

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

LCB File No. R079-02

Effective January 9, 2003

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

AUTHORITY: §§1-21 and 23-40, NRS 641B.160; §22, NRS 641B.160 and 641B.300.

Section 1. Chapter 641B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Colleague” means any provider of services directly to a client, including, without limitation, professionals, paraprofessionals and team members.*

Sec. 3. *“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.*

Sec. 4. *“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.*

Sec. 5. *“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.*

Sec. 6. *“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.*

Sec. 7. *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.

Sec. 8. NAC 641B.005 is hereby amended to read as follows:

641B.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641B.010 to 641B.065, inclusive, *and sections 2 to 6, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 9. NAC 641B.017 is hereby amended to read as follows:

641B.017 "Client" means a natural person, couple, family, governmental agency or political subdivision of this state ~~[who receives social work services.]~~ *that receives services from a social worker.*

Sec. 10. NAC 641B.035 is hereby amended to read as follows:

641B.035 "Intern" means an applicant for licensure as ~~[an]~~ *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.

Sec. 11. NAC 641B.045 is hereby amended to read as follows:

641B.045 "Licensee" means a person holding a license or provisional license pursuant to this chapter as ~~[an]~~ *a licensed* associate in social work, *licensed* social worker, *licensed* independent social worker or *licensed* clinical social worker.

Sec. 12. NAC 641B.052 is hereby amended to read as follows:

641B.052 "Program of continuing education" means a course or program of education and training that:

1. Is designed to maintain, improve or enhance a person’s knowledge and competency in the practice of social work; and

2. Has been ~~accredited~~ *approved* by the board.

Sec. 13. NAC 641B.057 is hereby amended to read as follows:

641B.057 “Psychotherapeutic methods and techniques” means the methods of treatment 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.

Sec. 14. NAC 641B.063 is hereby amended to read as follows:

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

Sec. 15. NAC 641B.065 is hereby amended to read as follows:

641B.065 “Social worker” means a ~~person holding a license as an~~ *licensed* associate in social work or *a person* holding a license or provisional license as a *licensed* social worker, ~~an~~ *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.

Sec. 16. NAC 641B.075 is hereby amended to read as follows:

641B.075 Any time a person ~~[provides social work services,]~~ *engages in the practice of social work*, the person shall carry evidence that is satisfactory to the board that he holds a license issued by the board.

Sec. 17. NAC 641B.090 is hereby amended to read as follows:

641B.090 1. An application for licensure or renewal must be submitted on a form provided by the board.

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

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

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

5. If deemed necessary, the board will require the personal appearance of the applicant.

6. *The board will waive the required examination for an applicant if:*

(a) The applicant is not eligible for reciprocity 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 submits his 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. 18. NAC 641B.100 is hereby amended to read as follows:

641B.100 1. An applicant for licensure or provisional licensure as:

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

FLUSH must cause the college or university from which he graduated to forward directly to the board a certified transcript of his educational course work which sets forth the degree awarded.

2. A graduate of a foreign social work program must:

- (a) Submit the appropriate forms and documentation to the Council on Social Work Education for evaluation of foreign credentials; and
- (b) If the Council on Social Work Education determines that his foreign program was equivalent to a program that it would accredit in the United States, submit to the board a copy of his transcript and cause the documentation from the Council on Social Work Education to be submitted to the board.

Sec. 19. NAC 641B.105 is hereby amended to read as follows:

641B.105 1. An applicant for licensure as a *licensed* social worker, ~~[an]~~ *licensed* independent social worker or ~~[a]~~ *licensed* clinical social worker must pass the appropriate examination given by the Association of Social Work Boards or another testing administrator that has been approved by the board.

2. *An applicant for licensure as:*

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

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

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

3. Except as otherwise provided in this section, an applicant who is required to pass an examination pursuant to this section must satisfy the board that he possesses the necessary requirements regarding age, citizenship, character and education before he may take the examination. A student of social work currently enrolled in his last semester may take the examination before the award of his degree. For the purposes of this subsection, "student of social work" means a person enrolled in an undergraduate or graduate program of study leading to a degree in social work from a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation.

~~3.~~ 4. In addition to the requirements for offering examinations set forth in NRS 641B.250, examinations will be offered as deemed appropriate by the board and as scheduled by the Association of Social Work Boards or another testing administrator that has been approved by the board.

~~[4.]~~ 5. A failed examination may be retaken 90 days after the failed examination, and the examination may be retaken only once within the year following the original examination.

Thereafter, only one examination per year may be taken.

Sec. 20. NAC 641B.110 is hereby amended to read as follows:

641B.110 1. Except for a provisional license issued pursuant to NRS 641B.275:

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

(b) After initial licensure, each license will become delinquent annually on the last day of the month of birth of the licensee and will expire 60 days thereafter.

2. Except as otherwise provided in this subsection, an application for the renewal of a license must be completed on forms supplied by the board and submitted to the board on or before the last day of the month of birth of the licensee. An application for the renewal of a provisional license issued pursuant to paragraph (b) of subsection 1 of NRS 641B.275 must be submitted to the board annually on or before the last day of the 12th month after the month in which the license was initially issued, until the expiration of the 3-year period of licensure set forth in NAC 641B.112 or until the license is no longer valid pursuant to NAC 641B.112.

3. If an application for renewal and the required fee are not postmarked on or before the last day of the month of birth of the licensee, the license becomes delinquent. A licensee whose license becomes delinquent or expires may not engage in the practice of social work until the license has been renewed or restored, as applicable.

4. A person whose license has expired may, within 3 years after the date on which his license expired, regain the right to practice social work at the same level of licensure by applying for restoration pursuant to NAC 641B.111. A person whose license has expired and who, more than 3 years after the date on which it expired, wishes to regain the right to practice social work

at the same level of licensure must apply for a license pursuant to NAC 641B.090 to 641B.105, inclusive.

5. If a licensee notifies the board in writing that the licensee will not renew his license and he allows his license to expire, the board will not consider the license to be delinquent for the purposes of NRS 641B.290.

Sec. 21. NAC 641B.112 is hereby amended to read as follows:

641B.112 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 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,

FLUSH whichever occurs first.

3. 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,

FLUSH whichever occurs first.

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

5. 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.

6. The holder of a provisional license to engage in social work, to engage in social work as ~~an~~ *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.

Sec. 22. NAC 641B.115 is hereby amended to read as follows:

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

- 1. ~~Associate~~ *Licensed associate* in social work:
 - (a) Annual renewal of license.....~~[\$60]~~ \$75
 - (b) Restoration of revoked license.....150

(c) Restoration of expired license.....	150
(d) Renewal of delinquent license.....	30 40
2. 3. Social <i>Licensed social</i> worker:	
(a) Initial application	\$40
(b) Initial issuance of license.....	60 75
(c) Annual renewal of license.....	60 75
(d) Restoration of revoked license.....	150
(e) Restoration of expired license.....	150
(f) Renewal of delinquent license.....	30 40
(g) Reciprocal license without examination.....	100
(h) Initial issuance of provisional license.....	60 75
(i) Annual renewal of provisional license	60 75
3. Independent <i>Licensed independent social worker</i> and <i>licensed</i> clinical social worker:	
(a) Initial application	\$40
(b) Initial issuance of license.....	100
(c) Annual renewal of license.....	125 150
(d) Restoration of revoked license.....	150
(e) Restoration of expired license.....	150
(f) Renewal of delinquent license.....	60 75
(g) Reciprocal license without examination.....	100
(h) Initial issuance of provisional license.....	75
(i) Annual renewal of provisional license	75

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

Sec. 23. NAC 641B.126 is hereby amended to read as follows:

641B.126 1. An applicant who holds at least an equivalent license that is in good standing to ~~provide~~ *engage in the practice of* social work ~~services~~ *as described in this chapter and chapter 641B of NRS* in another state may be licensed to ~~provide~~ *engage in the practice of* social work ~~services~~ *in this state* by the board without taking the examination prescribed by the board if the applicant has successfully passed ~~a~~ *the appropriate* licensing examination ~~approved by the board~~ *described in subsection 2 of NAC 641B.105* within the preceding 10 years. Proof of the examination must be received by the board before the board will approve an applicant for licensure by reciprocity.

2. An applicant for licensure by reciprocity must submit to the board:

(a) A written application on a form prescribed by the board;

(b) The applicable fee;

(c) Except as otherwise provided in subsection 3, proof that the license issued by the other state or any other license or credential issued to the applicant by another state:

(1) Is currently valid and in good standing; and

(2) Has never been suspended, revoked or otherwise restricted for any reason; and

(d) Proof that the applicant is of good moral character as it relates to the practice of social work.

3. If an applicant has had a license or credential that was issued by another state suspended, revoked or otherwise restricted for any reason, the board will review and consider the specific

facts and circumstances surrounding the suspension, revocation or restriction and may issue or decline to issue a license to an applicant based upon its review.

Sec. 24. NAC 641B.140 is hereby amended to read as follows:

641B.140 1. An applicant for licensure as ~~an~~ *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 subsection 2, the required work must be:

(a) Undertaken in a program that is approved by the board before the applicant begins the program. The program must include, without limitation:

- (1) An examination, if deemed necessary by the board;
- (2) An appropriate setting, as determined by the board;
- (3) Supervision of the applicant by a supervisor who has been approved by the board; and
- (4) A plan of supervision that has been approved by the board.

(b) Completed not earlier than 2 years or later than 3 years after the board approves the program. For good cause, the board will grant a specific extension of this period.

(c) Conducted pursuant to the requirements and standards set forth by the board. For good cause, the board will withdraw its approval of a particular program.

2. An applicant who has completed 3,000 hours of supervised, postgraduate social work in another state may submit evidence of his satisfactory completion of that work to the board for its consideration. The board will approve that work and accept it for licensure if the board determines that the experience of the applicant is substantially equivalent to the current standards established by the board for those applicants who complete their work in this state.

3. 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. 25. NAC 641B.150 is hereby amended to read as follows:

641B.150 1. An applicant for licensure as a *licensed* clinical social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate clinical social work. Except as otherwise provided in subsection 3, the required work must be:

(a) Undertaken in a program that is approved by the board before the applicant begins the program. The program must include, without limitation:

- (1) An examination, if deemed necessary by the board;
- (2) An appropriate setting, as determined by the board;
- (3) Supervision of the applicant by a supervisor who has been approved by the board; and
- (4) A plan of supervision that has been approved by the board.

(b) Completed not earlier than 2 years or later than 3 years after the board approves the program. For good cause, the board will grant a specific extension of this period.

(c) Conducted pursuant to the requirements and standards set forth by the board. For good cause, the board will withdraw its approval of a particular program.

2. At least 2,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be in the area of psychotherapeutic methods and techniques to persons, families and groups to help in the diagnosis and treatment of mental and emotional conditions.

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

3. An applicant who has completed 3,000 hours of supervised, postgraduate clinical social work in another state may submit evidence of his satisfactory completion of that work to the board for its consideration. The board will approve that work and accept it for licensure if the board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the board for those applicants who complete their work in this state.

4. The following activities do not qualify as supervised, postgraduate clinical social work:

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

(b) Orientational programs.

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

(d) Psychotherapy of the intern himself.

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

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

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

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

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

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

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

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

Sec. 26. NAC 641B.155 is hereby amended to read as follows:

641B.155 1. To become a supervisor of an intern, a person must:

(a) Be approved by the board to serve as the supervisor of an intern.

(b) ~~Hold a license as an~~ *Be a licensed* independent *social worker* or *a licensed* clinical social worker if supervising an intern who is seeking a license as ~~an~~ *a licensed* independent social worker, or ~~hold a license as~~ *be a licensed* clinical social worker if supervising an intern who is seeking a license as a *licensed* clinical social worker.

(c) Have at least 3 years of experience as a licensed clinical social worker or licensed independent social worker or have equivalent experience acceptable to the board.

(d) Demonstrate to the board that his current practice:

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

(2) If he is supervising an intern who is seeking a license as a *licensed* clinical social worker, consists of not less than 15 hours per month of clinical practice in the area of psychotherapeutic methods and techniques.

FLUSH The board may waive the requirements of this paragraph if the board determines that there is good cause, including, without limitation, practice within the last 2 years which is equivalent to the requirements of this paragraph.

(e) If deemed necessary by the board, appear before the board and successfully complete an oral examination.

(f) If deemed necessary by the board, successfully complete a written examination.

(g) If deemed necessary by the board, successfully complete any training specified by the board.

2. A person will not be approved as a supervisor of an intern if he is subject to an order issued by the board for disciplinary action.

3. A supervisor must not:

(a) Reside with the intern, have an intimate personal relationship with the intern or be related to the intern by blood or marriage;

(b) Have had the intern as a client; ~~or~~

(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 must 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. 27. NAC 641B.187 is hereby amended to read as follows:

641B.187 1. Except as otherwise provided in subsections 2 and 3, to renew his license, a licensee must complete at least 30 continuing education hours every 2 years, of which 2 hours must be on the issues of ethics or confidentiality in the practice of social work. *The continuing education hours must be completed in programs of continuing education approved by the board that maintain, improve or enhance the knowledge and competency of a licensee in the practice of social work.*

2. The board may renew the license of a licensee who fails to complete 30 continuing education hours during a 2-year period if it finds good cause to do so.

3. The board will renew the license of a licensee during the period in which he is enrolled in a program leading to:

(a) A baccalaureate or master's degree in social work from a college or university that is accredited by or is a candidate for accreditation by the Council on Social Work Education; or

(b) A doctoral degree in social work,

FLUSH and for two renewal periods after graduation from the program. Before renewing the license, proof of enrollment or graduation within the past 2 years must be submitted to the board by the licensee.

4. If the board renews the license of a licensee pursuant to subsection 2, it may require the licensee to complete not more than 30 additional continuing education hours during the next 2-year period.

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

6. A licensee is subject to disciplinary action if he:

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

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

Sec. 28. NAC 641B.189 is hereby amended to read as follows:

641B.189 **1.** A program of continuing education *that demonstrates the knowledge and competency of a licensee* must be ~~accredited~~ *approved* by the board. *To obtain the approval of the board, a continuing education program must be limited in time, be interactive and provide independent verification that the licensee has successfully completed the program. Such a program of continuing education may be in the form of:*

(a) Workshops or conferences, including, without limitation, teleconferences;

(b) Distance learning courses;

(c) Home study;

(d) A self-directed learning program which has been approved by the board before the licensee begins the program; or

(e) 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.

2. *A licensee may apply for not more than 7.5 hours of continuing education credit for distance learning courses, home study and self-directed learning programs during a 2-year period, except that 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. The following courses and programs will be deemed unacceptable ~~for accreditation:~~

~~1.] as a program of continuing education:~~

(a) An orientation program for new employees.

~~2.] (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.

~~3. An audio/video learning tape or]~~

(c) 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.

~~4.] (d)~~ A program for self-improvement.

(e) *A distance learning course which is not interactive, which is not limited by time 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 pre-approved by the board.*

Sec. 29. NAC 641B.190 is hereby amended to read as follows:

641B.190 1. Before the board ~~[accredits]~~ *approves* a course or program, the board must be satisfied that the course or program:

(a) Will be taught by a competent instructor as demonstrated by his educational, professional and teaching experience, unless the course or program is proposed by a licensee pursuant to subsection 2 of NAC 641B.192 and does not include the use of an instructor;

(b) Contains current and relevant educational material concerning social work, ~~and~~ is applicable to the practice of *social work, and will enhance 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; and

(e) Includes a written evaluation of the content and presentation of the course or program and its relevance to the practice of social work for each licensee to complete.

2. A course or program presented in the form of lectures, seminars, workshops, academic courses at an institution of higher education, correspondence courses through a college or university which do not lead to a degree, and on-the-job training programs offered by an agency shall be deemed “appropriately designed for instructional purposes,” as that term is used in subsection 1. The provider is responsible for the format and presentation of the courses or programs and may restrict the format in which the material is presented unless otherwise required by the board.

3. The subject matter of a course or program which addresses one or more of the following areas:

(a) Theories or concepts of human behavior and the social environment;

(b) Social work methods of intervention and delivery of services;

(c) Social work research, including, without limitation, the evaluation of programs or practices;

(d) Management, administration or social policy;

(e) Social work ethics; or

(f) Other areas directly related to the field of practice of the licensee,

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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. 30. NAC 641B.191 is hereby amended to read as follows:

641B.191 1. Unless a provider has achieved the status as an approved provider of continuing education pursuant to subsection 2, a provider requesting ~~[accreditation]~~ *approval* of a course or program ~~[shall,]~~ *must*, for each course or program, submit to the board an application containing the information required by the board. The board will notify the provider whether the course or program has been ~~[accredited]~~ *approved* or denied ~~[accreditation]~~ within 30 days after receipt of the completed application for ~~[accreditation]~~ *approval* by the board. If the board approves the course or program, ~~[for accreditation,]~~ the notice of ~~[accreditation must]~~ *approval will* state the number of continuing education hours for which the course or program is ~~[accredited. Accreditation]~~ *approved. Approval* of the course or program will:

- (a) Be given for a particular presentation or series of presentations; or
- (b) Expire on a specific date set forth in the notice of ~~[accreditation.]~~ *approval.*

2. A provider may apply to the board for status as an approved provider of continuing education. Upon receipt of sufficient evidence that the provider possesses the consistent ability to provide professional-quality programs of continuing education and that it employs or consults with a ~~[licensed]~~ social worker who *is licensed in any jurisdiction and* has at least 3 years’ experience to review each course or program that will be provided by the approved provider for its compliance with NAC 641B.190, the board will grant status as an approved provider ~~[.]~~ *of continuing education.* An approved provider of continuing education shall, within 30 days after the end of each calendar quarter, submit to the board a report that lists the title, summary, dates and number of credits assigned to each course or program it offered in the previous quarter. The

board may investigate the contents of any course or program listed in the quarterly report. The board may withdraw the status of a provider as an approved provider of continuing education if ~~it has determined~~ *the board determines* that the provider no longer possesses the qualifications of this subsection and ~~it has given~~ *gives* the provider 30 days' notice. A provider may reapply for status as an approved provider of continuing education at any time.

3. If the board denies ~~accreditation~~ *approval* of a course or program or denies or withdraws status as an approved provider of continuing education, the applicant may, within 30 days after receiving notice of the denial or withdrawal, request in writing that the board reconsider its decision.

Sec. 31. NAC 641B.192 is hereby amended to read as follows:

641B.192 1. A licensee may request the ~~accreditation~~ *approval* of a course or program which has not been submitted for:

- (a) ~~Accreditation~~ *Approval* by a provider; or
- (b) Approval pursuant to subsection 2,

FLUSH by submitting to the board an application containing the information required by the board for its review pursuant to NAC 641B.190. The course or program is subject to the same criteria used to evaluate the course or program submitted by a provider seeking ~~accreditation~~ *approval*.

2. A licensee may apply for approval for credit of a program of study or activities that is created and directed by the licensee. The application must include information or materials demonstrating that the program will meet the requirements set forth in NAC 641B.190, the nature of the studies or activities, the degree of interaction with instructors or colleagues that is expected, if any, and the date for completing the program. A licensee may apply for credit pursuant to this subsection for not more than 7.5 hours for a 2-year period, unless the board finds

that the licensee demonstrated, in his initial application, that he has good cause for the approval of additional hours. The board will not approve an application that includes studies or activities that are being completed as a part of the primary job duties of the licensee or the requirements for a class in which the licensee is enrolled. To receive credit for completing a program approved pursuant to this subsection, the licensee must, after completion of the program, submit documentation, satisfactory to the board, that he achieved the learning objectives set forth in the application.

Sec. 32. NAC 641B.193 is hereby amended to read as follows:

641B.193 1. If the board receives a complaint regarding a course or program of continuing education or a provider, the board will investigate the complaint. The investigation may include, without limitation:

- (a) Requesting a written response from the provider; and
- (b) Reviewing all relevant documents.

2. As a result of a complaint regarding a program of continuing education or a provider or on its own motion, the board will deny or withdraw ~~accreditation~~ *approval* of the course or program if it finds that:

(a) The course or program of continuing education is not in the best interest of the licensee;

or

(b) The provider of the course or program:

- (1) Fails to furnish any material as advertised;
- (2) Engages in any misleading, deceptive or unethical business or professional practice;
- (3) Fails to furnish any material required by law; or

(4) Fails to comply with any provision of chapter 641B of NRS or any regulation adopted pursuant to that chapter.

Sec. 33. NAC 641B.195 is hereby amended to read as follows:

641B.195 Within 30 days after presenting a program of continuing education, the provider shall transmit to the board:

1. The title of the program.
2. The date, time and location of the program.
3. The names and total number of licensees completing the program.
4. The number of continuing education hours assigned to the program by the board.
5. The ~~accreditation~~ *approval* number assigned to the program by the board.

Sec. 34. NAC 641B.200 is hereby amended to read as follows:

641B.200 1. The status of a licensee must not be used to support any claim, promise or guarantee of successful service, nor may the license be used to imply that the licensee has competence in another profession.

2. ~~The~~ *A* licensee shall not misrepresent, directly or by implication, his own professional qualifications, competency, affiliations and licenses, ~~nor~~ *or* those of the institutions and organizations with which he is associated. A licensee shall provide accurate information concerning his credentials, education, training and experience upon request from a client or potential client.

3. If ~~the~~ *a* licensee holds more than one occupational license, he shall disclose to his client orally and in writing the type of ~~service he is rendering~~ *practice of social work in which the licensee is engaged* and which of the licenses apply to the ~~service he is rendering~~ *practice of social work the licensee is providing* to that client. If a licensee is ~~providing services that are~~

~~not social work services,]~~ *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 ~~[service that he is providing]~~ *practice in which the licensee is engaged* and that the ~~[service]~~ *practice* is not within the scope of the practice of social work. If the licensee fails to disclose to the client that the ~~[services he is providing are services]~~ *practice in which the licensee is engaged is 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 ~~[services were]~~ *practice in which the licensee was engaged was* intended to be ~~[within]~~ the practice of social work.

4. A licensee shall not ~~[practice]~~ *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 from practicing safely.

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

- (a) Client;
- (b) Person with significant personal ties to a client, whether or not related by blood; or
- (c) Legal representative of the client,

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

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

- (a) Each client;
- (b) Each person with significant personal ties to a client, whether or not related by blood;
- (c) The legal representative of the client;
- (d) Each intern; and
- (e) Persons who are supervised by the licensee.

7. A licensee shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally rendered.

8. A licensee shall not knowingly offer service to a client who is receiving treatment from another licensee without prior consultation between the client and the other licensee.

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

10. A licensee shall not attempt to diagnose, prescribe for, treat or advise on any problem outside his field of competence. A licensee shall not assume duties and responsibilities within the practice of social work if he cannot perform the services competently.

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

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

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

14. Based upon recognized knowledge and standards of practice for social work, a licensee shall prepare and maintain in a timely manner a record regarding each of his clients which:

(a) Sets forth his assessment of the problems, issues or concerns of the client and the scope of the licensee's services to that client; and

(b) Includes, without limitation, copies of:

(1) All documents relating to the informed consent of the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

15. A licensee shall not ~~inaccurately~~:

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

(b) *Falsify billing records.*

16. A licensee shall adequately complete and submit to the board any reports required pursuant to chapter 641B of NRS, any regulations adopted pursuant to that chapter and any order, rule or instruction of a court of competent jurisdiction in a timely manner.

17. A licensee shall comply with all the provisions of the statutes and regulations governing the practice of social work that are set forth in this chapter and chapter 641B of NRS. A licensee shall comply with any state or federal law or regulation that is relevant to the practice of social work.

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

19. A licensee shall notify the board in writing within 10 days after:

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

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

(c) ~~A~~ *The* licensee is convicted of a criminal offense, other than a misdemeanor traffic offense;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work; or

(e) A settlement or judgment in a civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work.

20. A licensee shall not supervise 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.

21. 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.

Sec. 35. NAC 641B.205 is hereby amended to read as follows:

641B.205 1. A licensee shall practice social work with professional skill and competence.

2. If a licensee must act on behalf of a client who has been declared incompetent or otherwise found by the board to be incapable of acting in his own best interest, the licensee shall safeguard the interests and rights of that client.

3. If another person has been legally authorized to act on behalf of an incompetent client, a licensee shall deal with that person in accordance with the best interests of the client.

4. A licensee shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis, mental or physical disability, or any preference or personal characteristic, condition or status.

5. A licensee shall not misrepresent to a client the efficacy of his service or the results to be achieved.

6. A licensee shall apprise his clients of the risks, rights, opportunities and obligations, financial or otherwise, associated with the provision of social work services to them.

7. A licensee shall seek advice and counsel of colleagues and supervisors whenever it is in the best interest of the client. A licensee shall collaborate with other colleagues as necessary to meet the needs or interests of the client.

8. A licensee shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs or interests of the client.

9. A licensee shall not withdraw his social work services precipitously, except under unusual circumstances and after giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.

10. A licensee who anticipates the termination or interruption of service to a client shall notify the client promptly and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.

11. Except as otherwise provided in subsection 12, a licensee shall not influence or attempt to influence a:

(a) Client;

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

(c) Legal representative of the client,

FLUSH in any manner which could reasonably be anticipated to result in the licensee deriving benefits of an unprofessional nature during the time that the client is receiving professional services and for 2 years after the termination of the services.

12. A licensee shall not engage in sexual activity with a client during the time that the client is receiving professional services and for 3 years after the termination of the professional relationship.

13. A licensee shall not solicit or enter into a dual relationship with a client, intern or person who is supervised by the licensee ~~[if it is foreseeable that the relationship would harm or exploit the client, intern or person who is supervised within]~~ :

(a) During the time that the client is receiving professional services from, or the intern or person is being supervised by, the licensee; and

(b) For at least 2 years after the termination of the professional relationship, internship or period of supervision.

14. A licensee shall not cause a client physical, mental or emotional harm by taking direct or indirect actions or failing to take appropriate actions.

Sec. 36. NAC 641B.225 is hereby amended to read as follows:

641B.225 1. “Professional incompetence” as that term is used in NRS 641B.400 will be interpreted by the board to mean a lack of knowledge, skill or ability in discharging a professional obligation and includes malpractice and gross negligence.

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

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

Sec. 37. NAC 641B.240 is hereby amended to read as follows:

641B.240 1. Each licensee shall use his title designated in this chapter in all communications with the board.

2. An applicant for licensure as ~~an~~ *a licensed* independent social worker or as a *licensed* clinical social worker who is in a program to complete the required hours of supervised, postgraduate training shall, during the course of the program of internship, use the title “intern” in all communications made within the scope of his practice, including, without limitation, all communications with the board and with his respective clients.

Sec. 38. NAC 641B.245 is hereby amended to read as follows:

641B.245 1. The board may appoint an attorney who is licensed to practice law in this state or a ~~social worker who is licensed by the board~~ *licensee* to serve as a hearing officer in a contested case. The hearing officer may, upon the request of the board:

- (a) Conduct hearings;
- (b) Question witnesses;
- (c) Make rulings on motions and objections;
- (d) Submit suggested findings of fact or conclusions of law to the board at the conclusion of the case; and
- (e) Take the actions assigned to the “presiding officer” or the “presiding member of the board” pursuant to the provisions of this chapter.

FLUSH In the contested case in which a hearing officer is designated pursuant to the provisions of this section, the board will make the final determination of all findings of fact and conclusions of law in the case.

2. If the board does not appoint a hearing officer pursuant to subsection 1, the board will designate the executive director, a presiding officer or any other member of the board to serve as the hearing officer.

Sec. 39. NAC 641B.305 is hereby amended to read as follows:

641B.305 1. The board will initially consider any *written* accusation regarding a licensee as an informal complaint. Upon receipt of an informal complaint, the board's staff shall examine the complaint to determine whether it:

- (a) Has been properly verified; and
- (b) Alleges sufficient facts to warrant further proceedings.

2. If the board's staff determines that the informal complaint is properly verified and does allege sufficient facts, the board will notify the respondent by certified mail of the allegations and potential violations of a provision of this chapter or chapter 641B of NRS arising in the informal complaint and request a response for the board's review before a hearing is set. This notice shall be deemed a notice of intended action pursuant to subsection 3 of NRS 233B.127.

3. The respondent may respond in writing to the office of the board within 14 days after receiving notice from the board pursuant to subsection 2. The written response must:

- (a) Contain responses to all the allegations contained in the notice; and
- (b) Be accompanied by all documentation that will be helpful to the board's staff in

reviewing the allegations.

4. The board's staff and the legal counsel to the board shall review the informal complaint and any response it receives from the respondent pursuant to subsection 3. The board's staff and the legal counsel to the board may:

- (a) Investigate the allegations and may employ such persons or appoint such members of the board as they deem necessary to further the investigation;

- (b) Consult with experts in the appropriate field and may employ the experts for purposes of investigation or hearing;

(c) Investigate new leads or allegations that may come to their attention in the course of investigating the informal complaint; and

(d) Take any other reasonable action necessary to further the investigation.

5. When the investigation is completed, the board's staff, legal counsel to the board and persons employed by the board, including any board members appointed to assist in the investigation, shall determine whether substantial evidence exists to sustain the alleged violation of a provision of this chapter or chapter 641B of NRS. If it is determined that no violation of a statute or regulation can be sustained, the board's staff shall notify the complainant and the respondent of this determination in writing. If new evidence is discovered, the matter may at any time be reopened and investigated by the board, if circumstances warrant.

6. If it is determined that a violation of a statute or regulation can be sustained, the legal counsel to the board shall prepare a notice of hearing and a formal complaint.

Sec. 40. NAC 641B.020 and 641B.030 are hereby repealed.

TEXT OF REPEALED SECTIONS

641B.020 "Clinical social worker" defined. "Clinical social worker" means a person licensed by the board to practice clinical social work.

641B.030 "Independent social worker" defined. "Independent social worker" means a person licensed by the board to practice independent social work.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R079-02**

The Board of Examiners for Social Workers adopted regulations assigned LCB File No. R079-02 which pertain to chapter 641B of the Nevada Administrative Code on November 15, 2002.

Notice date: 10/14/2002
Hearing date: 11/15/2002

Date of adoption by agency: 11/15/2002
Filing date: 1/9/2003

INFORMATIONAL STATEMENT

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

A Notice of Intent to Act Upon a Regulation was sent by direct mail to all interested parties on the agency mailing list and each licensee. There was limited response to the Notice. Two written comments came from public agencies who had concern regarding the proposed change to NAC 641B.200(20) which includes a new provision that states that 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. Another written comment requested clarification or definition of “distance learning” specifically in regard to teleconference workshops. The final written comment included concerns regarding the increase in fees and questioning the need for continuing education. At the hearing, a request was made to amend the proposed change to NAC 641B.150 to add the words “an average of no more than” to the new proposed regulation that clarified that an intern could only submit 25 hours per week in the area of psychotherapeutic hours. The remaining public comments at the hearing supported the new regulations as written. A copy of the written comments may be obtained by writing to the Nevada State Board of Examiners for Social Workers at 4600 Kietzke Lane, C121, Reno, NV 89502.

- 2. The number of persons who:**
- | | |
|--|---|
| (a) Attended each hearing: | 6 |
| (b) Testified at each hearing: | 1 |
| (c) Submitted to the agency written comments: | 4 |

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

Comments were solicited from affected businesses by direct mail to agency administrator of large agencies that employ social workers and by interested persons subscribing to the Agency’s mailing list. There were no comments received from any affected businesses.

4. If the regulation was adopted with or without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The

statement should also explain the reasons for making any changes to the regulation as proposed.

The regulation was adopted at the Board of Examiners for Social Workers hearing on November 15, 2002 with changes to the proposed regulation including changes to the language regarding the maximum hours an intern could obtain in psychotherapeutic hours, and clarify that teleconference continuing education were not considered as distance learning. The Board agreed with the comments that such changes clarified the provisions.

5. The estimated economic effect of the adopted regulation on the business to be regulated:

- A. Adverse effect: None
- B. Beneficial effect: More efficient services for public protection
- C. Short term effect: See B
- D. Long term effect: See B

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

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

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board is aware of no other state or government agency regulations which the proposed amendments duplicate.

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

The Board is aware of no other state or government agency regulations which the proposed amendments duplicate.

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

The total annual amount expected to be collected by the Board is \$38450. The increase fees will be used to cover operating expenses particularly in the area of discipline.