

Louisiana Social Work Practice Act
Louisiana Revised Statutes
Title 37. Professions & Occupations
Chapter 35. Social Workers
Part I. 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 social work, it is necessary that a proper regulatory authority be established and adequately provided for.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2024, No. 791, §1.

§2702. Short title

This Chapter shall be known and may be cited as the "Louisiana Social Work Practice Act".

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000.

§2703. Definitions

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

(1) "Agency" means an organization or facility that delivers social work services and employs social workers. The employer shall provide direct remuneration for the employee for the work performed, and the employer shall withhold from the employee's wages taxes and other employee-paid benefits.

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

(3) "Board-approved clinical supervisor (BACS)" 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) "Certified social worker (CSW)" means a temporary certification which entitles the master of social work graduate to perform the duties and responsibilities within the scope of practice of the licensed master social worker for up to three years, while pursuing licensure.

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

(7) "Clinical supervision" means an interactional professional relationship between a licensed clinical social worker and a licensed master's social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the licensed master's social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner. Supervision for meeting the requirements of licensure as a licensed clinical social worker (LCSW) shall be provided by a licensed clinical social worker who is also a board-approved clinical supervisor (BACS). Supervision between a licensed clinical social worker and a licensed master's social worker may be conducted in-person or

remotely through telesupervision. Telesupervision utilizes secure video conferencing platforms to adhere to the same standards and guidelines as in-person supervision, ensuring regular contact, case review, and ongoing professional development. The board shall establish rules and regulations regarding the specific requirements and parameters for telesupervision, including technology standards, documentation, and confidentiality measures.

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

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

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

(11) "In-person supervision" means clinical supervision conducted through real time, face-to-face meetings of the supervisee and supervisor in the same physical location.

(12) "Licensed clinical social worker (LCSW)" means a person duly licensed to independently practice clinical social work under the provisions of this Chapter. A licensed clinical social worker may work as an employee in a practice setting or independently in private practice.

(13) "Licensed master's social worker (LMSW)" means a person duly registered to practice master's social work under this Chapter.

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

(15)(a) "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.

(b) A faculty member who has obtained a master's degree or license in a field other than social work and who teaches a course in a social work program other than a clinical course, a clinical practicum, or any other course involving the scope of practice of social work at an accredited Louisiana institution of higher education shall not be construed as practicing social work and shall not be subject to the provisions of this Chapter.

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

(18) "Supervision" means the professional relationship between a supervisor and a supervisee that provides guidance and evaluation of the services provided by the supervisee. Supervision between a licensed clinical social worker and a licensed master's social worker may be conducted in-person or remotely through telesupervision. Telesupervision utilizes secure video conferencing platforms to adhere to the same standards and guidelines as in-person supervision, ensuring regular contact, case review, and ongoing professional development. The board shall establish rules and regulations regarding the specific requirements and parameters for telesupervision, including technology standards, documentation, and confidentiality measures.

(19) "Telesupervision" means 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.

(20) "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 or under candidacy by the Council on Social Work Education or its predecessor or successor.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2007, No. 436, §1 and 2; Acts 2010, No. 880, §§1, 2, eff. Jan. 1, 2011; Acts 2018, No. 227, §1; Acts 2021, No. 215, §1, eff. Jan. 1, 2022; Acts 2024, No. 457, §1.

§2704. Board of Social Work Examiners

A. There is hereby created a Louisiana State Board of Social Work Examiners within the Louisiana Department of Health. The board shall be subject to the provisions of R.S. 36:803. It shall consist of seven members to include six social workers and one consumer member. The members shall be appointed by the governor, subject to Senate confirmation. All appointees shall be selected from one list compiled by 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. The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. 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 three years of social work experience.
- (2) One licensed master's social worker with at least three years of social work experience.
- (3) Three licensed clinical social workers each with at least three years of clinical social work experience.
- (4) One member who is either a registered social worker, a licensed master's social worker, or a licensed clinical social worker.
- (5) One consumer member.

B. Each board member, with the exception of the consumer member, shall be a person who holds a current, valid license or registration issued pursuant to this Chapter and shall be a citizen of the United States and resident of the state of Louisiana. At all times the board shall consist of at least three members who are engaged primarily in rendering direct services in social work and at least one member who is engaged primarily in social work education or a practice specialty other than clinical.

C.(1) The consumer member of the board shall be selected from the state at large and shall possess all of the following qualifications:

- (a) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.
- (b) Has attained the age of majority.
- (c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).
- (d) Has never been convicted of a felony.
- (e) Does not have and has never had a material financial interest in the healthcare profession.
- (f) Shall not be an elected official.

(2) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.

D. Each member shall hold 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. 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, and professional manner.
- (2) The misuse of office by a member of the board to gain pecuniary or material gain personally or for another through such office.
- (3) The violation by any member of the board of the laws or rules governing the practice of social work.
- (4) For other just and reasonable causes as determined solely by the board pursuant to applicable laws.

E. Each board member shall receive a certificate of appointment from the governor; and before commencing the discharge of his duties and within thirty days from the effective date of his

appointment, the board member shall subscribe to the oath for state officials before any officer authorized to administer oaths in this state and shall file the same with the secretary of state.

F. Each board member shall serve without compensation, but shall receive actual traveling, incidental, and clerical expenses necessarily incurred while engaged in the discharge of his official duties. Funds will be allocated for the payment of these expenses as provided for by R.S. 37:2716(B).

G. The board shall notify all social workers of vacancies on the board, the qualifications for service, and that interested social workers may submit a letter of interest and resume' to qualified social work membership organizations.

Added by Acts 1972, No. 706, §1. Amended by Acts 1977, No. 684, §28; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2018, No. 515, §2; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2705. Board; meetings; powers

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

B. An administrator, who shall not be a member of the board, shall be employed to serve the board and his or her salary shall be provided for under R.S. 37:2716(B). The board may employ such other persons as may be necessary to carry out its duties under this Chapter.

C.(1) The board is authorized to adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of this Chapter including but not limited to rules and regulations which establish ethical standards of practice, which the board may adopt as a standard of practice.

(2) The board is empowered to examine for, deny, approve, revoke, suspend, and renew the license of licensed clinical social workers and shall review applications at least once a year. The board is further empowered to examine for, deny, approve, revoke, suspend, and renew the license of licensed master's social workers and shall review applications at least once a year. The board is further empowered to examine for, deny, approve, revoke, suspend, and renew the certificate of certified social workers or the license of licensed master's social workers and shall review applications at least once a year. The board is further empowered to deny, approve, revoke, suspend, and renew the registration of registered social workers and shall review applications once a year.

(3) The board shall have the power to conduct hearings on charges calling for revocation or suspension of a registration, certificate, or license. The board may institute disciplinary proceedings as authorized in this Chapter.

(4) The board shall prosecute and enjoin all persons violating this Chapter and shall keep a record of all the proceedings.

(5) The board is empowered to administer funds as provided in R.S. 37:2716(B) for the training and education of social workers so that competency may be assured.

D. The board shall keep a listing of social workers licensed, certified, or registered under this Chapter.

E. The board may enter into such professional service contracts as necessary to carry out its responsibilities under this Chapter in accordance with R.S. 36:803.

F. The board shall adopt standards for supervision to meet the requirements of R.S. 37:2708.

G. The board shall establish requirements to assure continuing education for individuals licensed, certified, or registered under this Chapter as a condition of licensure, certification, or registration renewal. Such requirements may include but are not limited to continuing education which shall be through programs either provided by or approved by the board.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2706. Qualifications; registered social worker

A. No individual shall be eligible for registration by the board as a registered social worker unless the individual:

(1) Is of good moral character and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information.

(2) Holds either a bachelor's degree or master's degree from an accredited social work program.

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

C, D. Repealed by Acts 2010, No. 880, §2, eff. Jan. 1, 2011.

Added by Acts 1972, No. 706, §1. Acts 1983, No. 484, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2001, No. 595, §1; Acts 2004, No. 375, §1; Acts 2010, No. 880, §§1, 2, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2707. Qualifications; licensed master's social worker

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

(1) Is of good moral character and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information.

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

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

B. An individual licensed as a licensed master's social worker may 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 licensed master's social worker's practice requires the application of specialized knowledge and advanced practice skills which include prevention or intervention, or both, service or treatment planning and evaluation, case management, information and referral, counseling, employee assistance services, addiction services, advocacy, teaching, research, supervision, consultation, community organization, and the development, implementation, and administration of policies, programs, and activities. A social worker licensed at the licensed master's social worker level may practice clinical social work and psychotherapy within an agency under the supervision, in-person or virtually, of a licensed clinical social worker. A licensed master's social worker may work as an employee only in an agency setting. Notwithstanding the definition of "agency" as defined in R.S. 37:2703 or the requirement for employment in an agency setting provided in this Subsection, a licensed master's social worker shall be permitted to provide social work services on behalf of a federal, state, or local governmental agency on a contractual basis.

C - E. Repealed by Acts 2010, No. 880, §2, Jan. 1, 2011.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2001, No. 595, §1; Acts 2004, No. 375, §1; Acts 2007, No. 436, §1; Acts 2010, No. 880, §§1, 2, eff. Jan. 1, 2011; Acts 2024, No. 457, §1.

§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 and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information.

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

(3) Has completed at least three thousand hours of postgraduate social work practice over a minimum of two years and a maximum of four years while under the supervision of a board-approved clinical supervisor. The board shall consider circumstances warranting more than four years to complete this experience requirement.

(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. Repealed by Acts 2010, No. 880, §2, eff. Jan. 1, 2010.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2001, No. 595, §1; Acts 2004, No. 375, §1; Acts 2007, No. 436, §1; Acts 2010, No. 880, §§1, 2, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2709. License, certification, or registration required

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

B. An individual shall complete all components of the application process for licensure, certification, or registration to the board within ninety days of commencement of social work practice.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2018, No. 227, §1; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2710. Application and authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meanings:

- (1) "Applicant" means an individual who has made application to the board for the issuance, renewal, or reinstatement of any form of licensure which the board is authorized by law to issue.
- (2) "Board" means the Louisiana State Board of Social Work Examiners.
- (3) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.
- (4) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.
- (5) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.
- (6) "Licensure" means any license, certification, or registration which the board is authorized to issue.

B. In addition to any other requirements established by board rules, the board shall require an applicant, as a condition for eligibility for licensure:

- (1) To submit a full set of fingerprints, in a form and manner prescribed by the board.
- (2) To permit the board to request and obtain state and national criminal history record information on the applicant.
- (3) To pay, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedure prescribed by this Section, the board shall request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department

of Public Safety and Corrections and the Federal Bureau of Investigation of the United States Department of Justice relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. Upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days from receipt of any such request. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

F. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

G. Upon investigation of the application and other evidence submitted, the board shall 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.

Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011.

§2711. Examination

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.

B. Applicants for licensure as a licensed clinical social worker and applicants for licensure as a licensed master's 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 ensure impartiality, written examinations shall be by numbers, and no paper examination shall bear the name of the applicant.

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.

Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011.

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

A. Any social worker from another state, territory, commonwealth, or the District of Columbia seeking authority to practice in this state through reciprocity or endorsement of credentials shall comply with the following:

(1) Be credentialed and in good standing with their respective social work regulatory board or agency based on substantially equivalent educational, supervision, and examination requirements for a Louisiana licensed clinical social worker, licensed master's social worker, certified social worker, or registered social worker.

(2) Pass an open-book examination on the Louisiana Social Work Practice Act including all applicable laws and rules, regulations, standards, and procedures adopted by the board.

(3) Pay the fee prescribed by the board.

B. If the board determines that a state, territory, commonwealth, or the District of Columbia does not have credentialing requirements that are substantially equivalent to those required by this state for the issuance of a social work license, certificate, or registration, the board may require the social worker to obtain the requisite educational, supervision, and examination requirements pursuant to the applicable provisions of this Chapter.

Acts 1972, No. 706, §1; Acts 1983, No. 484, §1; Acts 1990, No. 458, §1; Acts 1996, 1st Ex. Sess., No. 94, §1, eff. May 10, 1996; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2713. License; certificate; registration

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

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

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

A.(1) The board shall have authority to establish and promulgate continuing education requirements which are to be fulfilled prior to the renewal of any license, certificate, or registration issued under this Chapter.

(2) Twenty clock hours of continuing education in programs approved by the board shall be obtained prior to each renewal date, including three hours of ethics every two years. In addition, for renewal of a licensed clinical social work license, no less than ten clock hours of the continuing education requirement shall be clinical content including diagnosis and treatment of mental disorders. Failure to fulfill these requirements shall cause the license, certificate, or registration to lapse, and any application for renewal will be declined until the continuing education requirements have been met.

(3) Documentation in a form acceptable to the board, demonstrating compliance with the continuing education requirements, shall accompany the application for the renewal of the license, certificate, or registration.

B. In addition to the continuing education requirements set out in Subsection A of this Section, each license, certificate, provisional certificate, or registration issued under the provisions of this Chapter shall be renewed annually except as otherwise provided. On or before July first of each year, the board shall send notice for renewal of a license, certificate, or registration to each person to whom a license, certificate, or registration was issued or renewed during the current year. Such person shall complete the renewal application and pay the renewal fee as is required by the board before August thirty-first of the year in which the notice was received. Upon receipt of any application and fee, the board shall verify the accuracy of the application and update the license, certificate, or registration for the current year, beginning September first and expiring August thirty-first.

C. If any person fails to renew his or her license, certificate, or registration by August thirty-first, such license, certificate, or registration shall lapse. Any application for renewal shall be declined until the continuing education requirements have been met. If a social worker fails to renew by August thirty-first of each year, at the licensed, certified, or registered level, he shall not practice social work. Renewal of a license, certificate, or registration which has lapsed for six months or less may be effected upon submission to the board of a renewal application accompanied by a fee which shall be twice the amount of the normal renewal fee specified by the board. If a license, certificate, or registration is allowed to lapse for six months or longer, the applicant for the license, certificate, or registration shall be considered a new applicant subject to appropriate provisions of this Chapter including the reinstatement provisions of this Section.

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

E. If any license, certificate, or registration is lapsed for more than sixty months, the applicant for license, certificate, or registration shall submit proof of completion of forty hours of approved social work continuing education and pass the board exam on the Louisiana Social Work Practice Act and the rules, standards, and procedures prior to reinstatement. Continuing education requirements for LCSW applicants shall include at least twenty hours of clinical content and three hours of ethics training. Continuing education requirements for LMSW and RSW applicants shall include at least three hours of ethics training.

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

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

Acts 1990, No. 785, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2715. Rights and privileges

A. An individual who possesses a current, valid license issued by the board pursuant to this Chapter shall have the right to practice and use the title licensed clinical social worker and the abbreviation LCSW.

B. An individual who possesses a current, valid license issued by the board pursuant to this Chapter shall have the right to practice and use the title licensed master's social worker and the abbreviation LMSW.

C. An individual who possesses a current, valid certificate issued by the board pursuant to this Chapter shall have the right to practice and use the title certified social worker and the abbreviation CSW.

D. An individual who possesses a current, valid registration issued by the board pursuant to this Chapter shall have the right to practice and use the title registered social worker and the abbreviation RSW.

E. No other individual shall assume such title, use such abbreviation or use any word, letter, sign, figure, or device to indicate that he is a licensed clinical social worker, a licensed master's social worker, a certified social worker, or a registered social worker.

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

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2716. Fees

A.(1) The board shall establish a reasonable fee schedule for examinations, applications, reexaminations, renewal, or reissuance of any license, certificate, or registration, or for any other administrative function provided for in this Chapter; and the receipts from the payment of such fees shall be used to carry out the purposes of this Chapter. Such fee schedule may be modified from time to time as deemed necessary by the board. The fees shall be established and payable by rule adopted in accordance with the Administrative Procedure Act.

(2) The board is authorized to increase the fees in the fee schedule to not more than the following amounts:

(a) One hundred dollars per application for licensure as a licensed clinical social worker; seventy-five dollars per application for licensure as a licensed master's social worker; seventy-five dollars per application for certification as a certified social worker; and fifty dollars per application for registration as a registered social worker.

(b) Fifty dollars per reexamination.

(c) One hundred dollars per renewal of any license, certificate, or registration.

(d) Fifty dollars per reissuance of any license, certificate, or registration.

B. The fees established under the provisions of this Section shall be paid to the board. The board shall retain all fees and other monies received by it. Funds may be expended by the board without appropriation for cost of administration and other expenses. Additionally, funds may be used for the establishment and operation of continuing education programs relating to the practice

of social work and supervision of social work practice. Any funds remaining unexpended and unencumbered at the end of each fiscal year shall be retained by the board for expenditure in succeeding years and no part shall revert to the state general fund.

C. Criminal record checks are required prior to issuance of license, certificate, or registration. Costs associated with criminal record checks are the responsibility of the applicant. The results of the criminal history record information search must be obtained, reviewed, and considered acceptable by the board prior to issuance of license, certificate, or registration.

D. No fee shall be refunded.

Acts 1972, No. 706, §1; Acts 1983, No. 484, §1; Acts 1990, No. 458, §1; Acts 1996, 1st Ex. Sess., No. 94, §1, eff. May 10, 1996; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2717. Disciplinary action; hearing; procedures; appeal

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

(1) A final conviction of any felony upon a plea or verdict of guilty or following a plea of nolo contendere.

(2) Incapacity or impairment due to the use of drugs or intoxicating beverages that prevents the social worker from engaging in the practice of social work with reasonable skill, competence, and safety to the public.

(3) Obtaining or attempting to obtain a license, certificate, or registration by fraud or deception.

(4) Willfully or repeatedly violating any of the provisions of this Chapter.

(5) Violating any order, rule, or regulation adopted by the board.

(6) Being adjudged a mental incompetent.

(7) Practicing in a manner detrimental or potentially detrimental to the client by act or omission, which act or omission is either the result of deliberate or intentional conduct or negligent conduct.

(8) Failure to report to the board knowledge of a violation or infraction of the social work practice act, rules and regulations promulgated by the board or ethical standards, or both.

(9) Providing false testimony to the board or providing false sworn information to the board.

(10) Deceiving or defrauding the public or making, submitting, or causing to be submitted any false or deceptive claims, reports, charges, assessments, or opinions regarding any client or service provided to any client, insurance company, health care provider, third-party payor, company, individual, or any governmental agency for the purpose of obtaining payment or anything of economic value.

(11) Unprofessional or unethical conduct as defined in the rules and regulations adopted by the board.

(12) Conduct which demonstrates the social worker has failed to maintain the qualification of good moral character as required by R.S. 37:2706(A)(1), 2707(A)(1), and 2708(A)(1) and as may be further defined by the board.

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

B. When the board decides to discipline an individual the board may:

(1) Refuse to issue or renew a license or registration.

(2) Issue a public or private letter of reprimand or concern.

(3) Require restitution to a client or restitution of the board's costs and expenses in connection with the enforcement of this Chapter, or both.

(4) Impose probationary conditions.

(5) Impose a fine for each violation not to exceed one thousand dollars.

(6) Suspend or revoke a license certificate, or registration including the summary suspension of said license, certificate, or registration when the board determines that public health, safety, or welfare imperatively requires emergency action.

(7) Restrict a license, certificate, or registration by limiting or reducing the scope of practice.

(8) Otherwise discipline the holder of a license, certificate, or registration upon proof of violation of any provisions of this Chapter, or the rules and regulations promulgated by the board, or both.

C. Proceedings for disciplinary action or for the denial or withholding of a license under the authority of this Section shall be conducted in compliance with the board's rules, regulations, and procedures and in compliance with the Administrative Procedure Act. The board may require an individual against whom disciplinary action has been taken by the board to pay the reasonable costs incurred by the board for the hearing or proceedings, including its legal fees, stenographer, investigator, or witness fees, and any such costs and fees incurred by the board on any judicial review or appeal. These costs and fees shall be paid no later than thirty days after the decision of the board becomes final. No license, certificate, or registration shall be issued, reinstated, or renewed until such costs have been paid.

D. No license, certificate, or registration shall be suspended or revoked until a hearing is held before the board, after notice of at least thirty days to the social worker. The notice shall be served by registered mail, return receipt requested; shall state the date, time, and place of the hearing; and shall set forth the ground or grounds of the charges against the social worker. The social worker has a right to present his own defense either in proper person or by counsel, to produce testimony, and to testify in his own behalf. A record of the hearing shall be taken and preserved. The record shall contain the notice, documents, and data filed in the proceedings; all statements of the board pertinent thereto; and the testimony, exhibits, and written findings of fact and orders of the board. The hearing may be adjourned from time to time. If the social worker pleads guilty, or if upon hearing the charges the majority of the board finds them true, the board may enter an order suspending or revoking the license, certificate, or registration or imposing probationary conditions.

E. The board may adopt rules for its proceedings that will enable it to completely determine the facts in each matter brought before it without undue delay and to render a decision in writing consistent with the intent of this Chapter. The board shall have the right to issue subpoenas where needed. If the board subpoena is not honored, the board shall petition a court of competent jurisdiction to have its subpoena honored. If the court determines that the demand of the board is lawful, the court shall enter an order compelling compliance therewith. Disobedience of such an order shall be considered contempt of court.

F. Any individual subject to disciplinary action who feels aggrieved by the decision of the board may file a petition for judicial review in the Nineteenth Judicial District Court within thirty days after receiving the board's decision pursuant to R.S. 49:978.1.

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

H. Any individual whose license, certificate, or registration has been revoked or suspended shall return the license, certificate, or notice of registration to the office of the board no later than ten calendar days after receipt of a notice of revocation or suspension.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2718. Privileged communications

A. Testimonial privileges, exceptions, and waiver with respect to communications between a social worker and his client are governed by the Louisiana Code of Evidence.

B. No social worker may disclose any information he may have acquired from persons consulting him in his professional capacity that was necessary to enable him to render services to those persons except:

(1) With the written consent of the client, or in the case of death or disability, with the written consent of his personal representative, other person authorized to sue, or the beneficiary of any insurance policy on his life, health, or physical condition.

(2) When the individual is a minor under the age of eighteen and the information acquired by the social worker indicated that the child was the victim or subject of a crime, then the social worker may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is a subject of inquiry.

(3) When a communication reveals the intended commission of a crime or harmful act and such disclosure is determined to be necessary by the social worker to protect any individual or person from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to the public safety.

(4) When the person waives the privilege by bringing any public charge against the social worker.

C. Nothing in this Section shall be construed, however, to prohibit a social worker from voluntarily testifying in a court hearing concerning matters of adoption, child abuse, child neglect, or other matters pertaining to children, elderly, and physically or mentally impaired adults, except as prohibited under the applicable state and federal laws.

Added by Acts 1972, No. 706, §1; Acts 1992, No. 376, §6, eff. Jan. 1, 1993; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000.

§2719. Discrimination

No license, certificate, or registration shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, or physical impairment so long as the physical impairment does not interfere with the performance of professional duties.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011.

§2720. Violations; penalties

A. It shall be a misdemeanor for any individual or person:

(1) To engage in the practice of social work without being duly licensed, certified, or registered under the provisions of this Chapter.

(2) To imply or state that he is a licensed clinical social worker, certified social worker, licensed master's social worker, or registered social worker, unless he is duly and respectively licensed, certified, or registered under the provisions of this Chapter.

(3) To use in connection with his name any designation tending to imply that he is licensed, certified, or registered under the provisions of this Chapter during the time his license, certificate, or registration shall be suspended, revoked, or shall have lapsed.

(4) To otherwise violate any of the provisions of this Chapter.

B. Such misdemeanor, upon conviction, shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or both.

C. Such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed in the name of the people of the state of Louisiana.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011.

§2721. Injunctive proceedings

A. The board may apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act prohibited by the provisions of this Chapter.

B. If it is established that any person has been or is committing an act prohibited by this Chapter, the court shall enter a decree permanently enjoining said person from further commission of such act.

C. The violation of any injunction issued under the provisions of this Section shall constitute contempt of court.

D. Such injunctive proceedings shall be in addition to and not in lieu of all other remedies and penalties provided in this Chapter.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

§2722. Exclusions

A. No provision of this Chapter shall be construed to prohibit:

(1) The activities and services of a student pursuing a course of study in a social work educational program accredited by the Council on Social Work Education if these activities and services constitute a part of the supervised course of study.

(2) Subsidiary workers in the agencies and offices of individuals licensed, certified, or registered to practice social work in this state from assisting in the rendering of services to clients under the personal and responsible supervision and direction of such persons.

(3) Qualified members of other professional groups from doing work of a psychosocial nature within their legal scope of practice consistent with the standards and ethics of their respective professions, provided that they shall not hold themselves out to the public by any title or description of services incorporating the term social worker, or that they shall not state or imply that they are licensed, certified, or registered to practice social work.

(4) Non-social work degreed governmental employees from performing their assigned job responsibilities.

B. An individual licensed to practice social work in another jurisdiction may, upon prior written application to the board, practice social work in this jurisdiction within the scope of practice designated by such license no more than thirty days per year without applying for a license. Practice privileges under this Subsection shall apply only if the requirements for a license in such other jurisdictions are substantially similar to the requirements for licensure in this jurisdiction. The thirty-day period shall commence on the date of receipt by the board of the written application. The practitioner who provides services under this Subsection shall be deemed to have submitted to the jurisdiction of the applicable board and be bound by the laws of this state.

C. An individual licensed to practice social work in another jurisdiction who is providing services within the scope of practice designated by such license and in response to a disaster declared by the appropriate authority or governor of the state may, upon prior written notice of the board, provide such services in this jurisdiction for a period of time not to exceed sixty consecutive days per year without applying for a license. The practitioner who provides services under this Subsection shall be deemed to have submitted to the jurisdiction of the board and be bound by the laws of this state.

Added by Acts 1972, No. 706, §1; Acts 1999, No. 1309, §7, eff. Jan. 1, 2000; Acts 2010, No. 880, §1, eff. Jan. 1, 2011.

§2723. Protected action and communication

A. There shall be no liability on the part of and no action for damages against:

(1) Any member of the board, or its agents or employees, or any member of an examining committee appointed or designated by the board, for any action undertaken or performed by such individual within the scope of the duties, powers, and functions of the board or such examining committee as provided for in this Chapter when such individual is acting without malice and in the reasonable belief that the action taken by him is warranted.

(2) Any person, committee, association, organization, firm, or corporation providing information to the board, its agents or employees, or to an examining committee appointed or designated by the

board, whether a witness or otherwise. Such a person, committee, association, organization, firm, or corporation providing such information without malice and in the reasonable belief that such information is accurate shall not be held, by reason of having provided such information, to be liable in damages under any law of the state or any political subdivision thereof.

B. In any suit brought against the board, its employees, or agents, any member of an examining committee appointed by the board, or any person or entity providing information to the board, when any such defendant prevails in such suit, the court shall, at the conclusion of the action, award to any such prevailing party defendant against any such claimant the cost of the suit attributable to such claim, including attorney fees if the claim was frivolous, unreasonable, without foundation, or in bad faith.

C. For the purposes of this Section, a defendant shall not be considered to have prevailed when the claimant obtains an award for damages or permanent injunctive or declaratory relief.

Acts 1999, No. 1309, §7, eff. Jan. 1, 2000.

§2724. Qualification; certified social worker

A. No individual shall be eligible for certification by the board as a certified social worker unless the individual:

(1) Is of good moral character and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information.

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

B. The board may issue a social worker certificate to an individual who has completed all requirements for certification as a certified social worker. The individual may hold the certificate for no more than three years from the issuance of the original certificate.

C. An individual certified as a certified social worker may 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 certified social worker practice requires the application of specialized knowledge and advanced practice skills which include prevention or intervention, or both, service or treatment planning and evaluation, case management, information and referral, counseling, employee assistance services, addiction services, advocacy, teaching, research, supervision, consultation, community organization, and the development, implementation, and administration of policies, programs, and activities. A social worker certified at the certified social worker level may practice clinical social work and psychotherapy within an agency under the supervision of a licensed clinical social worker. A certified social worker may work as an employee only in an agency setting, notwithstanding the definition of "agency" as defined in R.S. 37:2703(1) or the requirement for employment in an agency setting provided in this Subsection.

Acts 2010, No. 880, §1, eff. Jan. 1, 2011; Acts 2021, No. 215, §1, eff. Jan. 1, 2022.

PART II. SOCIAL WORK LICENSURE COMPACT

§2731. Social Work Licensure Compact; adoption

The Social Work Licensure Compact is hereby recognized and enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

(A) The purpose of this Compact is to facilitate the interstate practice of regulated social workers by improving public access to competent social work services. The Social Work Licensure Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(B) This Compact is designed to achieve all of the following objectives:

- (1) Increase public access to social work services.
- (2) Reduce overly burdensome and duplicative requirements associated with holding multiple licenses.
- (3) Enhance the member states' ability to protect the public's health and safety.
- (4) Encourage the cooperation of member states in regulating multistate practice.
- (5) Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses.
- (6) Support military families.
- (7) Facilitate the exchange of licensure and disciplinary information among member states.
- (8) Authorize all member states to hold a regulated social worker accountable for abiding by a member state's laws, regulations, and applicable professional standards in the member state in which the client is located at the time that care is rendered.
- (9) Allow for the use of telehealth to facilitate increased access to regulated social work services.

SECTION 2. DEFINITIONS

For the purposes of this Chapter, the following terms have the meaning ascribed to them:

- (1) "Active military member" means any individual with full-time duty status in the active United States Armed Forces, members of the National Guard of the United States, and the United States Army Reserve.
- (2) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.
- (3) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority to address practitioners with an impairment.

(4) "Charter member states" means member states that have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as provided in Section 14.

(5) "Compact commission" or "commission" means the government agency whose membership consists of all states that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as provided in Section 10, and which shall operate as an instrumentality of the member states.

(6) "Criminal history record information" means all state records of arrest, prosecution, and conviction, including those which have been expunged or dismissed in accordance with Code of Criminal Procedure Articles 893 and 894 and national records, which shall include fingerprints of the applicant, biometrics, and other identifying information, if so requested by the licensing board.

(7) "Current significant investigative information" means:

(a) Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to respond, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction as may be defined by the commission.

(b) Investigative information that indicates that the regulated social worker represents an immediate threat to public health and safety, as may be defined by the commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond.

(8) "Data system" means a repository of information about licensees, including continuing education, examination, licensure, current significant investigative information, disqualifying event, multistate licenses, and adverse action information or other information as required by the commission.

(9) "Disqualifying event" means any adverse action or incident which results in an encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain, or renew a multistate license.

(10) "Domicile" means the jurisdiction in which the licensee resides and intends to remain indefinitely.

(11) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of social work licensed and regulated by a licensing authority.

(12) "Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this Compact and commission.

(13) "Home state" means the member state that is the licensee's primary domicile.

(14) "Impairment" means a condition that may impair a practitioner's ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

(15) "Licensee" means an individual who currently holds a license from a state to practice as a regulated social worker.

(16) "Licensing authority" means the board or agency of a member state, or the equivalent, that is responsible for the licensing and regulation of regulated social workers.

(17) "Member state" means a state, commonwealth, district, or territory of the United States of America that has enacted this Compact.

(18) "Multistate authorization to practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a multistate license permitting the practice of social work in a remote state.

(19) "Multistate license" means a license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in all member states under multistate authorization to practice.

(20) "Qualifying national exam" means a national licensing examination approved by the commission.

(21) "Regulated social worker" means any social worker with a clinical, master's, or bachelor's degree who is licensed by a member state regardless of the title used by that member state.

(22) "Remote state" means a member state other than the licensee's home state.

(23) "Rule or rules of the commission" means a regulation or regulations duly promulgated by the commission, as authorized by this Compact, that has the force of law.

(24) "Single state license" means a social work license issued by any state that authorizes practice only within the issuing state and does not include multistate authorization to practice in any member state.

(25) "Social work" or "social work services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and regulations in the state where the services are being provided.

(26) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of social work.

(27) "Unencumbered license" means a license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To be eligible to participate in this Compact, a potential member state shall currently meet all of the following criteria:

(1) License and regulate the practice of social work at the clinical, master's, or bachelor's category.

(2) Require applicants for licensure to graduate from a program that is all of the following:

(a) Operated by a college or university recognized by the licensing authority.

(b) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either of the following:

(i) The Council for Higher Education Accreditation or its successor.

(ii) The United States Department of Education.

(c) Corresponds to the licensure sought in accordance with Section 4.

(3) Require applicants for clinical licensure to complete a period of supervised practice.

(4) Have a mechanism in place for receiving, investigating, and adjudicating complaints about licensees.

B. To maintain membership in this Compact, a member state shall do all of the following:

(1) Require that applicants for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as provided in Section 4.

(2) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules.

(3) Notify the commission, in compliance with the terms of this Compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee.

(4)(a) Implement procedures for considering the criminal history records of applicants for a multistate license. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(b) The Louisiana State Board of Social Work Examiners shall be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Department of Public Safety and Corrections, of any person who is required to be licensed as a social worker in this state or as part of the Social Work Licensure Compact. Fingerprints, biometrics, and other identifying information of the applicant shall be submitted to the Louisiana Bureau of Criminal Identification and Information. The Louisiana Bureau of Criminal Identification and Information shall, upon request of the Louisiana State Board of Social Work Examiners and after receipt of a fingerprint card and other identifying information from the applicant, make available to the board all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

(c) In accordance with the authority provided for in this Compact, the costs of providing the information required in accordance with this Paragraph shall be charged by the Louisiana Bureau of Criminal Identification and Information, as specified in R.S. 15:587(B), to the Louisiana State Board of Social Work Examiners for furnishing information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history records and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant. The board may impose any or all such fees or costs on the applicant.

(5) Comply with the rules of the commission.

(6) Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws.

(7) Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of this Compact and rules of the commission.

(8) Designate a delegate to participate in the commission meetings.

C. A member state meeting the requirements provided in this Section shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in such member state. To the extent that any member state does not meet the requirements for participation in this Compact at any particular category of social work licensure, such member state may choose, but is not obligated, to issue a multistate license to applicants who otherwise meet the requirements of Section 4 for issuance of a multistate license in such category or categories of licensure.

D. The home state may charge a fee for granting the multistate license.

SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

A. To be eligible for a multistate license under the terms and provisions of this Compact, an applicant, regardless of category, shall do all of the following:

(1) Hold or be eligible for an active, unencumbered license in the home state.

(2) Pay any applicable fees, including any state fee, for the multistate license.

(3) Submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(4) Notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or nonmember state within thirty days from the date the action is taken.

(5) Meet any continuing competence requirements established by the home state.

(6) Abide by the laws, regulations, and applicable standards in the member state where the client is located at the time that care is rendered.

B. An applicant for a clinical-category multistate license shall meet all of the following requirements:

(1) Fulfill a competency requirement, which shall be satisfied by either of the following:

(a) Passage of a clinical-category qualifying national exam.

(b) Licensure of the applicant in his home state at the clinical category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission.

(c) The substantial equivalency of the foregoing competency requirements which the commission may determine by rule.

(2) Attain at least a master's degree in social work from a program that meets both of the following criteria:

(a) Operated by a college or university recognized by the licensing authority.

(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either of the following:

(i) The Council for Higher Education Accreditation or its successor.

(ii) The United States Department of Education.

(3) Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either of the following:

(a) A period of postgraduate supervised clinical practice equal to a minimum of three thousand hours.

(b) A minimum of two years of full-time postgraduate supervised clinical practice.

(c) The substantial equivalency of the foregoing practice requirements which the commission may determine by rule.

C. An applicant for a master's-category multistate license shall meet all of the following requirements:

(1) Fulfill a competency requirement, which shall be satisfied by either of the following:

(a) Passage of a master's-category qualifying national exam.

(b) Licensure of the applicant in his home state at the master's category, beginning prior to such time as a qualifying national exam was required by the home state at the master's category and accompanied by a continuous period of social work licensure thereafter, all of which may be further governed by the rules of the commission.

(c) The substantial equivalency of the foregoing competency requirements which the commission may determine by rule.

(2) Attain at least a master's degree in social work from a program that is both of the following:

(a) Operated by a college or university recognized by the licensing authority.

(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either of the following:

(i) The Council for Higher Education Accreditation or its successor.

(ii) The United States Department of Education.

D. An applicant for a bachelor's-category multistate license shall meet all of the following requirements:

(1) Fulfill a competency requirement, which shall be satisfied by either of the following:

(a) Passage of a bachelor's-category qualifying national exam.

(b) Licensure of the applicant in his home state at the bachelor's category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission.

(c) The substantial equivalency of the foregoing competency requirements which the commission may determine by rule.

(2) Attain at least a bachelor's degree in social work from a program that is both of the following:

(a) Operated by a college or university recognized by the licensing authority.

(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either of the following:

(i) The Council for Higher Education Accreditation or its successor.

(ii) The United States Department of Education.

E. The multistate license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker shall maintain compliance with the requirements of this Section to be eligible to renew a multistate license.

F. The regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may, in accordance with due process and that member state's laws, remove a regulated social worker's multistate authorization to practice in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

G. If a multistate license is encumbered, the regulated social worker's multistate authorization to practice shall be deactivated in all remote states until the multistate license is no longer encumbered.

H. If a multistate authorization to practice is encumbered in a remote state, the regulated social worker's multistate authorization to practice may be deactivated in that state until the multistate authorization to practice is no longer encumbered.

SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

A. Upon receipt of an application for multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license in accordance with Section 4 of this Compact.

B. If such applicant is eligible pursuant to Section 4 of this Compact, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.

C. Upon issuance of a multistate license, the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelor's, master's, or clinical category of social work.

D. A multistate license issued by a home state to a resident in that state shall be recognized by all Compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in each member state.

SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

A. Nothing in this Compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of social work in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single state license.

C. Nothing in this Compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to take adverse action against a licensee's single state license to practice social work in that state.

D. Nothing in this Compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.

E. Nothing in this Compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state.

SECTION 7. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

A. A licensee can hold a multistate license, issued by his home state, in only one member state at any given time.

B. If a licensee changes his home state by moving between two member states, all of the following provisions shall apply:

(1) The licensee shall immediately apply for the reissuance of his multistate license in his new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission.

(2) Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered, and eligible for reissuance in accordance with the provisions of this Compact and the rules of the commission. The multistate license issued by the prior home state will be deactivated and all member states notified in accordance with the applicable rules adopted by the commission.

(3) Prior to the reissuance of the multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(4) If required for initial licensure, the new home state may require completion of jurisprudence requirements in the new home state.

(5) Notwithstanding any other provision of this Compact, if a licensee does not meet the requirements set forth in this Compact for the reissuance of a multistate license by the new home state, then the licensee shall be subject to the new home state requirements for the issuance of a single state license in that state.

C. If a licensee changes his primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single state license in the new home state.

D. Nothing in this Compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this Compact, a licensee shall have only one home state and only one multistate license.

E. Nothing in this Compact shall interfere with the requirements established by a member state for the issuance of a single state license.

SECTION 8. MILITARY FAMILIES

An active military member or his spouse shall designate a home state where the individual has a multistate license. The individual may retain his home state designation during the period the service member is on active duty.

SECTION 9. ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following:

(1) Take adverse action against a regulated social worker's multistate authorization to practice only within that member state and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(2) Only the home state shall have the power to take adverse action against a regulated social worker's multistate license.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of a regulated social worker who changes his home state during the course of the investigations. The home state shall also have the authority to take appropriate actions and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

D. A member state, if otherwise permitted by state law, may recover from the affected regulated social worker the costs of investigations and dispositions of cases resulting from any adverse action taken against that regulated social worker.

E. A member state may take adverse action based on the factual findings of another member state, if the member state follows its own procedures for taking the adverse action.

F. Both of the following apply to joint investigations:

(1) In addition to the authority granted to a member state by its respective social work practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated in accordance with this Compact.

G. If adverse action is taken by the home state against the multistate license of a regulated social worker, the regulated social worker's multistate authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against the license of a regulated social worker shall include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order, or agreement are satisfied.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and all other member states of any adverse actions by remote states.

I. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

J. Nothing in this Compact shall authorize a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

K. Nothing in this Compact shall authorize a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for lawful actions within another member state.

SECTION 10. ESTABLISHMENT OF A SOCIAL WORK LICENSURE COMPACT COMMISSION

A. The member states of this Compact hereby create and establish a joint government agency whose membership consists of all member states that have enacted this Compact known as the Social Work Licensure Compact Commission. The commission shall be an instrumentality of the Compact member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of this Compact as set forth in Section 14.

B. All of the following apply to membership, voting, and meetings:

(1) Each member state shall have and be limited to one delegate selected by that member state's state licensing authority.

(2) The delegate shall be either of the following:

(a) A current member of the state licensing authority at the time of appointment who is a regulated social worker or public member of the state licensing authority.

(b) An administrator of the state licensing authority or his designee.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension any delegate from office.

(5) A member state's state licensing authority shall fill any vacancy of its delegate occurring on the commission within sixty days of the vacancy.

(6) Each delegate shall be entitled to one vote on all matters before the commission requiring a vote by commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

(8) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet via telecommunication, video conference, or other similar electronic means.

C. The commission shall have power to do all of the following:

(1) Establish the fiscal year of the commission.

(2) Establish code of conduct and conflict of interest policies.

(3) Establish and amend rules and bylaws.

- (4) Maintain its financial records in accordance with the bylaws.
- (5) Meet and take such actions as are consistent with the provisions of this Compact, the commission's rules, and the bylaws.
- (6) Initiate and conclude legal proceedings or actions in the name of the commission if the standing of any state licensing board to sue or be sued under applicable law is not affected.
- (7) Maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf.
- (8) Purchase and maintain insurance and bonds.
- (9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.
- (10) Conduct an annual financial review.
- (11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.
- (12) Assess and collect fees.
- (13) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, if at all times the commission avoids any appearance of impropriety or conflict of interest.
- (14) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein.
- (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.
- (16) Establish a budget and make expenditures.
- (17) Borrow money.
- (18) Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws.
- (19) Provide and receive information from, and cooperate with, law enforcement agencies.
- (20) Establish and elect an executive committee, including a chair and a vice chair.
- (21) Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in this Compact.
- (22) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. All of the following apply to the executive committee:

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this Compact. The powers, duties, and responsibilities of the executive committee shall include all of the following:

(a) Oversee the day-to-day activities of the administration of this Compact including enforcement and compliance with the provisions of this Compact, its rules and bylaws, and other such duties as deemed necessary.

- (b) Recommend to the commission changes to the rules or bylaws, changes to this Compact legislation, fees charged to Compact member states, fees charged to licensees, and other fees.
- (c) Ensure Compact administration services are appropriately provided, including by contract.
- (d) Prepare and recommend the budget.
- (e) Maintain financial records on behalf of the commission.
- (f) Monitor Compact compliance of member states and provide compliance reports to the commission.
- (g) Establish additional committees as necessary.
- (h) Exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw.
 - (i) Engage in other duties as provided in the rules or bylaws of the commission.
- (2) The executive committee shall be composed of up to eleven members as follows:
 - (a) The chair and vice chair of the commission shall be voting members of the executive committee.
 - (b) The commission shall elect five voting members from the current membership of the commission.
 - (c) Up to four ex officio, nonvoting members from four recognized national social work organizations.
 - (d) The ex officio members will be selected by their respective organizations.
- (3) The commission may remove any member of the executive committee as provided in the commission's bylaws.
 - (4) The executive committee shall meet at least annually.
 - (a) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in this Section.
 - (b) The executive committee shall give seven days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission.
 - (c) The executive committee may hold a special meeting in accordance with this Section.
- E. The commission shall adopt and provide to the member states an annual report.
- F. All of the following apply to meetings of the commission:
 - (1) All meetings shall be open to the public, except that the commission may meet in a closed, nonpublic meeting as provided in this Section.
 - (a) Public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12, except that the commission may hold a special meeting as provided in this Section.
 - (b) The commission may hold a special meeting when it shall meet to conduct emergency business by giving notice forty-eight hours in advance to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting for the commission or executive committee or other committees of the commission to receive legal advice or to discuss any of the following:

(a) Noncompliance of a member state with its obligations under the Compact.

(b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees.

(c) Current or threatened discipline of a licensee by the commission or by a member state's licensing authority.

(d) Current, threatened, or reasonably anticipated litigation.

(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(f) Accusation of any person of a crime or formally censuring any person.

(g) Trade secrets or commercial or financial information that is privileged or confidential.

(h) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(i) Investigative records compiled for law enforcement purposes.

(j) Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact.

(k) Matters specifically exempted from disclosure by federal or member state law.

(l) Other matters as promulgated by the commission by rule.

(3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

G. All of the following apply for financing the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources as provided in this Section.

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall promulgate by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

H. All of the following apply to qualified immunity, defense, and indemnification:

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, if nothing in this Paragraph is construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, if nothing herein is construed to prohibit that person from retaining his own counsel at his own expense, and if the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, if the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Antitrust Act of 1890, Clayton Antitrust Act of 1914, or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.

SECTION 11. DATA SYSTEM

A. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

B. The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.

C. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the commission, including all of the following:

(1) Identifying information.

(2) Licensure data.

(3) Adverse actions against a license and information related thereto.

(4) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law.

(5) Any denial of application for licensure and the reasons for such denial.

(6) The presence of current significant investigative information.

(7) Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the rules of the commission.

D. The records and information provided to a member state in accordance with this Compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi judicial, or administrative proceedings in a member state.

E.(1) Current significant investigative information pertaining to a licensee in any member state will be available only to other member states.

(2) It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

F. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

G. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

SECTION 12. RULEMAKING

A. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of this Compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because

the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of this Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The rules of the commission shall have the force of law in each member state, provided, however, that where the rules of the commission conflict with the laws of the member state that establish the member state's laws, regulations, and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.

C. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

D. If a majority of the member state legislatures reject a rule, or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt this Compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

E. Rules shall be adopted at a regular or special meeting of the commission.

F. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed rule by the commission, and at least thirty days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking that meets all of the following criteria:

(1) On the website of the commission or other publicly accessible platform.

(2) To persons who have requested notice of the commission's notices of proposed rulemaking.

(3) In such other ways as the commission may by rule specify.

H. The notice of proposed rulemaking shall include all of the following:

(1) The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule.

(2) If the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking.

(3) The text of the proposed rule and the reason therefor.

(4) A request for comments on the proposed rule from any interested person.

(5) The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

J. Nothing in this Section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Section.

K. The commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

(1) The commission may adopt changes to the proposed rule if the changes do not enlarge the original purpose of the proposed rule.

(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in this Section, the effective date of the rule shall be no sooner than thirty days after issuing the notice that it adopted or amended the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with notice forty-eight hours in advance, with opportunity to comment, if the usual rulemaking procedures provided in this Compact and in this Section are retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to do the following:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of a rule that is established by federal law or rule.

(4) Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

N. No member state's rulemaking requirements shall apply in accordance with this Compact.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. All of the following apply to oversight:

(1) The executive and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to implement this Compact.

(2) Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent that it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of this Compact and shall have standing to intervene in such a

proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this Compact, or promulgated rules.

B. All of the following apply to default, technical assistance, and termination:

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities in accordance with this Compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take and shall offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

C. If a state in default fails to cure the default, the defaulting state may be terminated from this Compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

D. Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority, and each of the member states' state licensing authority.

E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a state's membership from this Compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six months after the date of the notice of termination.

G. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this Compact, unless agreed upon in writing between the commission and the defaulting state.

H. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

I. All of the following apply to dispute resolution:

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to this Compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. All of the following apply to enforcement:

(1) By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the District of Columbia or the

federal district where the commission has its principal offices to enforce compliance with the provisions of this Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(2) A member state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of this Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) No person other than a member state shall enforce this Compact against the commission.

SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. This Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of this Compact, the commission shall convene and review the enactment of each of the first seven member states, "charter member states", to determine if the statute enacted by each such charter member state is materially different than the model Compact statute.

(a) A charter member state whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 13.

(b) If any member state is later found to be in default, or is terminated or withdraws from this Compact, the commission shall remain in existence and this Compact shall remain in effect even if the number of member states should be less than seven.

(2) Member states enacting this Compact subsequent to the seven initial charter member states shall be subject to the process set forth in Section 10(C)(21) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in this Compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of this Compact prior to the effective date of this Compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(4) Any state that joins this Compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which this Compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day that this Compact becomes law in that state.

B. Any member state may withdraw from this Compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this Compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of one hundred eighty days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

A. This Compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of this Compact. Provisions of this Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in this Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding Subsection B of this Section, the commission may deny a state's participation in this Compact or, in accordance with the requirements of Section 13(B), terminate a member state's participation in this Compact if it determines that a constitutional requirement of a member state is a material departure from this Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any member state, this Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. A licensee providing services in a remote state under a multistate authorization to practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the remote state where the client is located at the time that care is rendered.

B. Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with this Compact.

C. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with this Compact are superseded to the extent of the conflict.

D. All permissible agreements between the commission and the member states are binding in accordance with their terms.

Acts 2024, No. 791, §2.