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2, 1972.

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705

By: Mr. Poston.

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Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1972.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.

ACT No. 706

Senate Bill No. 373. By: Mr. Tiemann and Reps. Reilly and Fowler.

AN ACT

To amend Title 37 of the Louisiana Revised Statutes of 1950 by adding thereto a new chapter, to be designated as Chapter 35 thereof and to contain R.S. 37:2701 through 37:2718, relative to board certified social work; to establish the Louisiana State Board of Board Certified Social Work Examiners; to require the licensing and certification of board certified social workers and to provide a procedure and fees therefor; to provide penalties and remedies for the violation thereof; to provide for the rights and privileges of a licensee; to empower the board to deny, suspend or revoke a license or otherwise discipline a licensee; to provide that certain communications between a licensed board certified social worker and his client are privileged; to exclude certain persons and activities from the provisions of the Act; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 35 of Title 37 of the Louisiana Revised Statutes of 1950 comprising R.S. 37:2701 through 37:2718, both inclusive, is hereby enacted to read as follows:

CHAPTER 35. BOARD CERTIFIED SOCIAL WORKERS

§2701. Legislative purpose

The legislature declares that, in order to safeguard the public health, safety and welfare of the people of this state against unauthorized, unqualified, and improper practice of board certified social work, it is necessary that a proper regulatory authority be established and adequately provided for.

§2702. Short title

This chapter shall be known and may be cited as the Board Certified Social Work Practice Act.

§2703. Definitions

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

(1) "Board" means the Louisiana State Board of Board Certified Social Work Examiners.

(2) "Board Certified Social Work" means a practice or service in which a special knowledge of social resources, social systems, human capabilities, and the part that past experiences play in determining present behavior is directed at helping people to achieve more adequate, satisfying, productive, and self-realizing social adjustments. The application of social work principles and methods includes, but is not restricted to, casework and the use of social work methodology of nonmedical nature with individuals, families, and groups and other measures to help people modify behavior or personal and family adjustment; providing information and referral services; explaining and interpreting the psychosocial aspects in the situation of individuals, families, or groups; helping communities to analyze social problems and human needs and the direct delivery of human services; and education and research related to the practice of board certified social work.

(3) "Social Work Methodology" means the use of psychosocial methods within a professional relationship to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes.

(4) "Board certified social worker" means persons licensed under the provisions of this chapter.

(5) "Graduate school of social work" means any university or other institution of higher learning offering a full-time graduate course of study in social work, granting the degree Master of Social Work or Social Welfare, and approved by the Council on Social Work Education or its predecessor or successor organization.

§2704. Board of social work examiners

A. There is hereby created a Louisiana state board of board certified social work examiners, consisting of five members, who are citizens of the United States and residents of the state of Louisiana. The members shall be appointed by the governor within thirty days from the effective date of this chapter to serve the following terms: one member for a term of one year; two members for a term of two years; and two members for a term of thı
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Clinical Social Work and t
sociation of Social Worker

B. Each board member
except that members cc
pointed shall be persons w
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and who hold a master's
school of social work. At
least three members who
direct services in board c
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C. Each member shall
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of term shall be filled by
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for misconduct, incompet
the board member a writt
opportunity to be heard.

D. Each board membe
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E. Each board membe
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expenses necessarily incu
of his official duties. Fun
of these expenses as

§2705. Board; meeting

A. The board shall w
date of this Act, and at
a meeting. The.* board s
ship a chairman, vice-
may be called by the ch
three members of the bc
shall meet as often as nec
stitute a quorum.

* As it appears in the enrolled bill.

direct remuneration for the employee for the work performed and the employer will withhold from the employee's wages taxes and other employee paid benefits.

~~(1)~~ (2) "Board" means the Louisiana State Board of ~~Board Certified~~ Social Work Examiners.

~~(2) "Board-certified social work" means a practice or service in which a special knowledge of social resources, social systems, human capabilities, and the part that past experiences play in determining present behavior is directed at helping people to achieve more adequate, satisfying, productive, and self realizing social adjustments. The application of social work principles and methods includes, but is not restricted to, casework and the use of social work methodology of nonmedical nature with individuals, families, and groups and other measures to help people modify behavior or personal and family adjustment; providing information and referral services; explaining and interpreting the psychosocial aspects in the situation of individuals, families, or groups; helping communities to analyze social problems and human needs and the direct delivery of human services; and education and research related to the practice of board certified social work.~~

(3) ~~"Social work methodology" means the use of psychosocial methods within a professional relationship to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes.~~ "Board-approved clinical supervisor" means a licensed clinical social worker (LCSW) who has met the qualifications established by the board.

(4) "Case management" means a method to plan, provide, evaluate, and monitor services from a variety of resources on behalf of and in collaboration with a client.

(5) "Clinical social work practice" means a specialty within the practice of master's social work.

(6) "Clinical supervision" means an interactional professional relationship between a licensed clinical social worker and a graduate social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the graduate social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner. Clinical supervision for meeting the requirements of this ensure must be provided by a licensed clinical social worker who is also a board-approved clinical supervisor (BACS).

(7) "Consultation" means a problem-solving process in which expertise is offered to an individual, group, organization, or community.

(8) "Council on Social Work Education" means the national organization which accredits graduate and undergraduate social work programs or its predecessor or successor organization.

(9) "Full-time" means providing social work services totaling thirty or more hours per week.

~~(5)~~ (10) "Graduate school of social work" means ~~any university or other~~ a program within an institution of higher ~~learning offering~~ education which offers a full-time ~~graduate~~ course of study in social work, granting ~~the~~ a master's degree ~~Master of Social Work or Social Welfare~~ in social work or social welfare, and ~~approved~~ accredited by the Council on Social Work Education or its predecessor or successor organization.

(11) "Graduate social worker (GSW)" means a person duly certified to practice graduate social work under this Chapter.

~~(4)~~ (12) ~~"Board certified~~ "Licensed clinical social worker (LCSW)" means ~~persons~~ a person duly licensed to practice clinical social work under the provisions of this Chapter. Notwithstanding any other laws to the contrary, the term "licensed social worker" shall be synonymous with the term "licensed clinical social worker".

(13) "Provisional" means a temporary certification which entitles the MSW graduate to perform the duties and responsibilities within the scope of practice of the graduate social worker for up to three years from the date of issuance of the original certificate.

(14) "Registered social worker (RSW)" means a person duly registered to practice baccalaureate social work under this Chapter.

(15) "Social work practice" means the professional application of social work values, theories, and interventions to one or more of the following: enhancing the development, problem-solving, and coping capacities of people; promoting the effective and humane operations of systems that provide resources and services to people; linking people with systems that provide them with resources, services, and opportunities; developing and improving social policy; and engaging in research related to the professional activities. The practice of social work shall include but not be limited to clinical social work, planning and community organization, policy and administration, research, and social work education. Social work practice is guided by knowledge of human behavior, biopsychosocial development, social systems and resources, economic and cultural institutions, and their interactions. Nothing in this Chapter shall be construed to authorize any person licensed, certified, provisionally certified, or registered hereunder to

prescribe, either orally or in writing, distribute, dispense, or administer any medications. Nothing in this Chapter shall be construed to authorize any social worker licensed, certified, provisionally certified, or registered under this Chapter to administer or interpret psychological tests, or to engage in the practice of psychology, as defined by the provisions of R.S. 37:2352(5) or to engage in the practice of medicine, as defined by the provisions of R.S. 37:1262. Notwithstanding any provisions of R.S. 37:2352(5), persons covered by this Chapter may, based upon scope of practice, administer, use, or interpret tests of language, education and achievement, adaptive behavioral tests, and symptom screening checklists instruments, as well as tests of abilities, interests, and aptitudes.

(16) "Social work student" means a person who is enrolled in a social work educational program that is accredited by the Council on Social Work Education or its predecessor or successor and is part of an accredited university or college.

(17) "Supervision" means the professional relationship between a supervisor and an applicant for social work licensure that provides guidance and evaluation of the services provided by the applicant.

(18) "Undergraduate social work program" means a program within an institution of higher education which offers a full-time course of study in social work, granting a bachelor's degree in social work or social welfare, and accredited by the Council on Social Work Education or its predecessor or successor.

§2704. Board of Social Work Examiners

A. There is hereby created a Louisiana State Board of ~~Certified~~ Social Work Examiners within the Department of Health and ~~Human Resources~~ Hospitals. The board shall be subject to the provisions of R.S. 36:803. It shall consist of ~~five~~ seven members who are citizens of the United States and residents of the state of Louisiana. The members shall be appointed by the governor, ~~within thirty days from the effective date of this Chapter to serve the following terms: one member for a term of one year; two members for a term of two years; and two members for a term of three years.~~ subject to Senate confirmation. All appointees shall be selected from one list compiled by ~~the Louisiana Society for Clinical Social Work and the state council~~ all statewide social work membership organizations that have written bylaws and meet all state and federal laws, and the Louisiana Chapter of the National Association of Social Workers shall be responsible for the coordination of this process. All appointees shall serve no more than two consecutive full terms. The completion of an unexpired portion of a full term shall not constitute a full term for purposes of this Section. The board shall consist of the following members:

(1) One registered social worker with at least five years of work experience.

(2) One certified graduate social worker with at least five years of social work experience.

(3) Three licensed clinical social workers each with at least five years of clinical social work experience.

(4) One member who is either a registered social worker, a certified graduate social worker, or a licensed clinical social worker.

(5) One public member.

B. Each board member, ~~shall be certified under this chapter, except that members comprising the board as first appointed shall be persons who have rendered service, education, training or research in social work for at least five years and who hold a master's degree from an approved graduate school of social work~~ with the exception of the public member, shall be a person who holds a current, valid license, certification, or registration issued pursuant to this Chapter. At all times the board shall ~~have~~ consist of at least three members who are engaged primarily in rendering direct services in ~~board-certified~~ social work and~~/or~~ at least one member who is engaged primarily in social work education or a practice specialty other than clinical ~~training, or research in social work~~.

C. No public member shall be currently an elected official, and no public member shall be or have been any of the following:

(1) Actively engaged in the practice of social work or be the spouse of a social worker.

(2) Engaged in the practice of psychology, psychiatry, or a member of a mental health profession, or the spouse of a member of a mental health profession.

(3) Employed or own an agency or business entity that provides social, health, or mental health care or substance abuse services.

~~C~~ D. Each member shall hold ~~his~~ office until the expiration of his appointed term or until a successor is duly appointed. When the term of each member expires, the governor shall appoint his successor for a term of three years. Any vacancy occurring in board membership other than by expiration of term shall be filled by the governor, under the provisions of Subsection A of this Section, by appointment of a member to serve for the unexpired term. ~~The governor or the board by majority vote, may remove any board member for misconduct, incompetence, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard.~~ A board member may be removed upon one or more of the following grounds:

(1) The refusal or inability of a board member for any reason to perform the duties as a member of the board in an efficient, responsible

social worker. A graduate social worker may only work as an employee in an agency setting.

D. An individual practicing graduate level social work in Louisiana and who meets the qualifications set forth in Subsection A of this Section who wishes to continue the practice shall apply for certification under the provisions of this Chapter within one year subsequent to January 1, 2000.

E. At any time within one year from January 1, 2000, the board shall waive the examination requirement and shall issue a certificate as a graduate social worker to any individual who files a verified application therefor, accompanied by such fee as is required in R.S. 37:2716, and who submits evidence verified by oath and satisfactory to the board that she or he complies with the requirements of Subsection A of this Section.

§2708. Qualification; licensed clinical social worker

A. No individual shall be eligible for licensure by the board as a licensed clinical social worker unless the individual:

(1) Is of good moral character.

(2) Holds a master's degree from a graduate school of social work.

(3) Has completed at least thirty-six accumulated months of full-time postgraduate social work practice. Twenty-four accumulated months of postgraduate social work experience after January 1, 2000, shall be in a setting practicing social work under the supervision of a board-approved clinical supervisor.

(4) Has passed an examination approved by the board.

B. An individual holding the licensed clinical social worker license may independently engage in advanced social work practice based on the application of social work theory, knowledge, ethics, and methods to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. The practice of clinical social work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of prevention, assessment, diagnosis, and treatment of mental, emotional, and behavioral and addiction disorders. Treatment methods include the provision of individual, marital, couple, family, and group psychotherapy. The practice of clinical social work may include private practice, employee assistance and addiction services, and the provision of clinical supervision. A licensed clinical social worker may work as an employee in a practice setting or independently in private practice.

C. An individual licensed as a board-certified social worker in the state of Louisiana on January 1, 2000, and who wishes to secure the licensed clinical social worker license, shall submit to the board within one year subsequent to January 1, 2000, an affidavit stating their desire to secure the licensed clinical social worker license.

§2709. License, certification, or registration required

No individual shall practice social work in the state unless the individual holds a current, valid license, certificate, provisional certificate, or registration issued by the board in accordance with this Chapter. This license, certificate, provisional certificate, or registration shall be kept conspicuously posted in the office or place of business at all times.

~~§2706(B)~~ §2710. Application

Upon investigation of the application and other evidence submitted, the board shall~~, not less than thirty days prior to the examination,~~ notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, said notice shall state the reasons for such rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

§2711. Examination

~~§2706(C)~~ A. The place of examination shall be designated in advance by the board. The examination shall be given annually at such time and place and under such supervision as the board may determine, and specifically at such other times, as in the opinion of the board, the number of applicants warrants.

~~§2706(D)~~ B. ~~Each applicant~~ Applicants for licensure as a licensed clinical social worker and applicants for certification as a graduate social worker shall pass an examination approved by the board. The board shall assign the passing grade point to any examination administered after having promulgated rules and regulations. To insure impartiality, written examinations shall be by numbers, and no paper examination shall bear the name of the applicant.

~~§2706(E)~~ C. If an applicant fails the examination, he may retake the examination upon payment of a re-examination fee at the next opportunity given by the board, and in accordance with the rules of the board. ~~upon payment of such fee as is required by R.S. 37:2712.~~

~~§2708. Certification by reciprocity~~

~~The board may certify as a board-certified social worker without examination any person who submits the appropriate verified application accompanied by such fee as is required by R.S. 37:2712 and who possesses a valid, unsuspended and unrevoked license on the basis of any examination by a duly constituted examining board under the laws of any other state or any territory of the United States or of the District of Columbia, which state or territory in the judgment of the board has requirements substantially equivalent to those in this chap-~~