

PROPOSED REGULATION OF THE BOARD OF EXAMINERS FOR SOCIAL WORKERS

LCB File No. R023-17

(This regulation was previously adopted as LCB File No. T001-16)

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

NAC 641B.090 Application for licensure or renewal; conditions for waiver of examination. (NRS 641B.160, 641B.202)

1. An application for licensure or renewal must be *complete prior to being processed, which includes;*

(a) Submission ~~submitted~~ on a form provided by the Board~~;~~;

(b) All items finished as instructed on the Board approved application form;

(c) Receipt of all payments and fees; and

(d) Receipt of all required documents.

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

3. By submitting an application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of, or to clarify an ambiguity in, the matters and information stated within the application. If the Board so requests, the applicant must supply to the Board information that will verify the authenticity or clarify any ambiguity in the application.

4. An applicant for initial licensure must submit to the Board to satisfy the requirements of NRS 641B.202:

(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; and

(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 reports of criminal histories.

5. If deemed necessary, the Board will appoint a member of the Board or a designee to examine an application, take the actions authorized pursuant to subsection 3 and make recommendations for the Board's action.

6. If deemed necessary, the Board will require the personal appearance of the applicant.

7. For each application, the Board will:

(b) Defer action on the application pending the receipt by the Board of additional information concerning the application; or

(c) Deny the application.

8. The Board will waive the required examination for an applicant if:

(a) The applicant is not eligible for endorsement pursuant to NAC 641B.126;

(b) The applicant has passed an appropriate examination in another state within the 6 months immediately preceding the date on which he or she submits his or her application for licensure with the Board; and

(c) The examination that the applicant passed is equivalent to the examination that the applicant would otherwise be required to take pursuant to NAC 641B.105.

NAC 641B.112 Provisional license: Eligibility; validity; disciplinary action; reinstatement or restoration; supervision of holder. (NRS 641B.160, 641B.275)

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

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

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

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

(a) If, upon request of the Board, the licensee fails to cause the college or university to forward directly to the Board evidence of enrollment that complies with subsection 1.

(b) If the licensee fails to renew his or her provisional license in a timely manner by:

(1) Submitting to the Board the application for renewal on a form supplied by the Board and the appropriate fee; and

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

(c) Three years after:

(1) The initial issuance of the license; or

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

whichever occurs first.

3. The Board may issue a one-year provisional license to an applicant seeking endorsement of an equivalent social work license who:

(a) Completes and submits an application for licensure on a form supplied by the Board and the appropriate fee;

(b) Agrees to the processing of the form and fingerprints as described in NAC 641B.090, sections 1 through 4; and

(c) Provides preliminary information which can be verified by the Board of the following:

(1) The applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States;

(2) The applicant provides a clear, photocopy of current and official forms of government identification, that includes:

(i) A photograph of the applicant, verifying the identity of the applicant; and

(ii) Supporting documentation that the applicant is a citizen of the United States or otherwise has the legal right to remain and work in the United States.

(c) The applicant shall sign a notarized affidavit accompanying the application stating that:

(1) The information contained in the application and any accompanying material or documents submitted during the entire application process are true and correct;

(2) The applicant has not been disciplined, investigated or under investigation by a corresponding regulatory authority in the District of Columbia or any state or territory in which the applicant holds or has held a license to engage in social work; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States.

(d) Unless the Board denies the application for good cause, within forty-five days, the Board shall issue a one-year provisional license to engage in social work, following receipt of:

(1) The information required in subsections (a), (b) and (c); and

(2) A complete set of fingerprints accompanied by the applicant's written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202.

(e) Within this one-year period of provisional licensure, the applicant shall, pursuant to NAC 641B.095, NAC 641B.100, and NAC 641B.126 submit the documents and information, in a manner required by the Board, which officially verifies the information contained in the application and as required by the regulations specified in this subsection.

(f) Within the one-year period of provisional licensure, the Board shall, following receipt of all documents and information required in subsections (a) through (d), issue an equivalent, full and unrestricted license.

(g) The Board shall cause periodic notifications to be sent to those provisionally licensed pursuant to subsection (e), whose application is deemed as incomplete and pending receipt of required information. The Board shall send a final notification no less than 60 days prior to the expiration of the one-year of provisional licensure which notifies the provisional licensee that:

(1) The documents and information required for full licensure are still pending receipt by the Board; and

(2) The provisional licensee must have all active clients and cases successfully terminated or appropriately transferred, if the licensee is unable to provide the information required in subsection (e), by the date the provisional license expires.

~~3.1~~ 4. A person is not eligible for the issuance of a provisional license pursuant to paragraph (a) of subsection 1 of NRS 641B.275 if he or she has failed the prescribed examination within 5 years immediately preceding the date on which he or she submits his or her application.

~~4.1~~ 5. A provisional license issued pursuant to paragraph (a) of subsection 1 of NRS 641B.275 is no longer valid if:

- (a) The licensee fails the prescribed examination; or
- (b) The provisional licensing period of 9 months expires,

□ whichever occurs first.

~~5.1~~ 6. The holder of a provisional license may be subject to disciplinary action pursuant to NRS 641B.400, including, without limitation, the revocation of his or her license.

~~6.1~~ 7. A provisional license that has been invalidated or revoked may not be reinstated or restored. A person who has obtained a provisional license is not eligible for a second provisional license.

~~7.1~~ 8. The holder of a provisional license to engage in social work, to engage in social work as a licensed independent social worker or to engage in social work as a licensed clinical social worker shall practice under the supervision of a licensed social worker who is:

- (a) Licensed pursuant to chapter 641B of NRS; and
- (b) Authorized pursuant to the provisions of chapter 641B of NRS to practice in the setting in which the holder of the provisional license intends to practice.

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

- 1. Licensed associate in social work:
 - (a) Annual renewal of license..... \$100
 - (b) Restoration of revoked license..... 50
 - (c) Restoration of expired license..... 200
 - (d) Renewal of delinquent license..... 100

2. Licensed social worker:	
(a) Initial application.....	\$40
(b) Initial issuance of license.....	100
(c) Annual renewal of license.....	100
(d) Restoration of revoked license.....	150
(e) Restoration of expired license.....	200
(f) Renewal of delinquent license.....	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.....	200
(f) Renewal of delinquent license.....	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.

4. If an applicant submits an application for a license by endorsement pursuant to NRS 641B.271, the Board shall charge and collect not more than the fees specified in subsections 1, 2 or 3, as applicable, for the initial application for and initial issuance of a license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 641B.272, the Board shall collect not more than one-half of the fee set forth in subsections 1, 2 or 3, as applicable, for the initial issuance of the license.

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) A Clinical Social Worker, who is licensed by the Board pursuant to NRS and NAC 641B is eligible to engage in the certification and decertification process described in NRS 641B.160(2), NRS 433A.170, 433A.195 and 433A.200 if:

(1) The clinical social worker has not had any lapse in licensure, or in his or her practice for a minimum of 5 years and is not practicing under any professional license in any state, which is under a disciplinary action, suspension or revocation;

(2) The clinical social worker demonstrates, to the Board's satisfaction, a minimum of 3 years, post clinical social work licensure, current direct practice, or current supervision of practice, in a mental health setting;

(3) The clinical social work shall, as a requirement for approval to engage in the certification and decertification process described in section 10(a), complete any training or retraining approved by Board;

(4) Each clinical social worker who is approved by the Board to engage in the certification process described in section 10(a), who is not otherwise covered under a policy of professional liability insurance shall maintain a policy of professional liability insurance.

(b) A licensee may assume duties and responsibilities within the practice of social work, *not described in section 10(a)*, 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 ~~+~~ 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. XX This regulation becomes effective immediately.