

LCB File No. R112-00

PROPOSED REGULATION OF THE BOARD OF EXAMINERS FOR SOCIAL WORKERS

Please Note: Proposed Changes are in Italics (additions) and brackets (deletions). For the readers convenience most changes have been bolded.

NAC 641B. “ Client System” defined. “Client System” means the client and those in the client’s environment who are potentially influential in contributing to a resolution or outcome of the client’s problems, issues or concerns.

NAC 641B. “Intern supervision” defined. “Intern supervision” means the professional relationship between a supervisor and an intern that provides evaluation and direction over the services provided by the intern and promotes continued development of the intern’s knowledge, skills and abilities to provide social work services in an ethical and competent manner.

NAC 641B.047 “ Licensing period” defined. “Licensing period” means the period in which a license is valid as prescribed in NAC 641B.110. *A delinquent license is not valid.*

Reason: Clarifies that a licensee may not practice on a delinquent license.

NAC 641B.052 “Program of continuing education” defined. (NRS 641B.160, 641B.280) “Program of continuing education” means a course or program of education and training that is:

1. Offered for the purpose of maintaining, improving or enhancing ~~[the practice of]~~ social work *knowledge, practice, and competency*; and
2. Accredited by the board.

NAC 641B.056 “Provider” defined. (NRS 641B.160) “Provider” means a person *or entity* approved by the board to provide ~~[a program]~~ *programs* of continuing education ~~[.]~~ *meant to maintain, improve, or enhance social work knowledge, practice, and competency using an abbreviated procedure.*

Reason: To define a continuing education approved provider.

NAC 641B.058 “Related field” defined. “Related field” means ~~[guidance and counseling, education, gerontology, human services, marriage and family studies, psychology, social welfare or sociology.]~~ *a degree that includes content that is equivalent to social work concepts and theories of human behavior and the social environment; social work practice methods of interventions in the delivery of services; social work research, including, without limitation, the evaluation of programs or practices; management , administration or social policy; and social work ethics.*

NAC 641B.065 “Social worker” defined. “ Social worker” means a person ~~[licensed]~~ *holding a license or provisional license* as an associate in social work, a social worker, an independent social worker or a clinical social worker unless the context specifically refers solely to a person licensed as a social worker pursuant to NRS 641B.220.

Reason: Add provisional license.

NAC 641B.080 Display of License. A license issued by the board must be prominently displayed at all times at the primary place of employment or practice of the licensee. *The licensee shall display at all other places of employment or practice a notarized copy of the license.*

NAC 641B.085 List of licensed persons; notice of change of address.

1. A copy of the list of names and professional addresses of each person licensed pursuant to this chapter may be obtained from the board upon written request and payment of the cost of reproduction.

2. Each licensee shall furnish the board with *written* notice of his home and professional address within 30 days after moving.

Reason: Housecleaning

NAC 641.090 Applications

1. An application for licensure or renewal must be submitted on a form provided by the board.

2. For good cause, the board may allow an applicant to present material at its meeting in addition to the materials which he has previously submitted to the board.

3. By submitting his application, an applicant grants the board full authority to make any investigation or personal contact necessary to verify the authenticity of *or to clarify* the matters and information stated within his application. If the board so requests, the applicant must supply such verification.

4. If deemed necessary, the board will appoint a ~~[subcommittee]~~ member or designee to examine ~~[an application]~~, investigate and make personal contact to verify the authenticity of, or to clarify any matters and information stated within the application and make recommendations for the board’s action.

5. If deemed necessary, the board will require the personal appearance of the applicant.

6. A graduate of a foreign program must submit a copy of his transcript and documentation from the Council for Social Work Education that the foreign degree is equivalent to a program of social work that would be accredited by the Council for Social Work Education in the United States.

Reason: Clarify Board policy

NAC 641B.105 Examinations

1. An applicant for licensure as a social worker, an independent social worker or a clinical social worker must pass the appropriate examination given by the ~~[American Association of State Social Work Boards]~~ *Association of Social Work Boards or other testing administrator approved by the board.*

2. Except as otherwise provided in this section, an applicant who is required to pass an examination pursuant to this section must satisfy the board that he possesses the necessary requirements regarding age, citizenship, character and education before he may take the examination. A student of social work current enrolled in his last semester may take the examination before the award of his degree. For the purposes of this subsection, “student of social work” means a person enrolled in an undergraduate or graduate program of study leading to a degree in social work from a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation.

3. Examinations will be offered as deemed appropriate by the board and as scheduled by the ~~[American Association of State Social Work Board]~~ *Association of Social Work Boards or other testing administrator approved by the board.*

4. A failed examination may be retaken 90 days after the failed examination and the examination may be retaken only once within the year following the original examination. Thereafter, only one examination per year may be taken. *An applicant who has failed the examination is not eligible for a provisional license.*

Reason: Clarify Board policy and correct name of testing administrator.

NAC 641B.110 Expiration and renewal of license and provisional license. (NRS 641B.160)

1. Except for a provisional license issued pursuant to NRS 641B.275 and as otherwise provided in this subsection, each initial license issued will become delinquent on the last day of the month of birth of the licensee and will expire 60 days thereafter. No initial license will become delinquent ~~[or expire]~~ less than 1 year after the date of initial licensure. Thereafter, each license will become delinquent annually on the last day of the month of birth of the licensee and will expire 60 days thereafter.

2. Except as otherwise provided in this subsection, an application for the renewal of an expiring license must be completed on forms supplied by the board and submitted to the board on or before the last day of the month of birth of the licensee. An application for the renewal of a provisional license issued pursuant to paragraph (b) of subsection 1 of NRS.641B must be submitted to the board annually on or before the last day of the month in which the license was initially issued, until the expiration of the 3 year period of licensure of the license is no longer valid

3. If an application for renewal and required fee are not postmarked on or before the last day of the month of birth of the licensee, the license become delinquent. *An applicant whose license becomes delinquent may not engage in the practice of social work until the license has been renewed.*

4. *Within 3 years, a person who has an expired license and desires to regain the right to practice social work at the same level of licensure must apply for restoration. After 3 years, he must reapply for the license and meet the current requirements for licensure.*

Reason: Clarify Board policy; change period required to restore to make requirement less onerous.

NAC 641B.111 Restoration of expired license. (NRS 641B.160, 641B.280)

1. An application for restoration of an expired license must be completed on a form supplied by the board and submitted to the board within ~~5~~ 3 years after the date on which the license expired.

2. Except as otherwise provided in subsection 3, an application for restoration of an expired license must be accompanied by:

- a. The fee for restoration of the expired license;
- b. The renewal fee for each year the license has been expired;
- c. Evidence of the completion of all past continuing education hours; and
- d. Evidence that

1. The appropriate examination for licensure was passed by the applicant within the preceding 10 years; or

2. The licensee has maintained an equivalent license from another state in good standing.

3. After receiving an application for restoration of an expired license, the board may:

a. Grant an extension of not more than 6 months for the completion of past continuing education hours; and

b. For good cause, waive the requirements of subsection 2 regarding the examination and continuing education hours.

Reason: 5 years is financially burdensome for applicants.

NAC 641B.112 Provisional license: Validity; disciplinary action; reinstatement or restoration prohibited under certain circumstances. (NRS 641B.160)

1. *An applicant for a provisional license issued pursuant to paragraph (b) of subsection 1 of NRS 641B.275 must provide verification of enrollment in a program of study leading to a degree in social work at a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board. The verification must be received directly from the social work program, which has the right to determine when a student is considered "enrolled." Verification of enrollment in a school must include but is not limited to:*

a. Formal admission to the program,

b. Satisfactory progress towards a degree obtained within 3 years.

~~1~~ 2. A provisional license issued pursuant to paragraph (b) of subsection 1 of NRS 641B.275 is no longer valid:

a. If the licensee fails to provide evidence satisfactory to the board and *sent directly from the program of study* that he is:

(1) Enrolled in a program of study leading to a degree in social work; and

(2) Making satisfactory progress toward the degree;

b. If the licensee fails to comply with the renewal requirements;

c. If the licensee fails to submit to the board in a timely manner all materials required for the application for renewal; or

d. Three years after:

(1) The initial issuance of the license; or

(2) The licensee graduates from a program of study leading to a degree in social work,

whichever occurs first.

~~2~~ 3. A provisional license issued pursuant to paragraph (a) of subsection 1 of NRS 641B.275 is no longer valid if:

a. The licensee fails the prescribed examination and does not apply for or is no longer eligible to take the next available examination; or

b. The provisional licensing period of 9 months expires, Whichever occurs first.

~~3~~ 4. The holder of a provisional license may be subject to disciplinary action pursuant to NRS 641B.400, including, without limitation, the revocation of his license.

~~4~~ 5. A provisional license that has been invalidated or revoked may not be restored.

6. A licensee who holds a provisional social work license, provisional clinical license or a provisional independent license issued pursuant NRS 641B.275 must practice in an agency setting under supervision.

Reason: Clarify provisional policy

NAC 160 Supervisors of Interns: Duties; withdrawal of approval to supervise.

1. A supervisor of an intern shall ensure that:

a. The work of the intern is conducted in an appropriate professional setting;

b. The work of the intern is consistent with the standards of the profession;

c. The intern is assisted with the development of his professional identity;

d. The intern has gained the skills required to manage his practice;

e. The intern has gained the skills required for continuing competency;

f. The intern has gained knowledge of the laws and regulations applicable to the practice of social work, and

g. The intern is familiar with the current literature concerning those areas of social work relevant to social work.

2. A supervisor of an intern shall:

a. Meet in person with the intern on an individual basis for at least 1 hour every week, unless the board specifically directs a different schedule or frequency of the meetings, to discuss and evaluate the performance of the intern in his practice;

b. Prepare and submit to the board quarterly reports and a final report, **unless the board specifically directs a different schedule or frequency of the reports**, on forms provided by the board, concerning the progress of the intern in his practice;

c. Be available to consult with the board concerning the record, competence in practice, emotional and mental stability or professional and ethical conduct of the intern.

3. Not more than 24 hours of the supervision of the intern may be in the form of group supervision.

4. A supervisor of an intern shall analyze the performance of an intern through information obtained from:

a. Observation or participation in the practice of the intern; and

b. The notes of the intern.

5. The board will, if it deems it appropriate, withdraw its approval of a person to supervise **a particular intern or any intern** ~~interns~~ if the supervisor fails to:

a. Supervise an intern adequately;

b. Comply with each applicable provision of a statute or regulation;

c. Submit **acceptable reports** ~~for two reporting periods the reports required~~ **as required in paragraph (b) in subsection 2 of this section** regarding the progress of each intern under his supervision; or

d. Complete the training required by the board pursuant of subsection 1 of NAC 641B.155.

6. A licensee who is under board order for disciplinary action may not supervise interns and must reapply for the right to supervise interns at the satisfactory completion of the requirements of the order

~~6~~ 7. If the board withdraws its approval of the person supervising an intern, the intern may apply to the board of the

- a. ~~Assignment~~ *Approval* of another approved supervisor; and
- b. Approval of a new internship agreement and *supervisor's plan*.

Reason: Housekeeping

NAC 641B.187 Requirements for renewal of license; grounds for disciplinary action. (NRS 641B.160, 641b.280)

1. Except as otherwise provided in subsections 2 and 3, to renew his license, a licensee must complete at least 30 continuing education hours every 2 years, of which 2 hours must be in the area of ethics or confidentially *as it relates to the practice of social work*.

2. The board may renew the license of a licensee who fails to complete 30 continuing education hours during a 2-year period if it finds good cause to do so.

3. The board will renew the license of a licensee during the period in which he is enrolled in a program leading to:

- a. A baccalaureate or master's degree in social work from a college or university that is accredited by or is a candidate for accreditation by the Council on Social work Education; or

- b. A doctoral degree in social work,
and for two renewal periods after graduation from the program. Before renewing the license, proof of enrollment or graduation within the past 2 years must be submitted to the board by the licensee.

4. If the board renews the license of a licensee pursuant to subsection 2, it may require the licensee to complete not more than 30 additional continuing education hours during the next 2 year period.

5. A licensee may not take a program of continuing education which presents the same material he took during the previous 2-year period.

6. A licensee is subject to disciplinary action if he:

- a. Within 30 days after receiving a request from the board, fails to provide to the board information of his participation in a program of continuing education; or

- b. Submits to the board false or inaccurate information regarding his participation in a program of continuing education.

NAC 641B.190 Accreditation: General requirements.

1. Before the board accredits a course or program, the board must be satisfied that the course or program:

- a. Will be taught by a competent instructor as demonstrated by his educational, professional and teaching experience;

- b. Contains current and relevant educational material concerning social work and is applicable to the practice of social work;

- c. Is of professional quality;

- d. Is appropriately designed for instructional purposes; and

e. Includes a written evaluation of the content and presentation of the course or program and its relevance to *social work practice* [~~continuing education~~] for each licensee to complete.

2. A course or program presented in the form of lectures, seminars, workshops, academic courses at an institution of higher education, *college or university* correspondence courses which do not lead to a degree and on-the-job training programs offered by an agency will be deemed appropriately designed for instructional purposes. The provider is responsible for the format and presentation unless otherwise required by the board.

3. The subject matter of a course or program which addresses one or more of the following areas:

- a. Theories or concepts of human behavior and the social environment;
 - b. Social work methods of intervention and delivery of services;
 - c. Social work research, including, without limitation, the evaluation of programs or practices;
 - d. Management, administration or social policy;
 - e. Social work ethics; or
 - f. Other areas directly related to the field of practice of the licensee,
- will be deemed to reflect current and relevant educational material concerning social work and be applicable to the practice of social work.

4. Home study/self study or self directed activities may be considered for continuing education for no more than 7.5 total hours for each two year continuing education period.

a. The Board may consider additional hours for good cause if a request for a waiver for the additional hours is submitted by the licensee at the time of the initial proposal

b. All proposals for such activities must be submitted and receive pre-approval from the Board. In addition to meeting the basic requirements for continuing education as outlined, proposals must include a deadline for completion and the nature of the ongoing activity or interaction with instructors or colleagues.

c. Proposals will not be considered if the work is completed as part of the primary job duties of the licensee or is part of the requirements for a class.

d. After completion of the activity, documentation of the independent verification satisfactory to the Board of successful achievement of learning objectives must be submitted.

Reason: Add provision for self-learning and housekeeping

NAC 641B.191 Accreditation or approval: application by [~~provider~~] *person or entity*; action by board; request for reconsideration of denial. (NRS 641B.160, 641B.280)

1. Except as otherwise provided in subsection 4, a *person or entity* [~~provider~~] requesting accreditation of a course or program shall submit to the board an application containing the information required by the board.

2. The board will notify the *person or entity* [~~provider~~] whether the course or program has been accredited or denied accreditation within 30 days after receipt of the completed application for accreditation by the board.

3. If the board approves the course or program for accreditation, the notice of accreditation must state the number of continuing education hours for which the course or program is accredited. Accreditation of the course or program will:

- a. Be given for a particular presentation or series of presentations; or
- b. Expire on a specific date set forth in the notice of accreditation.

4. A *person or entity* ~~{provider}~~ may apply to the board for status as an approved provider of continuing education. Upon receipt of sufficient evidence that the ~~{provider}~~ *person or entity* possesses the consistent ability to provide professional-quality programs of continuing education, the board will grant status as an approved provider. *The provider must employ, contract or consult with a licensed social worker who has at least 3 years experience to review for appropriateness of the continuing education program for social workers.* The board will develop an abbreviated procedure for the approval of any course or program offered by an approved provider.

5. If the board denies accreditation of a course or program or status as an approved provider, the applicant may within 30 days after receiving notice of the denial, request in writing that the board reconsider its decision.

Reason: Clarify policy and housekeeping

NAC 641B.200 Professional responsibility

1. The status of a licensee must not be used to support any claim, promise or guarantee of successful service, nor may the license be used to imply that the licensee has competence in another profession.

2. The licensee shall not misrepresent, directly or by implication, his own professional qualifications, affiliations and licenses, nor those of the institutions and organizations with which he is associated. A licensee shall provide accurate information concerning his credentials, education, training and experience upon request from a client or potential client.

3. If the licensee holds more than one occupational license, he shall disclose to his client orally and in writing the type of service he is rendering to that client. If a licensee is providing services that are not social work services, the licensee must disclose to the client orally and in writing the type of service that he is providing and that the services is not within the scope of the practice of social work. *If the licensee fails to disclose to the client that services he is providing are services other than social work, the board will presume that the services to the client are social work services.*

~~{2}~~ 4. A licensee shall not misrepresent, in advertising or otherwise, his education, training, type of license, qualifications, competence, service or the results to be achieved.

~~{3}~~ 5. A licensee shall not practice social work while:

- a. The licensee is impaired by alcohol, drugs or any other chemical; or
- b. The licensee is impaired by a mental or physical condition that prevents him practicing safely.

~~{4}~~ 6. A licensee shall not use his relationship with a client, *member of the client system, or a legal representative of the client*, to further his own personal, religious, political or business interest.

~~{5}~~ 7. A licensee is responsible for setting and maintaining professional boundaries with clients, *member of a client system, or a legal representative of the client*, interns, and persons who are supervised by the licensee

~~{6}~~ 8. A licensee shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensations for professional services that the licensee has not actually and personally rendered.

~~{7}~~ 9. A licensee shall not knowingly offer service to a client who is receiving treatment from another licensee without prior consultation between the client and the other licensee.

~~[8]~~ 10. Except as otherwise provided in subsection 12, a licensee shall not disparage the qualifications of any colleague.

~~[9]~~ 11. A licensee shall not attempt to diagnose, prescribe for, treat or advise on any problem outside his field of competence. *A licensee shall not assume duties and responsibilities within the practice of social work if competency is not maintained or the standards of competence are not satisfied, or both.*

~~[10]~~ 12. A licensee shall base his practice upon recognized knowledge relevant to social work.

~~[11]~~ 13. A licensee shall critically examine and keep current with emerging knowledge relevant to social work.

~~[12]~~ 14. A licensee shall report to the board any unlicensed, unauthorized, unqualified or unethical practice of social work.

~~[13]~~ 15. Based upon recognized knowledge and standards of practice for social work, a licensee shall prepare and maintain in a timely manner a record regarding each of his clients which:

a. Sets forth his assessment of the problems, *issues, or concerns* of the client and *the scope of the licensee's services* ~~[his related course of treatment]~~ to that client; and

b. Includes, without limitation, copies of:

1. All documents relating to the informed consent of the client

2. All documents relating to the release of information regarding clients; and

3. All other legal documents regarding the client.

16. *A license shall not inaccurately record, falsify or otherwise alter or destroy any client's record unless specifically allowed by law.*

~~[14]~~ 17. A licensee shall *adequately* complete and submit any reports required pursuant to chapter 641B of NRS, any regulations adopted pursuant to that chapter and any order, rule or instruction of a court of competent jurisdiction in a timely manner.

~~[15]~~ 18. A licensee shall comply with all the provisions of the statutes and regulations governing the practice of social work that are set forth in this chapter and chapter 641B of NRS. *A licensee shall comply with any* and all *state and* ~~[similar]~~ federal laws and regulations *relating to the practice of social work.*

~~[16]~~ 19. A licensee shall not authorize a person under the supervision of the licensee to perform services outside of the level of licensure, training or experience of the person who is supervised or allow that person to hold himself out as having expertise in a field in which he is not qualified.

~~[17]~~ 20. A licensee shall notify the board in writing within 10 days after:

a. An action is taken against a license, certification, registration or credential of the licensee issued by *any* ~~[another]~~ state or a territory of the United States

b. A criminal charge is filed against the licensee;

c. A licensee is convicted of a criminal offense, other than a misdemeanor traffic offense;

d. A civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work; or

e. A settlement or judgment in a civil action including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work.

NAC 641B.205 Responsibility to client

1. A licensee shall serve clients with professional skill and competence.

2. If a licensee must act on behalf of a client who has been declared incompetent or otherwise found by the board to be incapable of acting in his own best interest, the license shall safeguard the interests and rights of that client.

3. If another person has been legally authorized to act on behalf of an incompetent client, a licensee shall deal with that person in accordance with the best interest of the client.

4. A licensee shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race~~;~~; color~~;~~; sex~~;~~; sexual orientation~~;~~; age~~;~~; religion~~;~~; national origin~~;~~; social, economic, health or marital status~~;~~; political belief~~;~~; diagnosis ~~or~~; *mental* or physical disability~~;~~; or any preference or personal characteristic, condition or status.

5. A licensee shall not misrepresent to a client the efficacy of his service or the results to be achieved.

6. A licensee shall apprise his clients of the risks, rights, opportunities and obligations, financial or otherwise associated with the provision of social services to them.

7. A licensee shall seek advice and counsel of colleagues and supervisors whenever such consultation is in the best interest of the client. *A licensee shall collaborate with other colleagues as necessary to meet the needs or interest of the client.*

8. A license shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs or interests of the client.

9. A licensee shall not withdraw his social work services precipitously, except under unusual circumstance and after giving careful consideration to all factors in the situation and taking care to minimize the possible adverse effects to the client.

10. A licensee who anticipates the termination or interruption of service to a client shall notify the client promptly and the transfer, referral or continuation of service in relation to the needs or interest of the client.

11. Except as otherwise provided in subsection 12, a licensee shall not influence or attempt to influence a client, *member of the client system, or a legal representative of the client, which* could reasonably be anticipated to result in the licensee deriving benefits of an unprofessional nature ~~from the client~~ during the time that the client is receiving professional services or for 2 years after the termination of such services.

12. A license shall not engage in sexual activity with a client during the time that the client is receiving professional services and for 3 years after the termination of the professional relationship.

13. A licensee shall not solicit or enter into a dual relationship with a client, intern or person who is supervised by the licensee if it is foreseeable that such a relationship would harm or exploit the client, intern or person who is supervised within 2 years after the termination of the professional relationship, internship or period of supervision.

14. *A licensee shall not cause a client physical, mental or emotional harm by taking direct or indirect actions or failing to take appropriate action.*

NAC 641B.210 Confidentiality of records

1. *A licensee shall respect and maintain a client's right to privacy. A licensee shall protect all information provided by or obtained about a client. "Client information" includes the licensee's personal knowledge of the client and client records.*

~~[H]~~ 2. Records showing a client's problems and the scope of the licensee's services must be maintained so as to ensure security and confidentiality. No confidential records or information contained therein may be released except:

- a. By written consent of the client;
- b. In accordance with a subpoena issued by the board;
- c. Pursuant to an investigation by the board; or
- d. As otherwise provided by law.

~~[2]~~ 3. A licensee is responsible for informing his client of the limits of confidentiality.

~~[3]~~ 4. Except as otherwise provided by law, information contained in a confidential record must not be communicated to others without the client's consent unless there is clear and immediate danger to some person or to society, and then only to the *person who is in clear and immediate danger, the* appropriate family members, professional workers or public authorities.

NAC 641B.220 Unprofessional Conduct (NRS 641B.160)

1. A licensee who violates any of the provisions of NAC 641B.200 to 641B.215, inclusive, *or commits any act which constitutes a basis for denial under NRS 641B.260(2)* is guilty of unprofessional conduct.

2. If a violation or other unprofessional conduct occurs while a license of a licensee is in effect, the board will take disciplinary action, as appropriate, against the license even if the license thereafter has expired or been suspended.

3. The revocation, suspension or other disciplinary action taken by *any [another]* station the license, certificate or registration to practice social work or a related field that was issued by that state is grounds for disciplinary action against the licensee by the board for unprofessional conduct.

4. The failure of a licensee to comply with a stipulation, agreement, advisory, opinion or order issued by the board constitutes unprofessional conduct.

NAC 641B.305 Procedure upon receipt of accusation.

1. The board will initially consider any accusation regarding a licensee as an informal complaint. Upon receipt of an informal complaint, the board's *staff [or its designee]* will examine the complaint to determine whether it:

- a. Has been properly verified; and
- b. Alleges sufficient facts to warrant further proceedings.

2. If the board's *staff [or its designee]* determines that the informal complaint is properly verified and does allege sufficient facts, the board ~~[will: a N]~~ notify the respondent *by certified mail* of the *allegations and potential violations arising in the informal* complaint and request a response for the board's review before a hearing is set~~[;]~~. *This notice shall be deemed a notice of intended action pursuant to NRS 233B.127(3). Upon receipt of this notice, the licensee shall provide a written response to the board office within 14 days, unless good cause exists for an extension of time. The response shall respond to the allegations in the notice and should be accompanied with all documentation that would be useful to the board's staff's review of the allegations.*

~~[b. Have a formal complaint drafted for the board's consideration; and
—c. Set the complaint for hearing, if the board deems a hearing is necessary.]~~

3. *The board's staff and legal counsel shall review the informal complaint and the response from the respondent. The board's staff and legal counsel may:*

(a) Investigate the allegations and may employ such people as they deem necessary to further the investigation;

(b) Consult with experts in the appropriate field and may employ such people for purposes of investigation or hearing;

(c) Investigate new leads or allegations that may come to their knowledge in the course of investigating the informal complaint;

(d) Enlist the aid of a board member in the conduct of the investigation; and,

(e) Take any other reasonable action necessary to further the investigation.

4. When the investigation is completed, the board's staff, legal counsel, and investigator, including an investigating board member if one is involved, shall determine whether substantial evidence exists to sustain the alleged violation of statute or regulations within the board's jurisdiction. If it is determined that no violation of statute or regulation can be sustained, the board's staff shall notify the complainant the respondent of this determination in writing. If new evidence is discovered, the matter may at any time be opened again and investigated if circumstances so warrant.

5. If it is determined that a violation of statute or regulation can be sustained, the board's legal counsel shall prepare a notice of hearing and a formal complaint.

NRS 641B. Hearing officer; duties, authority (NRS 641B.150)

1. The board may appoint an attorney, who is licensed to practice law in this state, or a social worker, who is licensed by the board, to serve as a hearing officer in a contested case. The hearing officer may, upon the request of the board:

a. Conduct hearings;

b. Question witnesses;

c. Make rulings on motions and objections; and

d. Submit suggested findings of fact or conclusions of law to the board at the conclusion of the case.

In any contested case in which a hearing officer is designated pursuant to the provision of these sections, the board will make the final determination of all findings in the case.

2. If the hearing officer is an attorney licensed to practice in this state, he may, upon the request of the board, provide such legal counsel to the board as the board may require during the hearing and deliberation on a complaint.

3. If the board does not appoint a hearing officer pursuant to subsection 1, the board will designate the executive director, a presiding officer or any other member of the board to serve as the hearing officer.

NAC 641B.320 Motions

1. A motion must be made in writing, unless otherwise authorized by the board or hearing officer ~~[it is made]~~ during the hearing.

2. Each written motion must set forth the nature of the relief sought and the grounds for the motion.

3. A written motion must be served on the opposing party and the board at least 10 days before the time set for the hearing on the motion.

~~*[3] 4. [A party desiring to oppose a motion may serve and file a written response to it.] An opposing party may file a written response to a motion within 7 days after the receipt of the motion by serving the written response on all parties and the board, but in no case may a*~~

written response be filed less than 3 days before the time set for the hearing on the motion except for good cause shown and with the permission of the board.

~~[4]~~ 5. The party who made the motion may serve and file a written reply to the response ~~[if a response has been served and filed]~~ *within 7 days after the receipt of the motion by serving the written response on all parties and the board, but in no case may a written response be filed less than 3 days before the time set for the hearing on the motion except for good cause shown and with the permission of the board.*

~~[5]~~ 6. ~~[The president of the board, or in his absence the vice president,]~~ *The presiding officer* will rule on all motions at or before the scheduled hearing. A decision on the motion may be made without oral argument unless oral argument is required. If oral argument is required, the president will set a date and time for hearing the argument.

NAC 641B. Request for continuance of formal hearing.

The board will grant a continuance upon a joint stipulation of the parties or the existence of emergency conditions or for good cause shown upon a written request filed with the board not later than 10 days before the hearing. “Good cause shown” will be narrowly construed. Any party requesting a continuance for good cause shown shall appear on the date set for the hearing and be prepared to proceed.