

LCB File No. R079-02

PROPOSED REGULATION OF THE  
BOARD OF EXAMINERS FOR SOCIAL WORKERS

PROPOSED CHANGES NAC 641B  
May, 2002

**641B.017 “Client” defined. (NRS 641B.160)** “Client” means a natural person, couple, family, governmental agency or political subdivision of this state who receives ~~[social work]~~ services *from a social worker*.

*NEW “Colleague” defined. “Colleague” means any direct service provider to the client, including but not limited to, professionals, paraprofessionals and team member.*

**641B.020 “Licensed Clinical social worker” defined.** “*Licensed* Clinical social worker” means a person licensed by the board to practice clinical social work ~~[.]~~ *pursuant to NRS 641B.240*

*New Section: Disciplinary costs defined. “Disciplinary costs” means all costs related to the discipline of a social worker licensed by this board including but not limited to:*

- 1. Attorney Fees,*
- 2. Hearing Costs, and*
- 3. Investigative fees*

**641B.030 “Licensed Independent social worker” defined.** “*Licensed* Independent social worker” means a person licensed by the board to practice independent social work *pursuant to NRS 641B.230*.

**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:

1. Is designed to maintain, improve or enhance a person’s knowledge and competency in the practice of social work; and
2. Has been ~~[accredited]~~ *approved* by the board.

**641B.063 “Social work services” defined. (NRS 641B.160)** “Social work services” means *the application of social work practice, skills, knowledge, methods, principles, and techniques in the licensed practice of social work* ~~[any services that are related to the practice of social work or the practice of clinical social work]~~.

**641B.065 “Social worker” defined. (NRS 641B.160)** “Social worker” means a person holding a license as a *licensed* associate in social work or holding a license or provisional license as a *licensed* social worker, a *licensed* independent social worker or a *licensed* clinical social

worker unless the context specifically refers solely to a person licensed as a *licensed* social worker pursuant to NRS 641B.220.

*New Section Licensed social worker defined. “Licensed social worker” means a person licensed by the board to practice social work pursuant to NRS 641B.220.*

*New Section Licensed associate in social work defined. “Licensed associate in social work” means a person licensed by the board to practice social work pursuant to NRS 641B.210.*

**641B.090 Applications. (NRS 641B.160)**

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 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 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.

*6. If an applicant who is not eligible for reciprocity pursuant to NAC 641B.126 has taken the appropriate examination defined by the Board in NAC 641B.105 within the last six months in another state, the required examination may be waived.*

**641B.100 Evidence of education. (NRS 641B.160)**

1. An applicant for licensure or provisional licensure as:

- (a) A *licensed* social worker;
- (b) A ~~an~~ *licensed* independent social worker; or
- (c) A *licensed* clinical social worker,

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 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.

**641B.105 Examinations. (NRS 641B.160)**

1. An applicant for licensure as a *licensed* social worker, a *licensed* independent social worker or a *licensed* clinical social worker must pass the appropriate examination given by the

Association of Social Work Boards or another testing administrator that has been approved by the board.

*2. The appropriate examination for:*

*a. An applicant for licensure as a licensed social worker who holds a baccalaureate degree in social work as defined in NRS 641B.220 must take the Association of Social Work Boards (ASWB) Basic Examination. If the applicant holds a master's degree in social work as defined in NRS 641B.220 must take either the ASWB Basic or Intermediate level examination.*

*b. An applicant for licensure as a licensed independent social worker must take the Association of Social Work Boards Advanced level examination.*

*c. An applicant for licensure as a licensed clinical social worker must take the Association of Social Work Board (ASWB) Clinical examination.*

~~2.~~ 3. 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. 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 Association of 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.

**641B.110 Expiration and renewal of license and provisional license. (NRS 641B.160, 641B.290)**

1. Except for a provisional license issued pursuant to NRS 641B.275:

(a) An initial license will not become delinquent less than 1 year after the date of 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 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 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.

*5. The board is not required to send notice of a delinquent license pursuant to NRS 641B.290(1) if the board receives in writing from the licensee notice that he plans on letting his license expire.*

**641B.115 Fees. (NRS 641B.160, 641B.300)** An applicant must pay the following fees for licensure:

1. Associate in social work:
  - (a) Annual renewal of license .....\$~~{60}~~ 75
  - (b) Restoration of revoked license .....150
  - (c) Restoration of expired license .....150
  - (d) Renewal of delinquent license .....~~{30}~~ 40
2. Social worker:
  - (a) Initial application.....\$40
  - (b) Initial issuance of license .....~~{60}~~ 75
  - (c) Annual renewal of license .....~~{60}~~ 75
  - (d) Restoration of revoked license .....150
  - (e) Restoration of expired license .....150
  - (f) Renewal of delinquent license .....~~{60}~~ 40
  - (g) Reciprocal license without examination .....100
  - (h) Initial issuance of provisional license .....~~{60}~~ 75
  - (i) Annual renewal of provisional license.....~~{60}~~ 75
3. Independent and clinical social worker:
  - (a) Initial application.....\$40
  - (b) Initial issuance of license .....100
  - (c) Annual renewal of license .....~~{125}~~ 150
  - (d) Restoration of revoked license .....150
  - (e) Restoration of expired license .....150
  - (f) Renewal of delinquent license .....~~{60}~~ 75
  - (g) Reciprocal license without examination .....100
  - (h) Initial issuance of provisional license .....75
  - (i) Annual renewal of provisional license.....75

If an applicant applies for more than one type of license at one time, he will be required to pay only one application fee.

**641B.126 Licensure by reciprocity. (NRS 641B.160)**

1. An applicant who holds at least an equivalent license that is in good standing ~~{to provide social work services}~~ *to engage in the practice of social work* in another state may be licensed ~~{to provide social work services}~~ *to engage in the practice of social work as defined in NRS 641B* by the board without taking the examination prescribed by the board if the applicant has successfully passed ~~{a}~~ *the appropriate level* licensing examination *as defined in NAC 641B.105(2)* ~~{approved by the board}~~ within the preceding 10 years. Proof of the examination

must be received by the board before the board will approve an applicant for licensure by reciprocity.

2. An applicant for licensure by reciprocity must submit to the board:
  - (a) A written application on a form prescribed by the board;
  - (b) The applicable fee;
  - (c) Except as otherwise provided in subsection 3, proof that the license issued by the other state or any other license or credential issued to the applicant by another state:
    - (1) Is currently valid and in good standing; and
    - (2) Has never been suspended, revoked or otherwise restricted for any reason; and
  - (d) Proof that the applicant is of good moral character as it relates to the practice of social work.
3. If an applicant has had a license or credential that was issued by another state suspended, revoked or otherwise restricted for any reason, the board will review and consider the specific facts and circumstances surrounding the suspension, revocation or restriction and may issue or decline to issue a license to an applicant based upon its review.

**641B.150 Licensure as clinical social worker: Internship; evidence of completion of supervised, postgraduate clinical social work out of state; activities that do not qualify. (NRS 641B.160)**

1. An applicant for licensure as a clinical social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate clinical social work. Except as otherwise provided in subsection 3, the required work must be:
  - (a) Undertaken in a program that is approved by the board before the applicant begins the program. The program must include, without limitation:
    - (1) An examination, if deemed necessary by the board;
    - (2) An appropriate setting, as determined by the board;
    - (3) Supervision of the applicant by a supervisor who has been approved by the board; and
    - (4) A plan of supervision that has been approved by the board.
  - (b) Completed not earlier than 2 years or later than 3 years after the board approves the program. For good cause, the board will grant a specific extension of this period.
  - (c) Conducted pursuant to the requirements and standards set forth by the board. For good cause, the board will withdraw its approval of a particular program.
2. At least 2,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be in the area of psychotherapeutic methods and techniques to persons, families and groups to help in the diagnosis and treatment of mental and emotional conditions. The remaining hours may be completed in other areas of clinical social work. *A maximum of 25 hours per week of postgraduate hours in the use of psychotherapeutic hours may be accepted unless otherwise approved by the Board.*
3. An applicant who has completed 3,000 hours of supervised, postgraduate clinical social work in another state may submit evidence of his satisfactory completion of that work to the board for its consideration. The board will approve that work and accept it for licensure if the board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the board for those applicants who complete their work in this state.
4. The following activities do not qualify as supervised, postgraduate clinical social work:
  - (a) Instruction in techniques or procedures through classes, workshops or seminars.

(b) Orientational programs.

(c) Role playing as a substitute for actual social work.

(d) Psychotherapy of the intern himself.

(e) Practice which is not under the supervision of an agency. The board will consider a person to be under the supervision of an agency if:

(1) Each client who is served by the intern is a client of the agency and that fact is clearly set forth on each contract, release, agreement for financial reimbursement and billing statement which relates to that client;

(2) All records regarding clients belong to the agency and the agency has provided for their confidentiality and safekeeping;

(3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;

(4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;

(5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the applicant; and

(6) Any compensation for the services of the intern is provided directly by the agency.

(f) Any other activity that the board determines is not within the scope of the practice of clinical social work.

**641B.155 Supervisors of interns: Generally. (NRS 641B.160)**

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.

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; ~~for~~

*(c) Have had the intern as a supervisor; or*

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

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.

5. Each agreement 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.

*6. The supervisor must keep a supervisory record of the internship program including but not limited to the content of the supervisory meetings and supervisory activities. The supervisory record must be kept for a minimum of 5 years after the termination of the internship program.*

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.

**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 on the issues of ethics or confidentiality in the practice of social work. *The continuing education hours must be completed in programs of continuing education approved by the board that will maintain, improve or enhance licensee's knowledge and competency 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,  
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.

**641B.189 [Accreditation] Approval required; unacceptable courses and programs. (NRS 641B.160, 641B.280)**

A program of continuing education must be ~~[accredited]~~ *approved* by the board. *Continuing education programs which demonstrate a licensee's knowledge and competency may include:*

1. *workshops or conferences*
2. *distance learning*
3. *home study*
4. *self-directed learning, or*
5. *a proposal approved by the Board..*

*A licensee may apply for credit pursuant to subsection 2, 3 and 4 for not more than 7.5 hours for a 2 year period unless the board finds that the licensee demonstrated that he has good cause for the approval of additional hours.*

The following courses and programs will be deemed unacceptable *as a program of continuing education* ~~[for accreditation]~~:

1. An orientation program for new employees.
2. An on-the-job training program presented by an agency whose primary purpose is to disseminate information on the policy or procedure of the agency.
3. A ~~[n audio/video learning tape or]~~ home study course *including audio/video tapes which is not time limited and interactive and* for which there is no independent verification of successful completion.
4. A program for self-improvement.
5. *A distance learning course which is not time limited and interactive and for which there is no independent verification of successful completion.*
6. *A self directed learning program which is not preapproved or covers the same material as in a previous application for self-directed learning..*

**641B.190 [Accreditation] Approval: General requirements. (NRS 641B.160, 641B.280)**

1. Before the board ~~[accredits]~~ *approves* 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 *and will enhance a licensee's knowledge and competency in 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 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 shall be deemed “appropriately designed for instructional purposes,” 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,

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

**641B.191 ~~[Accreditation or]~~ Approval: Application by provider; action by board; provider to submit quarterly reports; request for reconsideration of denial. (NRS 641B.160, 641B.280)**

1. Unless a provider has achieved the status as an approved provider of continuing education pursuant to subsection 2, a provider requesting ~~[accreditation]~~ **approval** of a course or program shall, for each course or program, submit to the board an application containing the information required by the board. The board will notify the provider whether the course or program has been **approved** ~~[accredited]~~ or denied ~~[accreditation]~~ within 30 days after receipt of the completed application for accreditation by the board. If the board approves the course or program ~~[for accreditation]~~, the notice of **approval** ~~[accreditation]~~ must state the number of continuing education hours for which the course or program is **approved** ~~[accredited]~~. **Approval** ~~[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]~~ **approval**.

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. 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.

**641B.192 ~~Accreditation~~ Approval: Application by licensee; request for approval for credit of program created and directed by licensee. (NRS 641B.160, 641B.280)**

1. A licensee may request the ~~accreditation~~ approval of a course or program which has not been submitted for:

(a) ~~Accreditation~~ Approval by a provider; or

(b) Approval pursuant to subsection 2,

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~~ approval.

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.

**641B.200 Professional responsibility. (NRS 641B.160)**

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 *practice he is engaged in* ~~service he is rendering~~ and which of the licenses apply to the *practice he is engaged in* ~~service he is rendering~~ to that client. If a licensee is ~~providing services that are not social work services~~ *engaged in practice that is not social work practice*, the licensee shall disclose to the client orally and in writing the type of *practice he is engaged in* ~~service that he is providing~~ and that the *practice* ~~service~~ is not within the scope of the practice of social work. If the licensee fails to disclose to the client that the *practice he is engaged in* ~~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 *practice was* ~~{services were}~~ intended to be within the practice of social work.

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.

5. A licensee shall not use his relationship with a:

(a) Client;

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

(c) Legal representative of the client,

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

6. A licensee is responsible for setting and maintaining professional boundaries with:

(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.

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.

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.

9. Except as otherwise provided in subsection 13, a licensee shall not disparage the qualifications of any colleague.

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.

11. A licensee shall base his practice upon recognized knowledge relevant to social work.

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

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

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 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.

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

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.

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. A licensee shall comply with any state or federal law or regulation that is relevant to the practice of social work.

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.

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 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.

***20 A licensee shall not supervise a person who engages in the practice of social work as defined in NRS 641B who has not satisfied the requirements for licensure pursuant to NRS 641B.***

***21. A licensee shall not diagnose, provide therapeutic counseling or therapy or any clinical services to interns or those over who the licensee has administrative, educational or supervisory authority.***

#### **641B.205 Responsibility to client. (NRS 641B.160)**

1. A licensee shall 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 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:

(a) Client;

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

(c) Legal representative of the client,

in any manner which could reasonably be anticipated to result in the licensee deriving benefits of an unprofessional nature during the time that the client is receiving professional services and for 2 years after the termination of 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 the relationship would harm or exploit the client, intern or person who is supervised *during the time that the client is receiving professional services and* 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.

#### **641B.225 “Professional incompetence” defined.**

1. “Professional incompetence” *in the practice of social work* as that term is used in NRS 641B.400 will be interpreted by the board to mean a lack of knowledge, skill or ability in discharging a professional obligation and includes malpractice and gross negligence.

2. For the purposes of this section, “malpractice” in the practice of social work means conduct which falls below the standard of care required of a licensed social worker under the circumstances and which proximately causes damage to a client.

3. For the purposes of this section, “gross negligence” in the practice of social work means conduct which represents an extreme departure from the standard of care required of a licensed social worker under the circumstances and which proximately causes damage to a client.

#### **641B.305 Procedure upon receipt of *written* accusation. (NRS 641B.160)**

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 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’s staff determines that the informal complaint is properly verified and does allege sufficient facts, the board will 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. 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.