

## LCB File No. R048-04

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

Please Note: Proposed Changes are in Italics (additions) and brackets (deletions). For the readers convenience most changes have been bolded.

**NAC 641B.XXX New Section** *Each person who applies for initial licensure must submit two sets of his fingerprints on separate standard fingerprint cards with his application, ~~and~~ pay any associated costs regarding his fingerprints, and agree to a background investigation.*

NAC 641B.150 Licensure as clinical social worker: Internship; evidence of completion of supervised, postgraduate clinical social work out of state; activities that do not qualify. (NRS 641B.160)

1. An applicant for licensure as a 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. The remaining hours 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 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.

***(g) (new) An applicant who holds a current, equivalent license in another state as determined by the Board and who has completed their experience prior to 1990 may request that the Board ~~to a~~ consider a waiver of Subparagraphs (1 through 6) inclusive of Paragraph (e) of Section (4) of NAC 641B.150 if the Board determines that there is good cause and the applicant's experience is substantially equivalent to this Board's licensing requirements.***

#### NAC 641B.200 Professional responsibility. (NRS 641B.160)

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 licensee shall not misrepresent, directly or by implication, his own professional qualifications, competency, affiliations and licenses, nor 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 licensee holds more than one occupational license, he shall disclose to his client orally and in writing the type of service he is rendering and which of the licenses apply to the service he is rendering to that client. If a licensee is providing services that are not social work services, the licensee shall disclose to the client orally and in writing the type of service that he is providing and that the service 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 other than social work, the board, in evaluating whether the licensee is in compliance with the standards of professional responsibility, will presume that the services were intended to be within the practice of social work.

4. A licensee shall not practice 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 licensee shall not assume duties and responsibilities within the practice of social work if he cannot perform the services competently. ***the licensee has prepared a reasonable written plan to acquire the necessary competency which must be provided to the board upon request.***
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 record, falsify or otherwise alter or destroy any client's records unless specifically authorized by law.
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 a territory of the United States;

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

(c) A 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.

***(new) A licensee shall not order or knowingly allow an intern or a person under his supervision to perform illegal or unethical acts.***

***(new) A licensee shall not obstruct an investigation by the Board***