

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

LCB File No. R023-17

July 27, 2017

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

AUTHORITY: §§1 and 2, NRS 641B.160; §3, NRS 641B.160 and 641B.300.

A REGULATION relating to social workers; prescribing the qualifications required for a licensed clinical social worker to obtain authorization from the Board of Examiners for Social Workers to complete certain certifications concerning the mental condition of another person; revising provisions relating to applications for licensure or renewal of a license to engage in social work; prescribing the fees for certain licenses by endorsement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires an application for the emergency admission of a person alleged to be a person with mental illness to be accompanied by a certificate stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a certificate is completed stating that the person admitted is not a person with mental illness. (NRS 433A.195) Existing law authorizes a clinical social worker with certain psychiatric training and experience to complete a certificate for such purposes. (NRS 433A.170, 433A.195, 433A.200) Existing law requires the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before a clinical social worker is authorized to complete such a certificate. (NRS 641B.160) **Section 1** of this regulation sets forth the qualifications required for a licensed clinical social worker to obtain authorization from the Board to complete such certifications.

Existing regulations set forth the requirements for an application for licensure or renewal of a license to engage in social work from the Board. (NAC 641B.090) **Section 2** of this regulation: (1) requires an application for licensure or renewal to be completed before the Board will process the application; and (2) lists the prerequisites that must be satisfied for the Board to consider such an application to be completed.

Existing law: (1) authorizes the Board to issue a license by endorsement to engage in social work to an applicant who meets certain requirements; (2) separately authorizes the Board to issue a license by endorsement to engage in social work to an applicant who meets certain

requirements, including that the applicant is an active member of the Armed Forces, an active member's spouse, a veteran or the surviving spouse of a veteran; and (3) sets forth the maximum fees the Board is authorized to charge for both types of licenses by endorsement. (NRS 641B.271, 641B.272, 641B.300) Under existing law, the Board is authorized to charge and collect fees for a license by endorsement in an amount that does not exceed: (1) \$140 which includes the maximum amount the Board is authorized to charge for the initial application and the initial issuance of a license; or (2) if the applicant applies for the license by endorsement pursuant to the provision that requires such applicants to be an active member of the Armed Forces, an active member's spouse, a veteran or the surviving spouse of a veteran, \$50 which is one-half of the maximum amount the Board is authorized to charge for the initial issuance of a license. (NRS 641B.300) **Section 3** of this regulation provides that the Board will charge the maximum fees authorized by statute for both types of licenses by endorsement.

Section 1. Chapter 641B of NAC is hereby amended by adding thereto a new section to read as follows:

1. A licensed clinical social worker must apply to the Board for authorization to make the certifications described in NRS 433A.170, 433A.195 and 433A.200, as amended by section 1 of Assembly Bill No. 440, chapter 482, Statutes of Nevada 2017, at page 3004.

2. The application required pursuant to subsection 1 must be submitted to the Board on a form approved by the Board and must include, without limitation, evidence which is satisfactory to the Board that the applicant:

(a) Has not had a lapse in his or her license as a clinical social worker or his or her practice of social work as a clinical social worker for a minimum of 5 years;

(b) Does not have a professional license or credential that is currently revoked or suspended by an agency of another state and is not currently subject to other disciplinary action by the Board or with regard to a professional license or registration that was issued by another state; and

(c) Has at least 3 years' experience in a mental health setting in the practice of clinical social work or the supervision of clinical social work. The experience in a mental health setting must have been obtained after the applicant was licensed as a clinical social worker.

3. A licensed clinical social worker who is authorized by the Board to make the certifications described in NRS 433A.170, 433A.195 and 433A.200, as amended by section 1 of Assembly Bill No. 440, chapter 482, Statutes of Nevada 2017, at page 3004, and who is not otherwise covered under a policy of professional liability insurance shall maintain a policy of professional liability insurance.

Sec. 2. NAC 641B.090 is hereby amended to read as follows:

641B.090 1. An application for licensure or renewal must be *completed before the Board will process the application. The Board will consider such an application to be completed if:*

*(a) The application is submitted on a form provided by the Board **H**;*

(b) Each item on the form has been completed in accordance with the instructions on the form;

(c) All payments and fees required by the Board for licensure or renewal have been received by the Board; and

(d) All documents required by the Board for licensure or renewal have been received by the Board.

2. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he 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:

- (a) Approve the application;
- (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.

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

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

1. Licensed associate in social work:

- (a) Annual renewal of license\$100
- (b) Restoration of revoked license 150
- (c) Restoration of expired license200
- (d) Renewal of delinquent license..... 100

2. Licensed social worker:

- (a) Initial application\$40
- (b) Initial issuance of license.....100
- (c) Annual renewal of license100
- (d) Restoration of revoked license 150
- (e) Restoration of expired license200
- (f) Renewal of delinquent license100
- (g) Endorsement license without examination.....100
- (h) Initial issuance of provisional license.....75
- (i) Annual renewal of provisional license75

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. In accordance with NRS 641B.300, if an applicant submits an application for a license by endorsement pursuant to NRS 641B.271, the Board will charge and collect the fees set forth in subsection 2 or 3, as applicable, for the initial application for and initial issuance of a license.

5. In accordance with NRS 641B.300, if an applicant submits an application for a license by endorsement pursuant to NRS 641B.272, the Board will charge and collect one-half of the fee set forth in subsection 2 or 3, as applicable, for the initial issuance of a license.