



Sheri M. Morris

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September 30, 2024

VIA EMAIL: apa.senatepresident@legis.la.gov
Hon. J. Cameron Henry, Jr., President
Louisiana Senate

VIA EMAIL: apa.housespeaker@legis.la.gov
Hon. Phillip DeVillier, Speaker
Louisiana House of Representatives

VIA EMAIL: apa.s-h&w@legis.la.gov
Hon. Patrick McMath, Chair
Senate Health and Welfare Committee

VIA EMAIL: apa.h-hw@legis.la.gov
Hon. Dustin Miller, Chair
House Health and Welfare Committee

Re: Louisiana State Board of Social Work Examiners – *SUMMARY REPORT*

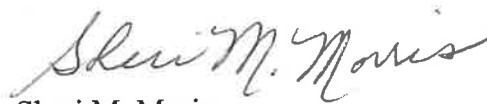
Dear President Henry and Speaker DeVillier:

In accordance with La. R.S. 49:966(D)(1)(b), please find attached the Louisiana State Board of Social Work Examiner's Summary Report. Additionally, the Notice of Intent publication within the Louisiana State Register. Accordingly, please find attached:

- (1) The Summary Report dated for September 30, 2024, pursuant to La. R.S. 49:966(D)(1)(b); and
- (2) Notice of Intent published in the Louisiana State Register on August 20, 2024.

If you need additional information, please contact me.

Very truly yours,


Sheri M. Morris

SMM/re

Enclosures

cc: Emily DeAngelo, Executive Administrator (w/encls.)

Louisiana Board of Social Work Examiners

La. R.S. 49:966(D)(1)(b) Report for Notice of Intent Published August 20, 2024

September 30, 2024

In accordance with R.S. 49:966(D)(1)(b), the Louisiana Board of Social Work Examiners (“Board”) submits this report regarding the Notice of Intent published August 20, 2024 (LR 50:172-175).

(i) A summary of all testimony at any hearing conducted pursuant to R.S. 49:961(B)(1).

No testimony was offered at the hearing, and therefore no summary is needed.

(ii) A summary of all comments received by the agency, a copy of the agency’s response to the summarized comments, and a statement of any tentative or proposed action of the agency resulting from oral or written comments received.

The Notice of Intent stated:

Interested persons may submit comments to Emily DeAngelo, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 or by email to edeangelo@laswe.org. The deadline to submitting comments is at noon central time on September 3, 2024. LR 50:174.

The Board did not receive any comments.

(iii) A revision of the proposed rule if any changes to the rule have been made since the report provided for in Subsection B of this Section was submitted, or a statement that no changes have been made.

No changes to the proposed rules have been made since the R.S. 49:966(B) report was submitted on August 10, 2024, since no comments, data, opinions or requests for the opportunity for oral presentation were received.

(iv) A concise statement of the principal reasons for and against adoption of any amendments or changes suggested.

No changes were suggested.

NOTICE OF INTENT

**Department of Health
Board of Social Work Examiners**

**Standards of Practice and General Provisions
(LAC 46:XXV Chapters 1 and 3)**

In accordance with the Administrative Procedure Act R.S. 49:950 et seq., the Board of Social Work Examiners proposes to amend LAC 46:XXV.Chapter 1, Standards of Practice and Chapter 3, General Provisions.

Section 103 is being amended to clarify the purpose of the Standards of Practice/Code of Conduct. Section 117 is being amended to increase the report time of arrests or charges. Section 315 is being amended to increase the time for the Board to elect officers. Section 329 is enacting the Board's anti-discrimination policy. Section 331 is enacting public comment procedures to comply with R.S. 42:17.2. Section 333 is enacting procedures to comply with R.S. 42:14(E) through R.S. 42:17.3 as amended by Act 393 (2023), relative to participation by individuals with disabilities recognized by the ADA and/or their caregivers.

Title 46

Professional and Occupational Standards

Part XXV. Credentialed Social Workers

Chapter 1. Standards of Practice

§103. Purpose

A. The Standards of Practice/Code of Conduct provide a basis upon which to assess and measure the professional conduct of social workers.

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 50:

§117. Conduct

A. - D. ...

E. A social worker shall notify the Louisiana State Board of Social Work Examiners within thirty calendar days of any arrests or charges, to include DWI and DUI, regardless of final disposition. Minor traffic offenses such as speeding and parking tickets do not need to be reported.

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 26:299 (February 2000), amended LR 29:2382 (November 2003), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:304 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 50:

Chapter 3. General Provisions

§315. Board Members

A. - A.1.b. ...

B. Officers. The board shall elect annually at its May or June board meeting, a chair, vice-chair, and secretary/treasurer.

C. - E. ...

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: 2385 (November 2003), LR 34: 248 (February 2008), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40: 305 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 50:

§329. Discrimination Prohibited

A. The board shall not deny a license, certificate, or registration or otherwise discriminate against any applicant based upon the applicant's race, religion, creed, national origin, age, sex, sexual orientation, gender expression, or differing abilities.

B. The board shall not discriminate against any person based upon the person's race, religion, creed, national origin, age, sex, sexual orientation, gender expression, or differing abilities.

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 50:

§331. Public Comment at Board and Committee Meetings

A. *Public Comment* is defined as verbal or written comments given at a board or committee meeting pertaining to an agenda item specific to that meeting.

B. Members of the public may give public comments at meetings of the board or its committees pursuant to this section.

C. Written public comments may be submitted prior to the meeting via email. Emails will be received up to the close of business on the day prior to the meeting. All emails must be submitted to the address designated by the Board and must include the agenda item number, the commenter's name, and a brief statement. If the commenter wishes to speak during the meeting, they must so state in their email.

D. Verbal public comments may be submitted during the meeting. If attending virtually, commenters may seek recognition using the appropriate function on the virtual platform used by the board or committee to broadcast its meeting. The commenter may speak using their microphone after the chair has recognized them. All participants will be muted upon entry. Any participant that speaks without being acknowledged by the chair or that does not have their device muted will be muted by the moderator. The chair will

announce when the floor is open for comments. Verbal comments are limited to 2 minutes per commenter.

E. All comments submitted are recorded and are public record.

F. Public comment will be allowed at the beginning of each meeting prior to any votes by the board or committee. Once the public comment period is closed, it will not be reopened unless permitted by the chair.

G. The board may provide reasonable accommodation to members of the public who request such accommodations within 72 hours before a meeting of the board or committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:

§333. Board Meetings

A. The board shall post its notices and agendas on the board's website at least 24 hours prior to each meeting.

B. The board shall provide for participation in open meetings via electronic means for any individuals with disabilities recognized by the Americans with Disabilities Act (ADA), and/or that individual's caregiver.

C. The board shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means following the receipt of the request.

D. The board shall maintain on its website a remote request form and shall provide a copy of this form via fax, mail or email in response to any written request for accommodation.

E. A board member shall be allowed to participate and vote in a meeting via teleconference as defined in R.S. 42:17.2.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and R.S. 42:14(E)-R.S. 42:17.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:

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 submit comments to Emily DeAngelo, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 or by email to edeangelo@labswe.org. The deadline to submitting comments is at noon central time on September 3, 2024.

Public Hearing

A public hearing on the proposed Rules will be held on September 26, 2024, at the office of the Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 at 12 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
Executive Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Standards of Practice and General Provisions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be increased costs to the Louisiana State Board of Social Work Examiners (LABSWE) for promulgation of the proposed rule changes of \$213 per page charged by the State Register for publication of the Notice of Intent and rules. Additionally, it is anticipated that there will be a minimal increase in staff time during the initial implementation of inactive and emeritus status due to inquiries from licensed social workers interested in obtaining the status. There is no data available to determine how many licensed social workers will apply for inactive or emeritus status. Licenses under inactive or emeritus status will be able to be renewed online.

The proposed changes update rules regarding social worker licensing, conduct, supervision, inactive/emeritus status, and administrative proceedings. The changes also expand rules regarding continuing education, to include additional options for continuing education and requirements for continuing education pre-approval organizations. The changes increase

license renewal fees as well as the fee for 'Written verification of license, certificate, or registration. The changes also list the existing \$3 e-commerce fee in the fee schedule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rules and rule amendments have no estimated effect on revenue collections of state or local government units, except for the LABSWE which is a self-funded agency. The proposed rules and rule amendments have the following effect on revenue collections of the LABSWE:

The proposed amendment to L.A.C. 46:XXV.313 increases the renewal and lapsed renewal fees for licensed social workers and the fee for written license verifications. The proposed amendment to L.A.C. 46:XXV.313 increases license fees estimated to result in additional revenues of \$305,000 annually. This estimate is based upon an assumed 1,800 Registered Social Worker renewals (\$25 fee), 3,000 Certified Social Worker or Licensed Master Social Worker renewals, and 4,400 Licensed Clinical Social Worker renewals including Board Approved Clinical Supervisors (\$25 fee).

The proposed amendment to L.A.C. 46:XXV.325 decreases license fees for social workers eligible for emeritus status annually beginning in Fiscal Year 2024-25. The number of licensed social workers who will apply for emeritus status instead of renewing their license cannot be determined; however, the proposed rule is in response to requests from licensed social workers.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed enactment of L.A.C. 46:XXV.325 provides for inactive status allowing licensed social workers not providing services to clients to maintain their license in an inactive status for up to five consecutive years up to a maximum of ten cumulative years. Social workers with licenses in inactive status will be required to complete only one-half of the 20 hours of continuing education required for licensed social workers. A reduction in the number of hours of continuing education hours could provide an economic benefit to social workers with inactive status.

The proposed enactment of L.A.C. 46:XXV.327 provides for emeritus (retired) status for licensed social workers who are disabled or who are at least 60 and have been credentialed for at least 30 years and reduces the required continuing education hours from 20 hours to 10 hours, which may reduce the costs associated with obtaining continuing education. Social workers with emeritus status will be required to complete only one-half of the 20 hours of continuing education required for licensed social workers and will be required to pay only one-half of the applicable license renewal fee. Reductions in the number of hours of continuing education and license fees could provide an economic benefit to social workers with emeritus status.

Social workers claiming emeritus status will benefit economically because their renewal fee is half of the renewal fee of someone without emeritus status. This benefit applies to a social worker with a valid registration, certification, or license.

Social workers may benefit economically by being able to carry over up to ten surplus hours of continuing education from one collection period into a subsequent collection period. Additionally, social workers will have the option to obtain continuing education by attending meetings of the board and its committees.

Licensed Master Social Workers (LMSW) applying for a Licensed Clinical Social Worker (LCSW) credential may benefit from the proposed rules because they would be able to take the examination six months earlier and secure a job while

completing their required courses for licensure. This would eliminate the waiting time for these social workers to complete the examination before accepting a job within their field.

Additionally, social workers may benefit economically due to the decrease in the number of hours needed for supervised postgraduate social work practice from 5,760 hours to 3,000 hours.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There may be a positive effect on competition and employment resulting from Licensed Master Social Workers (LMSW) being able to apply to take the examination for the Licensed Clinical Social Worker (LCSW) credential six months earlier. LCSW's who pass the examination prior to completing all requirements for the LCSW credential may be able to obtain employment in the capacity as an LCSW earlier.

The availability of inactive status for social worker licenses may increase social worker employment over time by allowing inactive social workers to avoid the cancellation of their licenses, easing their re-entry into the field.

Emily DeAngelo
Executive Administrator
2408#074

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office