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To: Ms. Emily DeAngelo  
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From: Jessica Weimer  
Louisiana Department of Justice  
Occupational Licensing Review Program

Date: August 15, 2025

Subject: Louisiana State Board of Social Work Examiners  
Proposed Amendment to LAC 46:XXV.101, 111, 113, 125  
Regarding Chapter 1: Standards of Practice

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## I. SUMMARY

The Louisiana State Board of Social Work Examiners (the “**Board**”) proposes amending LAC 46:XXV.101, 111, 113, and 125 (the “**Proposed Amendments**”), relative to standards of practice.<sup>1</sup> The Proposed Amendments (i) make the rules consistent with current law as defined in La. R.S. 37:2703, (ii) clarify that informed consent to perform services must be documented, (iii) require a social worker supervising students in field placement to indicate their supervisory function when cosigning records, (iv) clarify that a social worker shall not access records of an individual without a legitimate purpose, (v) clarify that exploitation includes the promotion and advancement of the social worker’s personal, political or religious agenda, (vi) clarify the duties of social workers to avoid dual relationships, (vii) require social workers providing services to individuals who have relationships with each other to clarify with all parties which individual(s) are considered client(s) and the nature of the social worker’s professional obligations to individuals receiving services, and (viii) set forth the duties and responsibilities for social work educators.<sup>2</sup>

The Board published a Notice of Intent to promulgate the Proposed Amendments on January 20, 2025.<sup>3</sup> 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.<sup>4</sup>

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

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

<sup>2</sup> Id. at pg. 119

<sup>3</sup> Id. at pg. 139

<sup>4</sup> Id. at 1054

The OLRP reviews proposed occupational regulations of participating state occupational licensing boards.<sup>5</sup> 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.”<sup>6</sup> 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).<sup>7</sup> 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.<sup>8</sup>

The Proposed Amendments serve to clarify and reinforce ethical and 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 §§101, 111, 113, and 125 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.<sup>9</sup>

### **A. Proposed LAC 46:XXV.101- Scope and Applicability**

Currently, LAC 46:XXV.101 states that the standard of practice applies to all applicants and those who are registered, certified, or licensed. The proposed amendment clarifies that the standards of practice apply to all social workers, as defined in La. R.S. 37:2703. This amendment brings the rules in line with the statutory definition and requirements. The Board is authorized to adopt and revise rules necessary for the enforcement of the Act.<sup>10</sup> Aligning rules with existing statutory authority does not impose market restrictions, but ensures regulatory consistency. Therefore, no anticompetitive effects are reasonably foreseeable. The Board may promulgate the proposed amendment to §101 without further input from the OLRP.

### **B. Proposed LAC 46:XXV.111- Practice Requirements**

The Board proposes amending §111 to clarify that informed consent must be documented for services provided by social workers to their clients in a professional relationship. The amendment

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<sup>5</sup> LA RS 49:260 (B)

<sup>6</sup> LA R.S. 49:260 (G) (4)

<sup>7</sup> LA R.S. 49:951 (8)

<sup>8</sup> Black’s Law Dictionary, 12<sup>th</sup> Edition p. 116

<sup>9</sup> LA R.S. 37:2705

<sup>10</sup>LA R.S. 37:2705 (C)(1)

further clarifies that social workers supervising students in field placement must indicate their supervisory function when cosigning records. Lastly, the proposed amendment states that a social worker shall not access the records of an individual they are not treating without legitimate purpose. The current rule limits this restriction to records of clients.

The Board has the statutory authority to adopt rules and provisions in order to safeguard the public health, safety, and welfare against unauthorized, unqualified, and improper practice of social work.<sup>11</sup> The proposed amendments serve as ethical safeguards designed to protect clients, client confidentiality and privacy, and promote transparency and accountability in field placements and supervision. They do not create barriers or restrict the ability of licensees to provide services or supervise students. Therefore, there are no reasonably foreseeable anticompetitive effects and the Board may promulgate the proposed amendment without further input from the OLRP.

### **C. Proposed Amendment to LAC 46:XXV.113- Social Work Relationship**

The proposed amendment to the “Exploitation” provision of §113 makes three substantive changes to the current rule. First, it narrows and clarifies the scope of duty by specifying that the obligation to promote and advance the best interests and welfare of clients, students, and supervisees applies when the social worker’s primary purpose is the provision of social work services. Secondly, it expressly states this duty applies to all areas of the social work practice, thereby eliminating any ambiguity regarding its applicability beyond direct clinical settings. Third, it expands the list of prohibited forms of exploitation by adding the promotion of advancement of the social worker’s personal, political, or religious agenda to the existing prohibitions on using the professional relationship for the social worker’s emotional, financial, sexual, or personal needs. These changes serve to clarify the ethical boundaries and broaden the types of undue influence that are expressly prohibited.

The Board has the statutory authority to adopt and revise rules and establish ethical standards of practice.<sup>12</sup> The proposed amendment clarifies that exploitation includes the promotion of personal, political, or religious agendas, reinforces ethical boundaries, and prevents misuse of the professional relationship. Because this rule governs conduct, not market participation, and does not unreasonably restrict competition, there are no reasonably foreseeable anticompetitive effects. The Board may promulgate this amendment without further input from the OLRP in accordance with the APA.

The proposed amendment to §113(B) regarding “Dual relationships” significantly expands and clarifies the current rule. It retains the overarching duty to maintain the best interests of current and former clients, but adds a more detailed definition of “dual or multiple relationships,” specifying that such relationships may be professional, social, or business in nature and may occur simultaneously or consecutively. It expressly prohibits knowingly engaging in a dual relationship that compromises client well-being, impairs professional judgment, or increases the risk of exploitation, and adds guidance for situations in which a social worker provides services to multiple individuals with existing relationships (ex: couples or families), requiring clarification of

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<sup>11</sup> LA R.S. 37:2705(C)(1)

<sup>12</sup> Id

client status and professional obligations to all parties. The amendment also addresses specific role conflicts, advising social workers to avoid multiple professional roles (ex: therapist and custody evaluator), and steps to minimize conflicts of interest when performing in potentially conflicting capacities, such as testifying in custody disputes. In §113(B)(1), the amendment retains the prohibition on personal relationships with client/therapeutic clients, but adds that proactive measures must include informed consent, consultation, or supervision to ensure objectivity and professional judgment. §113(B)(2) retains the allowance for personal relationships with former clinical/therapeutic clients under certain conditions, but clarifies that such relationships remain prohibited if a reasonable social worker would conclude the former client continues to relate to the social worker in a professional capacity, replacing the prior general “continuing duty” language with a more specific standard.

The Board is authorized to regulate the practice of social work and establish ethical and professional standards for licensees.<sup>13</sup> Regulating the ethical boundaries of social workers, including the prohibition on the use of the professional relationship to promote or advance a social worker’s personal, political, or religious agenda is within the Board’s statutory authority and adheres to clearly articulated state policy to protect the public health, safety, and welfare by ensuring professional relationships remain free from undue influence or exploitation. The proposed amendment governs the ethical boundaries and professional conduct of licensed social workers in managing dual or multiple relationships with current and former clients. While it expands definitions, adds procedural safeguards, and clarifies role conflicts, it does not create new barriers to licensure, restrict the number of practitioners, limit the scope of practice, or otherwise constrain market participation. The provisions regulate conduct within existing professional relationships rather than access to or competition in the social work market. Accordingly, there are no reasonably foreseeable anticompetitive effects arising from the proposed amendments. The Board may promulgate the proposed amendment to §113 in accordance with the APA without further input from OLRP.

#### **D. Proposed Amendment LAC 46:XXV.125- Social Work Educators**

The Board proposes adding §125 which establishes professional standards and boundaries for licensed social workers who serve in an educational capacity. §125(A) defines a social work educator’s purpose as educating social work students through various means, whether in person or remotely, including classwork, lectures, field work, and mentorship. §125(B) limits instruction to areas within the educator’s knowledge and competence and requires familiarity with current best practices. §125(C) equates the educator-student relationship to the social worker-client relationship for purposes of ethical obligations, prohibiting dual relationships that present a risk of exploitation or harm to the student, including those that could arise through social networking or other electronic media, and requiring that educators maintain clear, appropriate, and culturally sensitive boundaries. §125(D) recognizes the wide discretion afforded to social work educators in academic, pedagogical, and administrative decisions and restricts Board disciplinary action in these areas unless the conduct violates the competence and boundary requirements of §125(B) or (C). The scope of protected discretion explicitly includes matters such as grading, student

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<sup>13</sup> LA R.S. 37:2705(C)(1)

discipline, curriculum development, pedagogical methods, and other departmental or institutional matters.

The Board is authorized to adopt rules, regulations, and standards necessary to carry out its powers and functions, including the regulation of the practice of social work and establishment of ethical and professional standards for licensees and standards for supervision.<sup>14</sup> The regulation of licensed social workers in their capacity as educators adheres to clearly articulated state policy to protect the public health, safety, and welfare by ensuring that social work students are instructed in a professional, ethical, and competent manner. The proposed §125 does not alter licensure requirements, restrict entry into the profession, limit the number of practitioners, regulate pricing, or otherwise restrain trade. Instead, it governs professional conduct within existing roles and safeguards legitimate academic discretion from unnecessary regulatory interference. Because the rule regulates behavior rather than market participation or competition, there are no reasonably foreseeable anticompetitive effects arising from its adoption. Therefore, the Board may promulgate the proposed amendment without further input from the OLRP.

### **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.<sup>15</sup> 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.<sup>16</sup>

The Proposed Amendments to LAC 46:XXV.101, 111, 113, and 125 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.

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<sup>14</sup> LA R.S. 37:2705(C)(1) and (F)

<sup>15</sup> LA R.S. 37:2701

<sup>16</sup> LA R.S. 37:2705