

# PROPOSED REGULATION OF THE BOARD OF EXAMINERS FOR SOCIAL WORKERS

LCB File No. R018-16

2016

EXPLANATION: Matter in *bolded italics* is new, proposed language. Matter in ~~red-lined out~~ is language to be deleted. The language from R025-14, which is pending codification, appears as existing language.

AUTHORITY: Nevada Revised Statutes (NRS) 641B.160, applies to all proposed regulation changes noted throughout this document.

**Section 1. Chapter 641B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive of this regulation.**

## GENERAL PROVISIONS

(NAC 641B.005 through NAC 641B.070, Definitions. Rationale for Proposed Change: The change is NAC 641B.005, is a housekeeping item which accurately reflects the fact that the Board's numbered definitions extend beyond NAC 641B.065, and presently goes to NAC 641B.070. During the ongoing course of Board office operations, constituents have requested clarification pertaining to the definition of a, "dual relationship", between a licensee and a client. During the November 20, 2015 Board meeting, the Board voted unanimously to utilize the language contained in the National Association of Social Workers, NASW, as part of the Board's own definition of this term. Since the definitions are listed in alphabetical order, it is suggested that the definition of, "Dual Relationship" is placed between, NAC 641B.028, "Degree in a related field" and NAC 641B.035, "Intern").

**Sec. 2.** NAC 641B.005 through NAC 641B.070, are hereby amended to read as follows:

**NAC 641B.005 Definitions.** (NRS 641B.160) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641B.010 to ~~641B.065,~~ *NAC 641B.070*, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 11-28-89; R113-98, 1-13-99; R112-00, 1-17-2001; R079-02, 1-9-2003)

**NAC 641B.010 “Applicant” defined.** (NRS 641B.160) “Applicant” means a person who applies for any privilege, license, approval or authority from the Board.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A by R113-98, 1-13-99)

**NAC 641B.012 “Approved provider of continuing education” defined.** (NRS 641B.160) “Approved provider of continuing education” means a provider that the Board has approved to provide programs of continuing education without submitting the contents of each individual program for the review process set forth in subsection 1 of NAC 641B.191.

(Added to NAC by Bd. of Exam'rs for Social Workers by R112-00, 1-17-2001)

**NAC 641B.015 “Board” defined.** (NRS 641B.160) “Board” means the Board of Examiners for Social Workers.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88)

**NAC 641B.017 “Client” defined.** (NRS 641B.160) “Client” means a natural person, couple, family, group, organization, governmental agency or political subdivision of this State that receives services from a social worker, regardless of whether the social worker charges a fee or receives any compensation for the services.

(Added to NAC by Bd. of Exam'rs for Social Workers by R113-98, eff. 1-13-99; A by R079-02, 1-9-2003; R142-08, 2-11-2009)

**NAC 641B.022 “Colleague” defined.** (NRS 641B.160) “Colleague” means any provider of services directly to a client, including, without limitation, professionals, paraprofessionals and team members.

(Added to NAC by Bd. of Exam'rs for Social Workers by R079-02, eff. 1-9-2003)

**NAC 641B.025 “Complainant” defined.** (NRS 641B.160) “Complainant” means any person who complains to the Board of any act of another person.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88)

**NAC 641B.027 “Continuing education hour” defined.** (NRS 641B.160) “Continuing education hour” means 60 minutes of instruction devoted to a program of continuing education.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 11-28-89; A 5-15-92; 11-8-95; R113-98, 1-13-99)

**NAC 641B.028 “Degree in a related field” defined.** (NRS 641B.160) “Degree in a related field” means a degree that includes a curriculum in:

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

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 11-28-89; A by R112-00, 1-17-2001)—(Substituted in revision for NAC 641B.058)

***NAC 641B.030 “Dual Relationship” defined. (NRS 641B.160) “Dual or multiple relationships” is a relationship which occurs when a social worker relates to a client or clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively. This definition is applicable to the conditions set forth in subsection 13 of NAC 641B.205.***

**NAC 641B.035 “Intern” defined.** (NRS 641B.160) “Intern” means an applicant for licensure as a licensed independent social worker or as a licensed clinical social worker who has not yet completed 3,000 hours of supervised postgraduate training, but is in the process of doing so under a program of internship approved by the Board.

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 9-20-88; A by R079-02, 1-9-2003)

**NAC 641B.040 “Intervener” defined.** (NRS 641B.160) “Intervener” means any person who is not an original party to a proceeding but who may be directly and substantially affected by it and who secures an order from the Board or presiding officer granting him or her leave to intervene.

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 9-20-88)

**NAC 641B.041 “Licensed associate in social work” defined.** (NRS 641B.160) “Licensed associate in social work” means a person licensed by the Board pursuant to NRS 641B.210 to engage in the practice of social work as an associate in social work.

(Added to NAC by Bd. of Exam’rs for Social Workers by R079-02, eff. 1-9-2003)

**NAC 641B.042 “Licensed clinical social worker” defined.** (NRS 641B.160) “Licensed clinical social worker” means a person licensed by the Board pursuant to NRS 641B.240 to engage in the practice of social work as a clinical social worker.

(Added to NAC by Bd. of Exam’rs for Social Workers by R079-02, eff. 1-9-2003)

**NAC 641B.043 “Licensed independent social worker” defined.** (NRS 641B.160) “Licensed independent social worker” means a person licensed by the Board pursuant to NRS 641B.230 to engage in the practice of social work as an independent social worker.

(Added to NAC by Bd. of Exam’rs for Social Workers by R079-02, eff. 1-9-2003)

**NAC 641B.044 “Licensed social worker” defined.** (NRS 641B.160) “Licensed social worker” means a person licensed by the Board pursuant to NRS 641B.220 to engage in the practice of social work as a social worker.

(Added to NAC by Bd. of Exam’rs for Social Workers by R079-02, eff. 1-9-2003)

**NAC 641B.045 “Licensee” defined.** (NRS 641B.160) “Licensee” means a person holding a license or provisional license pursuant to this chapter as a licensed associate in social work, licensed social worker, licensed independent social worker or licensed clinical social worker.

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 9-20-88; A by R113-98, 1-13-99; R079-02, 1-9-2003)

**NAC 641B.047 “Licensing period” defined.** (NRS 641B.160) “Licensing period” means the period in which a license is valid as prescribed in NAC 641B.110.

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 11-28-89)

**NAC 641B.050 “Petitioner” defined.** (NRS 641B.160) “Petitioner” means any person, except a complainant, who petitions for any affirmative relief, including a person who requests an advisory opinion or declaratory order or requests the adoption, amendment or repeal of a regulation.

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 9-20-88)

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

1. Is designed to maintain, improve or enhance the knowledge and competency of a licensee in the practice of social work; and
2. Has been approved by the Board.

(Added to NAC by Bd. of Exam'rs for Social Workers by R113-98, eff. 1-13-99; A by R112-00, 1-17-2001; R079-02, 1-9-2003; R142-08, 2-11-2009)

**NAC 641B.055 “Protestant” defined.** (NRS 641B.160) “Protestant” means any person who enters a proceeding to protest against an application or petition.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88)

**NAC 641B.056 “Provider” defined.** (NRS 641B.160) “Provider” means a person or entity who offers programs of continuing education that must be approved pursuant to the review process set forth in subsection 1 of NAC 641B.191.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 11-28-89; A by R113-98, 1-13-99; R112-00, 1-17-2001)

**NAC 641B.057 “Psychotherapeutic methods and techniques” defined.** (NRS 641B.160) “Psychotherapeutic methods and techniques” means the methods of treatment, including, without limitation, the use of individual, couples, family and group therapy, that use a specialized, formal interaction between a licensed clinical social worker and a client in which a therapeutic relationship is established and maintained to:

1. Understand unconscious processes and intrapersonal, interpersonal and psychosocial dynamics; and
2. Diagnose and treat mental, emotional and behavioral disorders, conditions and addictions.

(Added to NAC by Bd. of Exam'rs for Social Workers by R113-98, eff. 1-13-99; A by R079-02, 1-9-2003; R142-08, 2-11-2009)

**NAC 641B.060 “Respondent” defined.** (NRS 641B.160) “Respondent” means a person against whom any complaint is filed or investigation is initiated.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88)

**NAC 641B.062 “Services that are culturally and linguistically appropriate” defined.** (NRS 641B.160) “Services that are culturally and linguistically appropriate” means any care or services provided by a licensee that:

1. Are effective, understandable and respectful; and
2. Within the limitations of any available resources, are compatible with the client's:
  - (a) Cultural beliefs and practices; and
  - (b) Preferred language of communication.

(Added to NAC by Bd. of Exam'rs for Social Workers by R122-06, eff. 7-14-2006)

**NAC 641B.063 “Social work services” defined.** (NRS 641B.160) “Social work services” means the application of skills, knowledge, methods, principles and techniques relating to social work in the licensed practice of social work.

(Added to NAC by Bd. of Exam’rs for Social Workers by R113-98, eff. 1-13-99; A by R079-02, 1-9-2003)

**NAC 641B.065 “Social worker” defined.** (NRS 641B.160) “Social worker” means a licensed associate in social work or a person 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.

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 9-20-88; A by R112-00, 1-17-2001; R079-02, 1-9-2003)

**NAC 641B.068 Interpretation of term “all costs incurred by the Board relating to the discipline of the person.”** (NRS 641B.160, 641B.430) As used in NRS 641B.430, the Board will interpret the term “all costs incurred by the Board relating to the discipline of the person” to include, without limitation:

1. Attorney’s fees;
2. Hearing costs; and
3. Investigative fees and costs.

(Added to NAC by Bd. of Exam’rs for Social Workers by R079-02, eff. 1-9-2003)

**NAC 641B.069 Interpretation of terms used in NRS 641B.030.** (NRS 641B.160) As used in NRS 641B.030, the Board interprets:

1. “Administration” to mean one or more methods used by those persons with administrative responsibility to plan and achieve organizational goals that will enhance the ability of a client to function physically, socially and economically.

2. “Case work” to mean a method to advocate, plan, provide, evaluate, coordinate and monitor services from a variety of resources on behalf of and in collaboration with a client.

3. “Community organization” to mean a process of intervention to deal with social problems and to enhance the public safety and welfare through planned collective action.

4. “Consultation” to mean a problem-solving process in which expertise is offered to a client or colleague to assist in learning how to solve problems and make decisions to enhance or

restore the ability of a client to function physically, socially and economically. The term includes counseling and may be on a continuous, temporary or ad hoc basis.

5. “Group work” to mean an orientation and method of social work intervention in which a small number of persons who share similar problems convene and engage in activities designed to achieve certain objectives.

6. “Planning” to mean the process of specifying future objectives for a client, evaluating the means for achieving those objectives and making deliberate choices with or for the client about the appropriate course of action to achieve the objectives.

7. “Research” to mean systematic procedures used in seeking facts or principles to assist clients in their ability to enhance or restore their ability to function physically, socially and economically.

(Added to NAC by Bd. of Exam’rs for Social Workers by R142-08, eff. 2-11-2009)

**NAC 641B.070 Severability.** (NRS 641B.160) If any provision of this chapter or any application thereof to any person, thing or circumstance is held invalid, the Board intends that such invalidity not affect the provisions or applications to the extent that they can be given effect.

(Added to NAC by Bd. of Exam’rs for Social Workers, eff. 9-20-88)

**Sec. 3.** This regulation becomes effective immediately.

(**NAC 641B.126, Licensure by Endorsement.** Rationale for proposed change. The passage of Assembly Bill 89 and Senate Bill 68 during the 78<sup>th</sup>, 2015 Legislative Session, mandated State licensing boards to provide endorsement to qualifying out-of-state applicants. **Subsection 1** of the proposed regulation change attempts to incorporate language contained in both of the above mentioned bills, while also providing clarification of the terms and conditions which affords an applicant licensure by the Board, via endorsement of their out-of-state license. **Subsection 2** of the proposed regulation change affords out-of-state applicants, licensed as either a clinical social worker or independent social worker, the opportunity to receive a, “social worker license,” pursuant to NRS 641B.220 and NAC 641B.044, who meet certain qualifications, without taking or re-taking a licensing examination. The rationale for this particular proposed revision affords individuals who are considering social work licensure in this State another type of social work practice opportunities, without the practice rigors often associated with the clinical or

independent level of licensure. **Subsection 3** of the proposed regulation change clarifies the terms and conditions under which the Board shall endorse an out-of-state applicant applying for either a clinical or independent social work license, who have been licensed less than 5 years, and accordingly, do not appear eligible for licensure endorsement, pursuant to Assembly Bill 89 or Senate Bill 68. This includes revisions to the Board's acceptance of postgraduate supervised hours, traditionally by a qualifying clinical social worker and expands the Board's acceptance of a portion of the postgraduate supervised hours by a qualifying psychologist or psychiatrist. The rationale for expanding consideration of postgraduate supervised hours to qualifying psychologists or psychiatrists is to broaden the pool of potential out-of-state applicants seeking clinical or independent licensure via endorsement who do not appear to qualify for endorsement pursuant to the above Legislative bills).

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

**NAC 641B.126 Licensure by Endorsement**

1. An applicant for licensure as a social worker who holds, in another state, *District of Columbia, or any territory of the United States*, 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.]~~

*(1) Been continuously licensed as a social worker for a minimum of 5 years, under a corresponding level of licensure;*

*(2) Provided evidence, satisfactory to the Board, of continuous and active practice under the same corresponding level of social work licensure for a minimum of 5 years; and*

*(3) Never had a license, registration, certification, or any type of credential suspended, revoked or otherwise restricted for any reason by any state, the District of Columbia, or territory of the United States.*

*2. An applicant who is licensed, as either a clinical or independent social worker, in another state, the District of Columbia, or territory of the United States, who is not requesting endorsement of their clinical or independent license, may be eligible for licensure as a licensed social worker without taking the examination if the applicant:*

*(a) Has been continuously licensed as a clinical or independent social worker for a minimum of 5 years;*

*(b) Provides evidence, satisfactory to the Board of continuous and active social work practice for a minimum of 5 years; and*

*(c) Has never had a license, registration, certification, or any type of credential suspended, revoked or otherwise restricted for any reason by any state, the District of Columbia, or territory of the United States.*

3. ~~##~~ *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]~~ who has been licensed as a clinical social worker or an independent social worker less than 5 years, but satisfies the requirements of NRS 641B.200 and NRS 641B.230 or 641B.240, 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 ~~[before July 1, 1990,]~~ at least 3,000 hours of supervised, postgraduate social work ~~[supervised by a licensed mental health practitioner. 3.] [that has been accepted by the state which licensed the applicant as a clinical social worker or independent social worker]~~ which was supervised by:*

*(1) A licensed clinical social worker authorized in the state, District of Columbia, or United States territory, who provided at a minimum, 2,000 postgraduate supervised clinical hours and 1,000 postgraduate supervised additional hours, to individuals seeking clinical social work licensure;*

*(2) A licensed clinical social worker or a licensed masters level social worker authorized in the state, District of Columbia, or United States territory, who provided at a minimum, 3,000 postgraduate supervised hours to individuals seeking independent social work licensure;*

*(3) A licensed clinical social worker, authorized in the state, District of Columbia, or United States territory, who provided, a minimum of 1,000 postgraduate supervised hours, with a minimum of 2,000 additional postgraduate hours provided by either a licensed clinical psychologist or a licensed, board certified psychiatrist, also authorized in the state, District of Columbia, or United States territory, to provide postgraduate supervision; and*

*(4) ~~[supervised by a licensed mental health practitioner. 3.] [that]~~ The supervised postgraduate hours were conducted in and ~~[has been]~~ accepted by the same state, District of*

*Columbia, or United States territory*, 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~~ *The* 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 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.

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** This regulation becomes effective immediately.

**(NAC 641B.140, Licensed independent social worker: Internship required for licensure.**

Rationale for Proposed Change: A licensed independent social worker is a master's, non-clinical level of social work practice. **Subsection 3** allows the Board to consider postgraduate, supervised practice under a licensed master's level social worker, under specified terms and conditions, in lieu of an internship program. **Subsection 4** allows out-of-state applicants who are not already licensed as an independent or advanced level social worker, the same opportunity for this level of licensure as specified in subsection 3).

**Sec. 6.** NAC 641B.140 is hereby amended to read as follows:

**NAC 641B.140 Licensed independent social worker: Internship required for licensure.**

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 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 *master's level* social worker for at least 5 of the immediately preceding 10 years~~;~~ *and*

*(c) Passes an appropriate examination.*

4. An applicant who is not licensed as an independent *or an advanced practice level* social worker in another state, *District of Columbia, or United States Territory, has maintained continuous licensure and practice, ~~but~~ and provides evidence to the Board of the satisfactory completion and continuous supervision by a licensed master's level social work for at least 5 of ~~has completed 3,000 hours of supervised, postgraduate social work in another state within~~ the immediately preceding 10 years may submit evidence of the work ~~satisfactory completion of that work~~ to the Board for ~~its~~ consideration *of licensure, as specified in subsection 3. This shall include passing an appropriate examination. ~~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 licensed social worker ~~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.]~~

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. 7.** This regulation becomes effective immediately.

**(NAC 641B.150, Licensed clinical social worker: Internship required for licensure.**

Rationale for Proposed Change: A licensed clinical social worker is a master's, clinical level of social work practice, that is allowed to engage in the use of "psychotherapeutic methods and techniques", as defined in NAC 641B.057. **Subsection 4** pertains to the Board's consideration towards licensure in this State, of postgraduate supervised hours conducted by an out-of-state, non-licensed applicant, whose hours were conducted as specified in this subsection, within the

previous 3 years. The proposed change in this subsection allows the Board to consider postgraduate, supervised practice under additional levels of licensure, towards eventual clinical social work licensure. The expanded list of licensed professions, which in the past, had been limited to clinical social workers, proposes to include licensed psychologists, or licensed, board certified psychiatrist, authorized to provide postgraduate supervision in this State. **Subsection 6**, contained in newly adopted regulations, R025-14, is no longer considered applicable, pursuant to the passage of AB 89 and SB 68, which now provides for endorsement of out-of-state licenses, under the new terms and conditions passed during the 78<sup>th</sup>, 2015 Legislative session).

**Sec. 8.** NAC 641B.150 is hereby amended to read as follows:

**NAC 641B.150 Licensed clinical social worker: Internship required for licensure.**

1. 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 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.

4. An applicant who is not licensed as a clinical social worker but has performed supervised, postgraduate clinical social work in another state within the immediately preceding 3 years may submit to the Board, for its consideration as part of a *Board approved* 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 Board may accept additional postgraduate, supervised hours, for consideration towards licensure, conducted by either a licensed clinical psychologist or a licensed, board certified psychiatrist, authorized to provide supervision in that state.* 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:

(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.

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.] [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. 9** This regulation becomes effective immediately.

**(NAC 641B.155, Supervisors of interns: Generally. Rationale for Proposed Change:** The proposed regulation change is **subsection 1(c)**, affords licensees who are in a Board approved clinical social work internship, the opportunity to have at least part of their postgraduate supervision conducted by a licensed clinical psychologist, or a board certified psychiatrist, as specified in NAC 641B.150(4). **Subsection 1(d)**, indicates that 3 years of post-licensure experience required in order to become a Board approved supervisor, applies equally to the expanded list of added licensed professionals specified in subsection 1(c). **Subsection 2**, indicates that the Board will similarly disallow postgraduate supervision by individuals under this expanded list of licensed professionals, who are the subject of an order or disciplinary action by their respective boards).

**Sec. 10** NAC 641B.155 is hereby amended to read as follows:

**NAC 641B.155 Supervisors of interns: Generally.**

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) Be a licensed independent social worker or a licensed clinical social worker if supervising an intern who is seeking a license as a licensed independent social worker.

(c) ~~for be~~ *Be* a licensed clinical social worker, *with consideration of additional hours conducted by either a licensed clinical psychologist, or a board certified psychiatrist*, if supervising an intern who is seeking a license as a licensed clinical social worker~~};~~

~~{(e)}~~ (d) Have at least 3 years of *post-licensure* experience as a licensed clinical social worker, ~~for~~ licensed independent social worker, *licensed clinical psychologist, or a licensed, board certified psychiatrist*. ~~{or have equivalent experience acceptable to the Board.}~~

~~{(d)}~~ (e) Demonstrate to the Board that his or her current practice:

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

(2) If he or she is supervising an intern who is seeking a license as a licensed 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)}~~ (f) If deemed necessary by the Board, successfully complete a written examination.

~~{(f)}~~ (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 or she is subject to an order issued by *any licensing board, including* the Board, for disciplinary action.

3. A supervisor shall 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;

(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. A supervisor shall keep a record of the internship program which must include, without limitation, the content of meetings and a description of supervisory activities. Such a record must be kept for a minimum of 5 years after the termination of the internship program.

7. The Board will not recognize time spent by an intern:

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

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

**Sec. 11** This regulation becomes effective immediately.

## **CONTINUING EDUCATION**

**(NAC 641B.187 Prerequisites and requirements for renewal of license; grounds for disciplinary action. Rationale for Proposed Change:** Pursuant to the passage of Assembly Bill 93 during the 78<sup>th</sup>, 2015 Legislative session, these proposed regulation changes reflect the mandate that social workers complete at least 2 hours of continuing education instruction on evidence-based suicide prevention and awareness, as a prerequisite for the renewal of a license, pursuant to NRS 641B.280. This mandate is reflected in subsections 1(a)(2) and 1(b)(2). Subsection 3 indicates that the Board may continue to waive continuing education requirements for retired licensees, with the waiver exempted as it pertains to the new mandate under Assembly Bill 93 and soon to be reflected in the newly codified NRS 641B.280. Subsection 3 also adjusts the age of continuing education exemption from 70 to age 65, in order to reflect when most individuals elect to retire. Subsection 4 indicates that the Board may continue to waive continuing education requirements, for good cause, with the exception of the new mandate under Assembly Bill 93. Subsection 5 indicates that the Board may continue to waive continuing education requirements for licensees enrolled in a college or university program, as specified in this subsection, with limitations to this waiver as it pertains to the new mandate under Assembly Bill 93. Subsection 6 is a housekeeping revision which accurately reflects that a licensee,

pursuant to subsection 4, shall not complete any additional continuing education hours which would normally be required for his or her level of licensure, pursuant to subsection 1(a) and (b).

**Sec. 12** NAC 641B.187 is hereby amended to read as follows:

**NAC 641B.187 Prerequisites and requirements for renewal of license; grounds for disciplinary action.**

1. Except as otherwise provided in subsections 4 and 5, to renew his or her license:

(a) A licensee who is a licensed associate in social work or a licensed social worker must complete at least 30 continuing education hours every 2 years, of which:

(1) Two hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality or dual relationships within that practice; ~~and~~

*(2) At least two hours must relate to instruction on evidence-based suicide prevention and awareness, pursuant to ~~NAC 641B.188~~ NRS 641B.280; and*

~~(2)~~ (3) Unless otherwise approved by the Board, 10 hours must be in the field of practice of the licensee.

(b) A licensee who is a licensed clinical social worker or licensed independent social worker must complete at least 36 hours of continuing education every 2 years, of which:

(1) Three hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality or dual relationships within that practice; ~~and~~

*(2) At least two hours must relate to instruction on evidence-based suicide prevention and awareness, pursuant to ~~NAC 641B.188~~ NRS 641B.280; and*

~~(2)~~ (3) Unless otherwise approved by the Board, 12 hours must be in the field of practice of the licensee.

2. To fulfill the continuing education requirements of this section, the continuing education hours for all classes of licensure must be completed in programs of continuing education approved by the Board that maintain, improve or enhance the knowledge and competency of a licensee in the practice of social work.

3. *With exception to the requirements stipulated in subsections 1(a)(2) or 1(b)(2), ~~Upon~~ upon the written request of ~~the~~ a licensee, the Board may waive the continuing education*

requirements of this section for a licensee who is at least ~~70~~ 65 years of age and is retired from the practice of social work.

4. *With exception to the requirements stipulated in subsections 1(a)(2) or 1(b)(2), ~~The~~ the* Board may renew the license of a licensee who fails to complete ~~30~~ *the required* continuing education hours during a 2-year period if it finds good cause to do so.

5. *With exception to the requirements stipulated in subsections 1(a)(1) and (2) or 1(b)(1) and (2), ~~The~~ the* Board will renew the license of a licensee during the period in which he or she 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 one renewal period 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.

6. If the Board renews the license of a licensee pursuant to subsection 4, it may require the licensee to complete not more than ~~30 additional~~ *the number of continuing education hours required for a licensee's level of licensure* during the next 2-year period.

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

8. A licensee is subject to disciplinary action if he or she:

(a) Within 30 days after receiving a request from the Board, fails to provide to the Board information of his or her participation in a program of continuing education; or

(b) Submits to the Board false or inaccurate information regarding his or her participation in a program of continuing education.

**Sec. 13** This regulation, pursuant to Assembly Bill 93, becomes effective July 1, 2016, unless otherwise specified.

**(NAC 641B.188 Affidavit of completion: Submission; verification of authenticity.**

Rationale for Proposed Change: **Subsection 1** includes a housekeeping item which clarifies that the minimum number of continuing education hours required for each level of licensure during the renewal of a license, as contained in NAC 641B.187. Subsection 1 also clarifies that a

licensee's continuing education cycle occurs during the immediate 2 years preceding the date of the application, pursuant to NAC 641B.187. Pursuant to the passage of Assembly Bill 93 during the 78<sup>th</sup>, 2015 Legislative session, certain licensees may be required to complete mandated continuing education coursework in less than the two years normally afforded to them under NAC 641B.187. **Subsection 2** allows the Board to grant a one-time only grace period to a licensee who has less than the allotted 2 year period to complete a course of continued education mandated during the Legislative session which occurred during a licensee's allotted 2 year period. This one-time grace period shall not exceed 60 days, pursuant to NAC 641B.110(1)(b) and shall not be applied to meet continuing education requirements during the subsequent continuing education collection cycle, pursuant to NAC 641B.187(7). **Subsection 3** requires the first-time renewal of a license, following the completion of his or her first continuing education cycle, to provide a copy of a certificate evidencing completion of a minimum of 2.0 Board approved continuing education hours pertaining to evidence-based suicide prevention and awareness, in addition to an affidavit attesting to the completion of the required continuing education courses. **Subsection 4** requires that following the first-time renewal of a license, as specified in subsection 3, the Board will require a copy of a certificate evidencing completion for a continuing education course on evidence-based suicide prevention and awareness, in addition to an affidavit attesting to the completion of the required number of continuing education courses. This subsection further states that the Board will continue to randomly select affidavits and clarifies that this random selection shall include verification of continuing education course completion for the purpose of verifying the authenticity of the information attested in the affidavit.

**Sec. 14** NAC 641B.188 is hereby amended to read as follows:

**NAC 641B.188 Affidavit of completion: Submission; verification of authenticity. (NRS 641B.160, 641B.280)**

1. Except as otherwise provided in subsections 4 and 5 of NAC 641B.187, every other application for renewal of a license must be accompanied by an affidavit evidencing the completion of ~~{at least 30}~~ *the minimum number of* continuing education hours *required, pursuant to NAC 641B.187*, during the 2 years immediately preceding the date of the application~~{,}~~, *unless otherwise specified by State legislation during this 2 year period.*

2. *The Board may grant a licensee, a one-time only grace period, not to exceed 60 days from the date of licensure expiration and as described in NAC 641B.110(1)(b), in order to comply with any continuing education requirement specified by State legislation during the 2 year period pursuant to subsection 1.*

~~{2}. {The Board will randomly select affidavits to verify the authenticity of the information contained therein.}~~

3. *The first time renewal of a license pursuant to subsection 1, shall be accompanied by a copy of a certificate of course completion, pursuant to NAC 641B.194(3), evidencing the completion of a minimum of 2.0 Board approved continuing education hours pertaining to evidence-based suicide prevention and awareness and an affidavit attesting to the completion of all continuing education requirements.*

4. *Following the first time renewal of a license pursuant to subsections 1 and 3, the Board thereafter shall require a copy of a certificate of course completion pertaining to evidence-based suicide prevention and awareness, pursuant to NAC 641B.194(3), and an affidavit evidencing the completion of the required number of continuing education courses. The Board shall randomly select affidavits and request verification of continuing education courses completed during the collection period, for the purpose of verifying the authenticity of the information contained therein.*

~~{3}~~ ~~{5}~~ Each licensee shall maintain sufficient documentation which verifies the information set forth in the affidavit for at least 3 years. The inability to provide evidence supporting the information in the affidavit subjects the licensee to disciplinary action.

**Sec. 15** This regulation, pursuant to Assembly Bill 93, becomes effective July 1, 2016, unless otherwise specified.

**(NAC 641B.189 Approval of program by Board; acceptable forms of program; unacceptable courses and programs.** Rationale for Proposed Change: The proposed revisions in **Subsections 1 through 4** are intended to reflect updated ways courses of continuing education are delivered and to afford licensees increased opportunities to fulfill continuing education requirements. **Subsection 1** removes criteria pertaining to courses being, “interactive” and “limited in time,” expanding the types of potential continuing education courses which licensees may attend. Subsection 1(a), further clarifies that the Board shall consider continuing education



approval for live, real-time workshops or conferences, presented via videoconferencing or via the internet, which at a minimum, affords participants the ability to interact with the presenter during the presentation in real-time. Subsection 1(b), clarifies, “distance learning courses”, by referencing criteria specified in Subsection 4(d). Subsections 1(b) and (d) were removed as these forms of continuing education course delivery do not reflect how participants typically complete courses of continuing education. Subsection 1(h) was added in order to reflect the changes passed in Assembly Bill 93 during the 78<sup>th</sup>, 2015 Legislative session. **Subsection 2** removes outdated language which do not appear to reflect how continuing education courses are typically and currently delivered. **Subsection 4** also removes outdated language which do not appear to reflect how courses of continuing education are typically delivered. Subsection 4(d) removes the requirement of distance learning courses being, “interactive” and “limited by time”, and accepts a pre-test and post-test instead.)

**Sec. 16** NAC 641B.189 is hereby amended to read as follows:

**NAC 641B.189 Approval of program by Board; acceptable forms of program; unacceptable courses and programs.**

1. A program of continuing education that demonstrates the knowledge and competency of a licensee must be approved by the Board. Except as otherwise provided in this subsection, to obtain the approval of the Board, a continuing education program must be ~~limited in time, be interactive and~~ *able to* provide independent verification that the licensee has successfully completed the program. ~~{A continuing education program that is not limited in time or interactive may be approved by the Board if the program meets specific criteria set forth by the Board.}~~ A continuing education program may be in the form of:

(a) Workshops or conferences, including, without limitation, ~~{teleconferences}~~ *live presentations conducted via videoconferencing or via the internet which affords participants the opportunity to interact, at a minimum, with the presenter in real time;*

(b) Distance learning courses *as specified in subsection 4(d);*

~~{(c) Home study courses;}~~

~~{(d) A self-directed learning program which has been approved by the Board before the licensee begins the program;}~~

~~(e)~~ (c) Publication of an article or paper by the licensee in a professional journal or other publication that is approved by the Board;

~~(f)~~ (d) A one-time presentation, not to exceed 15 hours, of an academic course, in-service training workshop or seminar by the licensee;

~~(g)~~ (e) Successful completion of an academic course of instruction at a regionally accredited college or university;

~~(h)~~ (f) Attendance by the licensee at a workshop or public hearing conducted by the Board;  
or

~~(i)~~ (g) Any other kind of program or course if the Board has, at the request of the licensee wishing to take the program or course as continuing education, approved the program or course as a program of continuing education.

***(h) An evidence-based program on suicide awareness and prevention.***

2. A licensee may apply, if licensed as a licensed associate in social work or a licensed social worker, for not more than 15 hours of continuing education credit or, if licensed as a licensed independent social worker or a licensed clinical social worker, for not more than 18 hours of continuing education credit for distance learning courses, ~~[- home study courses and self-directed learning programs]~~ during a 2-year period. ~~[,] [except that the]~~ **The** Board may approve additional hours of such continuing education if the licensee can demonstrate good cause for the approval of the additional hours.

3. A licensee may apply, if licensed as a licensed associate in social work or a licensed social worker, for not more than 2 hours of continuing education credit or, if licensed as a licensed independent social worker or a licensed clinical social worker, for not more than 4 hours of continuing education credit relating to ethics for any period in which the licensee serves as a member of a committee or board of review that:

- (a) Considers issues or applies any policy, law or regulation relating to ethics; and
- (b) Is approved by the Board.

4. The following courses and programs will be deemed unacceptable as a program of continuing education:

- (a) An orientation program for new employees.
- (b) 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.

~~{(e) A home study course that includes audio or video tapes which is not interactive, which is not limited by time and for which there is no independent verification of successful completion.}~~

~~{(d)}~~ (c) A program for self-improvement.

~~{(e)}~~ (d) A distance learning course which ~~{is not interactive, which is not limited by time}~~ *does not contain a pre-test and post-test*, and for which there is no independent verification of successful completion.

~~{(f) A self-directed learning program:~~

~~—— (1) Which is not interactive, which is not limited by time and for which there is no independent verification of successful completion; or~~

~~—— (2) Which covers the same material as a previous program approved for the licensee for self-directed learning or which is not preapproved by the Board.}~~

~~{5. As used in this section, “interactive” means any two-way communication in which each participant in the communication is able to interact in a manner which elicits or may elicit a response from a provider or any other participant in that communication. The term includes, without limitation, any discussion or homework. The term does not include any test that is conducted before or after a program of continuing education.}~~

**Sec. 17** This regulation becomes effective January 1, 2017.

**(NAC 641B.190 Approval: General requirements. Rationale for Proposed Change:** The proposed change in **Subsection 1** is viewed as a housekeeping item. Subsection 1(e) clarifies that a course for consideration of continuing education approval by the Board must be supported by evidence and removes that the support of evidence must be “entirely or partially”. The proposed change in **Subsection 2** makes the language in NAC 641B.190 more consistent with the changes proposed in NAC 641B.189, by updating language which depicts how courses of continuing education are more typically delivered. **Subsection 3** includes courses of evidence-based suicide prevention and awareness under Subsection 3(h), as some of the subject matter which the Board shall approve for continuing education approval, pursuant to Assembly Bill 93 of the 78<sup>th</sup>, 2015 Legislative Session.)

**Sec. 18** NAC 641B.190 is hereby amended to read as follows:

**NAC 641B.190 Approval: General requirements. (NRS 641B.160, 641B.280)**

1. Before the Board 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 or her 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, is applicable to the practice of social work, and will enhance the knowledge and competency of a licensee in the practice of social work;

(c) Is of professional quality;

(d) Is appropriately designed for instructional purposes;

(e) Is supported ~~entirely or partially~~ by evidence that is based on research; and

(f) 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~~ *distance learning* courses through an accredited 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;

(f) Services that are culturally and linguistically appropriate;

(g) Social work theories or concepts of addictions in the social environment;

*(h) Evidence-based suicide prevention and awareness;* or

~~(b)~~ (i) 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.

**Sec. 19** This regulation becomes effective January 1, 2017.

## STANDARDS OF PRACTICE

**(NAC 641B.200 Professional Responsibility.** Rationale for Proposed Change: During the 78<sup>th</sup>, 2015 Legislative session, the passage of Senate Bill 7 expanded the list of certain licensed mental health professionals, who would be considered eligible to either certify or decertify a person as being mentally ill, as described in NRS 433A.115, while completing an, APPLICATION, CERTIFICATION AND MEDICAL CLEARANCE FOR EMERGENCY ADMISSION OF AN ALLEGEDLY MENTALLY ILL PERSON TO A MENTAL HEALTH FACILITY, also known as a, “Legal 2000” form. Senate Bill 7 expanded the list of licensed mental health professionals to include Board approved licensed clinical social workers with appropriate psychiatric experience and training. **Subsection 10** already specifies that licensees shall not engage in social work practice that is outside their field of practice or competence. Subsection 10(a) states that the Board may determine specific fields of social work practice which requires licensees, prior to engaging in a particular field of social work practice, to provide to the Board proof of training and experience prior to engaging in that particular field of social work practice. Subsection 10(b) states that any other fields of social work practice which do not require prior Board approval pertaining to experience and training, may create a reasonable, written plan in order to gain experience and training, as specified in this Subsection 10(b).

**Sec. 20** NAC 641B.200 is hereby amended to read as follows:

**NAC 641B.200 Professional Responsibility.**

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

2. 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) If deemed appropriate, the Board shall require a licensee, prior to engaging in a particular field of social work practice, to submit proof, to the Board's satisfaction, demonstrating the licensee has acquired the appropriate training and level of experience to engage in that particular field of social work practice.*

*(b) ~~{A}~~ If a licensee ~~{may}~~ wishes to ~~{assume}~~ obtain competence in performing certain duties and responsibilities within the practice of social work, ~~{for which he or she cannot currently perform the services competently if}~~ which does not require advance demonstration of training and experience pursuant to subsection 10.a, he or she shall prepare~~{s}~~ 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 other than a misdemeanor traffic offense, 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. 21** This regulation becomes effective immediately.

**(NAC 641B.210 Confidentiality of records. Rationale for Proposed Change:** During the 78<sup>th</sup>, 2015 Legislative session, the passage of Senate Bill 15 requires a mental health professional to apply for the emergency admission of a patient or client or make reasonable attempts to notify certain persons when the patient or client makes explicit threats of imminent serious physical harm or death, under circumstance noted in this bill. Although the Board already requires a

licensee to notify certain individuals, under circumstances noted in **Subsection 3**, this proposed regulation references the revisions to Chapter 629 of NRS, pursuant to Senate Bill 15).

**Sec. 22** NAC 641B.210 is hereby amended to read as follows:

**NAC 641B.210 Confidentiality of records.**

1. Records showing a client's problems and the scope of the licensee's services and information obtained from or about a client, including the licensee's personal knowledge of the client, must be maintained in a manner that ensures security and confidentiality. No confidential records or information contained therein or information obtained from or about a client, including the licensee's personal knowledge of the client, may be released except:

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

2. A licensee is responsible for informing his or her client of the confidentiality policies of the licensee, applicable confidentiality and privacy laws and the limits of confidentiality.

3. Except as otherwise provided by law, *including Chapter 629 of NRS*, information deemed to be confidential pursuant to subsection 1 must not be communicated to others without the client's consent unless there is clear and immediate danger to some person or to society, and then only to the appropriate family members, professional workers, public authorities or, if there is a clear and immediate danger to a specific person or persons, to that person or persons.

**Sec. 23** This regulation becomes effective immediately.