



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

To: Ms. Emily DeAngelo
Administrator
Louisiana State Board of Social Work Examiners

From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: October 8, 2025

Subject: Louisiana State Board of Social Work Examiners
Proposed Amendment to LAC 46:XXV.1301 et seq. –Continuing Education
Requirements

I. SUMMARY

The Louisiana State Board of Social Work Examiners (the “**Board**”) proposes repealing LAC 46:XXV.317 titled Continuing Education and redesignating the rules to Chapter 13, Continuing Education Requirements. The Board further proposes amending LAC:XXV.1301 *et seq.* (the “**Proposed Amendments**”)¹ to (i) redesignate the provisions of LAC 46: XXV.317, (ii) allow the Board to delegate the approval of continuing education programming to one or more continuing education organizations, (iii) establish continuing education teaching requirements, (iv) establish the collection period to earn continuing education credits, (v) establish the limitations of the virtual continuing education hours a social worker may earn in a collection period, and (vi) establish that modifications to the continuing education requirements must be made in writing.

The Board published a Notice of Intent to promulgate the Proposed Amendments on January 20, 2025.² The Notice invited public comments through February 10, 2025 and set a public hearing on the proposed rules to be held on February 25, 2025.³

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

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

² Id. at pg. 139

³ Id. at 1054

The OLRP reviews proposed occupational regulations of participating state occupational licensing boards.⁴ Continuing education requirements can create barriers to market entry for individuals desiring to engage in a profession or occupation; therefore, the Proposed Amendment to §1307 is properly considered occupational regulations with reasonably foreseeable anti-competitive effects.⁵ As set forth below, the OLRP has determined the Board's Proposed Amendment to LAC 46: XXV.1317 is within the Board's statutory authority and adheres to clearly articulated state policy, and therefore approves this Amendment for adoption as drafted.

However, the Proposed Amendments to §§1301, 1303, 1305, 1309, 1311, 1313, 1315 and 1317 are not occupational regulations with reasonably foreseeable anticompetitive effects. An Occupational Regulation is a "rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded."⁶ The Louisiana Administrative Procedure Act ("**APA**") defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).⁷ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁸ As set forth below, these Proposed Amendments do not require input from the OLRP pursuant to LA R.S. 49:260 and the Board may proceed with promulgation in accordance with the Louisiana APA.

II. ANALYSIS

The Louisiana Social Work Practice Act (the "**Act**"), La. R.S. 37:2701 *et seq.* was enacted in order to safeguard the public health, safety, and welfare against the unauthorized, unqualified, and improper practice of social work. The Board was established as a regulatory authority authorized to adopt and revise rules necessary for the provision of the Act, establish ethical standards of practice,⁹ and establish requirements to assure continuing education for individuals licensed, certified, or registered under the Act as a condition of licensure, certification, or registration renewal.¹⁰

a. Proposed Amendment LAC 46: XXV.317- Continuing Education Requirements

The Board proposes repealing §317 and redesignating its provisions under a newly promulgated Chapter 13, entitled "Continuing Education Requirements." Pursuant to its statutory authority under the Social Work Practice Act, the Board is empowered to adopt, amend, and repeal rules and regulations as may be necessary to implement and enforce the Act.¹¹ Accordingly, the Board possesses the statutory authority to repeal §317.

⁴ LA R.S. 49:260 (B)

⁵ LA R.S. 49:260 G(4)

⁶ LA R.S. 49:260 (G)(4)

⁷ LA R.S. 49:951 (8)

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

⁹ LA R.S. 37:2705 (C)(1)

¹⁰ LA R.S. 37:2705 (G)

¹¹ LA R.S. 37:2705 (C)(1)

b. Proposed Amendment LAC 46:XXV.1301, 1305, 1309, 1313, and 1315- Continuing Education Requirements

The Board proposes to repeal §317 and redesignating its provisions under a newly promulgated Chapter 13, entitled “Continuing Education Requirements.” This redesignation is intended to ensure consistency with current law and clarify the applicable rules relative to continuing education requirements. In light of the extensive revisions undertaken, the repeal of §317 and the promulgation of Chapter 13 are necessary to provide a comprehensive and updated framework governing continuing education requirements.

The Board proposes to redesignate the following sections from §317 within Chapter 13:

- LAC 46:XXV.1301 [Formally §317(A) and (B)]
- LAC 46:XXV.1305(A)(B)(C) and (D) [Formally §317(M)(P) and (O)]
- LAC 46:XXV.1309 [Formally §317(C)(D) and (E)]
- LAC 46:XXV.1313(B) [Formally §317(F)(3) and (4)]
- LAC 46:XXV.1315 [Formally §317(G)]

The Board proposes repealing §317 and redesignating its provisions under a newly promulgated Chapter 13, entitled “Continuing Education Requirements.” Pursuant to its statutory authority under the Social Work Practice Act, the Board is empowered to adopt, amend, and repeal rules and regulations as may be necessary to implement and enforce the Act.¹² Accordingly, the Board possesses the statutory authority to repeal §317 and relocate its provisions within Chapter 13 to provide clearer organization and administrative efficiency.

Because the Proposed Amendment constitutes a structural and organizational revision rather than a change affecting licensure or market participation it does not have any reasonably foreseeable anticompetitive effects.

Therefore, the Board may proceed with promulgation of these Proposed Amendments in accordance with the Louisiana APA.

c. Proposed Amendment LAC 46:XXV.1303- Continuing Education Approval Organizations

The Board proposes the enactment of §1303 to allow the Board to delegate the approval of continuing education programming to one or more continuing education organizations. The Proposed Amendment establishes the type of organization that may become an approved continuing education organization, such as a provider of social work services, professional social work organizations, or schools of social work approved by the Council of Social Work Education.

While continuing education requirements may function as a barrier to market entry for practitioners within a profession, this Proposed Amendment does not regulate the requirements for practitioner but is permitting the Board to delegate approval of continuing education programming

¹² LA R.S. 37:2705 (C)(1)

to qualifying organizations, thereby expanding the number of entities able to offer approved continuing education opportunities. Thus, the Proposed Amendment is not an occupational regulation with any foreseeable anti-competitive effects.

Therefore, the Board may proceed with promulgation of the Proposed Amendment to §1303 as drafted without any further input from the OLRP in accordance with the Louisiana APA.

d. Proposed Amendment LAC 46:XXV.1307- Continuing Education Teaching Requirements

The Board proposes the enactment of §1307 to establish the requirements in which continuing education credits may be earned through teaching. The Proposed Amendment allows presentations accompanied by thorough, high quality, readable, and carefully prepared written material to qualify the presenter for six continuing education credits for each instructional hour. The Proposed Amendment would also allow a presentation accompanied by one-or two page outlines or not accompanied by written materials to qualify for three continuing education hours for each instructional hour. Additionally, for repeat presentations, the proposal would allow the presenter to receive one-half of the credits available for the initial presentation. Lastly, the Proposed Amendment provides that when one or more social worker presents a continuing education requirement, the teaching credit shall be divided among the number of presenters for each hour of presentation.

The Board is authorized to establish requirements to assure continuing education for individuals licensed, certified, or registered under the Act as a condition of licensure, certification, or registration renewal.¹³ Thus, it is within the Board's statutory authority to establish standards and criteria for continuing education teaching credits for individuals that present prepared instructional presentations.

Continuing education requirements may function as a barrier to market entry by creating financial or logistical obstacles for individuals trying to enter or remain in a field of practice. However, the Proposed Amendment is likely to reduce these barriers by providing social workers flexibility in how continuing education credits are earned while also incentivizing practitioners to share their knowledge and experiences with colleagues.

Additionally, by sharing knowledge, advancing best practices, fostering collaboration, and advocating for systemic change, these presentations help inform policy and improve the quality, relevance, and effectiveness of services provided, thereby supporting the state's policy of safeguarding public health, safety, and welfare against unauthorized, unqualified, and improper practice of social work.

The OLRP finds that the Proposed Amendment §1307 is within the Board's statutory authority and adheres to clearly articulated state policy. Therefore, the Board may promulgate this rule in accordance with the Louisiana APA.

¹³ LA R.S. 37:2705 (G)

e. Proposed Amendment LAC 46:XXV.1311- Collection Period

The Board proposes enacting §1311 to establish the collection period for continuing education hours to commensurate with the annual license, certificate, and registration renewal period and require the hours be completed and proof of completion be submitted to the Board no later than the last day of the renewal period. Additionally, the Proposed Amendment allows a social worker to carry over up to ten surplus hours of continuing education from one collection period to the next.

While continuing education requirements may function as a barrier to market entry by reducing the pool of eligible practitioners, the Proposed Amendment is likely to provide social workers flexibility by allowing the carryover of surplus hours and encouraging consistent, ongoing learning. However, it is not expected to increase or reduce the pool of eligible practitioners. Thus, the Proposed Amendment is a rule governing the practice of social work and not an occupational regulation with any foreseeable anti-competitive impact.

Therefore, the Board may proceed with promulgation of the Proposed Amendment as drafted without any further input from the OLRP.

f. Proposed Amendment LAC 46:XXV.1313- Distance or Virtual Learning Limit; Approval or Exceed

The Board proposes enacting §1313 to establish that social workers may not submit more than ten hours of continuing education completed via virtual learning or teaching in any collection period. However, the Board may grant a social worker approval to complete more than ten hours in virtual learning in the case of debilitating, disabling, or other medical conditions that make travel impossible or extremely inconvenient. Additionally, the Proposed Amendment would allow the Board, by motion, to suspend the virtual learning limits in event of a public emergency or other extenuating circumstances.

While continuing education requirements may function as a barrier to market entry by reducing the pool of eligible practitioners, the Proposed Amendment is likely to expand access, reduce financial and logistical burdens, and support flexibility in completing the required credit hours,. However, because the Proposed Amendment establishes a limitation of ten (10) virtual continuing education hours per collection period, it imposes a moderate restriction on how continuing education may be obtained rather than who may participate in the profession. Although this limitation could be viewed as constraining certain delivery methods, it does not materially restrict market entry or reduce the number of qualified practitioners. Accordingly, the Proposed Amendment constitutes a rule governing the practice of social work rather than an occupational regulation with reasonably foreseeable anti-competitive effects.

Therefore, the Board may proceed with promulgation of the Proposed Amendment as drafted without any further input from the OLRP.

g. Proposed Amendment LAC 46:XXV.1317- Request for Modification

Lastly, the Board proposes the enactment of §1317 to allow social workers seeking modification of generally applicable continuing education requirements to submit a written request to the Board.

The Board is authorized to establish requirements to assure continuing education for individuals licensed, certified, or registered under the Act as a condition of licensure, certification, or registration renewal.¹⁴ Although continuing education requirements may function as a barrier to market entry by reducing the pool of eligible practitioners, the Proposed Amendment establishes a written procedure for requesting modifications, and does not alter the substantive requirements for licensure or renewal. Accordingly, it is not likely to increase or reduce the pool of eligible practitioners. Thus, the Proposed Amendment is a rule governing the practice of social work and not an occupational regulation with any foreseeable anti-competitive impact.

Therefore, the Board may proceed with promulgation of the Proposed Amendment as drafted without any further input from the OLRP in accordance with the Louisiana APA.

III. DETERMINATION

The Board is a state regulatory body created by the Louisiana Social Work Practice Act to safeguard the public health, safety, and welfare against the unauthorized, unqualified, and improper practice of social work.¹⁵ The Board was established as a regulatory authority authorized to adopt and revise rules necessary for the enforcement of the Act, including the establishment of ethical and professional standards.¹⁶

The Proposed Amendments to LAC 46:XXV.1301 et seq. are within the Board's statutory authority and adhere to clearly articulated state policy. Therefore, the Amendments are approved as submitted to the Attorney General and may be adopted by the Board in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM



Farra Mughal, OLRP
Public Protection Division
Louisiana Department of Justice
olrp@ag.louisiana.gov

¹⁴ LA R.S. 37:2705 (G)

¹⁵ LA R.S. 37:2701

¹⁶ LA R.S. 37:2705