

**ADOPTED REGULATION OF THE
BOARD OF EXAMINERS FOR SOCIAL WORKERS**

LCB File No. R112-00

Effective January 17, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 2, 4-14, 18-20 and 27-32, NRS 641B.160; §3, NRS 641B.150 and 641B.160; §§15 and 16, NRS 641B.160 and 641B.290; §17, NRS 641B.160 and 641B.275; §§21-26, NRS 641B.160 and 641B.280.

Section 1. Chapter 641B of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Approved provider of continuing education” means a provider that the board has approved to provide programs of continuing education without submitting the contents of each individual program for the review process set forth in subsection 1 of NAC 641B.191.*

Sec. 3. 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;*
- (d) Submit suggested findings of fact or conclusions of law to the board at the conclusion of the case; and*
- (e) Take the actions assigned to the “presiding officer” or the “presiding member of the board” pursuant to the provisions of this chapter.*

In the contested case in which a hearing officer is designated pursuant to the provisions of this section, the board will make the final determination of all findings of fact and conclusions of law in the case.

2. 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.

Sec. 4. *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 and physically served upon the opposing party not later than 10 days before the hearing. The term “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.*

Sec. 5. NAC 641B.005 is hereby amended to read as follows:

641B.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641B.010 to 641B.065, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 641B.052 is hereby amended to read as follows:

641B.052 “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]:~~

1. Is designed to maintain, improve or enhance a person’s knowledge and competency in the practice of social work; and

2. ~~[Accredited]~~ Has been accredited by the board.

Sec. 7. NAC 641B.056 is hereby amended to read as follows:

641B.056 “Provider” means a person ~~[approved by the board to provide a program]~~ ***or entity who offers programs*** of continuing education ~~[]~~ ***that must be approved pursuant to the review process set forth in subsection 1 of NAC 641B.191.***

Sec. 8. NAC 641B.058 is hereby amended to read as follows:

641B.058 ~~[“Related] “Degree in a related~~ field” means ~~[guidance and counseling, education, gerontology, human services, marriage and family studies, psychology, social welfare or sociology.]~~ ***a degree that includes a curriculum in:***

- 1. Theories or concepts of human behavior and the social environment;***
- 2. Methods used in the practice of social work for intervention and delivery of services;***
- 3. Research concerning social work, including, without limitation, the evaluation of programs or practices;***
- 4. Management, administration or social policy; and***
- 5. Ethics in the practice of social work.***

Sec. 9. NAC 641B.065 is hereby amended to read as follows:

641B.065 “Social worker” means a person ~~[icensed]~~ ***holding a license*** as an associate in social work ~~[]~~ ***or holding a license or provisional license as*** 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.

Sec. 10. NAC 641B.080 is hereby amended to read as follows:

641B.080 A ***licensee shall display prominently:***

1. *At the primary place of employment or practice of the licensee, the license issued to him* by the board . ~~[must be prominently displayed at all times at the primary place of employment or practice of the licensee.]~~

2. *At all other places of employment or practice of the licensee, a copy of the license issued to him by the board that has been certified as a true copy by a notary public.*

Sec. 11. NAC 641B.085 is hereby amended to read as follows:

641B.085 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.

Sec. 12. NAC 641B.090 is hereby amended to read as follows:

641B.090 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 an ambiguity in*, the matters and information stated within his application. If the board so requests, the applicant must supply ~~[such verification.]~~ *to the board information that will verify the authenticity or clarify any ambiguity in the application.*

4. If deemed necessary, the board will appoint a ~~{subcommittee}~~ *member of the board or a designee* to examine an application, *take the actions authorized pursuant to subsection 3* and make recommendations for the board's action.

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

Sec. 13. NAC 641B.100 is hereby amended to read as follows:

641B.100 1. An applicant for licensure or provisional licensure as:

- (a) A social worker;
- (b) An independent social worker; or
- (c) A clinical social worker,

FLUSH must cause the college or university from which he graduated to forward directly to the board a certified transcript of his educational course work which sets forth the degree awarded.

2. A graduate of a foreign social work program ~~{shall submit}~~ *must:*

- (a) *Submit* the appropriate forms and documentation to the Council on Social Work Education for evaluation of foreign credentials ~~{-}~~; *and*
- (b) *If the Council on Social Work Education determines that his foreign program was equivalent to a program that it would accredit in the United States, submit to the board a copy of his transcript and cause the documentation from the Council on Social Work Education to be submitted to the board.*

Sec. 14. NAC 641B.105 is hereby amended to read as follows:

641B.105 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 ~~{-}~~ *or another testing administrator that has been 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 currently 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]~~ *In addition to the requirements for offering examinations set forth in NRS 641B.250, examinations* will be offered as deemed appropriate by the board and as scheduled by the ~~[American]~~ Association of ~~[State]~~ Social Work Boards ~~[.]~~ *or another testing administrator that has been 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.

Sec. 15. NAC 641B.110 is hereby amended to read as follows:

641B.110 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]~~ :

(a) *An* initial license will *not* become delinquent ~~[or expire]~~ less than 1 year after the date of ~~[initial licensure. Thereafter, each]~~ *issuance.*

(b) *After initial licensure, 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~~ a 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.275 must be submitted to the board annually on or before the last day of the *12th* month *after the month* in which the license was initially issued, until the expiration of the 3-year period of licensure *set forth in NAC 641B.112* or *until* the license is no longer valid ~~it~~ *pursuant to NAC 641B.112*.

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

4. *A person whose license has expired may, within 3 years after the date on which his license expired, regain the right to practice social work at the same level of licensure by applying for restoration pursuant to NAC 641B.111. A person whose license has expired and who, more than 3 years after the date on which it expired, wishes to regain the right to practice social work at the same level of licensure must apply for a license pursuant to NAC 641B.090 to 641B.105, inclusive.*

Sec. 16. NAC 641B.111 is hereby amended to read as follows:

641B.111 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~~ *In addition to the requirements set forth in NRS 641B.290 and 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)~~ (b) 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.

Sec. 17. NAC 641B.112 is hereby amended to read as follows:

641B.112 1. *For purposes of paragraph (b) of subsection 1 of NRS 641B.275:*

(a) An applicant must cause the college or university to forward directly to the board, the evidence of enrollment.

(b) The evidence of enrollment must include evidence, that is satisfactory to the board, of formal admission to the program of study and of satisfactory progress toward the degree, indicating that the applicant will be able to obtain the degree in social work within 3 years.

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

(a) If, *upon request of the board*, the licensee fails to ~~provide evidence satisfactory to the board 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)] cause the college or university to forward directly to the board evidence of enrollment that complies with subsection 1.~~

(b) If the licensee fails to ~~submit]~~ *renew his provisional license in a timely manner by:*

(1) *Submitting* to the board ~~[in a timely manner all materials required for]~~ the application for renewal ~~]; or~~

~~—(d)] on a form supplied by the board and the appropriate fee; and~~

(2) *Causing the college or university to forward directly to the board evidence of enrollment that complies with subsection 1.*

(c) 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,

FLUSH 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

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(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 reinstated or restored. *A person who has obtained a provisional license is not eligible for a second provisional license.*

6. The holder of a provisional license to engage in social work, to engage in social work as an independent social worker or to engage in social work as a clinical social worker shall practice under the supervision of a social worker who is:

(a) Licensed pursuant to chapter 641B of NRS; and

b) Authorized pursuant to the provisions of chapter 641B of NRS to practice in the setting in which the holder of the provisional license intends to practice.

Sec. 18. NAC 641B.131 is hereby amended to read as follows:

641B.131 As used in NRS 641B.220 and 641B.275, ~~[“related”]~~ *“degree in a related field”* has the meaning ascribed to it in NAC 641B.058.

Sec. 19. NAC 641B.155 is hereby amended to read as follows:

641B.155 1. To become a supervisor of an intern, a person must:

(a) Be approved by the board to serve as the supervisor of an intern.

(b) Hold a license as an independent or clinical social worker if supervising an intern who is seeking a license as an independent social worker, or hold a license as a clinical social worker if supervising an intern who is seeking a license as a clinical social worker.

(c) Have at least 3 years of experience as a licensed clinical social worker or licensed independent social worker or have equivalent experience acceptable to the board.

(d) Demonstrate to the board that his current practice:

(1) If he is supervising an intern who is seeking a license as an independent social worker, consists of not less than 15 hours per month of independent practice.

(2) If he is supervising an intern who is seeking a license as a clinical social worker, consists of not less than 15 hours per month of clinical practice in the area of psychotherapeutic methods and techniques.

FLUSH The board may waive the requirements of this paragraph if the board determines that there is good cause, including, without limitation, practice within the last 2 years which is equivalent to the requirements of this paragraph.

(e) If deemed necessary by the board, appear before the board and successfully complete an oral examination.

(f) If deemed necessary by the board, successfully complete a written examination.

(g) If deemed necessary by the board, successfully complete any training specified by the board.

2. *A person will not be approved as a supervisor of an intern if he is subject to an order issued by the board for disciplinary action.*

3. A supervisor must not:

(a) Reside with the intern, have an intimate personal relationship with the intern or be related to the intern by blood or marriage;

(b) Have had the intern as a client; or

(c) Supervise more than three interns at one time without prior approval from the board.

~~[3.]~~ 4. The board will maintain a list of persons who have been approved by the board to supervise interns and will provide, upon request, a copy of the list to any person who is applying to become an intern.

~~[4.]~~ 5. Each agreement ~~[relating to the supervision of]~~ *pursuant to which a supervisor agrees to supervise* an intern *and each plan of supervision setting forth the requirements of NAC 641B.160* must be submitted to the board for its approval. The board will, when it deems the limitation appropriate, disapprove a proposal for the supervision of a particular intern by a particular supervisor.

~~[5.]~~ 6. The board will not recognize time spent by an intern:

(a) Under the supervision of a person who has not been approved by the board to supervise interns; or

(b) In an arrangement covered by an agreement relating to the supervision of the intern which has not been approved by the board.

Sec. 20. NAC 641B.160 is hereby amended to read as follows:

641B.160 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 his area of practice.

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 for 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 for the reports*, on forms provided by the board, concerning the progress of the intern in his practice; and

(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 ~~interns~~ *a particular intern or any intern* if the supervisor ~~fails to~~ :

(a) ~~Supervise~~ *Fails to supervise* an intern adequately;

(b) ~~Comply~~ *Fails to comply* with each applicable provision of a statute or regulation;

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

(d) ~~[Complete]~~ *Fails to complete* the training required by the board pursuant to subsection 1 of NAC 641B.155 ~~[]~~; *or*

(e) *Becomes subject to an order issued by the board for disciplinary action.*

6. *A person whose approval to supervise an intern has been withdrawn by the board because he is subject to an order issued by the board for disciplinary action may reapply for approval to supervise an intern after he has satisfactorily completed the requirements of the order.*

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

(a) Assignment of another approved supervisor; and

(b) Approval of a new internship agreement ~~[]~~ *and plan of supervision.*

Sec. 21. NAC 641B.187 is hereby amended to read as follows:

641B.187 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]~~ *on the issues* of ethics or confidentiality ~~[]~~ *in 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,

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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.

Sec. 22. NAC 641B.190 is hereby amended to read as follows:

641B.190 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 ~~§~~, *unless the course or program is proposed by a licensee pursuant to subsection 2 of NAC 641B.192 and does not include the use of an instructor;*

(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 ~~continuing education~~ *the practice of social work* 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, correspondence courses *through a college or university* which do not lead to a degree, and on-the-job training programs offered by an agency ~~will~~ *shall* be deemed “appropriately designed for instructional purposes ~~is~~,” *as that term is used in subsection 1.* The provider is responsible for the format and presentation of the courses or programs and may restrict the format in which the material is presented 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,

FLUSH ~~will~~ *shall* be deemed to reflect “current and relevant educational material concerning social work” and be “applicable to the practice of social work ~~is~~,” *as those terms are used in subsection 1.*

Sec. 23. NAC 641B.191 is hereby amended to read as follows:

641B.191 1. ~~[Except as otherwise provided in subsection 4, a]~~ *Unless a provider has achieved the status as an approved provider of continuing education pursuant to subsection 2, a provider requesting accreditation of a course or program shall , for each course or program, submit to the board an application containing the information required by the board.*

~~[2.]~~ The board will notify the 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.]~~ 2. A provider may apply to the board for status as an approved provider of continuing education. Upon receipt of sufficient evidence that the provider possesses the consistent ability to provide professional-quality programs of continuing education ~~[.]~~ *and that it employs or consults with a licensed social worker who has at least 3 years' experience to review each course or program that will be provided by the approved provider for its compliance with NAC 641B.190*, the board will grant status as an approved provider. ~~[The board will develop an abbreviated procedure for the approval of any course or program offered by an approved provider.~~

~~—5.]~~ *An approved provider of continuing education shall, within 30 days after the end of each calendar quarter, submit to the board a report that lists the title, summary, dates and*

number of credits assigned to each course or program it offered in the previous quarter. The board may investigate the contents of any course or program listed in the quarterly report. The board may withdraw the status of a provider as an approved provider of continuing education if it has determined that the provider no longer possesses the qualifications of this subsection and it has given the provider 30 days' notice. A provider may reapply for status as an approved provider of continuing education at any time.

3. If the board denies accreditation of a course or program or *denies or withdraws* status as an approved provider ~~[]~~ *of continuing education*, the applicant may, within 30 days after receiving notice of the denial ~~[]~~ *or withdrawal*, request in writing that the board reconsider its decision.

Sec. 24. NAC 641B.192 is hereby amended to read as follows:

641B.192 **1.** A licensee may request the accreditation of a course or program which has not been submitted for ~~[accreditation]~~ :

(a) Accreditation by a provider ; *or*

(b) Approval pursuant to subsection 2,

FLUSH by submitting to the board an application containing the information required by the board for its review pursuant to NAC 641B.190. The course or program is subject to the same criteria used to evaluate the course or program submitted by a provider seeking accreditation.

2. A licensee may apply for approval for credit of a program of study or activities that is created and directed by the licensee. The application must include information or materials demonstrating that the program will meet the requirements set forth in NAC 641B.190, the nature of the studies or activities, the degree of interaction with instructors or colleagues that is expected, if any, and the date for completing the program. A licensee may apply for credit

pursuant to this subsection for not more than 7.5 hours for a 2-year period, unless the board finds that the licensee demonstrated, in his initial application, that he has good cause for the approval of additional hours. The board will not approve an application that includes studies or activities that are being completed as a part of the primary job duties of the licensee or the requirements for a class in which the licensee is enrolled. To receive credit for completing a program approved pursuant to this subsection, the licensee must, after completion of the program, submit documentation, satisfactory to the board, that he achieved the learning objectives set forth in the application.

Sec. 25. NAC 641B.193 is hereby amended to read as follows:

641B.193 1. If the board receives a complaint regarding a *course or* program of continuing education or a provider, the board will investigate the complaint. The investigation may include, without limitation:

- (a) Requesting a written response from the provider; and
- (b) Reviewing all relevant documents.

2. As a result of ~~[such]~~ a complaint *regarding a program of continuing education or a provider* or on its own motion, the board will deny or withdraw accreditation *of the course or program* if it finds that:

(a) The *course or* program of continuing education is not in the best interest of the licensee;
or

(b) The provider ~~is~~ *of the course or program:*

- (1) Fails to furnish any material as advertised;
- (2) Engages in any misleading, deceptive or unethical business or professional practice;
- (3) Fails to furnish any material required by law; or

(4) Fails to comply with any provision of chapter 641B of NRS or any regulation adopted pursuant to that chapter.

Sec. 26. NAC 641B.194 is hereby amended to read as follows:

641B.194 Each provider ~~[of a program of continuing education]~~ shall:

1. Keep records of:

- (a) Each licensee who participates in the program;
- (b) The program attended by each licensee; and
- (c) The number of continuing education hours completed by each licensee.

2. Maintain the records for 3 years after completion of the program.

3. Furnish each licensee who completes a program of continuing education with a certificate

that sets forth:

- (a) The name of the licensee;
- (b) The name of the provider of the program;
- (c) The title of the program;
- (d) The number of continuing education hours assigned to the program by the board;
- (e) The date and location of the program; and
- (f) The original signature of the provider.

Sec. 27. NAC 641B.200 is hereby amended to read as follows:

641B.200 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, *competency*, 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 and* which of the licenses apply to the service he is rendering to that client. If a licensee is providing services that are not social work services, the licensee ~~[must]~~ *shall* disclose to the client orally and in writing the type of service that he is providing and that the service is not within the scope of the practice of social work. *If the licensee fails to disclose to the client that the services he is providing are services other than social work, the board, in evaluating whether the licensee is in compliance with the standards of professional responsibility, will presume that the services were intended to be within the practice of social work.*

~~[2. 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.]~~ 4. 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 from practicing safely.

~~[4.]~~ 5. A licensee shall not use his relationship with a ~~[client]~~ :

- (a) Client;*
- (b) Person with significant personal ties to a client, whether or not related by blood; or*
- (c) Legal representative of the client,*

FLUSH to further his own personal, religious, political or business interests.

~~[5.]~~ 6. A licensee is responsible for setting and maintaining professional boundaries with ~~[clients, interns and persons]~~ :

(a) *Each client;*

(b) *Each person with significant personal ties to a client, whether or not related by blood;*

(c) *The legal representative of the client;*

(d) *Each intern; and*

(e) *Persons* who are supervised by the licensee.

~~[6.]~~ 7. A licensee shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally rendered.

~~[7.]~~ 8. 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.]~~ 9. Except as otherwise provided in subsection ~~[12.]~~ 13, a licensee shall not disparage the qualifications of any colleague.

~~[9.]~~ 10. 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 he cannot perform the services competently.*

~~[10.]~~ 11. A licensee shall base his practice upon recognized knowledge relevant to social work.

~~[11.]~~ 12. A licensee shall critically examine and keep current with emerging knowledge relevant to social work.

~~[12.]~~ 13. A licensee shall report to the board any unlicensed, unauthorized, unqualified or unethical practice of social work.

~~{13.}~~ **14.** 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 ~~his related course of treatment~~ *the scope of the licensee's services* 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 the client; and

(3) All other legal documents regarding the client.

~~{14.}~~ **15.** *A licensee shall not inaccurately record, falsify or otherwise alter or destroy any client's records unless specifically authorized by law.*

16. A licensee shall *adequately* complete and submit *to the board* 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.}~~ **17.** 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 .

~~{and all similar federal laws and regulations.}~~ *A licensee shall comply with any state or federal law or regulation that is relevant to the practice of social work.*

~~{16.}~~ **18.** 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.}~~ **19.** 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 ~~another~~ *any* 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.

Sec. 28. NAC 641B.205 is hereby amended to read as follows:

641B.205 1. A licensee shall ~~serve clients~~ *practice social work* 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 licensee 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 interests 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, *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 work services to them.

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

8. A licensee 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 circumstances and after giving careful consideration to all factors in the situation and taking care to minimize 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 seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.

11. Except as otherwise provided in subsection 12, a licensee shall not influence or attempt to influence a ~~[client]~~ :

(a) Client;

(b) Person with significant personal ties to a client, whether or not related by blood; or

(c) Legal representative of the client,

FLUSH in any manner 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 and for 2 years after the termination of ~~[such]~~ *the* services.

12. A licensee 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]~~ *the* 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 actions.

Sec. 29. NAC 641B.210 is hereby amended to read as follows:

641B.210 1. Records showing a client's problems and the scope of the licensee's services *and information obtained from or about a client, including the licensee's personal knowledge of the client*, must be maintained ~~[so as to ensure]~~ *in a manner that ensures* security and confidentiality. No confidential records or information contained therein *or information obtained from or about a client, including the licensee's personal knowledge of the client*, 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. A licensee is responsible for informing his client of the limits of confidentiality.

3. Except as otherwise provided by law, information ~~[contained in a confidential record]~~ *deemed to be confidential pursuant to subsection 1* 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 appropriate family members, professional workers, ~~[or]~~ public authorities ~~[.]~~ *or, if there is a clear and immediate danger to a specific person or persons, to that person or persons.*

Sec. 30. NAC 641B.220 is hereby amended to read as follows:

641B.220 1. A licensee who violates any of the provisions of NAC 641B.200 to 641B.215, inclusive, *or commits any act that constitutes a basis for refusal by the board to issue a license pursuant to subsection 2 of NRS 641B.260* 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 licensee even if the license thereafter has expired or been suspended.

3. The revocation, suspension or other disciplinary action taken by ~~[another]~~ *any* state on ~~[the]~~ *a professional* 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.

Sec. 31. NAC 641B.305 is hereby amended to read as follows:

641B.305 1. The board will initially consider any accusation regarding a licensee as an informal complaint. Upon receipt of an informal complaint, the ~~[board or its designee will]~~ *board's staff shall* 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 or its designee]~~ *board's staff* determines that the informal complaint is properly verified and does allege sufficient facts, the board will ~~⌘~~:

~~—(a) Notify]~~ *notify* the respondent *by certified mail* of the *allegations and potential violations of a provision of this chapter or chapter 641B of NRS arising in the informal* complaint and request a response for the board's review before a hearing is set. ~~⌘~~

~~—(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.]~~ *This notice shall be deemed a notice of intended action pursuant to subsection 3 of NRS 233B.127.*

3. *The respondent may respond in writing to the office of the board within 14 days after receiving notice from the board pursuant to subsection 2. The written response must:*

- (a) Contain responses to all the allegations contained in the notice; and*
- (b) Be accompanied by all documentation that will be helpful to the board's staff in reviewing the allegations.*

4. *The board's staff and the legal counsel to the board shall review the informal complaint and any response it receives from the respondent pursuant to subsection 3. The board's staff and the legal counsel to the board may:*

- (a) Investigate the allegations and may employ such persons or appoint such members of the board as they deem necessary to further the investigation;*
- (b) Consult with experts in the appropriate field and may employ the experts for purposes of investigation or hearing;*
- (c) Investigate new leads or allegations that may come to their attention in the course of investigating the informal complaint; and*
- (d) Take any other reasonable action necessary to further the investigation.*

5. When the investigation is completed, the board's staff, legal counsel to the board and persons employed by the board, including any board members appointed to assist in the investigation, shall determine whether substantial evidence exists to sustain the alleged violation of a provision of this chapter or chapter 641B of NRS. If it is determined that no violation of a statute or regulation can be sustained, the board's staff shall notify the complainant and the respondent of this determination in writing. If new evidence is discovered, the matter may at any time be reopened and investigated by the board, if circumstances warrant.

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

Sec. 32. NAC 641B.320 is hereby amended to read as follows:

641B.320 1. A motion must be made in writing, unless ~~it is made~~ *otherwise authorized by the board or hearing officer* during a hearing.

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

3. A ~~party desiring to oppose a motion may serve and file a written response to it.~~
~~4. The~~ *written motion must be served on the opposing party and the board at least 15 days before the time set for the hearing on the disciplinary action.*

4. *Except as otherwise provided in this subsection, an opposing party may file a written response to a motion within 10 days after the receipt of the motion by serving the written response on all parties and the board. The board will not consider a written response filed less than 3 days before the time set for the hearing on the disciplinary action, unless the party, at the hearing, demonstrates good cause.*

5. *Except as otherwise provided in this subsection, the party who made the motion may serve and file a written reply to the response ~~if a response has been served and filed.~~ ~~—5.]~~ within 7 days after the receipt of the response by serving the written reply on all parties and the board. The board will not consider a written response less than 3 days before the time set for the hearing on the disciplinary action, unless the party, at the hearing, demonstrates good cause.*

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

LCB FILE No. R112-00

NOTICE OF ADOPTION OF REGULATION

The State of Nevada Board of Examiners for Social Workers, adopted regulations assigned LCB File No.R112-00 which pertain to chapter 641B of the Nevada Administrative Code on November 3, 2000. A copy of the regulations as adopted is attached hereto.

December 7, 2000

Sue S. Matuska
Deputy Legislative Counsel
401 S. Carson Street
Carson City, NV 89701-4747

Dear Ms. Matuska:

Enclosed are the regulations (LCB File Number R112-00) adopted by the Board of Examiners for Social Workers (Board) on November 3, 2000, the information statement by NRS 233B.066, the form for filing administrative regulations, and the form Notice of Adoption of Regulation. The following changes to the proposed regulations were adopted:

Section 17 NAC 641B.112(6) The Board determined that the language as presented was awkward and did not adequately convey their intent. Accordingly, they recommend that this provision be revised to state that The holder of a provisional license to engage in social work, to engage in social work as an independent social worker or to engage in social work as a clinical social shall practice under the supervision of a licensed social worker. All references to practice under the supervision of an agency and subsections should be deleted.

Section 29(3) NAC 641B.210(3) The Board determined that section 3 should be revised as follows: Except as otherwise provided by law, information deemed to be confidential pursuant to subsection 1 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 appropriate family members, professional workers, public authorities or to the person in danger. After discussion it was determined that the phrase person in danger should be included in the list of appropriate persons to notify if there was clear and immediate danger to a person.

Section 31 NAC 641B.305(3) Change from "The respondent must" to "The respondent shall". The Board concurred with counsel's recommendation that this provision be changed because there may be situations where it may not be appropriate for

the licensee to respond i.e. their attorney advises that they do not respond. The Board would then just proceed to investigation if no response was received.

Section 32 (3) Change from “10 days” to “15 days”. Due to a recent case the Board dealt with, it was determined that 10 days was too restrictive and that 15 days was more reasonable.

Section 32 (4) Change from “7 days to “10 days”. See reasoning in Section 32(3).

Please feel free to call me if you have any questions.

Sincerely,

BOARD OF EXAMINERS FOR
SOCIAL WORKERS

By Rosalind Tuana
Executive Director

LCB File No. R112-00

INFORMATIONAL STATEMENT

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE R112-00**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A.

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested may obtain a copy of the summary.**

A Notice of Intent to Act Upon a Regulation was sent by direct mail to all interested parties on the agency mailing list and each licensee. There was limited response to the Notice. The only written comment received supported the new regulation that clarified an existing regulation that required that a licensee clearly identify which license they are practice under if they are dual-licensed. Public comments at the hearing supported the new regulations as written. A copy of the written comments may be obtained by writing to the Nevada State Board of Examiners for Social Workers at 4600 Kietzke Lane, C121, Reno, NV 89502.

- 2. The number persons who:**

(a)	Attended each hearing	3
(b)	Testified at each hearing;	0
(c)	Submitted to the agency written comments:	1

- 3. A description of how comment was solicited from affected business, a summary of their response, and an explanation how other interested person may obtain a copy of the summary.**

Comments were solicited from affected businesses by direct mail to agency administrator of large agencies that employ social workers and by interested persons subscribing to the Agency's mailing list. There were no comments received from any affected businesses.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.**

The regulation was adopted at the Board of Examiners for Social Workers hearing on November 13, 1998 with changes to the proposed regulation to change language regarding supervision of a provisional licensee, add person in danger to the parties to be notified in the event of a client who was a danger to self or others, and change in the length of time necessary to file motions and responses in contested cases..

- 5. The estimated economic effect of the proposed regulation on the business to be regulated:**

- A. Adverse effect: None
- B. Beneficial effect: None
- C. Short term effect: See A and B
- D. Long term effect: See B

6. The estimated cost to the agency for enforcement of the adoption regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating agency.

The Board is aware of no other state or government agency regulations which the proposed amendments duplicate.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The Board is aware of no other state or government agency regulations which the proposed amendments duplicate.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expect to collect and the manner in which the money will be used.

There were no new fees or increases in existing fees..