services under supervision. Social work supervisors who do cosign records shall indicate his/her supervisory function. Social workers supervising students in field placement must indicate their supervisory function when cosigning records.~~

5. A social worker shall accurately complete and ~~submit~~ provide testimony, reports, assessments, evaluations, forms, or similar documentation in a timely manner. This includes all forms requested by the Louisiana State Board of Social Work Examiners.

6. ...

7. A social worker shall not access records of an ~~client~~ individual they are not treating without legitimate purpose.

H. – H. 3. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Worker Examiners, LR 26:295 (February 2000), amended LR 37:2615 (September 2011), amended by the Department of Health, Board of Social Worker Examiners, amended by the Department of Health, Board of Social Work Examiners, LR 43:959 (May 2017), amended LR 51:

**§113. Social Work Relationships**

A. Exploitation. A social worker's duty requires the promotion and advancement of the best interests and welfare of clients, students, and supervisees with whom the social worker has a professional social work relationship when the social worker's primary purpose is the provision of social work services. This duty also applies to social workers engaged in all areas of social work practice. It is a breach of this duty for a

social worker to use the professional relationship to promote or advance the social worker's emotional, financial, sexual, or personal needs, or the social worker's personal, political, or religious agenda. Examples of exploitative behavior may include, but are not limited to, the following:

A.1 – A.7...

B. Dual Relationships. Social workers have an affirmative duty to maintain the best interest of clients and former clients as the predominant consideration during the existence of the social worker/client relationship and thereafter. While clients and former clients with whom the social worker has or had a clinical/therapeutic relationship are at greater risk, any relationship with a client or a former client exposes clients and former clients to the risk of exploitation. Social workers shall be aware, even in those instances where other relationships are not specifically prohibited, that the social worker by promoting, encouraging, or participating in any relationship with a client or former client runs a risk of exploitation. Dual or multiple relationships occur when social workers relate to clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively. A social worker shall not knowingly engage in dual relationships with clients or former clients that compromise the well-being of the client or former client, impair the objectivity and professional judgment of the social worker, or increase the risk of client exploitation. When social workers provide services to two or more people simultaneously who have a relationship with each other (for example, couples or family members), social workers shall clarify with all parties which individual(s) are considered client(s) and the nature of the social worker's professional obligations to the various individuals who are receiving services. Social workers shall avoid multiple relationships with clients, (such as that of a therapist and custody evaluator, mediator, and parenting coordinator, etc.). Social workers who anticipate a conflict of interest among the individuals receiving services or who anticipate having to perform in potentially conflicting roles (for example, when a social worker is asked to testify in a child custody dispute or divorce proceedings involving clients) shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest.

1. Personal Relationships with Clinical/Therapeutic Clients. A social worker shall not engage in a personal relationship with a clinical/therapeutic client. When a social worker may not avoid a personal relationship with a clinical/therapeutic client, the social worker shall take necessary protective measures consistent with the best interests of the clinical/therapeutic client such as informed consent, consultation, or supervision to ensure that the social worker's objectivity and professional judgment are not impaired.

2. Personal Relationships with Former Clinical/Therapeutic Clients. A social worker may engage in a personal relationship, except as prohibited by §113.B.4., with a former clinical/therapeutic client, if the former clinical/therapeutic client was notified of the termination of the professional relationship. ~~The social worker has a continuing duty to safeguard the best interests of the former clinical/therapeutic client.~~ The social worker shall continue to consider the best interests of the former client and shall not engage in a personal relationship with the former client if a reasonable social worker would conclude that the former client continues to relate to the social worker in the social worker's professional capacity.

B.3. – B.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board Certified Social Work Examiners, LR 26:297 (February 2000), amended LR 29:2381 (November 2003), LR 34:246 (February 2008), amended by the Department of Health, Board of Social Work Examiners LR 43:959 (May 2017), amended LR \_\_\_\_\_ (2025).

## **§125. Social Work Educators**

A. A social work educator's purpose is to educate social work students by various means in person or remotely including but not limited to classwork, lectures, field work, and mentorship.

B. Social work educators shall provide instruction only within their areas of knowledge and competence and shall be knowledgeable about current best practices.

C. The relationship of a social work educator to their students is comparable to that of a social worker to their client. Social workers who function as educators should not engage in dual relationships with students in which there is a risk of exploitation or potential harm to the student, including dual relationships that may arise while using social networking sites or other electronic media. Social work educators are responsible for establishing and maintaining clear, appropriate, and culturally sensitive boundaries.

D. A social work educator is afforded vast discretion in making academic, pedagogical, and administrative decisions. The board may not discipline a social work educator for an act or omission that falls within the purview of that discretion unless the act or omission involves conduct prohibited by subsections B and C of this Rule. The purview of this discretion includes without limitation, graded assignments, student discipline, curriculum development, pedagogical methods, and departmental and institutional matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

### **Chapter 3. General Provisions**

#### **§301. Definitions**

A. For purposes of this Part, the following terms shall have the following meanings:

*Adjudicative hearing*—a hearing whereby the merits of an administrative complaint are tried before a quorum of the Board for final disposition.

*Administrative complaint*—the formal charging document prepared by the Prosecuting Officer and filed with the Board as the basis for a disciplinary adjudication.

*Administrator*—the Board Administrator or their successor, provided that the Administrator may delegate any of their duties under this Chapter to their subordinate employees unless strictly prohibited.

*Applicant*—any person who has submitted an application to the Board for any credential recognized by the Practice Act.

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*Chairperson or Chair*—the Chair of the Board.

*Client*—the individual, couple, family, group, organization, or community that seeks or receives social work services any person or group of persons who seek or receive social work services, including all persons or groups of persons to whom a social worker owes a professional duty of care and ethical practice. The term client is intended to have the broadest possible meaning and may include individuals, couples, families, groups, organizations, communities, and systems.

*Complainant*—the person submitting a complaint to the Board.

*Compliance hearing*—a hearing conducted before a limited panel that provides a forum for an applicant denied a credential or a licensee denied renewal of a credential to present documentary evidence and sworn testimony to establish that the applicant or licensee meets the legal requirements for the credential or renewal thereof.

*Consent discipline*—any final order of disciplinary sanctions agreed upon by the Prosecuting Officer and the Respondent, whereby the Respondent admits to some or all of the conduct alleged against them and accepts disciplinary sanctions in lieu of an adjudicative hearing.

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En Banc panel—a panel composed of the entire Board.

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General Counsel—the attorney licensed to practice law in Louisiana independently retained by the Board for the purpose of advising and representing the Board in legal matters.

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Hearing panel—the five- or three-person panel of Board members appointed to render a decision at an adjudicative hearing or compliance hearing, as the case may be.

1. Standard panel—a five-person hearing panel.
2. Limited panel—a three-person hearing panel.

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Interlocutory—any decision on a matter that does not resolve the merits of a complaint, such as rulings on the admissibility of evidence.

Licensee—any person holding any credential authorized by the Practice Act.

Person—a natural or juridical person, including human beings, business entities, governmental agencies, or any other organization deemed a person by Louisiana Civil Code article 24.

Practice Act—the Social Work Practice Act, La. R.S. 37:2701 et seq.

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Prosecuting Officer—the licensed attorney or authority appointed by the Board or the Practice Act to prosecute complaints.

Provisional dismissal—an order of dismissal that requires Board action before the dismissal can become final.

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Respondent—the applicant or licensee made the subject of a complaint filed with the Board.

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Social Work Educator—an individual employed by or in contract with an educational institution's Social Work program for the purpose of educating social work students and who holds a registration, certification, or license in the field of social work.

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Social work services—those actions or undertakings rendered to a client that constitute “social work practice” as that term is defined by R.S. 37:2703.

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B. If a term is defined differently in another Chapter of this Part, that definition shall apply only for the purposes of the Chapter in which it appears. Otherwise, the definitions contained in this Section shall apply generally to this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:300 (February 2000), amended LR 34:247 (February 2008), LR 37:2616, (September 2011), amended by the Department of Health, Board of Social Work Examiners, LR 43:959 (May 2017), LR \_\_\_\_\_ (2025).

### **§305. Qualifications for Registration, Certification, Licensure**

A. – B.3 ...

C. Certified Social Worker (CSW)

1. The board may issue certification to an applicant who meets all requirements for the LMSW except for passing the examination approved by the board.
2. The individual may hold the certification for up to three years from the date of issuance of the original certificate ~~provided the individual takes the examination approved by the board within first 6 months after certification and annually for the next 2 ½ years.~~
3. ~~It is the responsibility of the CSW to submit proof of examination to the board office once each year of eligibility.~~
4. The CSW who does not pass the examination for the LMSW within three years from the date of issuance of the original certification may apply for the registered social work credential.
5. ~~In the event that the CSW does not take the examination for the LMSW within the first 6 months of issuance of the original certificate or yearly thereafter, the CSW certificate will be subject to recall by the board and the CSW will be recorded as invalid in the board's database.~~

D. Licensed Clinical Social Worker (LCSW)

1. – 2. ...

3. ~~The applicant~~ All applicants beginning supervision on or after January 1, 2022, shall submit documentation verifying at least 5760 3000 hours of supervised postgraduate social work practice that complies with La. R.S. 37:2708(A)(3) on a form provided by the board. Applicants beginning supervision before January 1, 2022, shall comply with the version of this Part and La. R.S. 37:2708 in effect at the time supervision began.

4. Repeal

5. – 6. ...

E. – E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C. and R.S. 37:2708(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:301 (February 2000), amended LR 29:2383 (November 2003), LR 34:1401 (July 2008), LR 37:2616 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:304 (February 2014), LR 51:.

### **§307. Administration of Examination**

A. – D. ...

E. Early Testing. The board may allow candidates to test early in accordance with the policy set forth by the Association of Social Work Boards.

1. Students in their final semester of a graduate social work program as defined by R.S. 37:2703.10. may request on a form prescribed by the board and signed by the program dean, director, or another designee, approval to sit for the examination recognized by the board for obtaining the LMSW credential. All requirements of the application, other than the official master's transcript, must be complete for exam approval to be considered by the board. The applicant shall make a request to the university to submit the transcript showing the conferred Master of Social Work degree directly to the board office within 15 days of its availability.

2. LMSWs in their final six months of supervision in accordance with §503 may request on a form prescribed by the board and signed by their board approved clinical supervisor, approval to sit for the examination recognized by the board for obtaining the LCSW credential. Applicants must have at least 75

hours of supervision and must complete all requirements of the LCSW application, other than the final supervision forms, for exam approval to be considered by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:302 (February 2000), repromulgated LR 29:2383, (November 2003), amended LR 37:2616 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:304 (February 2014), LR \_\_\_\_\_ (2025).

### **§309. Application Procedure**

~~A. Application forms and instructions can be downloaded from the board's website or obtained by making a written, telephone or electronic request to the board office. Applications are to be completed electronically as provided by the board.~~

B. - C. ...

D. Applications and other required documentation must be received in ~~submitted to~~ the board office at least seven days prior to the board's meeting to be eligible for consideration.

E. The board shall refuse to consider any application not complete in every detail, including submission of every document required by the application form. At the board's discretion a more detailed or complete response to any request for information set forth on the application form may be required. Incomplete applications will not be considered submitted under La. R.S. 37:2709(B).

F. ...

~~G. As one element of good moral character, the board shall require each applicant to submit a full set of fingerprints for the purpose of obtaining State and Federal criminal records check, pursuant to authorizing state statute and applicable federal law. The state agency responsible for managing fingerprint data may submit fingerprints to and exchange data with the FBI. All good moral character information, including the information obtained through criminal records checks, shall be considered in licensure decisions to the extent permissible by all applicable laws. Applicants are responsible for submitting all documentation required by La. R.S. 37:2706, 37:2707, 37:2708, or 37:2724, and by §305 concurrently with submission of their application to the board. The board may provide forms for submission of this information.~~

H. – K. Repeal

L. ...

M. Repeal

N. ...

O. Initial social work credentials issued during the ~~last quarter of the fiscal year, (i.e. April, May or June)~~ three months prior to the renewal deadline (i.e. June, July, and August) will not be required to renew for the next fiscal year.

P. Procedure for Social Workers with Felony Convictions

1. It is the applicant's responsibility to submit documentation to the board sufficient to establish that the applicant meets the criteria of §37:2950. The burden of proof for submitting the requested documentation is the responsibility of the BSW or MSW applicants in order to convince the Louisiana State Board of Social Work Examiners that he/she has good moral character and fitness to practice social work.

2. The BSW or MSW applicant shall should collect and deliver the following documents to the board office concurrently with submission of their application promptly:

a. ...

b. Repeal

c. – e. ...

f. if the sentence included any form of imprisonment, residence at a half-way house, other forms of correctional and/or treatment facilities, the applicant must provide the complete address, names and current addresses of any persons having information relating to the satisfactory completion of any such prison term, residence or treatment, and any related documents. In the event that medical, psychiatric, psychological, substance or alcohol abuse evaluation, treatment and rehabilitation was in any way part of the sentence or a term or condition of probation, the applicant will execute any releases which may be required for the board to obtain information. Such information obtained will be maintained by the board on a confidential basis ~~basie~~;

g. – h. ...

i. true copies of any licenses, certificates to practice or similar documents issued by any board or licensing authority of any other state or the state of Louisiana obtained by the applicant since the date of the felony conviction ~~and the applicant should provide~~ a complete listing of any college, graduate school, trade or business school and employers to whom he or she has made application since the date of the felony conviction. This ~~request~~ includes any applications which were denied for any reason, including the felony conviction. Providing any false or misleading information, being evasive, concealing or making material omissions, or failing to cooperate shall form a basis for the denial of the application.

3. – 3.d. Repeal

Q. – R.1.c ...

d. Repeal

e. ...

2. Repeal

3.a. – 3.b. ....

c. the completion of all forms and presentation of all documentation required for an application pursuant to R.S. 37:2712 and §319;

d. Repeal

e. – f. ...

4. Applicants who present completed applications and the supporting documentation required by this Rule are eligible for a temporary social work practice permit at the level of the applicable social work credential which is the subject of the application. The board, through its staff, will give priority processing to such applications and, subject to verification of applications and supporting documentation, issue the appropriate temporary practice permit not later than 21 calendar days after the completed application is submitted. The temporary social work practice permit authorizes the applicant to practice social work at the designated level of the social work credential, consistent with the verified application and supporting documentation for a period of 90 days from the date of issuance.

5. As soon as practicable, but not longer than the duration of the applicant's temporary social work practice permit, the board will either grant the application for the applicable social work credential which is the subject of the application or notify the applicant of its denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:302 (February 2000), amended LR 29: 2383 (November 2003), LR 34:1402 (July 2008), LR 37:2617 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:305 (February 2014), LR \_\_\_\_\_ (2025).



**§311. Renewal notice requirements for LCSWs supervising LMSWs or CSWs** ~~Renewals and cancellation~~

A. Repeal

~~B. Licensed clinical social workers must list on their renewal form all those licensed master social workers and certified social workers under their supervision for licensure requirements and the agency setting in which the LMSW or CSW is practicing on their renewal form.~~

C. – G. Repeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000), amended LR 29:2384 (November 2003), LR 34:247 (February 2008), LR 37:2618 (September 2011), LR \_\_\_\_\_ (2025).

**§313. Fees**

A. The fees charged by the Louisiana State Board of Social Work Examiners shall be as follows. Fees are nonrefundable.

<u>1. Application fee for LCSW</u>	\$100
<u>2. Application fee for LMSW</u>	<u>\$ 75</u>
<u>3. Application fee for RSW</u>	<u>\$ 50</u>
<u>4. Application fee for retake of LCSW exam</u>	<u>\$ 50</u>
<u>5. Application fee for retake of LMSW exam</u>	<u>\$ 50</u>
<u>6. Renewal fee for LCSW</u>	<u>\$100 75</u>
<u>7. Renewal fee for LMSW and CSW</u>	<u>\$100 50</u>
<u>8. Renewal fee for RSW</u>	<u>\$50 25</u>
<u>9. Lapsed renewal fee for LCSW (submitted after August 31 but before March 1 of the following year postmarked after November 30)</u>	<u>\$200 150</u>
<u>10. Lapsed renewal fee for LMSW and CSW (submitted after August 31 but before March 1 of the following year postmarked after November 30)</u>	<u>\$200 100</u>
<u>11. Lapsed renewal fee for RSW (submitted after August 31 but before March 1 of the following year postmarked after November 30)</u>	<u>\$100 50</u>
<u>12. Fee for returned checks</u>	<u>\$ 25</u>
<u>13. Reissuance of lost or destroyed certificate</u>	<u>\$ 25</u>
<u>Reissuance of lost or duplicate identification card</u>	<u>5</u>
<u>14. Fee for mailing list per licensee label plus postage and handling</u>	<u>\$0.05</u>
<u>15. Copy fee for documents</u>	<u>\$0.25 per page plus postage and handling</u>
<u>16. Fax transmissions</u>	<u>\$5 first page</u> <u>\$1 each additional page</u>
<u>17. Written verification of license, certificate or registration</u>	<u>\$25 \$5</u>
<u>18. E-commerce fee</u>	<u>\$3</u>

B. Applicants seeking reinstatement of a license, certificate or registration pursuant to R.S. 37:2714(D) or (E) shall pay the applicable initial application fee stated in subsection (A)(1) through (3) of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000), amended LR 29:2384 (November 2003), LR 34:248

(February 2000), amended LR 29:2384 (November 2003), LR 34:248 (February 2008), LR 37:2618 (September 2011), LR \_\_\_\_\_ (2025).

### **§317. Continuing Education Requirements**

Redesignated as Chapter 13: Continuing Education

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 (February 2000), amended LR 29:2385 (November 2003), LR 34:248 (February 2008), LR 37:2618 (September 2011), amended by the Department of Health, Board of Social Work Examiners, LR 43:959 (May 2017), Redesignated as Chapter 13: Continuing Education by the Department of Health, Board of Social Work Examiners, LR 51:.

### **§319. Reciprocity and Endorsement**

A. The board may grant a license, certification or registration pursuant to a social worker credentialed in another state, territory, commonwealth, or district in accordance with R.S. 37:2712. ~~Reciprocity with other states and territories having comparable licensure, certification or registration is permissible as approved by the board.~~

B. A social worker seeking a Louisiana license, certification or registration pursuant to this Rule bears the burden to establish that the state, territory, commonwealth, or district in which they are credentialed requires substantially equivalent educational, supervision, and examination requirements as would be required for a Louisiana license, certification or registration. ~~In cases wherein no formal reciprocity agreement has been made, the board may endorse the license, certification or registration of a social worker moving to Louisiana from a state or territory with equivalent license, certification or registration standards.~~

C.1. – C.7. Repeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:306 (February 2000), amended LR 34:249 (February 2008), LR 37:2619 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:306 (February 2014), amended and redesignated by the Department of Health, Board of Social Work Examiners LR \_\_\_\_\_ (2025).

### **§325. Inactive status**

A. A social worker with any valid registration, certification or license may petition on a form provided by the board to be placed on inactive status. A social worker on inactive status may only engage in the following:

1. Participate as a member in a social work professional organization without compensation provided that such participation does not involve providing services to clients; and
2. Participate as a member or officer without compensation on a non-profit board of an organization so designated by the Internal Revenue Service, provided that such participation does not involve providing services to clients.

B. A social worker on inactive status shall maintain half of the continuing education units required of active social workers.

C. A social worker on inactive status may retain this status for no more than five consecutive years without submitting a new petition pursuant to subsection A. However, in no event may a social worker maintain inactive status for more than ten cumulative years. A social worker on inactive status must renew their license, certification or registration annually during the renewal period designated by law.

D. A social worker may terminate their inactive status by providing written notice to the board and completing the number and type of continuing education hours required for active social workers in the credential year in which active status is resumed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§327. Emeritus status**

A. A social worker with any valid registration, certification or license who meets any of the following criteria may petition on a form provided by the board to be placed on emeritus (retired) status.

1. Has attained the age of at least 60 years and has been credentialed by the board for at least 15 years;
2. Has been designated as disabled by the appropriate authority and has been credentialed by the board for at least 15 years; or
3. Has been credentialed by the board for at least 30 years.

B. A social worker on emeritus status may only engage in the following:

1. Provide social work services on a volunteer basis and not for compensation;
2. Participate as a member or officer in a social work professional organization; and
3. Participate as a member or officer on a non-profit board of an organization so designated by the Internal Revenue Service.

C. A social worker on emeritus status shall maintain half of the continuing education units required of active social workers and shall pay one-half of the applicable renewal fee for the registration, certification or license.

D. A social worker on emeritus status may retain this status indefinitely.

E. A social worker may terminate emeritus status by providing written notice to the board and completing the number and type of continuing education hours required for active social workers in the credential year in which active status is resumed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

## **Chapter 5. Minimum Supervision Requirements**

### **§503. LMSWs Seeking the LCSW Credential**

A. – C. ...

D. LMSWs seeking the LCSW credential must complete a minimum of 3,000 ~~5,760~~ hours of postgraduate social work practice ~~and at least 3,840 hours of that postgraduate social work practice must be~~ under the supervision of a board-approved clinical supervisor (BACS).

E. During the 3,000 ~~3,840~~ hours of supervised practice, 96 hours of face-to-face supervision must occur between the supervisor and supervisee. Supervisory meetings must last no fewer than 30 minutes and no longer than 2 hours. In no case should more than 80 hours of practice occur without a supervisory meeting. Supervision credit shall not be issued for the time period that this requirement is not met.

F. – G. ....

H. Repeal.

I. – O.2 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:307 (February 2000), amended LR 29:2387 (November 2003), LR 34:1402

(July 2008), LR 37:2620 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:306 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 43:960 (May 2017), LR 46:791 (June 2020), LR 51:.

**§505. The LMSW not receiving BACS supervision or the CSW not eligible for BACS supervision**

A. The LMSW who is not receiving BACS supervision or the CSW not eligible for BACS supervision, may deliver ~~those~~ clinical services ~~which constitute psychotherapy~~ only under the supervision of an LCSW. Supervision under these circumstances does not require that the supervising LCSW have the board-approved clinical supervisor (BACS) designation.

B. – G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:307 (February 2000), amended LR 34:249, LR 51:.

**§509. Telesupervision**

A. For purposes of this Part, the following terms shall have the following meanings:

1. In-person supervision—clinical supervision conducted through real time, face-to-face meetings of the supervisee and supervisor in the same physical location.

2. Telesupervision—clinical supervision conducted through the use of real time, face-to-face synchronous interactive conferencing between the supervisee and supervisor through electronic, visual, and audio means.

B. Social workers engaging in electronic practice who provide services to clients in Louisiana shall be licensed to practice in Louisiana. Social workers who are licensed to practice in jurisdictions other than Louisiana and/or who are pursuing clinical licensure in another state shall be licensed to practice in Louisiana to engage in telesupervision. Social workers shall be actively engaged in the practice of social work in Louisiana to receive telesupervision. The supervisor shall be a Louisiana licensed supervisor.

C. A BACS licensed in Louisiana shall not provide telesupervision to social workers in pursuit of a clinical license in Louisiana who are not actively practicing social work in Louisiana. A BACS may provide telesupervision from outside of Louisiana, when located outside of Louisiana.

D. Licensed social workers who engage in telesupervision shall:

1. Complete 1.5 hours of continuing education in telesupervision/telepractice. This is a one-time requirement. Documentation of completion shall be filed with the board.

2. Adhere to and preserve the confidential nature of supervision and the supervision process.

3. Ensure that clients whose records may be discussed as a part of supervision provide written informed consent to having confidential records and information transmitted electronically in accordance with Health Insurance Portability and Accountability Act (HIPAA) of 1996.

4. Conduct telesupervision in a setting that adheres to licensure and interstate boundaries regarding location of the supervisor and supervisee and in a manner that protects the privacy of both parties and client information. The supervisor shall terminate the telesupervision session if the confidentiality of the process is compromised inclusive but not limited to malfunction or inoperability of the technology platform that contributes to the impediment of the telesupervision process.

5. Utilize secure transmittal methods, (encryption, for example) to maintain confidentiality of information and maintain proficient knowledge and skills in the utilization of electronic platforms.

6. Ensure continuity, consistency, and format of supervision delivery are clearly outlined in the written supervision contract. The supervision contract shall indicate the format of delivery and safeguards for the supervision process.

E. Licensed social workers who do not intend to provide telesupervision shall be exempt from the required continuing education in telesupervision/telepractice, if an attestation is filed with the board stating no telesupervision will be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and Act No. 457 (2024).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

## **Chapter 7. Impaired Recovering Professional Program Authority**

### **§ 701. Authority**

A. The Louisiana State Board of Social Work Examiners recognizes that impairments in the functioning of persons licensed, credentialed or registered to practice under the auspices of the Louisiana Social Work Practice Act can affect competent delivery of social work services and impair professional judgment.

B. Therefore, in order to safeguard the public health, safety, and welfare of the people of this state, as mandated by R.S. 37:2701, the Louisiana State Board of Social Work Examiners establishes the Social Work Recovering Impaired Professional Program.

~~C. Therefore, in order to ensure a quality program with professional oversight, the Louisiana State Board of Social Work Examiners establishes the Recovering Professional Program Committee. The committee structure and function is directed by the board's chairperson. If the board receives verifiable information, which information or report puts in question a licensee's or applicant's ability to perform the essential functions of practicing social work without risking injury to themselves or others, the licensee or applicant shall submit to such physical or mental examination, evaluation, test, or drug/alcohol screen as requested by the administrator or board designee to determine the licensee's or applicant's ability to practice social work with reasonable skill and safety.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), amended LR 34:249 (February 2008), LR \_\_\_\_\_ (2025).

### **§ 703. Purpose**

A. The goal of the Social Work Recovering Impaired Professional Program is to provide for public protection through monitoring and a remedative course of action applicable to social workers who are physically or mentally impaired recovering due to mental illness or addiction to drugs or alcohol. Impairments include, but are not limited to mental, medical, physical, and addictive disorders or other conditions. The program also supports recovery through preventive measures and allows entrance into the program before harm occurs.

B....

C. Professionals who participate in evaluation, monitoring or treatment and who are recognized, approved, or designated by the board to render these services are afforded the immunity provisions of the Social Work Practice Act, R.S. 37:2723. The social worker will be responsible for executing all required releases of information and authorizations required for the board or its designees to obtain information, from any monitor, treatment or service provider concerning the social workers progress and participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), amended LR 34:249 (February 2008), LR 37:2620

(September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:306 (February 2014), LR \_\_\_\_\_ (2025).

### **§705. Program Implementation**

A. The board may utilize its discretionary authority to require or exclude specific components of this program for participants based upon determination of the nature and severity of the impairment. Participation in the Social Work Recovering Impaired Professional Program may consist of all or part of the following components.

1. The program participant is required to submit to an ~~assessment~~ intake interview conducted by the RPP Manager and/or evaluation by a board recognized treatment provider relative to the impairment.

a. ~~This assessment will be completed by a licensed professional who is pre-approved by the board. If impairment is suspected to be related to addiction to drugs or alcohol, the evaluation is to be conducted by a team of professionals recognized by the Louisiana State Board of Social Work Examiners.~~

b. The format and content of this evaluation ~~assessment~~ will meet the requirements designated by the board, but will at a minimum contain information concerning:

b.i – b.ii. ...

iii. an assessment of the participant's psychosocial, physical and other needs relative to the impairment; and

iv. review of program participant's Prescription Monitoring Record; recommendations for future treatment.

v. observed urine, hair and blood testing for drugs and alcohol;

vi. collateral information; and

vii. recommendations for future treatment.

c. The evaluation ~~assessment~~ will be forwarded to the board or its designee by the treatment team professional completing the assessment, to be received no later than 30 days following the board's determination of the participant's potential eligibility or requirement to participate in the program.

2. The participant may be required to submit to ongoing monitoring for a period of up to five years.

a. The beginning date of the monitoring period will be the date upon which a consent order or participation agreement is formally accepted and signed by the ~~social worker and the~~ board, or the date of the board's official decision to require program participation in the event of an adjudication hearing.

3. During the monitoring period the social worker may be required to submit to random ~~bi-monthly~~ drug and/or alcohol screenings as determined appropriate by the RPP Manager ~~board~~, or other monitoring requirements which are pertinent and relative to the documented impairment.

a. The interval, timing and details of the required screening will be directed by the RPP ~~IPP~~ Manager.

b. Results and reports of all screens for a minimum of the month prior will be submitted to the board or its designee during regularly scheduled board meetings. ~~before the final business day of the month following the date of the screen.~~

4. ...

5. When the impairment is ~~substance~~ related to addiction, the social worker may be required to attend and participate in a Twelve Step recovery program, or other appropriate support group, meetings on a regular basis or an alternative mutual help program approved by the RPP Manager or the board.

a. A Verification of pre-approved monthly attendance at required Twelve Step and support groups ~~log~~ must be submitted to and received by the board or its designee in the manner, format and timeline stipulated in social worker's participation agreement. ~~before the final business day of the month following completion of the required meetings. It is the social worker's responsibility to ensure that these logs are properly completed and received by the board by the designated date.~~

6. ...

7. In the event that a social worker relocates to another jurisdiction, the social worker will within five days of relocating be required to either enroll in the other jurisdiction's recovering professional program and have the reports required under that agreement sent to the Louisiana State Board of Social Work Examiners, or if the other jurisdiction has no recovering professional program, the social worker will notify the licensing board of that jurisdiction that the social worker is ~~impaired~~ recovered and enrolled in the Louisiana Social Work Recovering ~~Impaired~~ Professional Program. Should the social worker fail to adhere to this requirement, in addition to being deemed in violation of the program requirements and corresponding consent order or adjudication, the social worker's social work credential will be suspended.

8. – 12. ...

13. The social worker must submit to the board an appropriately notarized participation agreement indicating acceptance of the required conditions of participation in the Social Work Recovering ~~Impaired~~ Professional Program mandated by the board, along with all initial (or updated) releases or authorizations for the board or its designees to obtain information concerning the social worker's participation and progress in the program. This statement and the required releases and authorizations must be submitted prior to the issuance of any initial credential or re-issuance of a renewal of a credential.

14. ...

B. The records of the RPP ~~IPP~~, including participation agreements and all information concerning participants, including assessments, evaluations, physical, mental or substance abuse evaluations and/or therapy and treatment records, monitoring logs, substance abuse/drug screens, attendance verification ~~logs~~ calendars and any other information received by the RPP ~~IPP~~ in connection with a social worker's participation in the program are within the custody and control of the Louisiana State Board of Social Work Examiners. Consistent with §705.A.14, such records shall be maintained by the board on a confidential basis during the term of the social worker's participation agreement and thereafter retained by the board for a period of not less than five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), amended LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:306 (February 2014), LR \_\_\_\_ (2025).

## **Chapter 9. Procedural Rules – Repeal and Redesignated to Chapter 10**

## **Chapter 10. Procedural Rules for Disciplinary Hearings**

### **§1001. Authority**

#### **[Formerly 901]**

Consistent with the legislative purpose specified in R.S. 37:2701 et seq., and to protect the safety and welfare of the people of this state against unauthorized, unqualified and improper practice of social work, the following rules, standards, and procedures are established under the Board's rule making authority of R.S. 37:2705(C), 37:2717(C)(E) and R.S. 49:952.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29: 2390 (November 2003), repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners LR 37:2621 (September 2011), LR \_\_\_\_ (2025).

### **§1003. Purpose and Construction**

A. The purpose of this Chapter is to ensure that all persons appearing before the board are afforded the right to due process and to a fair investigation and adjudication of matters under the board's authority.

B. This Chapter shall be construed to accomplish the purpose stated in subsection A above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1005. Simplification and Accessibility**

A. In accordance with the stated purpose and required construction of this Chapter, the board may provide information to licensees and applicants summarizing and simplifying this Chapter; however, these informational materials will not supersede this Chapter.

B. The board may also prepare and disseminate forms to assist complainants and respondents in the investigative and adjudicative process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

### **§1007. Duty to Maintain Contact Information; Notification to Applicant or Licensee; Service**

A. All applicants and licensees have a duty to maintain current contact information with the board, including an accurate mailing address, a serviceable email address, and a current telephone number.

B. Unless a more specific method of service is required by these rules, notification to a licensee or applicant shall be sufficient if such notification is sent to the applicant's or licensee's email address or first-class mail to the applicant's or licensee's mailing address on file with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

### **§1009. Complaint Origination**

A. The administrator is authorized to receive complaints against licensees and applicants from any person. The administrator is also authorized to initiate a complaint upon receipt of information that, if proven, would constitute grounds for discipline under the Practice Act or this Part.

B. Upon receipt of a complaint, the administrator shall verify its compliance with this Chapter. The administrator may reject a complaint if:

1. The respondent cannot be determined from the complaint;
2. The respondent is neither a licensee nor an applicant;
3. The complaint is illegible or incomplete; or
4. The complaint does not allege facts which, if proven, would constitute a violation of the Practice Act or this Part.

C. When the administrator rejects a complaint pursuant to subsection B, the complainant shall be notified in writing. The administrator shall report to the board at its next regularly scheduled meeting the nature of any rejected complaints and the reason for the rejection.

D. All complaints received by the administrator and not rejected shall be assigned a complaint number in accordance with a numbering system prescribed by the administrator. The administrator shall notify the respondent in writing that a complaint has been received.

E. When two complaints concern the same or related respondents and describe the same or a substantially similar event, transaction, or conduct, the administrator may consolidate the complaints. The board may order two or more complaints consolidated or sever consolidated complaints for good cause.



F. To assist in an investigation, the board is authorized to issue, as necessary or upon request, such investigative subpoenas as may be required to obtain documents, the appearance of witnesses, or sworn statements or testimony.

G. As part of an investigation, the board is authorized to obtain criminal history record information from respondents who have not previously submitted to the requirements of R.S. 37:2710.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_ (2025).

### **§1011. Consideration of Recommended and Provisional Dismissals; Declining Prosecution**

A. The administrator or prosecuting officer may recommend that a complaint be dismissed at any time prior to final adjudication. Recommendations for dismissal by the administrator or the prosecuting officer and provisional dismissals for withdrawn complaints pursuant to §1055 must be reviewed by a board member and considered by the board prior to final dismissal. Complaints rejected by the administrator pursuant to §1009(B) are exempt from the procedures in this Section.

B. Prior to each regular meeting of the board, the chairperson shall designate one or more board members, on a rotating basis, to review all recommendations for dismissal and applicable provisional dismissals since the previous regular board meeting. The administrator will forward all complaint files recommended for dismissal or provisionally dismissed to the board member designated for review.

C. For recommended dismissals, the reviewing board member shall evaluate the complaint file to ensure that the dismissal recommendation is sound and is appropriately based in law and fact. The reviewing board member may also review any recommended remedial or educational measures, or the lack thereof, for appropriateness.

D. If the reviewing board member concurs with the recommendation that a complaint be dismissed, the board member shall make an oral report to the board and personally move for the complaint's dismissal at the next regular board meeting following review.

E. If the reviewing board member disagrees with the recommendation that a complaint be dismissed, the board member shall make an oral report to the board outlining the nature of the disagreement and recommend that the complaint be returned to the administrator for prosecution. If, after a complaint is returned to the administrator under this subsection, the prosecuting officer nevertheless declines to prosecute the complaint, the prosecuting officer shall file a written notice with the board and provide the reasons for declining prosecution.

F. The standard for provisional dismissals based on withdrawn complaints is stated in §1055.

G. When a board member reviews a recommended or provisional dismissal under this Section, the board member shall not sit on a hearing panel adjudicating that complaint without the consent of the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_ (2025).

### **§1013. Prerequisites for Institution of Administrative Proceedings; Showing of Compliance**

A. At any point before an Administrative Complaint is filed with the board, the administrator shall notify the respondent of the nature of the potential charges against the respondent and permit the respondent to provide a response within thirty (30) calendar days.

B. If the respondent submits evidence to show compliance in response to this notice within the time allowed, the administrator and prosecuting officer shall review the evidence and determine whether it is legally sufficient to constitute compliance with all lawful requirements for the retention of a registration,

certification, or license under the Practice Act. If the evidence provided is not sufficient, the prosecuting officer shall institute administrative proceedings pursuant to §1015. If the administrator and prosecuting officer are satisfied that the evidence submitted is sufficient to show compliance, the matter shall be docketed for the next regularly board meeting as a recommended dismissal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

### **§1015. Institution of Administrative Proceedings**

A. Upon exhaustion of the procedures in §1013, the prosecuting officer shall file an administrative complaint with the board.

B. Upon receipt of an administrative complaint, the administrator shall docket the matter for adjudicative hearing at a regular meeting of the board. The administrator shall serve the filed administrative complaint and written notice of the hearing to the prosecuting officer and to the respondent pursuant to the Practice Act. The administrator shall also notify the respondent, in writing, of any deadlines for pre-hearing motions or other submissions.

C. The respondent may file a response to the allegations in the administrative complaint, admitting or denying the allegations of fact and law and urging any defenses potentially applicable.

D. The administrator shall be responsible for serving the prosecuting officer with any response filed by the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

### **§1017. Right to Counsel; Notice of Representation**

A. The respondent has the right to be represented by an attorney in all administrative proceedings before the board.

B. An attorney representing a respondent before the board must file a notice of representation with the board prior to the attorney's first appearance. This notice must include the attorney's name, bar roll number, telephone number, mailing address, and email address.

C. Upon receipt of a notice of representation, the administrator shall advise the prosecuting officer of such notice and shall direct all communications to the respondent's attorney.

D. Nothing in this section shall be construed to require the board to furnish a respondent's legal representation nor to require an attorney be provided to a respondent free of charge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

### **§1019. Pre-Hearing Motions and Other Filings**

A. Any party may file one or more motions in advance of an adjudicative hearing. The nature of the relief sought by the motion must be concisely stated and supported by facts and law in the motion itself or in an accompanying memorandum.

B. The following is a non-exclusive list of pre-hearing motions:

1. Motion to Dismiss;
2. Motion to Exclude Evidence or Testimony;
3. Motion to Recuse Board Member or Hearing Officer;

4. Motion to Continue (Delay) Hearing;
5. Motion to Compel Production of Documents or Things; and
6. Motion to Compel Appearance of a Witness.

C. Pre-hearing motions may be filed at any time prior to the adjudicative hearing.

D. All pre-hearing motions shall be assigned to the hearing officer. The hearing officer may issue a ruling on the motion in writing prior to the adjudicative hearing or orally as a preliminary matter at the adjudicative hearing. Oral argument on the pre-hearing motion may be granted at the hearing officer's discretion.

E. Oral motions may be heard, considered, and decided at the beginning of an adjudicative hearing at the discretion of the hearing officer.

F. Interlocutory decisions of the hearing officer are immediately appealable to the hearing panel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1021. Discovery**

A. The parties may conduct discovery pursuant to the Louisiana Administrative Procedures Act.

B. The parties shall exchange all documents they intend to use as exhibits in an adjudicative hearing no less than ten days prior to the hearing. For good cause shown, exhibits exchanged after the deadline may be considered at the adjudicative hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1023. Hearing Panels**

A. After the board has selected its regular meeting dates for a calendar year, the chair shall designate a standard panel and limited panel for each regular meeting of the board. The panels so designated shall hear and decide all adjudicative hearings and compliance hearings docketed for that date unless necessary to comply with Subsection D. The chair shall ensure, to the extent practicable, that each panel is diverse.

B. All adjudicative hearings take place before a standard panel; however, a respondent may request in writing to proceed before a limited panel. Upon receiving such request, the administrator will docket the adjudicative hearing before a limited panel.

C. In the event one or more members of a hearing panel are not present for the hearing, the chair shall designate a board member to substitute for the assigned hearing panel member. If there are not enough qualified board members present to compose a standard panel, an adjudicative hearing may proceed before a limited panel only if the respondent consents or if the hearing is being conducted in default. If the respondent is present but does not consent, the adjudicative hearing shall be continued to the next available hearing date.

D. When the respondent is a licensee, the hearing panel shall include a board member possessing the same credential as the respondent unless the members with the same credential are recused or this requirement is waived by respondent. If the panel assigned for the hearing date does not include a member possessing the same credential as the respondent, a panel member with a different credential shall be replaced by a member with the same credential as the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1025. Hearing Officer**

A. Upon docketing of an administrative complaint, if the chair will not serve as the hearing officer, the chair shall appoint a hearing officer assigned to the complaint. The name of the hearing officer appointed shall be affixed to the administrative complaint filed with the board and shall be noted on all motions and other documents filed with the board relating to the complaint.

B. The hearing officer must be one of the following:

1. the chair;
2. a member of the board;
3. the general counsel; or
4. an attorney licensed in Louisiana appointed by the board.

C. When the hearing officer is a member of the board, the hearing officer shall take part in deliberations and in rendering a decision after the adjudicative hearing. When the hearing officer is not a board member, the hearing officer shall provide advice and guidance to the hearing panel upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1027. Recusal**

A. Board members, hearing officers, and prosecuting officers have a duty to recuse themselves from proceedings in the following circumstances:

1. The board member, prosecuting officer, or hearing officer is a witness in the proceedings;
2. The board member, prosecuting officer, or hearing officer has a familial or professional relationship with the respondent or the complainant such that failure to recuse would cast doubt upon the validity and fairness of the proceedings; or
3. The board member, prosecuting officer, or hearing officer is biased, prejudiced, or interested in the proceeding or its outcome or biased or prejudiced toward or against the parties or the parties' attorneys or any witness to such an extent that they would be unable to conduct fair and impartial proceedings.

B. Any party may move to recuse a board member or hearing officer for good cause shown. Motions to recuse shall be considered by the hearing panel, excluding the board member sought to be recused who shall not participate in the hearing of the motion. The motion to recuse shall be heard as soon as practicable after the motion is filed. The motion shall be granted only if a majority of the panel finds recusal appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1029. Open Meetings; Privilege; Confidentiality**

A. Proceedings before the board, including adjudicative hearings, shall be conducted in accordance with the Louisiana Administrative Procedures Act, as modified by the Louisiana Public Records Law (R.S. 44:1, *et seq.*) and any other state or federal law of privacy or privilege.

B. To the extent applicable, the testimonial privileges set out in the Practice Act and the Louisiana Code of Evidence will apply to the hearings before the board. By bringing a complaint against a social worker, the client waives the privilege of confidentiality with respect to any information necessary for the board to adjudicate the matter.

C. The board shall take all reasonable steps to protect confidential records from public disclosure, including sealing documents or records or designating portions of a complaint file or record of adjudication as confidential and not subject to public disclosure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.  
HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1031. Pre-Hearing Conference**

A. Prior to an adjudicative hearing, the parties may request, or the hearing officer may order, a pre-hearing conference. Any such request or order shall be in writing and filed with the board. A pre-hearing conference may be in person or conducted via telephone or videoconference.

B. The parties may use the pre-hearing conference to simplify and condense the issues, agree on the introduction of evidence, develop stipulations, develop a narrative of facts, or employ any other mechanism to simplify and streamline proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1033. Record of Adjudication**

A. The administrator shall be responsible for maintaining a record of adjudication for each complaint. The record of adjudication shall contain all documents required by R.S. 37:2717(C).

B. All adjudicative hearings shall be transcribed in full by a properly credentialed court reporter. The transcript of the adjudicative hearing shall become part of the record of adjudication. Other ancillary hearings, such as hearings on pre-hearing motions, consideration of consent discipline, or other proceedings, may also be transcribed by a properly credentialed court reporter and may become part of the record of adjudication.

C. The administrator may seal portions of the record of adjudication in the interest of protecting privacy or privilege of a client or other affected person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1035. Conduct of Adjudicative Hearing**

A. Adjudicative hearings are conducted in open session, except where closed or executive session is specifically authorized by law, as identified in these Rules.

B. At the adjudicative hearing, the prosecuting officer and the respondent may present evidence on all issues of fact and argument on all issues of law and policy involved; may call, examine, and cross-examine witnesses; and may offer and introduce documentary evidence and exhibits as may be required for a full and true disclosure of the facts and disposition of the complaint.

C. During the hearing, the hearing officer shall rule upon all evidentiary objections and other procedural questions, but in their discretion may consult with the hearing panel in executive session. The general counsel, when not serving as the hearing officer, may assist the hearing officer and the hearing panel, either in open session or executive session, in ruling on evidentiary objections and other procedural issues raised during the hearing.

D. The order of presentation in an adjudicative hearing, unless the parties stipulate otherwise and the hearing panel approves, is first the presentation of evidence by the prosecuting officer, the presentation of evidence by the respondent, then rebuttal by the prosecuting officer (if any). Rebuttal shall be directed to issues raised by the evidence and defenses presented by the respondent. In the interest of fairness, the respondent may be provided a limited opportunity to present additional evidence following rebuttal.

E. Hearing panel members may question any witness at any time during the witness' testimony when recognized by the hearing officer. Additional direct examination, cross-examination, or redirect examination by either party to address responses to questions by hearing panel members shall be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1037. Evidence and Proof in Adjudicative Hearings**

A. In an adjudicative hearing, the hearing panel may give weight to evidence that a reasonable person would find credible and probative. The panel may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidence may be made by the parties and shall be noted in the record.

B. Any documents either party desires the hearing panel to consider may be offered as an exhibit and made part of the record of adjudication. Copies or excerpts of documents are competent evidence if they are properly authenticated.

C. When the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.

D. Unless prohibited by law, the hearing panel will honor and receive written and verbal stipulations between the parties as established facts, provided that verbal stipulations are entered on the record of adjudication by all parties or their counsel.

E. The hearing officer shall have the power to administer oaths or affirmations to all witnesses appearing to give testimony. The hearing officer shall regulate the course of the adjudicative hearing, set the time and place of continued hearings, and fix the time for the filing of post-hearing briefs and other documents (if any are required or requested).

F. In an adjudicative hearing, the Louisiana Code of Evidence may be used as a reference by the hearing panel for admissibility of evidence and other evidentiary issues. The provisions of the Code of Evidence relating to hearsay are not strictly applicable to adjudicative hearings.

G. At an adjudicative hearing, the burden of proof rests with the prosecuting officer. A hearing panel shall not impose a sanction or issue an order except upon consideration of the entire record of adjudication, as supported by and in accordance with reliable, probative, and substantial evidence. The burden of proof related to any issue is that of a preponderance of the evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1039. Notice of Generally Recognized Facts and Social Work Principles**

A. Upon its own motion or on request of a party, the hearing panel may take notice of and accept facts not disputed.

B. The hearing panel may draw upon its knowledge of social work, social work practice, and social work methodology in evaluating any evidence presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

#### **§1041. Closing Arguments; Post-Hearing Filings; Submission of Matter**

A. At the close of evidence, the parties may offer closing arguments. The prosecuting officer shall offer closing arguments first, followed by the respondent. The prosecuting officer may provide a rebuttal after the respondent's closing argument.

B. The hearing panel may request the parties file post-hearing memoranda, proposed findings of fact and conclusions of law, or any other post-hearing filings that would assist the hearing panel in adjudicating the matter. All documents shall be filed within the delay prescribed by the hearing panel. A matter will be deemed submitted to the hearing panel when the deadline set by the hearing panel for accepting post-hearing filings has passed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

#### **§1043. Decision on Adjudicative Hearing**

A. When a matter has been submitted, the hearing panel shall deliberate and reach its findings of fact and conclusions of law as soon as practicable. The hearing panel shall render its decision in writing within sixty (60) calendar days after the matter's submission.

B. The hearing panel's findings of fact and conclusions of law, including any sanction if applicable, shall be issued by the hearing officer on behalf of and in the name of the board. In any decision in which the hearing panel's decision was not unanimous, those hearing panel members deciding with the majority shall be noted in the decision. Any panel member disagreeing with any portion of the decision shall note their dissent on the decision and may supply written reasons for the dissent.

C. A copy of the decision and any written reasons shall be served promptly upon respondent or their counsel of record and on the prosecuting officer in the same manner of service prescribed for the service of complaints. The decision shall include deadlines for filing a petition for rehearing and petition for administrative appeal.

D. A decision becomes a final adjudication when delays for rehearing and administrative appeal have run without further action or when a decision has been administratively appealed and resolved by an en banc panel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

#### **§1045. Rehearing**

A. A party may request rehearing by filing a petition for rehearing with the Board pursuant to R.S. 49:959. This petition must be filed within ten (10) calendar days of the entry and mailing of the decision.

B. A petition for rehearing shall be submitted to the matter's hearing officer, who shall determine whether the matter will be reopened and, if so, the issues to be reopened.

C. On rehearing, the hearing panel in the original adjudicative hearing shall receive evidence as to the reopened issues and shall reach a decision as provided in §1043.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

#### **§1047. Administrative Appeal**

A. A respondent aggrieved by a decision of a hearing panel may administratively appeal the decision to an en banc panel.

B. A respondent commences an administrative appeal by filing a petition for administrative appeal with the board no less than thirty (30) calendar days after the expiration of the time to file a petition for rehearing or after a decision on rehearing is rendered. The petition for appeal need only give notice of the grounds for the appeal and the relief sought.

C. The en banc panel may request written briefs, oral argument, or both. If written briefs are requested, the en banc panel shall provide the parties with a reasonable briefing schedule.

D. On appeal, the en banc panel may reverse or modify factual determinations only if they are clearly wrong. The en banc panel may reverse or modify legal conclusions, rulings on evidence, and sanctions imposed only if it finds the hearing panel or hearing officer abused its discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

#### **§1049. Informal Resolution through Consent Discipline**

A. At any point after the administrator's receipt of a complaint but before final adjudication, the respondent may resolve the complaint through consent discipline, provided that any consent discipline must be approved by the prosecuting officer and the board.

B. Upon approval by the board, consent discipline is deemed to be a final adjudication of the complaint and is not subject to rehearing or administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

#### **§1051. Voluntary Relinquishment of Credential in Lieu of Discipline**

A. A licensee may request to resolve any complaint pending against them by filing with the board at any time a petition for voluntary relinquishment of credential. The petition shall include the licensee's name, credential number, and a statement that the licensee wishes to voluntarily surrender their registration, certification, or license in lieu of answering the complaint against them.

B. A petition for voluntary relinquishment of credential may be granted by the board in its discretion. The board may grant the petition based only on the complaint and written submissions of the respondent or may order the respondent to appear for a hearing.

C. If the board grants a petition for voluntary relinquishment of credential, the order granting such petition must contain the following information:

1. Identification of the respondent and any credential number held by the respondent;
2. A statement of the respondent's alleged conduct, including the underlying material facts and the statutes or rules the respondent is alleged to have violated;
3. A statement that the respondent has chosen to petition the board for voluntary relinquishment of their credential rather than answer the allegations against them;
4. Instructions to the respondent as required to complete the surrender;
5. Amounts to be paid to the board, including costs and attorney's fees, as part of the surrender, if any;
6. Additional conditions of the surrender, if any;
7. Conditions imposed upon the respondent's reapplication for any credential, including any moratorium on reapplication; and



8. A statement that the order is a public record and will become part of the respondent's permanent disciplinary record.

D. A licensee who has voluntarily relinquished their credential shall be treated as a new applicant if they seek any credential from the board after such relinquishment. The licensee shall be ineligible for any credential unless and until all conditions of their relinquishment, such as payment of costs or fees, have been satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1053. Default**

A. When notice has been sent to a respondent's address of record via U.S. Certified or Registered Mail and the respondent fails to appear without good cause, the adjudicative hearing may proceed in the absence of the respondent. When the respondent fails to appear, the hearing panel shall first conduct an evidentiary hearing to determine whether the respondent was sent notice of the hearing as required by this Part.

B. When an adjudicative hearing proceeds according to this section, the rules concerning evidence and proof remain applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1055. Withdrawal of Complaint**

A. A complainant may withdraw a complaint at any time prior to submission of the matter to the hearing panel under §1041. The complainant withdraws a complaint by written notice to the administrator.

B. When a complaint is withdrawn, the administrator shall provisionally dismiss the complaint if there are no remaining violations to be adjudicated. The administrator shall then transmit the claim file to a reviewing board member pursuant to the procedures outlined in §1011.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1057. Summary Suspension and Other Interim Action**

A. Pursuant to R.S. 37:2717(B)(6), when the administrator or prosecuting officer believes that protection of the public health, safety, or welfare imperatively requires emergency action on a complaint at any stage of the disciplinary process, the administrator, prosecuting officer, or both may petition the chair for a summary suspension of a licensee or any other temporary, interim action against a licensee or applicant.

B. The petition must be in writing, must clearly identify the threat to the public health, safety, or welfare presented by the licensee, and must state the interim action sought. The petition must be filed with the chair.

C. Upon receipt of a petition pursuant to this section, the chair will immediately appoint a limited panel who will hear and adjudicate the petition. The limited panel will convene a hearing no more than ten (10) days after the chair's receipt of the petition.

D. The respondent shall be notified of the petition and the hearing as quickly as reasonably possible by the administrator or prosecuting officer. The respondent must be permitted to be heard if the respondent requests it. A hearing without notice to the respondent and an opportunity to be heard is null except under the most extraordinary of circumstances whereby advance notice of the petition and hearing to the respondent would result in additional harm to the public health, safety, or welfare.

- E. The limited panel shall render its decision in writing and serve it on all parties as quickly as practicable.
- F. The respondent may, at any time, move to dissolve any interim action taken against them by filing a motion to dissolve with the chair. To dissolve the interim action, the respondent must establish that either:
1. The petition for interim action was improvidently granted, or
  2. The threat to the public health, safety, or welfare occasioned by the respondent's acts or omissions no longer exists.
- G. Motions to dissolve must be heard by the same limited panel that heard the initial petition for interim action.
- H. Interim action may be modified upon motion of a party or on the limited panel's own motion. Interim action dissolves upon dismissal or final adjudication of the underlying complaint.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.
- HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1059. Meetings and Hearings by Videoconference**

- A. Testimony may be received in any hearing or meeting pursuant to this Chapter via teleconference or videoconference when necessary for the interests of justice and expediency, provided the hearing or meeting is conducted in compliance with relevant open meetings laws.
- B. No teleconference or videoconference may proceed under this Chapter if the respondent, licensee, or applicant whose credential or application is at issue cannot meaningfully participate in the teleconference or videoconference.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.
- HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1061. Letter of concern or education; national database reporting**

- A. The board may issue a letter of concern or education when there is insufficient evidence of a violation.
- B. Notwithstanding the board's reporting obligations under 45 CFR 60.4 *et seq.*, a letter of concern or education will not result in a "disciplinary flag" as that term is described in this Chapter.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.
- HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

## **Chapter 11. Procedural Rules for Other Hearings**

### **§1101. Compliance Hearing; purpose; scope; burden of proof**

- A. Pursuant to R.S. 37:2710, an applicant or licensee whose application for a credential or renewal of a credential is denied may petition the board for a compliance hearing.
- B. The purpose of a compliance hearing is to provide a forum for the applicant or licensee to present documentary evidence through affidavits, court records, official records, letters, or other papers or things, along with sworn testimony to establish that the applicant in fact meets the lawful requirements for the application or for the retention or renewal of the credential.
- C. In a compliance hearing, the burden of proof rests with the applicant or licensee to establish that they meet the criteria for the application or renewal of their credential or that the renewal was timely.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.
- HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1103. Petition for Compliance Hearing**

A. A compliance hearing is instituted by the timely filing of a petition for compliance hearing with the board. Any written request for a compliance hearing will be accepted as a petition under this Rule.

B. A petition for a compliance hearing must be filed with the board within thirty (30) days after notice of an application or renewal denial is sent and must contain specific objections to the denial.

C. The administrator may reject a petition for a compliance hearing that does not comply with these rules or is untimely. If the administrator rejects a petition for a compliance hearing on grounds other than untimeliness, the administrator shall notify the applicant or licensee in writing and provide an extension of seven (7) days within which the applicant or licensee may cure the defect in the petition.

D. All petitions for a compliance hearing received by the administrator and not rejected pursuant to subsection C shall be assigned a compliance hearing number in accordance with a numbering system prescribed by the administrator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1105. Docketing of Compliance Hearings; Panels; Hearing Officer**

A. Upon receiving a petition for a compliance hearing, the administrator shall docket the compliance hearing for the next regularly-scheduled board meeting and notify the applicant or licensee of the date and time of the hearing in writing. In the event the petition is received less than seven days prior to the next regularly-scheduled board meeting, the administrator may, in their discretion and in consultation with the applicant or licensee, docket the compliance hearing for the following regularly-scheduled board meeting.

B. A compliance hearing shall be conducted before the limited panel assigned pursuant to §1023. However, in the event more than one compliance hearing is docketed for the same date, the administrator may constitute a second limited panel to conduct compliance hearings. When two limited panels are constituted for the same date, the administrator shall randomly assign the docketed compliance hearings to the panels. These two limited panels may meet simultaneously.

C. Prior to each compliance hearing, the limited panel shall designate one of its members as hearing officer. The hearing officer shall administer oaths, maintain order at the hearing, fix new hearing dates as required, and rule on other matters relating to the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1107. Compliance Hearing; Record**

A. The administrator will maintain a record of each compliance hearing.

B. The compliance hearing may be transcribed by a court reporter. If the applicant or licensee requests that the hearing be transcribed, the applicant or licensee shall pay such court reporter's fees.

C. The record shall consist of the applicant or licensee's application, letter of denial, any documents provided by the applicant or licensee, and the transcript of the hearing, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1109. Compliance Hearing; Right to Counsel**

A. An applicant or licensee may be represented by counsel at a compliance hearing.

B. The hearing panel may consult with the general counsel on any legal issues emerging from a compliance hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1111. Compliance Hearing; Decision**

A. Upon conclusion of the applicant's or licensee's presentation of evidence, the hearing officer will deem the compliance hearing concluded and the matter submitted. The limited panel shall not receive any additional evidence or testimony once the matter is submitted.

B. Within fifteen (15) business days after the compliance hearing concludes, the panel will render its final decision in writing, including findings of fact and conclusions of law. The decision will be delivered by certified or registered mail, return receipt requested, to the applicant or licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1113. Compliance Hearing; Appeal from Decision of Limited Panel**

A. In the event that the limited panel's decision is adverse to the applicant or licensee, the applicant or licensee may appeal to an en banc panel. To appeal, the applicant or licensee must submit a written notice of appeal to the administrator within 10 calendar days of mailing of the limited panel's decision. The notice must contain a brief statement as to the grounds for the appeal and the reason(s) the limited panel's decision was error.

B. Upon receipt of a timely filed notice of appeal, the administrator shall docket the appeal for the next regularly-scheduled board meeting and notify the applicant or licensee of the date and time of the hearing in writing. In the event the notice of appeal is received less than seven days prior to the next regularly-scheduled board meeting, the administrator may, in their discretion and in consultation with the applicant or licensee, docket the appeal for the following regularly-scheduled board meeting.

C. Appeals will be conducted on the record made before the limited panel, including the panel's findings of fact, conclusions of law, and recommendations. The en banc panel will review the findings of fact and conclusions of law of the limited panel and the evidence and exhibits as submitted, as well as any written submissions or assignments of error.

D. The chair will deem the appeal submitted once the en banc panel has had sufficient time to review the record and submissions and arguments of the parties, if any.

E. The en banc panel will have thirty calendar days from submission of the appeal to render a decision on the appeal. The decision shall be in writing and shall be transmitted to the applicant or licensee in the same manner as the original decision on the compliance hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1115. Miscellaneous Orders and Rules to Show Cause**

A. When necessary to protect the public health, safety, or welfare against the unauthorized, unqualified, and improper practice of social work, or otherwise in furtherance of its duties under the Practice Act or this Part, the board may issue such orders or rules to show cause to any licensee or applicant as it deems necessary.

B. The board may not use this rule to circumvent any process described in La. R.S. 37:2727(G) or set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1117. Declaratory Rulings**

A. Any person subject to the Practice Act or this Part may petition the board for a declaratory ruling regarding the applicability of any portion of the Practice Act or this Part.

B. A petition for a declaratory ruling shall include all of the following:

1. The name of the person requesting the declaratory ruling;

2. The specific statute(s) or rule(s) upon which a declaratory ruling is requested;

3. A succinct statement of facts and circumstances upon which the board is requested to base its declaratory ruling; and

4. A request for a declaratory ruling.

C. The administrator shall receive all petitions for declaratory rulings and shall assign each a number in accordance with a numbering system prescribed by the administrator. Upon receiving a petition for declaratory ruling, the administrator shall docket the petition for the next regularly-scheduled board meeting and notify the petitioner of the date and time of the hearing in writing. In the event the petition is received less than seven days prior to the next regularly-scheduled board meeting, the administrator may docket the petition for the following regularly-scheduled board meeting.

D. Petitions for declaratory rulings shall be considered by the board in open session.

E. The board shall issue a declaratory ruling upon majority vote of those board members present and voting. The ruling shall be reduced to writing and issued in the name of the board. In any decision in which the board's decision was not unanimous, those board members deciding with the majority shall be noted in the decision.

F. The board may deny a petition for a declaratory ruling if the board determines:

1. The petition requests a declaratory ruling on matters outside the scope of the Practice Act or this Part;

2. The facts and circumstances upon which the board is requested to base its ruling are incomplete or unclear; or

3. The petition concerns an ongoing disciplinary matter, pending litigation, or a pending application.

G. The board's decision on a petition for declaratory ruling shall be rendered within sixty (60) calendar days after the hearing on the petition.

H. All decisions on petitions for declaratory ruling shall be public record.

I. Nothing in this section shall prevent the board from responding to informal correspondence from applicants, licensees, or entities requesting information or clarification of board actions, policies, practices, or rules. Such correspondence shall not be deemed to constitute a petition for declaratory ruling unless the requirements of this section are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

## **Chapter 13. Continuing Education Requirements**

### **§1301. Purpose**

The purpose of continuing education is to protect the public by ensuring that social workers have formal opportunities to upgrade and update professional knowledge and skills, encouraging social workers to learn from other professionals, and assigning social workers to expand their professional resources network. Consequently, approved learning situations emphasize opportunities for professional interaction and relationship-building.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 as §317(A) and (B) (February 2000), amended LR 29:2385 (November 2003), LR 34:248 (February 2008), LR 37:2618 (September 2011), amended by the Department of Health, Board of Social Work Examiners, LR 43:959 (May 2017), amended and redesignated to §1301(A) by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1303. Continuing Education Approval Organizations**

A. The Board may delegate approval of continuing education programming to one or more continuing education approval organizations.

B. Any provider of social work services, professional social work organization, or school of social work approved by the Council for Social Work Education may apply to the Board to become a continuing education approval organization, provided that such organization must have a significant and continual affiliation with the social work profession to be approved.

1. The application must be submitted in writing on a form provided by the Board.

2. The application must be accompanied by no fewer than three (3) letters of reference, on a professional letterhead and bearing an original wet or electronic (not typewritten) signature, from any of the following, none of which may be directly personally related to the applicant nor hold a personal or professional stake in the outcome of the application:

a. A provider of social work services;

b. A professional social work organization; or

c. A school of social work approved by the Council for Social Work Education.

3. The application must succinctly state:

a. The nature and purpose of the organization;

b. The organization's connection to the social work profession;

c. The timeframe for the organization to make a decision on continuing education submissions; and

d. The fee structure the organization will use and the fees the organization will charge to evaluate continuing education submissions.

4. The application must be signed by the chief executive officer or agency head of the organization.

5. The application must include the name, credential, credential number, and curriculum vitae or resume of the social worker who will review and approve or deny continuing education submissions.

C. Only a licensed, certified, or registered social worker may review and approve or deny continuing education submissions on behalf of a continuing education approval organization. Clinical continuing education offerings may only be approved by a licensed clinical social worker.

D. Continuing education approval organizations must comply with this Chapter in evaluating continuing education submissions, including, without limitation, §1305 relating to approved educational offerings and assessment of continuing education programs.

E. The Board's delegation of authority under this section shall be effective for three calendar years from the date the Board approves the application.

F. The Board may revoke its delegation of authority under this section to any continuing education approval organizations at any time and for any reason.

G. The Board shall not discriminate against any person or organization seeking to become a continuing education approval organization based upon race, religion, creed, national origin, age, sex, sexual orientation, gender expression, differing abilities, or political beliefs. No continuing education approval organization shall discriminate against any person or organization seeking approval of continuing education programming based upon race, religion, creed, national origin, age, sex, sexual orientation, gender expression, differing abilities, or political beliefs.

H. The Board may audit any continuing educational approval organization by requiring the organization to submit documentation to the Board on all programs the organization approved in a collection year.

I. The Board may charge an application fee not to exceed two hundred fifty dollars for applications and reapplications to become a continuing education approval organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1305. Criteria for Approval of Continuing Education Offerings**

A. The following learning forums are approved for continuing education as long as they contain content applicable to social work practice:

1. in-person educational offerings and synchronous interactive webinars sponsored by or approved by social work licensing bodies, a Board authorized pre-approval organization, state and national professional social work organizations, and schools accredited by the Council on Social Work Education;

2. educational offerings sponsored by or offered by entities approved by the Association of Social Work Boards;

3. distance learning (teleconferences, telecourses, home-study courses and pre-recorded or internet courses) sponsored by entities listed in this section, or pre-approved by a Board-authorized pre-approval organization cannot exceed a total of 10 clock hours of the required 20 clock hours of continuing education required annually for renewal of social work credentials;

4. continuing education activities or academic courses provided by accredited schools of social work. Academic course work counts per actual class hour;

5. presentations of content applicable to social work practice at professional conferences, staff development meetings, and other appropriate forums in which the licensee is the primary presenter;

6. attendance at staff development presentations with content applicable to social work practice (such as a staff meeting with a formal and in-depth presentation on working with clients who present borderline symptoms, etc.). The presenter's name, credentials, date of presentation and nature of the content covered must be provided. Case based staffing meetings are not included as appropriate continuing education experiences;

7. attendance at professional social work meetings, Association of Social Work Boards (ASWB) item writing workshops, symposiums, panel discussions, or conferences sponsored by the professional associations suggested in this section. The dates and nature of content or consultation covered must be provided;

8. formal study groups of three or more participants. Licensees must submit names, addresses, telephone numbers and credentials of group members to the board. Study groups must maintain records of topics, attendance, meeting times, and presenters for audit purposes;

9. contracted professional consultation which the credentialed social worker receives. Licensees must provide the paid consultant's name, address, telephone number, credentials, and the dates and focus of the consultation;

10. preparation of substantial written material with content applicable to social work practice which requires literature search, research, and explication of social work content (such as writing a social work article or book for publication, or a major grant application). Specific information about the nature of the written work, the effort required, and the publisher or funding agency must be provided. These activities may be counted for no more than five hours continuing education.

11. reading books or journal articles with content applicable to social work and followed by a face-to-face discussion as part of an organized workshop. A maximum of one hour credit can be obtained from reading a book if the licensee signs a statement that they read the book, attended the discussion about the book, and passed the pre-test administered prior to the face-to-face discussion with at least 70 percent. The one-hour credit for reading is considered distance learning. Credit for the discussion counts as actual time spent in the discussion and counts as in-person continuing education.

12. viewing documentary film with content applicable to social work practice not deemed for the general public and followed by a face-to-face discussion. The film shall be pre-approved by the board and must rate a ten or higher on the guide for assessment of continuing education to qualify for continuing education credit;

13. independent study pre-approved by the board;

14. attendance at regular meetings of the board, for which social workers may receive credit for actual time spent attending the public portion of the meeting-one hour of this time will be designated as an ethics hour and all other time will be designated as general continuing education provided, however, that no social worker may receive more than ten hours of continuing education per collection period from attending meetings of the board or its committees;

15. attendance at meetings of the committees of the board, for which social workers may receive credit for actual time spent attending the meeting-the chair of the committee shall designate in advance the nature of the continuing education credit received by attendees, provided, however, that no social worker may receive more than ten hours of continuing education per collection period from attending meetings of the board or its committees.

B. Should the individual licensee make the determination that an education offering which is not pre-approved by one of the approval organizations has content applicable to social work practice, the Guide for Assessment of Continuing Education in this section must be used. This document, as well as all the relevant course materials, and the certificate of completion must be maintained in the event the licensee is audited.

C. The following learning situations will not be accepted for continuing education credit:

1. banquet speeches;

2. non-social work content courses not directly related to enhancement of social work skills or performance as a social work employee. (Example: Computer, financial or business management courses designed to enhance the business of private practice);

3. staff orientation, administrative staff meetings and case management meetings;

4. book reports or critiques of professional journal articles;

5. a continuing education offering that rates a zero in any category of the Guide for Assessment of Continuing Education in this section.

D. Guide for Assessment of Continuing Education. As continuing education events vary across the categories listed below, the appropriateness of considering them as acceptable continuing education also varies. Continuing education approval organizations must use the criteria in this subsection to evaluate continuing education offerings. An event must receive a total score (combination of all three sections) of at least 10 to be acceptable for continuing education to renew a social work credential. If any category below rates a zero, the education offering is not acceptable for social work continuing education.



## PROGRAM CONTENT

(Clearly Acceptable)

- \_\_\_\_\_ 6) Mainstream social work knowledge, skills and values
- \_\_\_\_\_ 6) Specialized social work knowledge, skills and values
- \_\_\_\_\_ 4) Information from related fields that is useful for social work practice
- \_\_\_\_\_ 2) Developing areas that may lack strong research, support or clear application
- \_\_\_\_\_ 0) Content that is specifically not acceptable or not related to social work practice

(Clearly Not Acceptable)

## PROGRAM PRESENTER

(Clearly Acceptable)

- \_\_\_\_\_ 5) Social worker with appropriate expertise in content area
- \_\_\_\_\_ 4) Related professional with ability to connect content to social work practice
- \_\_\_\_\_ 2) Lay-person (e.g., client) on the impact of needing/receiving services
- \_\_\_\_\_ 0) Presenter with no apparent professional qualifications nor link to social work practice

(Clearly Not Acceptable)

## PROGRAM AUDIENCE

(Clearly Acceptable)

- \_\_\_\_\_ 4) Social work practitioners/students
- \_\_\_\_\_ 4) Interdisciplinary professional audience that may include social workers
- \_\_\_\_\_ 3) Audience presumed to be primarily from another profession (e.g., nursing)
- \_\_\_\_\_ 1) Audience open to the general public
- \_\_\_\_\_ 0) Audience presumed to be primarily the general public

(Clearly Not Acceptable)

Total Score \_\_\_\_\_ (add score from each section to get Total Score)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and (G) and 37:2714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 as §317(M)(P)(O) (February 2000), amended and redesignated to §1305(A)(B)(C) and (D) by the Department of Health, Board of Social Work Examiners LR 51:.

### **§1307. Continuing Education Teaching Credit**

A. Continuing education credit may be earned through teaching in an approved continuing education activity, provided that the social worker is the primary presenter.

1. Presentations accompanied by thorough, high quality, readable, and carefully prepared written materials will qualify for continuing education credit on the basis of six hours of credit for each instructional hour of presentation. The continuing education approval organization must review the submitted materials for sufficiency in order for the presenter to qualify for credit under this subparagraph.

2. Presentations accompanied by one- or two-page outlines or not accompanied by written materials will qualify for continuing education credit on the basis of three hours of credit per hour of presentation.

3. Repeat presentations qualify for one half of the credits available for the initial presentation.

4. In the event more than one social worker presents a continuing education presentation, teaching credit shall be divided among the number of presenters for each hour of presentation.

5. The social worker is responsible for securing and retaining appropriate documentation for teaching credit from the continuing education approval organization that approves the teaching credit.

B. Credit may also be earned through teaching a course in a Council on Social Work Education-accredited program.

1. A social worker will earn six hours of continuing education credit for each hour of academic credit awarded by the college or university for the course.
  2. Repeat courses taught qualify for one half of the credits available for the initial course taught unless the material has been substantially changed or updated.
  3. The social worker is responsible for securing and retaining appropriate documentation for teaching credit.
  4. Credit will be awarded upon completion of the course.
- C. Subject to the additional limitations of §1313, no social worker may earn more than eighteen hours of continuing education credit per collection period through teaching.
- D. Teaching credit awarded pursuant to this section will retain the designation of the material taught. For example, social workers giving a clinical continuing education presentation will receive clinical continuing education credit pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1309. Audit**

A. The board may audit any credential social worker. Random audits ensure that the continuing education mandate is applied fairly to all credential social workers.

B. Social workers must keep records of continuing education experiences for at least one year and be able to explain the nature of the content covered. For audit purposes, only certificates of attendance, sign-in sheets signed by a representative of the sponsoring organization, or an original letter from the sponsoring organization will be accepted as proof of attendance for continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 as §317(C), (D), and (E) (February 2000), amended LR 29:2385 (November 2003), LR 34:248 (February 2008), LR 37:2618 (September 2011), amended by the Department of Health, Board of Social Work Examiners, LR 43:959 (May 2017), amended and redesignated to §1309(A) and (B) by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1311. Collection Period**

A. The collection period for continuing education hours is commensurate with the annual license, certificate, and registration renewal period. Continuing education must be completed, and proof of completion submitted to the Board no later than the last day of the renewal period.

B. Social workers may carry over up to ten surplus hours of continuing education from one collection period into a subsequent collection period. Hours will retain their designation in the subsequent collection period except for the following:

1. Ethics hours; and
2. BACS supervision hours.

C. The two-year collection period for ethics continuing education hours and clinical supervision training hours required to maintain board-approved clinical supervisor designation ends in even-numbered years with the close of the continuing education collection period. Social workers must complete these hours during the two years preceding the close of this collection period to be in compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **§1313. Distance or Virtual Learning Limit; Approval to Exceed**

A. Social workers may not submit more than ten hours of continuing education via asynchronous distance or virtual learning or teaching in any collection period except as provided in this section. Synchronous, interactive webinars are considered in-person learning and are not contemplated by this section.

B. The Board may grant a social worker approval to complete more than 10 hours of continuing education via asynchronous distance or virtual learning in the case of debilitating, disabling, or other medical conditions making travel impossible or extremely inconvenient, if the social worker resides outside of United States territories where no in-person continuing education is available, or for other good cause shown. The social worker shall provide satisfactory documentation for the grant of approval.

C. The Board may, by motion adopted at a regular or special meeting of the Board, temporarily suspend the limitations of this section in the event of a public emergency or other extenuating circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR \_\_\_\_\_ (2025).

### **§1315. Pro-Rated Continuing Education for Initial Year of Credential**

A. Continuing education hours are pro-rated as follows during the initial year of registration, certification or licensure.

<b><u>Month Received</u></b>	<b><u>Hours Required</u></b>
<u>June, July, August</u>	<u>0</u>
<u>September, October, November</u>	<u>20</u>
<u>December, January, February</u>	<u>15</u>
<u>March, April, May</u>	<u>10</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 as §317(G) (February 2000), redesignated to §1315(A) by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 51:.

### **§1317. Request for Modification of Continuing Education Requirements**

Social workers seeking modification of generally applicable continuing education requirements pursuant to R.S. 37:2714(G) or this chapter must submit a request in writing to the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:.

### **Family Impact Statement**

The proposed Rules have no known or foreseeable impacts on family formation, stability, autonomy. In particular, the proposed Rules have no known or foreseeable impacts on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;

5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rules.

### **Poverty Impact Statement**

The proposed Rules have no known or foreseeable impact on child, individual or family poverty, as defined by R.S. 49:973(B), in relation to individual or community asset development. In particular there should no known or foreseeable effect on:

1. household income, assets, and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; or
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### **Small Business Analysis**

The proposed Rules should have no known adverse impacts on small businesses as defined in the Regulatory Flexibility Act.

### **Provider Impact Statement**

The proposed Rules have no known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Interested persons may send comments to Emily DeAngelo, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 or by email to [edeangelo@labswe.org](mailto:edeangelo@labswe.org). The deadline to submit comments is at 4:00 p.m. CST on February 10, 2025.

### **Public Hearing**

A public hearing on the proposed Rules will be held on February 25, 2025, at the office of the Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 at 1:00 p.m. CST. A link will be provided on the Board's website <https://www.labswe.org> 24 hours prior to the public hearing. All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact Emily DeAngelo at (225) 756-3470 at least 72 hours prior to the hearing.

Emily DeAngelo  
Administrator