

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

**LCB File No. R025-14**

§§1, 2, 9 and 10 become effective October 24, 2014  
§§3-8 become effective January 1, 2015

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

AUTHORITY: §§1 and 4-10, NRS 641B.160; §2, NRS 641B.160 and 641B.290; §3, NRS 641B.160 and 641B.300.

A REGULATION relating to social workers; revising provisions relating to examinations which must be passed by applicants for licenses to engage in the practice of certain social work; revising the requirements for the restoration of an expired license to engage in the practice of social work; revising fees for the issuance, renewal and restoration of certain licenses to engage in the practice of social work; revising the requirements for licensure by endorsement; revising the requirements for licensure as an independent social worker and as a clinical social worker; revising provisions governing the supervision of a social work intern; revising provisions relating to professional responsibility and unprofessional conduct; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing regulations require certain applicants for licensure as licensed social workers, licensed independent social workers or licensed clinical social workers to pass an examination concerning their knowledge of the practice of social work. (NAC 641B.105) **Section 1** of this regulation requires an applicant to pass the examination within 1 year after satisfying the Board of Examiners for Social Workers that the applicant possesses certain prerequisites.

Existing regulations set forth the requirements for an application for the restoration of an expired license. (NAC 641B.111) **Section 2** of this regulation requires an application for the restoration of an expired license to include two completed fingerprint cards, an authorization and the fees for the issuance of a report of criminal history. **Section 2** also prohibits the Board from restoring the license of an applicant who owes certain debts to a state agency unless the Board receives notification that the applicant has satisfied the debt, entered into an agreement for payment of the debt or demonstrated that the debt is not valid. Finally, **section 2** provides that the Board may hold a hearing on an application for the restoration of an expired license if the applicant has been the subject of disciplinary action by any licensing agency in this State or another jurisdiction.

Existing regulations set forth a schedule of fees for the application for, and the issuance, renewal and restoration of, certain licenses for social workers. (NAC 641B.115) **Section 3** of this regulation increases some of those fees.

**Section 4** of this regulation provides that certain social workers who hold certain licenses in other states may become licensed by endorsement if they have engaged in social work as a clinical or independent social worker for at least 10 years and certain other conditions are met.

Existing regulations require an applicant for licensure as an independent social worker or a clinical social worker to complete an internship. (NAC 641B.140, 641B.150) **Section 4** provides that if a social worker has engaged in social work as a clinical or independent social worker for a time period which does not meet the requirements for licensure by endorsement, such work can be accepted toward the required internship under certain circumstances. **Sections 5 and 6** of this regulation provide that the Board will disallow credit for internship hours if an applicant is not licensed within 3 years after the end of the internship program. **Sections 5 and 6** also allow the Board to withdraw approval of an internship program for good cause and to require a program to include additional settings under certain circumstances. Additionally, **sections 5 and 6** revise the circumstances under which the Board will approve certain supervised, postgraduate social work completed in other states as part of the required internship.

Existing regulations require a supervisor of an intern to submit to the Board certain reports concerning the progress of the intern. (NAC 641B.160) **Section 7** of this regulation sets forth the circumstances under which the Board may reject reports submitted by a supervisor and disallow credit for certain hours of work reported on those reports.

**Section 8** of this regulation clarifies the circumstances under which a licensee must notify the Board of being charged or convicted of certain criminal offenses.

**Section 9** of this regulation provides that the Board will take disciplinary action against a licensee for unprofessional conduct that occurs between the time when the licensee's license expires and the time that the license is restored.

**Section 1.** NAC 641B.105 is hereby amended to read as follows:

641B.105 1. An applicant for licensure as a licensed social worker, licensed independent social worker or licensed clinical social worker must pass a two-part examination consisting of:

(a) The appropriate examination, as described in subsection 2, given by the Association of Social Work Boards or another testing administrator that has been approved by the Board; and

(b) An examination given by the Board which tests the knowledge of the applicant of the provisions of this chapter and chapter 641B of NRS and any other provisions of NAC or NRS relevant to the practice of social work.

2. An applicant for licensure as:

(a) A licensed social worker must pass the Bachelors or Basic Examination of the Association of Social Work Boards if the applicant holds a baccalaureate degree in social work as described in NRS 641B.220. If the applicant holds a master's degree in social work as described in NRS 641B.220, the applicant must pass the Bachelors or Basic Examination or Masters or Intermediate Examination of the Association of Social Work Boards.

(b) A licensed independent social worker must pass the Advanced Generalist or Advanced Examination of the Association of Social Work Boards.

(c) A licensed clinical social worker must pass the Clinical Examination of the Association of Social Work Boards.

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 or she possesses the necessary requirements regarding age, citizenship, character, education and, if applicable for the relevant license, supervisory experience before taking the examination. A student of social work currently enrolled in his or her last semester may take the examination before the award of his or her 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.

4. *An applicant who is required to pass an examination pursuant to this section must do so within 1 year after satisfying the requirements set forth in subsection 3.*

5. 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.

~~5.1~~ 6. A failed examination may be retaken 90 days after the failed examination. Thereafter, only one examination may be taken every 6 months.

**Sec. 2.** 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 3 years after the date on which the license expired.

2. In addition to the requirements set forth in NRS 641B.290 and except as otherwise provided in subsection ~~3.1~~ 4, an application for restoration of an expired license must be accompanied by:

- (a) *Two sets of completed fingerprint cards;*
- (b) *Written authorization for the Board to forward those cards to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*
- (c) *The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the report of criminal history;*
- (d) Evidence of the completion of all past continuing education hours; and

~~(b)~~ (e) Evidence that:

(1) The appropriate examination for licensure was passed by the applicant within the immediately preceding 15 years; or

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

3. *If the State Controller has notified the Board pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency which has been assigned to the State Controller for collection pursuant to NRS 353C.195, the Board will not restore the applicant's expired license unless the Board receives notification from the State Controller that the applicant has:*

*(a) Satisfied the debt;*

*(b) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or*

*(c) Demonstrated that the debt is not valid.*

4. 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.

5. *If the applicant has been the subject of a disciplinary action by the Board or any other licensing agency in this State or any other jurisdiction, the Board may hold a hearing on an application for the restoration of an expired license to consider, without limitation:*

*(a) The possible refusal to restore the expired license; and*

*(b) The restoration of the expired license and the imposition of disciplinary action.*

Sec. 3. NAC 641B.115 is hereby amended to read as follows:

641B.115 An applicant must pay the following fees for licensure:

1. Licensed associate in social work:

- (a) Annual renewal of license..... ~~75~~ **100**
- (b) Restoration of revoked license..... 150
- (c) Restoration of expired license..... ~~150~~ **200**
- (d) Renewal of delinquent license..... ~~40~~ **100**

2. Licensed social worker:

- (a) Initial application ..... \$40
- (b) Initial issuance of license..... ~~75~~ **100**
- (c) Annual renewal of license..... ~~75~~ **100**
- (d) Restoration of revoked license..... 150
- (e) Restoration of expired license..... ~~150~~ **200**
- (f) Renewal of delinquent license..... ~~40~~ **100**
- (g) Endorsement license without examination ..... 100
- (h) Initial issuance of provisional license ..... 75
- (i) Annual renewal of provisional license ..... 75

3. Licensed independent social worker and licensed clinical social worker:

- (a) Initial application ..... \$40
- (b) Initial issuance of license..... 100
- (c) Annual renewal of license..... 150
- (d) Restoration of revoked license..... 150
- (e) Restoration of expired license..... ~~150~~ **200**
- (f) Renewal of delinquent license..... ~~75~~ **100**

(g) Endorsement license without examination .....100

(h) Initial issuance of provisional license .....75

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

**Sec. 4.** NAC 641B.126 is hereby amended to read as follows:

641B.126 1. An applicant for licensure as a social worker who holds, in another state, at least an equivalent license that is in good standing to engage in the practice of social work as described in this chapter and chapter 641B of NRS *and who satisfies the requirements of NRS 641B.200 and NRS 641B.220, 641B.230 or 641B.240* may be licensed by endorsement by the Board to engage in the practice of social work in this State by the Board without taking the examination prescribed by the Board if:

(a) The applicant provides evidence satisfactory to the Board that the applicant has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 within the immediately preceding 15 years; or

(b) The applicant:

(1) Has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 or a substantially equivalent examination in the state in which the applicant holds a license; and

(2) Provides evidence satisfactory to the Board that the applicant has held the license for at least 20 years and that at least 50 percent of the practice of the applicant for the immediately preceding 10 years has been in the practice of social work.

2. An applicant for licensure as a clinical social worker or an independent social worker who holds, in another state, at least an equivalent license that is in good standing to engage in the

practice of social work as described in this chapter and chapter 641B of NRS *and who satisfies the requirements of NRS 641B.200 and NRS 641B.230 or 641B.240, as applicable*, may be licensed by endorsement by the Board if the *applicant provides evidence satisfactory to the Board that the applicant has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 within the immediately preceding 15 years or a substantially equivalent examination in the state in which the applicant holds the license and:*

*(a) If the applicant is applying for licensure by endorsement to engage in social work as a clinical social worker, provides evidence satisfactory to the Board that the applicant has held a license to engage in social work as a clinical social worker for at least 10 years and that at least 50 percent of the practice of the applicant for the immediately preceding 7 years has been in the practice of clinical social work or the supervision of clinical social work; or*

*(b) If the applicant is applying for licensure by endorsement to engage in social work as an independent social worker, provides evidence satisfactory to the Board that the applicant has held a license to engage in social work as an independent social worker for at least 10 years and that at least 50 percent of the practice of the applicant has been in the independent practice of social work or the supervision of the independent practice of social work.*

*3. If an applicant for licensure by endorsement as a clinical social worker or an independent social worker does not satisfy the requirements of subsection 1 or 2, the Board will approve the applicant's supervised, postgraduate social work and accept it towards the hours of supervision that are required for licensure if:*

*(a) The applicant provides evidence satisfactory to the Board that the applicant completed ~~15~~ before July 1, 1990,] at least 3,000 hours of supervised, postgraduate social work ~~[supervised by a licensed mental health practitioner.~~*

~~3.1~~ *that has been accepted by the state which licensed the applicant as a clinical social worker or independent social worker;*

*(b) Except as otherwise provided in subsection 6 of NAC 641B.150, a licensing board that accepted the supervised, postgraduate social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and*

*(c) 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 supervised, postgraduate social work in this State.*

4. An applicant for licensure by endorsement *pursuant to this section* 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 ~~4.1~~ 5, 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.

~~4.1~~ 5. 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.

**Sec. 5.** NAC 641B.140 is hereby amended to read as follows:

641B.140 1. Except as otherwise provided in subsection 2 of NAC 641B.126, an applicant for licensure as a licensed independent social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate social work. Except as otherwise provided in subsections ~~2 and 3,~~ **3 and 4**, 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. ***The Board will disallow credit for all hours of internship accrued under the program if the required work does not result in the issuance of a license to engage in social work as an independent social worker within 3 years after the end of the program.***

(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. ***Good cause for withdrawal of approval of a program includes, but is not limited to:***

***(1) Except as otherwise provided in subsection 2, the inability of a program to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b);***

*(2) An investigation or finding by a local, state or federal authority pertaining to alleged practices conducted at the setting of the program which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS; or*

*(3) An investigation by the Board of a licensee who engages in practices which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS while supervising an intern as an owner, operator, employee or contractor of an agency that is part of a program of internship.*

*2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.*

*3. Upon application to the Board by an applicant who is currently a licensed social worker or a licensed associate in social work, the Board ~~will~~ may approve and accept for licensure supervised, postgraduate hours completed in an agency that provides social work services if the applicant:*

*(a) Has been continually licensed as a social worker for the immediately preceding 10 years; and*

*(b) Provides evidence satisfactory to the Board of continuous supervision by a licensed social worker for at least 5 of the immediately preceding 10 years.*

*~~3.~~ 4. An applicant who **is not licensed as an independent social worker in another state** but has completed 3,000 hours of supervised, postgraduate social work in another state **within the immediately preceding 10 years** may submit ~~evidence of the satisfactory completion of that~~*

~~work~~ to the Board , for its consideration ~~[.The]~~ *as part of a program approved by the Board, evidence of the satisfactory completion of that work and documentation that his or her supervisor was either a clinical social worker or a master's level social worker and was also qualified to supervise in that state. After 2 full, consecutive calendar quarters of a program, the Board will approve that work and accept it towards the hours of supervision that are required for licensure pursuant to subsection 1 if ~~the~~ :*

*(a) A licensing board that accepted the supervised, postgraduate social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and*

*(b) 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 supervised, postgraduate social work in this State.*

~~[4.]~~ 5. The following activities do not qualify as supervised, postgraduate social work:

(a) Instruction in techniques or procedures through classes, workshops or seminars.

(b) Orientational programs.

(c) 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 intern; and

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

(d) Any other activity that the Board determines is not within the scope of the practice of social work.

**Sec. 6.** NAC 641B.150 is hereby amended to read as follows:

641B.150 1. ~~1. An~~ *Except as otherwise provided in subsection 2 of NAC 641B.126, an* applicant for licensure as a licensed 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,~~ *4*, 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. *The Board will*

*disallow credit for all hours of internship accrued under the program if the required work does not result in the issuance of a license to engage in social work as a clinical social worker within 3 years after the end of the program.*

(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. *Good cause for withdrawal of approval of a program includes, but is not limited to:*

*(1) Except as otherwise provided in subsection 2, the inability of a program to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b);*

*(2) An investigation or finding by a local, state or federal authority pertaining to alleged practices conducted at the setting of the program which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS; or*

*(3) An investigation by the Board of a licensee who engages in practices which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS while supervising an intern as an owner, operator, employee or contractor of an agency that is part of a program of internship.*

*2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.*

*3. 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. Unless otherwise approved by the Board, an average of 25 hours per week, not to exceed 325 hours in each quarter, of postgraduate hours in the use of psychotherapeutic methods and techniques will be accepted toward satisfying this requirement. The remaining hours required by subsection 1 may be completed in other areas of clinical social work.

~~{3.}~~ 4. An applicant who *is not licensed as a clinical social worker but* has ~~completed~~ *3,000 hours of* ~~performed~~ supervised, postgraduate clinical social work in another state within the immediately preceding ~~{10}~~ 3 years may submit to the Board , for its consideration *as part of a program approved by the Board*, evidence of the satisfactory completion of that work and documentation that his or her supervisor was a clinical social worker and was qualified to supervise in that state. ~~{The}~~ *After the applicant has completed not less than 1,000 hours of supervised, postgraduate clinical social work and has passed an examination required, if applicable, pursuant to subparagraph (1) of paragraph (a) of subsection 1 pursuant to a program approved by the Board, the* Board will approve that work and accept it *towards the hours of supervision that are required* for licensure *pursuant to subsection 1* if ~~{the}~~ :

*(a) A licensing board that accepted the supervised, postgraduate clinical social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and*

*(b) 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 *supervised, postgraduate clinical social* work in this State.

~~{4.}~~ 5. 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 or herself.
- (e) Except as otherwise provided in subsection ~~5~~ 6, 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.

~~5.4~~ 6. Any supervised, postgraduate clinical social work completed before January 1, 1990, by an applicant who holds an equivalent license from another state that is in good standing to engage in the practice of clinical social work as described in this chapter and chapter 641B of NRS is not required to be completed under the supervision of an agency if the Board determines that:

(a) There is good cause for waiving the requirement that the practice be under the supervision of an agency; and

(b) The experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board.

**Sec. 7.** NAC 641B.160 is hereby amended to read as follows:

641B.160 1. A supervisor of an intern is responsible for the practice of social work by the intern.

2. 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 or her professional identity;

(d) The intern has gained the skills required to manage his or her 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;

(g) The intern is familiar with the current literature concerning those areas of social work relevant to his or her area of practice; and

(h) The intern provides services that are culturally and linguistically appropriate.

3. 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 or her practice;

(b) Unless waived by the Board for good cause, if the intern practices social work at a site at which the supervisor does not practice social work, visit the site at least once every month and as necessary consult with the on-site supervisor regarding the practice of social work by the intern;

(c) 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 or her practice; and

(d) 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.

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

5. 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;

(b) The notes of the intern; and

(c) Process recordings prepared by the intern.

6. ***The Board may refuse to accept a quarterly or final report submitted by a supervisor of an intern as required pursuant to paragraph (c) of subsection 3 if the report:***

***(a) Does not satisfy the reporting requirements for the forms provided by the Board;***

*(b) Does not include such additional information concerning the internship as requested by the Board; or*

*(c) Is received by the Board after the date on which the report is due.*

*7. If the Board refuses to accept a quarterly or final report pursuant to subsection 6, the Board will disallow credit for all hours of internship as reported on the report.*

8. The Board will, if it deems appropriate, require additional hours of internship and supervision for an intern who fails to demonstrate the degree of competency expected at the end of an internship.

~~7.7~~ 9. The Board will, if it deems it appropriate, withdraw its approval of a person to supervise a particular intern or any intern if the supervisor:

- (a) Fails to supervise an intern adequately;
- (b) Fails to comply with each applicable provision of a statute or regulation;
- (c) Fails to submit acceptable reports as required in paragraph (c) of subsection 3 regarding the progress of each intern under his or her supervision;
- (d) Without good cause or approval by the Board, fails to submit two consecutive reports as required pursuant to paragraph (c) of subsection 3;
- (e) Fails to complete the training required by the Board pursuant to subsection 1 of NAC 641B.155; or
- (f) Becomes subject to an order issued by the Board for disciplinary action.

~~7.8~~ 10. A person whose approval to supervise an intern has been withdrawn by the Board because he or she is subject to an order issued by the Board for disciplinary action may reapply for approval to supervise an intern after satisfactorily completing the requirements of the order.

~~7.9~~ 11. If the Board withdraws its approval of the person supervising an intern ~~is, the~~:

*(a) The Board may disallow credit for all hours of internship as reported on quarterly and final reports submitted by the supervisor pursuant to paragraph (c) of subsection 3; and*

*(b) The intern may apply to the Board for the:*

~~†(a)†~~ (1) Assignment of another approved supervisor; and

~~†(b)†~~ (2) Approval of a new internship agreement and plan of supervision.

~~†10.†~~ 12. As used in this section, “process recording” means a written record of an interaction with a client.

**Sec. 8.** 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. A licensee shall not misrepresent, directly or by implication, his or her own professional qualifications, competency, affiliations and licenses, or those of the institutions and organizations with which he or she is associated. A licensee shall provide accurate information concerning his or her credentials, education, training and experience upon request from a client or potential client.

3. If a licensee holds more than one occupational license, he or she shall disclose to his or her client orally and in writing the type of practice of social work in which the licensee is engaged and which of the licenses apply to the practice of social work the licensee is providing to that client. If a licensee is engaged in a practice that is not the practice of social work, the licensee shall disclose to the client orally and in writing the type of practice in which the licensee is engaged and that the practice is not within the scope of the practice of social work. If the licensee fails to disclose to the client that the practice in which the licensee is engaged is a

practice other than the practice of social work, the Board, in evaluating whether the licensee is in compliance with the standards of professional responsibility, will presume that the practice in which the licensee was engaged was intended to be the practice of social work.

4. A licensee shall not engage in the practice of 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 or her from practicing safely.

5. A licensee shall not use his or her 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 or her 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. Except as otherwise provided by law, 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. If a licensee is supervising the work of an intern or employee, any billing or documentation of the work must clearly show that the licensee supervised the work and did not personally render services.

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 or her field of competence. Except as otherwise provided in this subsection, a licensee shall not assume duties and responsibilities within the practice of social work if he or she cannot perform the services competently. A licensee may assume duties and responsibilities within the practice of social work for which he or she cannot currently perform the services competently if he or she prepares a reasonable written plan demonstrating the manner in which he or she will acquire the competence necessary to perform the services competently. Such a plan must be completed under the supervision of or with the consultation of a professionally qualified person who can demonstrate competency in the area of study. A copy of a plan prepared pursuant to this subsection must be provided to the Board upon request by the Board.

11. A licensee shall base his or her 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 or her clients which:

(a) Sets forth his or her assessment of the problems, issues or concerns of the client, the course of treatment or plan of care for the client and the scope of the licensee's services to that client, including, without limitation, any interventions, consultations or mandated reporting; 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;

(3) A record of each contact with the client which includes the date and time of the contact; and

(4) All other documents required by law or legal documents regarding the client.

15. A licensee shall not:

(a) Inaccurately record, falsify or otherwise alter or destroy any client's records unless specifically authorized by law.

(b) Falsify billing records.

(c) Bill for services not rendered or supported by documentation.

(d) Refuse to release a client's records upon request by the client unless otherwise specifically authorized by law.

16. A licensee shall maintain each client's records for at least 10 years unless otherwise specifically authorized by law.

17. 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.

18. A licensee shall comply with all the provisions of the statutes and regulations governing the practice of social work that are set forth in this chapter and chapter 641B of NRS. A licensee

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

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

20. A licensee shall not order or knowingly allow a person under the supervision of the licensee to engage in any illegal or unethical act related to social work.

21. A licensee shall notify the Board in writing within 21 days after:

(a) An action is taken against a license, certification, registration or credential of the licensee issued by any state or territory of the United States;

(b) A criminal charge is filed against the licensee;

(c) The licensee is charged with or convicted of a criminal offense ~~H~~ other than a misdemeanor traffic offense ~~H~~, *including, without limitation, driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance;*

(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;

(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;

(f) The licensee has been placed in a diversionary program; or

(g) The licensee has entered into a program for the treatment of the abuse of a controlled substance or alcohol or a program for the treatment of any other impairment.

22. A licensee shall not supervise any person who engages in the practice of social work if that person has not satisfied the appropriate requirements for licensure pursuant to this chapter and chapter 641B of NRS.

23. A licensee shall not provide any services, including, without limitation, any diagnosis, therapeutic counseling, therapy or other clinical services, to an intern or other person over whom the licensee has administrative, educational or supervisory authority.

24. A licensee shall not knowingly obstruct an investigation conducted by the Board.

**Sec. 9.** 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~~:

*(a) While the license of a licensee is in effect ~~is~~; or*

*(b) Between the time when the license of a licensee expires and the time when the license has been restored pursuant to NAC 641B.111,*

↳ 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 any state on a professional license or certificate or registration 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. 10.** 1. This section and sections 1, 2 and 9 of this regulation become effective on October 24, 2014.

2. Sections 3 to 8, inclusive, of this regulation become effective on January 1, 2015.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066**

**LCB FILE NO. R025-14**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 641B.

**1. A clear and concise explanation of the need for the adopted regulation.**

The need for the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent social workers are licensed in the State.

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

**a. How public comment was solicited:**

A copy of the proposed regulation, notice of workshop to solicit comments on the proposed regulation, minutes from the public workshop, notice of input from Nevada small businesses, small business impact statement, notice of hearing and notice of intent were posted on the Board of Examiners for Social Workers (Board) website, [www.socwork.nv.gov](http://www.socwork.nv.gov), the State's Public Notice Website <http://notice.nv.gov>, and the LCB's regulation notification website, <http://www.leg.state.nv.us>. Notice of workshop to solicit public comment were sent by U.S. mail to persons who were known to have an interest in the regulations contained in NAC 641B, pertaining to the practice of social workers in the State.

The Board also mailed notifications to solicit public comments on the proposed regulation to the following State county libraries for posting as well as other agencies who regularly post notifications of meetings for the Board:

STATE COUNTY LIBRARIES

Lander County Library  
625 S. Broad Street  
Battle Mountain, NV 89820

Douglas County Library  
PO Box 337  
1625 Library Lane  
Minden, NV 89423

Esmeralda County Library  
P.O. Box 430  
Goldfield, NV 89013

Mineral County Library  
110 1<sup>st</sup> Street  
P.O. Box 1390  
Hawthorne, NV 89415

White Pine County Library  
Courthouse Plaza  
950 Campton Street  
Ely, NV 89301

Pahrump Library District  
701 East Street

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Pershing County Library  
1125 Central Avenue  
PO Box 781  
Lovelock, NV 89419

Washoe County Library  
301 S. Center Street  
P.O. Box 2151  
Reno, NV 89501

Henderson Public Library  
280 S. Water Street  
Henderson, NV 89105

Churchill County Library  
553 South Main Street  
Fallon, NV 89406

Elko-Lander Counties Library  
720 Court Street  
Elko, NV 89801

Humboldt County Library  
85 East 5th Street  
Winnemucca, NV 89445

Mineral County Library  
110 1<sup>ST</sup> Street  
PO Box 1390

Pahrump, NV 89041

Clark Co. District Library  
833 Las Vegas Blvd.  
No. Las Vegas, NV 89101

Eureka County Library  
P.O. Box 293  
10190 Monroe Street  
Eureka, NV 89316

Lincoln County Library  
63 Main Street  
P.O. Box 330  
Pioche, NV 89043

Carson City Library  
900 N. Roop Street  
Carson City, NV 89701

Tonopah Public Library  
167 S. Central Street  
P.O. Box 449  
Tonopah, NV 89049

Nevada State Library  
100 Stewart Street  
Carson City, NV 89701

AGENCIES WHO REGULARLY POST NOTIFICATIONS OF MEETINGS  
FOR THE BOARD

Mojave Adult, Child and Family Services 4000 E. Charleston Blvd. Las Vegas, Nevada	Mojave Adult, Child and Family Services 745 W. Moana Lane, Reno, Nevada
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Washoe County Social Services 350 S. Center Street Reno, Nevada	Clark County Social Services 1600 Pinto Lane Las Vegas, Nevada
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University of Nevada, Las Vegas School of Social Work Las Vegas, Nevada	University of Nevada, Reno School of Social Work Anasari Business Building Reno, Nevada
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**b. A summary of public response:**

A summary of public comments from the public workshops conducted on May 16, 2014 are contained in the minutes from each public workshop which have been posted onto the Board's website, [www.socwork.nv.gov](http://www.socwork.nv.gov), and are attached hereto (Attachment A). Overall, public comments were requests for clarification pertaining to specific proposed regulation changes.

**c. An explanation of how other interested persons may obtain a copy of the summary.**

As noted in 2-b above, the minutes from the May 16, 2014 public workshop have been posted onto the Board's website, [www.socwork.nv.gov](http://www.socwork.nv.gov). Interested individuals may also submit a written request to the Board's office for a copy of the minutes/summary.

**3. The number of persons who:**

**a. Attended each public workshop, the public hearing and notification to act upon a regulation and provided public comment:**

May 16, 2014, Public Workshop to Solicit Comments, Las Vegas:

- 2 Board members
- 2 Board staff
- 14 Public attendees
- 18 Total

May 16, 2014, Public Workshop to Solicit Comments, Reno

- 3 Board members
- 1 Board staff
- 3 Public attendees
- 7 Total

June 20, 2014, Hearing and Notification to Act Upon a Regulation  
4 Board members (2 in Reno and 2 in Las Vegas, via videoconference)  
2 Board staff (Reno)  
1 Public attendee, (Las Vegas) commenting on an unrelated matter  
7 Total

**b. Testified at each hearing:**

May 16, 2014, Public Workshop to Solicit Comments, Las Vegas: 9 public participants offered testimony.

May 16, 2014, Public Workshop to Solicit Comments, Reno: 3 public participants offered testimony.

June 20, 2014, Hearing and Notification to Act Upon a Regulation: 0 public participants offered testimony.

**c. Submitted written comments to the Board:**

The Board received two (2) written comments pertaining to the proposed increase in fees. Both comments were in response to the Board's solicitation to small business regarding the fiscal impact pertaining to proposed fee increase. Since both responses were received after the deadline to receive comments from small business, the respondents' comments were included as written public comment. Both respondents indicated that the proposed fee increase would not impact their small business, as noted below:

Tanitsha Bridgers, LCSW, Owner, Mobile Mental Health Support Services, comments: "The proposed increase will not pose a direct economic burden on my organization, however, I wonder where the extra funds will be going..."

Patrick R. Scott, LCSW, Owner, Clinical Director, Heads Up Guidance and Wellness Centers of Nevada, comments (on the impact of the proposed increase in fees): "None at all".

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in number 3, as provided to the agency.**

Please find the requested information in Attachment B.

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Small business fitting the definition of NRS 233B.0382 who were known by the Board to hire social workers received a written solicitation of input pertaining to possible economic impact

pertaining to the proposed fee increase and whether this proposal presented a “direct and significant economic burden” to them. The written solicitation included a copy of the current and proposed fee increase and a five (5) question survey pertaining to how the proposed regulation may create an economic burden to the small business owner. Written responses were to be mailed to the Board office by April 28, 2014. By April 30, 2014, the Board did not receive any responses either by mail or via email. As noted in number 3b, above, two (2) written comments pertaining to the Board’s request from small business were received after April 30, 2014 and were added to public comment. Both respondents indicated that the proposed fee increase would not negatively impact their business. A summary of these responses may be obtained by submitting a written request for a copy of the workshop minutes.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reason for adopting the regulation without change.**

The regulation was adopted by the Board on June 20, 2014. As noted in the summary of the public comments received during both May 16, 2014 workshops, the received public comments either requested clarification from Board members and staff regarding the proposed changes or were comments which did not relate to the proposed regulations. It is noted that the Board did not receive any additional public comment related to the regulation changes during the June 20, 2014 hearing and notification of intent to adopt a regulation. Following review and discussion by the Board of all public comments, it was determined that the proposed regulations did not appear to have a negative impact on the practice of social work in the State and accordingly, approved to adopt the regulations as written in LCB File No. R025-14.

**7. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

**a. Both adverse and beneficial effects**

The Board does not directly regulate businesses only individuals who are licensed by the Board. The small business impact statement indicates that the increase in fees would not negatively impact these businesses. The Board also solicited comments from agencies (not fitting the definition of small businesses) who routinely pay the licensing fees for social workers employed by the agency. The Board did not receive any inquiries or comments. Furthermore, the Board did not receive any inquiries or comments from public and private employers of social workers regarding any of the proposed regulations. The Board therefore assumes that there does not appear to be an adverse impact of the regulation change upon businesses, licensees or the public.

The benefits of the proposed regulation promote ethical and professional social work practice which should be of benefit to the public and the agencies which serve the public.

**b. Both immediate and long-term effects.**

See number 5-a above.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

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

**9. 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 regulations, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

**11. If the regulation provides a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The anticipated revenue received by the proposed increase in fees is approximately \$39,500.00. The fees would be applied towards computers and technological support, telephone and copier upgrades and office space expansion.

ATTACHMENT A  
SUMMARY OF PUBLIC COMMENTS  
MAY 16, 2014 PUBLIC WORKSHOP, LAS VEGAS

MINUTES OF THE PUBLIC WORKSHOP TO SOLICIT COMMENTS  
PERTAINING TO REVISED PROPOSED REGULATIONS  
Las Vegas, Nevada

LCB FILE NO. R025-14

May 16, 2014

The Public Workshop to Solicit Comments Pertaining to Revised Proposed Regulations (Public Workshop) of the Board of Examiners for Social Workers (Board), LCB File Number R025-14, was called to order by Kim Frakes, Board Executive Director, at 10:01 a.m. The Public Workshop was conducted at Mojave Adult, Child and Family Services, 4000 E. Charleston Blvd., Suite B-230, Las Vegas, Nevada. Ms. Frakes noted that the Public Workshop had been properly noticed. She clarified that the purpose of the Public Workshop was to solicit comments from the public pertaining to the Board's proposed revised regulations contained in LCB File No. R025-14. Ms. Frakes indicated that a public hearing pertaining to the adoption of these regulations would be conducted on June 20, 2014 where the solicited public comments would be reviewed and discussion by the Board prior to making a determination on whether to move forward in officially adopting the proposed regulations. Ms. Frakes initiated roll call with the following Board members, Board staff and participants (arriving and departing at various times) present:

Members Present:

Annie Wilson, LSW, Board Member  
C.J. Yao, LCSW, Board Member

Staff Present:

Kim Frakes, LCSW, Executive Director  
Gina Diluzio, Certified Court Reporter, Sunshine Litigation Services

Public Attendees:

Sylvia Naseath, LCSW  
Phyllis Montavon, LSW  
Riley Kline, LCSW  
Pamela Kurez  
Valerie Tines-Braggs, LCSW  
Jacqueline Austin, LSW  
Luke Hatch, LCSW  
Adam Crawford  
Yancy Whipple  
Mark Hutcherson, LCSW

Gary Waters, LCSW  
Jason Engle, LSW  
Randy Reinoso, LSW  
Martha Camero, LSW

#### INTRODUCTION – OPEN WORKSHOP

Ms. Frakes reiterated that that purpose of the Public Workshop (workshop) was to receive public comments pertaining to proposed additions, amendments, and/or repeal of regulations pertaining to Chapter 641B of the Nevada Administrative Code. She further added that the purpose of the workshop was to solicit comments from interested parties on the general topics contained in the “Notice of Workshop to Solicit Comments on Proposed Regulations” (Notice). The Notice was mailed to: all individuals licensed by the Board, all persons on the Board’s mailing list, all county libraries, and the Nevada State Library. The Notice had also been electronically posted to: the Board’s website, the Legislative website and the State’s Public Notice website.

The general topics to be addressed during the public workshop as follows (Agenda Item 2A):

Item 1 When an applicant is required to pass an examination under an open application.

Item 2 Requirements for license restoration applicants.

Item 3 Increase in fees allowable under NRS 641B.300.

Item 4 Licensure by endorsement for out-of-state applicants.

Item 5 Accrued internship hours not leading directly to licensure.

Item 6 Conditions leading to Board withdrawal of internship approval.

Item 7 Board acceptance of postgraduate hours from another state.

Item 8 Changes for Board approved supervisors of interns, including reports.

Item 9 Conditions under which licensees are required to self-report to the Board.

Item 10 Expanding the applicability of unprofessional conduct.

### PUBLIC COMMENT (Agenda Item 3)

Ms. Frakes opened the floor to public comment pertaining to the general topics contained in the proposed regulation.

#### Mark Hutcherson, LCSW

Mr. Hutcherson raised a question pertaining to the proposed increase in license fees and the rationale for the proposed fee increases. Ms. Frakes directed Mr. Hutcherson to the small business impact statement, which was part of the distributed workshop informational documentation. Mr. Hutcherson inquired about Item 6, pertaining to conditions leading to Board withdrawal of internship approval. Ms. Frakes directed Mr. Hutcherson to pages 12 and 13 of the proposed regulations, LCB File No. R025-14. Ms. Frakes clarified these conditions by reviewing the proposed conditions.

#### Luke Hatch, LCSW

Mr. Hatch indicated that his business is in Hiko, Nevada. His agency, located in rural Nevada, is an experiential-based treatment program for adolescents. The agency is located on a working cattle ranch. Because he is one of the few social workers in this area, he finds himself receiving a lot of clients, including referrals from Lincoln County drug court. This can be overwhelming at times. Mr. Hatch described his adolescent residential treatment program and difficulty he has experienced in meeting the Board's expectations pertaining to approval of internship agencies. Mr. Hatch requested the Board to consider some "leeway" for these rural agencies especially in providing therapy to diverse populations. He indicated that his agency may not be able to demonstrate the provision of therapy to a diverse population. He indicated that the hiring of a clinical social work intern would prove more beneficial than hiring a fully licensed therapist. Mr. Hatch indicated his interest in attending the Board's next scheduled Intern Supervisor Training.

#### Sylvia Naseath, LCSW

Ms. Naseath inquired about electronic supervision. She indicated that Nevada Medicaid has already approved Skype and telephone contact for therapy and supervision on a limited basis. Ms. Frakes indicated that although this particular topic was not included in the general topics to be addressed during this meeting, this could be a possible topic of discussion at a future Board meeting.

#### Yancy Whipple, LCSW

Ms. Whipple indicated her support of Mr. Hatch's comments pertaining to the Board's review and considerations of rural internship program site approval. She indicated that the Board's standards for approving internship agency site approval may be difficult for rural agencies to meet and echoed Mr. Hatch's sentiments for Board considering in making decisions pertaining to approving rural programs and agencies.

#### Adam Crawford

Mr. Crawford indicated that he had conducted his postgraduate supervision in Utah but is not licensed as a clinical social worker there. The economy prompted him to relocate to

Nevada. Mr. Crawford inquiries pertained to licensure via endorsement of his postgraduate supervised hours in Utah. Mr. Crawford wanted to know if there were any informational workshops pertaining to licensure via endorsement. Ms. Frakes indicated that periodically in the past, both UNLV and UNR requested speakers from either the Board or Board office to present on licensure via endorsement. She added that this request has not occurred over the past few years, however. Aside from this, the Board does not provide ongoing workshops. Mr. Crawford requested the Board consider providing such workshops. Mr. Crawford added that more information pertaining to postgraduate supervision towards clinical licensure on the Board's website would also be helpful. C.J. Yao indicated that presently, Mr. Crawford could contact the Board should he have any further questions pertaining to the internship (postgraduate supervision) process. Ms. Frakes inquired whether internship related questions posed as "Frequently Asked Questions" on the website may be considered helpful. Mr. Crawford indicated that such postings on the Board's website would be helpful.

#### Jacqueline Austin

Ms. Austin's inquires and comments pertained to her accrued postgraduate supervised hours obtained in Ohio. Although she had conducted her postgraduate supervised hours in Ohio, she was not licensed there. Ms. Austin moved to Nevada and was subsequently licensed as an LSW. Ms. Frakes acknowledged that reviewing the present regulations for endorsement of postgraduate supervised hours may be confusing. She added that one of the proposed regulations attempts to streamline endorsement for out-of-state individuals who have been licensed ten (10) years or more. Ms. Frakes further added that without the benefit of having access to Ms. Austin's file, it would be difficult to adequately address her concerns. Ms. Frakes suggested that Ms. Austin contact the Board office next week and a staff member could review her file and attempt to address her concerns. Ms. Frakes asked Ms. Austin if she happened to have any additional questions pertaining to the general topics noted on the workshop agenda. Ms. Austin indicated that she did not.

#### Riley Kline

Mr. Kline's inquiries pertained to Item 5, accrued internship hours not leading directly to licensure. Ms. Frakes clarified the rationale for this proposed regulation. Following clarification, Mr. Kline indicated that he did not have any additional questions pertaining to this regulation. Mr. Kline then inquired about the process pertaining to the Board's approval of new internship sites. He indicated that he would like to see this process become more expedient. Ms. Frakes acknowledged his frustration and indicated that the Board is attempting to address this matter, including the possibility of hiring additional staff. She added that any increase in Board office staffing may require fee increases in order to pay for the additional staffing.

#### Mark Hutcherson

Mr. Hutcherson recalled a situation where he was supervising an intern who required an extended medical leave of absence. (At this point, a break was taken from around 10:45 a.m. until 11:00 a.m.) Following the break, Mr. Hutcherson resumed his comments. Returning to his example, Mr. Hutcherson indicated that he would like to see the Board consider some considerations pertaining to item 5, under the conditions of medical

hardship. Ms. Frakes asked if Mr. Hutcherson could offer an alternative period of time in lieu of the three (3) years as noted in the proposed regulation. Mr. Hutcherson indicated that he did not but requested considerations as it pertained to certain situations, such as medical circumstances.

Mr. Hutcherson inquired about item 9, pertaining to conditions under which licensees are required to self-report to the Board. Ms. Frakes pointed out where the proposed regulation change was located on LCB File No. R025-14 and provided an overview of the proposed regulation.

#### Phyllis Montavon

Ms. Montavon indicated that she is in a Board approved internship program and experiences test anxiety. Ms. Montavon inquiries pertained to item 5, accrued internship hours not leading directly to licensure. Ms. Montavon requested clarification pertaining to her present situation. Because she had not successfully taken and passed the clinical examination and her internship hours were completed, she was required to open a new internship program file. Ms. Montavon wanted to know how long her previously accrued internship hours would be eligible to be applied towards her new internship hours following the successful taking and passing of the clinical examination. Ms. Montavon then inquired about how often she would be allowed to take her clinical examination. Ms. Frakes directed Ms. Montavon to review the letter that the Board sent her pertaining to her examination. The letter would specify when Ms. Montavon was eligible to retake the examination as well as the time frame she was approved by the Board to take the examination. She further advised Ms. Montavon that if she was able to independently verify from a mental health professional (that she is not already affiliated with through her agency or personally) that she has a diagnosable anxiety disorder, she could request special accommodations through ASWB (pursuant to the mental health professional's documentation) on the date of the examination. Ms. Frakes further suggested that Ms. Montavon contact the Board office if she happened to have any further inquiries pertaining to her internship and/or clinical examination.

#### Mark Hutcherson

Mr. Hutcherson requested clarification pertaining to item 1, and the Board's current schedule of taking a licensing examination under an open application. Ms. Frakes clarified the Board's schedule of taking a licensing examination under an open application. Mr. Hutcherson inquired whether there was a total cap on the number of times an applicant could take the licensing examination. Ms. Frakes indicated that overall, the Board did not limit the total number of times an applicant could take a licensing examination. The limitation proposed in item 1 pertained to the number of times an applicant could take a licensing examination under his/her current open application before being required to reapply.

#### Riley Kline

Mr. Kline requested clarification pertaining to Ms. Montavon's accrued hours in her previous internship program and requested clarification on how long the Board would consider accepting these previously accrued hours towards her new internship program.

Ms. Frakes indicated that the hours accrued in the previous internship would be considered towards application in her new internship for three (3) years following the closure of the previous program. Mr. Hutcherson requested clarification on when this would take effect and it's applicability towards Ms. Montavon's situation. Ms. Frakes stated that it appears that this particular regulation would take effect on January 1, 2015.

Phyllis Montavon

Ms. Montavon requested clarification the number of times she would be eligible to take the clinical examination in her new internship programs. Ms. Frakes indicated that since Ms. Montavon had questions specific to her internship, it would be best if she contacted the Board and Board staff could review her file with her during the telephone call.

Valerie Tines-Braggs

Ms. Tines-Braggs inquiries pertained to item 6, conditions leading to Board withdrawal of an internship program. Her question pertained to the minimum number of hours required in order to properly sustain an internship. Ms. Frakes clarified the minimum number of hours required weekly and quarterly and the number of weeks in each quarter. She further provided a rationale for the Board proposing the regulations in this section.

*A break was taken from about 11:30 a.m. until 11:45 a.m. The workshop resumed at 11:46 a.m. The remaining participants were: Kim Frakes, C.J. Yao, Annie Wilson, Randy Reinoso and Gina Diluzio. No further comments were received from 11:46 a.m. until 1:00 p.m. Ms. Frakes indicated at 1:00 p.m. that the Public Workshop pertaining to the revised proposed regulations contained in LCB File Number R025-14 was officially concluded.*

ATTACHMENT A  
SUMMARY OF PUBLIC COMMENTS  
MAY 16, 2014 PUBLIC WORKSHOP, RENO

MINUTES OF THE PUBLIC WORKSHOP TO SOLICIT COMMENTS  
PERTAINING TO REVISED PROPOSED REGULATIONS  
Reno, Nevada

LCB FILE NO. R025-14

May 16, 2014

The Public Workshop to Solicit Comments Pertaining to Revised Proposed Regulations (Public Workshop) of the Board of Examiners for Social Workers (Board), LCB File Number R025-14, was called to order by Sandy Lowery, Board President and workshop Chair, at 10:00 a.m. The Public Workshop was conducted at Mojave Adult, Child and Family Services, 745 West Moana Lane, Suite 100, Reno, Nevada. President Lowery noted that the Public Workshop had been properly noticed. Roll call was initiated by President Lowery, with the following Board members, Board staff and participants (arriving and departing at various times) present:

Members Present:

Sandy Lowery, LCSW, Board President  
Rod Smith, Board Secretary/Treasurer  
James Bertone, LCSW, Board Vice President

Staff Present

Lesley A. Clarkson, Certified Court Reporter, Sunshine Litigation Services

Public Attendees

Mark Arnold, LCSW  
Erin Snell, LCSW  
Betsy Crumrine, LCSW

INTRODUCTION – OPEN WORKSHOP

President Sandy Lowery presented this Public Workshop agenda item. President Lowery indicated that purpose of the Public Workshop (workshop) was to receive public comments pertaining to proposed additions, amendments, and/or repeal of regulations pertaining to Chapter 641B of the Nevada Administrative Code. She further added that the purpose of the workshop was to solicit comments from interested parties on the general topics contained in the “Notice of Workshop to Solicit Comments on Proposed Regulations” (Notice). The Notice was mailed to: all individuals licensed by the Board, all persons on the Board’s mailing list, all county libraries, and the Nevada State Library. The Notice had also been electronically posted to: the Board’s website, the Legislative website and the State’s Public Notice website.

President Lowery summarized the topics to be addressed during the public workshop as follows (Agenda Item 2A):

- Item 1 When an applicant is required to pass an examination under an open application.
- Item 2 Requirements for license restoration applicants.
- Item 3 Increase in fees allowable under NRS 641B.300.
- Item 4 Licensure by endorsement for out-of-state applicants.
- Item 5 Accrued internship hours not leading directly to licensure.
- Item 6 Conditions leading to Board withdrawal of internship approval.
- Item 7 Board acceptance of postgraduate hours from another state.
- Item 8 Changes for Board approved supervisors of interns, including reports.
- Item 9 Conditions under which licensees are required to self-report to the Board.
- Item 10 Expanding the applicability of unprofessional conduct.

PUBLIC COMMENT (Agenda Item 3)

President Lowery opened the floor to public comment pertaining to the general topics contained in the proposed regulation.

Mark Arnold, LCSW

Mr. Arnold raised a question pertaining to accrued internship hours not leading directly to licensure. His question pertained to how stringent would Board requirements be in requesting an extension. President Lowery indicated that a length of an extension for an internship is addressed on a case by case basis. She added that in the course of providing quarterly report statements to each intern and supervisor, the Board provides ample notification to both parties if it appears that an internship will not be completed in the required time.

Mr. Arnold also raised a question pertaining to out-of-state clinical social worker applicants requesting endorsement. Mr. Arnold cited as an example, clinical social worker applicants from California. President Lowery explained the requirement, pursuant to NAC 641B, of the clinical social work applicant in establishing substantial equivalency of their postgraduate work experience and supervision. She added that this occurs on a case by case basis and that California's postgraduate supervised experience for clinical social work licensure standards has proven to be inconsistent. This can make it difficult for some individuals from California in applying for endorsement in Nevada as some California applicants present with postgraduate supervised experiences that would

be deemed substantially equivalent to Nevada's postgraduate experiences, while other applicants from California do not.

Erin Snell, LCSW

Ms. Snell indicated that she was initially there to view the Public Workshop process. She requested a recap of the topics being covered during the public workshop. President Lowery provided a recap to Ms. Snell (see Agenda Item 2A). Ms. Snell inquired regarding the regulation change process following the workshop. President Lowery reviewed the process and indicated that the most immediate next step would be the public hearing pertaining to the intent of adopting the regulations.

Betsy Crumrine, LCSW

Ms. Crumrine expressed concerns pertaining to the increase in license fees. Ms. Crumrine, who is employed by the State of Nevada (State), Division of Child and Family Services (DCFS) as a Rural Regional Manager, employs social workers. She indicated that the State's pay scale for child welfare workers at DCFS is significantly less than comparable child welfare agencies throughout the State.

Ms. Crumrine viewed the increase as being a significant financial hardship for her employees. President Lowery clarified that the increase in license fees for licensed social workers (LSW) would be \$25.00 annually. The remaining increases pertained to licensees whose licenses have expired (i.e. failed to renew their license one month following their renewal deadline). Ms. Crumrine inquired about the rationale for the fee increases. President Lowery responded that the Board has not had an increase in fees since 2009. The costs of conducting business, including related Board costs, have continued to increase. President Lowery indicated that the Board is self-funded through licensing fees and do not draw from the State's general fund. In order to appropriately address the increasing operating costs, the regulation propose increases where presently allowable under NRS 641B.300.

Ms. Crumrine inquired about the proposed regulation pertaining to an applicant being required to take and pass the licensing examination within one (1) year following examination approval. President Lowery provided clarification for this proposed regulation. It had been brought to the Board's attention that a number of applicants had continued to request an extension in keeping their application open in order to take and pass the examination. This resulted in a number of applications being extended several months or in some instances, several years. The continued open applications proved to burden the Board's resources. The proposed regulation provides clarification to applicants that they will be required to take and pass their examination one (1) year following examination approval or reapply.

Ms. Crumrine inquired about the proposed regulation pertaining to fingerprinting. President Lowery clarified that this pertained to individuals who are restoring an expired license. Upon restoration of an expired license, the Board retroactively licenses the individual from the date of their last renewal. Since a license may expire for various reasons, including possible criminal or civil offenses, fingerprinting the restoring individual is deemed a public protection measure. Ms. Crumrine requested the Board to

consider a 60-day grace period before fingerprints would be required as part of the restoration process.

Ms. Crumrine inquired about certain proposed regulation language changes from “will” to “may”. President Lowery and Vice President Bertone indicated that the proposed regulation language changes from “will” to “may” throughout portions of the proposed regulation changes were deemed housekeeping items.

Ms. Crumrine inquired about proposed regulation changes pertaining to internships. President Lowery and Vice President Bertone clarified conditions when additional internship sites may be required as part of an internship program.

Ms. Crumrine inquired about proposed regulations pertaining to supervisors of interns, including reports. President Lowery clarified that internship quarterly reports have specified due dates which are well known to both the intern and supervisors. She added that the proposed language pertaining to the rejection of a report that was not submitted timely indicates that a report “may” be rejected, not “will”. Concessions are made on a case by case basis. The proposed regulation affords clarification that reports may be rejected in instances where the reports are consistently late, despite warnings from the Board to submit their reports timely. Ms. Crumrine requested the Board to consider a thirty (30) day extension beyond the date quarterly reports are due.

Ms. Crumrine expressed additional concerns which did not pertain to the general topics contained on the Notice of Workshop to Solicit Comments on Proposed Regulations. The Board members attempted to address Ms. Crumrine’s inquires which pertained to overall Board operations. The discussion concluded with the rationale for increasing Board fees where presently allowable under NRS 641B.300.

No further public comments were received and Ms. Lowery indicated that the Public Workshop pertaining to the revised proposed regulation of the Board, LCB File Number R025-14 was concluded at 1:00 p.m.

ATTACHMENT B  
LIST OF ATTENDEES

**LIST OF ATTENDEES**

**PUBLIC WORKSHOP TO SOLICIT COMMENTS PERTAINING TO REVISED  
PROPOSED REGULATIONS, LCB FILE NO. R025-14,**

**May 16, 2014**

**LAS VEGAS**

<b>NAME</b>	<b>TELEPHONE NUMBER</b>	<b>BUSINESS NAME AND ADDRESS</b>	<b>EMAIL ADDRESS</b>	<b>PROFESSIONAL ORGANIZATION REPRESENTED</b>
Sylvisa Naseath, LCSW	(702) 370-6792	Private Practice, 4170 W. Cheyenne, Suite 101, LV 89037	Not provided	N/A
Phyllis Montavon, LSW	(702) 451-7542	Bilingual Behavioral Services, 4660 S. Eastern Ave., #200, LV 89119	www.bbscounseling.com	N/A
Riley Kline, LCSW	(702) 451-7542	Bilingual Behavioral Services, 4660 S. Eastern Ave., #200, LV 89119	www.bbscounseling.com	N/A
Pamela Kurez	(702) 631-0230	New Beginnings, 345 W. Cheyenne Ave., #500, N.LV 89031	Not provided	N/A
Valerie Tines- Braggs, LCSW	(702) 631-0230	New Beginnings, 345 W. Cheyenne Ave., #500, N.LV 89031	Not provided	N/A
Jacqueline Austin, LSW	Not Provided	Health Care Partners	hcpv.nv.com	N/A
Luke Hatch, LCSW	(775) 725-3900	KW Legacy Ranch, HC 61, Box 87, Hiko, NV 89017	www.kwlegacyranch.com	N/A

Adam Crawford	(775) 725-3900	KW Legacy Ranch, HC 61, Box 87, Hiko, NV 89017	www.kwlegacyranch.com	N/A
Yancy Whipple	(775) 725-3900	KW Legacy Ranch, HC 61, Box 87, Hiko, NV 89017	www.kwlegacyranch.com	N/A
Mark Hutcherson, LCSW	(702) 202-2567	Apple Grove Foster Care, 3105 Coleman St., # B, N.LV 89032	Not provided	N/A
Gary Waters, LCSW	(702) 726-8601	Beacon Academy, 7360 W. Flamingo Rd., LV 89147	Not provided	N/A
Jason Engle, LSW	(702) 726-8600	Center for Health and Learning, 7360 W. Flamingo, LV 89147	Not provided	N/A
Randy Reinoso, LSW	(702) 455-5709	CCSS, 1600 Pinto Ln., LV 89106	www.clarkcountynv.gov	N/A
Martha Camero, LSW	(702) 830-5090	Heads Up Guidance and Wellness, 5801 S. Valley View Blvd., # 6, LV 89102	Not provided	N/A

**LIST OF ATTENDEES**

**PUBLIC WORKSHOP TO SOLICIT COMMENTS PERTAINING TO REVISED  
PROPOSED REGULATIONS, LCB FILE NO. R025-14**

**May 16, 2014**

**RENO**

<b>NAME</b>	<b>TELEPHONE NUMBER</b>	<b>BUSINESS NAME AND ADDRESS</b>	<b>EMAIL ADDRESS</b>	<b>PROFESSIONAL ORGANIZATION REPRESENTED</b>
Mark Arnold, LCSW	(775) 688-1600	NNCAS, 2655 Enterprise Rd., Reno 89512	Not provided	N/A
Erin Snell, LCSW	Not provided	Value Options	Not provided	N/A
Betsy Crumrine, LCSW	(775) 684-7926	DCFS, 2533 N. Carson St., # 100, Carson City	Not provided	N/A

**LIST OF ATTENDEES**

**HEARING AND NOTICE OF INTENT TO ACT UPON A REGULATION PROPOSED  
REGULATIONS, LCB FILE NO. R025-14**

**June 20, 2014**

**Conducted via Videoconference Between Reno and Las Vegas**

<b>NAME</b>	<b>TELEPHONE NUMBER</b>	<b>BUSINESS NAME AND ADDRESS</b>	<b>EMAIL ADDRESS</b>	<b>PROFESSIONAL ORGANIZATION REPRESENTED</b>
Bianca Goldstein	(775) 688-1600	HBI, 2740 S. Jones Blvd., LV 89146	Not provided	N/A