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

From: Jessica Weimer
Louisiana Department of Justice
Occupational Licensing Review Program

Date: August 18, 2025

Subject: Louisiana State Board of Social Work Examiners
Proposed Amendment to LAC 46:XXV.503, 505, 509
Regarding Chapter 3: Minimum Supervision Requirements

I. SUMMARY

The Louisiana State Board of Social Work Examiners (the “**Board**”) proposes amending LAC 46:XXV.503, 505, and 509 (the “**Proposed Amendments**”), relative to the standards of minimum supervision requirements.¹ The Proposed Amendments: (i) decrease the number of hours necessary to obtain the Licensed Clinical Social Worker (LCSW) credential to align with La R.S. 37:2708(A)(3), as amended by Act 215 (2021); (ii) make technical changes regarding supervision for Licensed Masters Social Workers (LMSW) not supervised by a Board-approved clinical supervisor (BACS) and Certified Social Workers (CSW) who are not eligible for BACS supervision to deliver clinical services; and (iii) establish rules and regulations regarding telesupervision, as required by Act No. 457 (2024).² Act 457 (2024), effective August 1, 2024, defines telesupervision as “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.” It further authorizes the board to establish rules and ³regulations regarding the requirements and parameters for telesupervision.

The Board published a Notice of Intent to promulgate the Proposed Amendments on January 20, 2025.⁴ The Notice invited public comments through February 10, 2025 and set a public hearing on the Proposed Amendments to be held on February 25, 2025.⁵

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (the “**OLRP**”) on June 23, 2025.

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

² Id. at pg. 119

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⁴ Id. at pg. 139

⁵ Id. at 1054

The OLRP invited public comments on the Proposed Amendments from June 24, 2025 through July 8, 2025 and received no comments.

The OLRP reviews proposed occupational regulations of participating state occupational licensing boards.⁶ 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.”⁷ 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).⁸ 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.⁹

The Proposed Amendments serve to clarify and reinforce professional standards within the field of social work. They do not create new barriers to entry, restrict competition, or limit consumer choice. As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:XXV §§503, 505, and 509 adhere to clearly articulated state policy but are not occupational regulations with reasonably foreseeable anti-competitive effects requiring input from OLRP.

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 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 enforcement of the Act, establish ethical standards of practice, and adopt standards for supervision to meet statutory requirements.¹⁰

A. Proposed LAC 46:XXV.503- LMSWs Seeking the LCSW Credential

Currently, LMSWs seeking the LCSW credential must complete a minimum of 5,760 hours of postgraduate social work practice, at least 3,840 hours of which must be under the supervision of a BACS. The Board proposes reducing the number of supervised practice hours to 3,000 in order to align with La. R.S. 37:2708(A)(3), as amended by Act 215 (2021), thereby shortening the period of supervised training while still requiring oversight by a BACS.

The Board is vested with the authority to adopt rules, regulations, and standards necessary to carry out its powers and functions,¹¹ including the establishment of supervision standards to meet the requirements of La. R.S. 37:2708.¹² The proposed reduction in supervised practice hours is consistent with La. R.S. 37:2708(A)(3), reflecting a clearly articulated state policy judgment by the Legislature regarding the appropriate training threshold for clinical licensure. The reduction of

⁶ LA RS 49:260 (B)

⁷ LA R.S. 49:260 (G) (4)

⁸ LA R.S. 49:951 (8)

⁹ Black’s Law Dictionary, 12th Edition p. 116

¹⁰ LA R.S. 37:2705

¹¹ LA R.S. 37:2705(C)(1)

¹² LA R.S. 37:2705(F)

supervised hours lowers barriers to licensure by decreasing the time and cost of entry into the profession, thereby likely increasing the number of qualified practitioners and expanding consumer access to social work services. Because the requirement of BACS remains intact, the rule preserves professional oversight and ensures that standards of competency are maintained. While one potential counterpoint is that reducing supervised hours could lessen the rigor of training, the Legislature's amendment establishes the policy determination that the reduced threshold sufficiently protects public health, safety, and welfare. Accordingly, the rule does not create barriers to entry, restrict market participation, or limit consumer choice, and there are no reasonably foreseeable anticompetitive effects arising from its adoption.

B. Proposed LAC 46:XXV.505- The LMSW not receiving BACS supervision or the CSW not eligible for BACS supervision

Current rule §505 permits a LMSW not receiving BACS supervision, or a CSW not eligible for BACS supervision, to deliver only those clinical services constituting psychotherapy under the supervision of a LCSW, without requiring that the LCSW hold the BACS designation. The proposed amendment broadens this provision by allowing LMSWs and CSWs in these circumstances to deliver any clinical services only under the supervision of an LCSW, while retaining the flexibility that the supervising LCSW need not hold the BACS designation. This change closes a gap by clarifying that all clinical services, not just psychotherapy, must be supervised when BACS oversight is absent.

The Board has the statutory authority to regulate supervision standards, and this amendment is consistent with clearly articulated state policy to safeguard public health, safety, and welfare¹³. Because the rule clarifies supervisory obligations without creating barriers to entry, limiting the number of practitioners, or restricting consumer choice, there are no reasonably foreseeable anticompetitive effects arising from its adoption.

C. Proposed Amendment to LAC 46:XXV.509- Telesupervision

The Board proposes enacting §509, in accordance with Act 457 (2024), which defines in person and telesupervision, establishes license requirements for supervisors and supervisees, and imposes safeguards including confidentiality protections, informed client consent, secure transmission methods, and a one-time continuing education requirement. By permitting telesupervision as an alternative to in-person supervision, the rule expands flexibility and access to qualified supervisors while preserving oversight by requiring that both supervisors and supervisees be licensed in Louisiana and that supervisees must be actively engaged in practice within the state.

In particular, the proposed rule requires that (i) social workers licensed in other jurisdictions, or pursuing clinical licensure in another state, must hold a Louisiana license in order to provide or receive telesupervision involving Louisiana clients or supervisees, (ii) supervisees must be actively engaged in the practice of social work in Louisiana to receive telesupervision, and (iii) supervisors must be a Louisiana licensed supervisor. While these provisions may appear to limit cross-border supervision opportunities by restricting supervisory arrangements to Louisiana licensees and

¹³ LA R.S. 37:2705(F)

requiring Louisiana practice engagement, such requirements do not create barriers to entry or restrict competition within the Louisiana social work market. Rather, they ensure that both supervisors and supervisees remain subject to the jurisdiction and disciplinary authority of the Board. This promotes accountability, consistent oversight, and public protection in accordance with state policy.

Although this rule excludes out-of-state supervisors and supervisees who are not licensed in Louisiana, this restriction is a regulatory safeguard, not an anticompetitive restraint, as it does not limit the number of practitioners eligible for licensure, reduce consumer choice in social work services, or restrict the ability of qualified social workers to enter the Louisiana market. The proposed rule preserves flexibility by allowing telesupervision, including across state lines, so long as the supervisor holds Louisiana licensure.

The proposed §509 is narrowly tailored to serve the clearly articulated state policy of protecting public health, safety, and welfare through regulation of licensed social work practice under the Act. These requirements ensure that supervision of Louisiana social workers occurs under the authority of the Board, which has the statutory responsibility to establish and enforce ethical standards and disciplinary measures when necessary. By requiring supervisors engaged in telesupervision to be licensed and actively practicing in Louisiana, the rule guarantees that both parties remain accountable to Louisiana law, standards, and oversight. At the same time, it permits flexibility by authorizing telesupervision across state lines where the supervisor holds a Louisiana license, thereby balancing access with regulatory accountability. This structure reflects a narrowly tailored approach that addresses legitimate public protection interests without imposing unnecessary restrictions on professional practice. Accordingly, there are no reasonably foreseeable anticompetitive effects arising from its adoption.

III. DETERMINATION

The Board is a state regulatory body created by the Louisiana Social Work Practice Act to in order to safeguard the public health, safety, and welfare against unauthorized, unqualified, and improper practice of social work.¹⁴ The Board was established as a regulatory authority authorized to adopt and revise rules necessary for the enforcement of the Act, establish ethical standards of practice, and adopt standards for supervision to meet statutory requirements.¹⁵

The Proposed Amendments to LAC 46:XXV.503, 505, and 509 are within the Board's statutory authority and adhere to clearly articulated state policy. However, the Proposed Amendments are not occupational regulations with reasonably foreseeable anticompetitive effects. Accordingly, the Board may proceed with promulgation of this rule in accordance with the Louisiana Administrative Procedure Act without further input from the OLRP.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM

¹⁴ LA R.S. 37:2701

¹⁵ LA R.S. 37:2705

A handwritten signature in blue ink, appearing to read 'J. Weimer', is positioned above the typed name.

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