

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

LCB File No. R048-04

Effective May 25, 2004

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

AUTHORITY: §1, NRS 641B.160 and 641B.202; §§2 and 3, NRS 641B.160.

A REGULATION relating to social workers; establishing certain requirements for the submission of fingerprints for applicants for initial licensure as a social worker; revising certain provisions regarding internships for certain licensed clinical social workers; revising certain standards regarding professional responsibility; and providing other matters properly relating thereto.

Section 1. 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. *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.

~~5.~~ 6. If deemed necessary, the Board will require the personal appearance of the applicant.

~~6.~~ 7. 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. 2. 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.]~~ *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 as a substitute for actual social work.

(d) Psychotherapy of the intern himself.

(e) ~~Practice~~ *Except as otherwise provided in subsection 5, 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. 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. 3. NAC 641B.200 is hereby amended to read as follows:

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

2. A licensee shall not misrepresent, directly or by implication, his own professional qualifications, competency, affiliations and licenses, 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 a licensee holds more than one occupational license, he shall disclose to his 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 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,

↳ 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]~~ *Except as otherwise provided in this subsection, a licensee shall not assume duties and responsibilities within the practice of social work if he cannot perform the services competently. A licensee may assume duties and responsibilities within the practice of social work for which he cannot currently perform the services competently if he prepares a reasonable written plan demonstrating the manner in which he will acquire the competence necessary to perform the services competently. Such a plan must be completed under the supervision of a licensee who is competent to perform the services competently or under the supervision of another professionally qualified person who is licensed to practice in this State and is competent to perform the services competently. 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 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:

(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 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.*

20. 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 territory of the United States;

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

(c) 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.~~ **21.** 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.~~ **22.** 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.

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

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R048-04**

The Board of Examiners for Social Workers adopted regulations assigned LCB File No. R048-04 which pertain to chapter 641B of the Nevada Administrative Code on April 9, 2004.

Notice date: 3/10/2004
Hearing date: 4/9/2004

Date of adoption by agency: 4/9/2004
Filing date: 5/25/2004

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. There were five written comments received. Four requested no fingerprinting of persons who currently hold licenses; one requested no fingerprinting period. There was one person who gave public comment at the hearing; however, the person spoke on a topic unrelated to the proposed regulations. 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:	4
(b) Testified at each hearing:	1
(c) Submitted to the agency written comments:	5

- 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 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 April 2004 with one change to the proposed regulation NAC 641B.200(10). The language was amended to allow a plan to gain competency be completed under the supervision of a licensee *or other qualified licensed professional*. The Board recognized that other licensed

professionals could have expertise that could benefit the social worker to gain competency in a specialty area.

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

- A. Adverse effect: The applicant for licensure will be required to pay approximate fees of \$50.00 for a background check. There is no known adverse effect to the public.
- B. Beneficial effect: Short and long effect will be to protect the public health and safety by ensuring that social workers meet the minimum standards for licensure and continued practice.
- C. Short term effect: See A and B
- D. Long tem effect: See A and 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 regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating agency.

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

8. If the regulation includes provisions that 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 that 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.

There were no new fees or increases in existing fees. The applicant for licensure will be required to pay a one-time fee for the cost of a background check.