

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

LCB File No. R122-06

Effective July 14, 2006

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

AUTHORITY: §§1, 5 and 9, NRS 641B.160; §2, NRS 641B.160 and 641B.200; §3, NRS 641B.160 and 641B.275; §4, NRS 641B.160 and 641B.270; §§6-8, NRS 641B.160 and 641B.280.

A REGULATION relating to social workers; requiring certain evidence relating to the age of an applicant for a license to be submitted to the Board of Examiners for Social Workers; establishing the ineligibility of a person for a provisional license under certain circumstances; requiring a supervisor of an intern to ensure that the intern provides services that are culturally and linguistically appropriate; revising the requirements for continuing education for ethics that a licensee must complete; revising the manner in which a licensee may complete a program of continuing education that is approved by the Board; requiring a course or program approved by the Board to be supported entirely or partially by evidence that is based on research; prohibiting a licensee from refusing to release a client's records upon request by the client under certain circumstances; requiring a licensee to maintain each client's records for a certain period; and providing other matters properly relating thereto.

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

“Services that are culturally and linguistically appropriate” means any care or services provided by a licensee that:

- 1. Are effective, understandable and respectful; and*
- 2. Within the limitations of any available resources, are compatible with the client's:*
 - (a) Cultural beliefs and practices; and*
 - (b) Preferred language of communication.*

Sec. 2. NAC 641B.095 is hereby amended to read as follows:

641B.095 1. Except as otherwise provided in subsection 2, for the purposes of NRS 641B.200, the Board will accept as satisfactory evidence of:

(a) The age of the applicant, a copy of his birth certificate, passport, baptismal certificate, driver's license or such other documentation regarding age satisfactory to the Board. *If the evidence includes any order of a court or other legal document specifying a change of name of the applicant or any form of identification that includes a photograph of the applicant, a copy of the document or identification must be submitted to the Board.*

(b) The citizenship of the applicant, a copy of his birth certificate, passport, naturalization papers or such other documentation regarding citizenship satisfactory to the Board.

(c) The lawful entitlement of the applicant to remain and work in the United States, a copy of documentation from the ~~[United States Immigration and Naturalization Service]~~ *Bureau of Citizenship and Immigration Services of the Department of Homeland Security* evidencing the lawful entitlement of the applicant to remain and work in the United States.

2. A birth certificate issued by a hospital is not satisfactory evidence of the age or citizenship of the applicant.

Sec. 3. 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,

↳ whichever occurs first.

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

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

(a) The licensee fails the prescribed examination; or

(b) The provisional licensing period of 9 months expires,

↳ whichever occurs first.

~~[4.]~~ 5. 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.}~~ 6. 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.}~~ 7. The holder of a provisional license to engage in social work, to engage in social work as a licensed independent social worker or to engage in social work as a licensed clinical social worker shall practice under the supervision of a licensed social worker who is:

(a) Licensed pursuant to chapter 641B of NRS; and

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

Sec. 4. 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 engage in the practice of social work as described in this chapter and chapter 641B of NRS in another state may be licensed to engage in the practice of social work in this State by the Board without taking the examination prescribed by the Board if the applicant has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 within the preceding ~~{10}~~ 15 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. 5. NAC 641B.160 is hereby amended to read as follows:

641B.160 1. A supervisor of an intern shall ensure that:

- (a) The work of the intern is conducted in an appropriate professional setting;
- (b) The work of the intern is consistent with the standards of the profession;
- (c) The intern is assisted with the development of his professional identity;
- (d) The intern has gained the skills required to manage his practice;
- (e) The intern has gained the skills required for continuing competency;
- (f) The intern has gained knowledge of the laws and regulations applicable to the practice of social work; ~~and~~

(g) The intern is familiar with the current literature concerning those areas of social work relevant to his area of practice ~~and~~; *and*

(h) The intern provides services that are culturally and linguistically appropriate.

2. A supervisor of an intern shall:

- (a) Meet in person with the intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the intern in his practice;

(b) Prepare and submit to the Board quarterly reports and a final report, unless the Board specifically directs a different schedule or frequency for the reports, on forms provided by the Board, concerning the progress of the intern in his practice; and

(c) Be available to consult with the Board concerning the record, competence in practice, emotional and mental stability or professional and ethical conduct of the intern.

3. Not more than 24 hours of the supervision of the intern may be in the form of group supervision.

4. A supervisor of an intern shall analyze the performance of an intern through information obtained from:

(a) Observation or participation in the practice of the intern; and

(b) The notes of the intern.

5. The Board will, if it deems it appropriate, withdraw its approval of a person to supervise a particular intern or any intern if the supervisor:

(a) Fails to supervise an intern adequately;

(b) Fails to comply with each applicable provision of a statute or regulation;

(c) Fails to submit acceptable reports as required in paragraph (b) of subsection 2 regarding the progress of each intern under his supervision;

(d) Fails to complete the training required by the Board pursuant to subsection 1 of NAC 641B.155; or

(e) Becomes subject to an order issued by the Board for disciplinary action.

6. A person whose approval to supervise an intern has been withdrawn by the Board because he is subject to an order issued by the Board for disciplinary action may reapply for

approval to supervise an intern after he has satisfactorily completed the requirements of the order.

7. If the Board withdraws its approval of the person supervising an intern, the intern may apply to the Board for the:

- (a) Assignment of another approved supervisor; and
- (b) Approval of a new internship agreement and plan of supervision.

Sec. 6. 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~~ *relate to ethics* in the practice of social work ~~[-], including, without limitation, issues addressing professional boundaries, confidentiality or dual relationships within that practice.~~ 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,

↪ 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. 7. 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 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; ~~for~~

(e) *Publication of an article or paper by the licensee in a professional journal or other publication that is approved by the Board;*

(f) *Presentation of an academic course, in-service training workshop or seminar by the licensee;*

(g) *Successful completion of an academic course of instruction at a regionally accredited college or university;*

(h) *Attendance by the licensee at a workshop or public hearing conducted by the Board; or*

(i) 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. *A licensee may apply for not more than 2 hours of continuing education credit relating to ethics for any period in which the licensee serves as a member of a committee or board of review that:*

(a) *Considers issues or applies any policy, law or regulation relating to ethics; and*

(b) *Is approved by the Board.*

4. The following courses and programs will be deemed unacceptable as a program of continuing education:

- (a) An orientation program for new employees.
- (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.
- (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.
- (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 preapproved by the Board.

5. As used in this section, “interactive” means any two-way communication in which each participant in the communication is able to interact in a manner which elicits or may elicit a response from a provider or any other participant in that communication. The term includes, without limitation, any discussion or homework. The term does not include any test that is conducted before or after a program of continuing education.

Sec. 8. NAC 641B.190 is hereby amended to read as follows:

641B.190 1. Before the Board 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, 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) *Is supported entirely or partially by evidence that is based on research; and*

(f) 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~~ *an accredited* 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) *Services that are culturally and linguistically appropriate; or*

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

↪ 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. 9. 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. 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.

(c) Refuse to release a client's records upon request by the client unless otherwise specifically authorized by law.

16. A licensee shall *maintain each client's records for at least 10 years unless otherwise specifically authorized by law.*

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

~~17.7~~ **18.** A licensee shall comply with all the provisions of the statutes and regulations governing the practice of social work that are set forth in this chapter and chapter 641B of NRS. A licensee shall comply with any state or federal law or regulation that is relevant to the practice of social work.

~~18.1~~ **19.** A licensee shall not authorize a person under the supervision of the licensee to perform services outside of the level of licensure, training or experience of the person who is supervised or allow that person to hold himself out as having expertise in a field in which he is not qualified.

~~{19.}~~ 20. A licensee shall not order or knowingly allow a person under the supervision of the licensee to engage in any illegal or unethical act related to social work.

~~{20.}~~ 21. 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.

~~{21.}~~ 22. A licensee shall not supervise any person who engages in the practice of social work if that person has not satisfied the appropriate requirements for licensure pursuant to this chapter and chapter 641B of NRS.

~~{22.}~~ 23. A licensee shall not provide any services, including, without limitation, any diagnosis, therapeutic counseling, therapy or other clinical services, to an intern or other person over whom the licensee has administrative, educational or supervisory authority.

~~{23.}~~ 24. A licensee shall not knowingly obstruct an investigation conducted by the Board.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R122-06**

The Board of Examiners for Social Workers adopted regulations assigned LCB File No. R122-06 which pertain to chapter 641B of the Nevada Administrative Code on June 9, 2006.

Notice date: 5/10/2006
Hearing date: 6/9/2006

Date of adoption by agency: 6/9/2006
Filing date: 7/14/2006

INFORMATIONAL STATEMENT

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

A Notice of Intent to Act Upon a Regulation (Notice) was sent by direct mail to all interested parties on the agency mailing list and each licensee. The notice was also posted on the Board's web page. There was limited response to the Notice. One e-mail response was received requesting that certain applicants for reciprocity who had consistent social work practice be exempt from retaking the examination. One person who gave public comment at the hearing requesting clarification on which items should be included in ethics courses described in changes in Section 6. This person also supported the e-mail response to exempt certain applicants from the retaking of the examination. 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 persons who:

- | | |
|--|---|
| (a) Attended each hearing; | 1 |
| (b) Testified at each hearing; | 1 |
| (c) Submitted to the agency written comments: | 1 |

3. A description of how comment was solicited from affected business, a summary of their response, and an explanation how other interested person 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 regulation was adopted at the Board of Examiners for Social Workers hearing on June 9, 2006 with one change to the proposed regulation NAC 641B.187(1). The language was amended to clarify that the a course must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality or

dual relations within that practice. The word “or” was substituted for “and” in the provision. The Board agreed with the public present that this minor change would be easier for the public to understand.

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

- A. Adverse effect: There is no known adverse effect to the public or licensees.
- 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 term effect: See A and B

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

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

7. A description of any regulations of other state or government agencies that 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 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 that the proposed amendments duplicate.

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

There were no new fees or increases in existing fees.