

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R018-16

The following statement is submitted by the Nevada Board of Examiners for Social Workers (Board) pertaining to the adopted amendments to Nevada Administrative Code (NAC) Chapter 641B.

1. A clear and concise explanation of the need for the adopted regulation.

The regulation changes in Sections 1, 5, 6, and 8 are necessary updates in regulation to comply with recent statutory changes during the 78th/2015 Legislative Session. The regulation changes in Sections 2, 3 and 4 expand criteria for the Board's acceptance of postgraduate supervised hours. The regulation change in Section 7 updates criteria for the Board's approval of courses for continuing education. The regulation change in Section 9 clarifies for licensees and the public, the definition of a, "dual relationship", between a licensee and client, intern or individual who is supervised by a licensee.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Notification containing a summary of Sections 1 through 9 in LCB File No. R018-16 and notification of the public workshop were sent by U.S. mail to all individuals licensed by the Board and emailed to persons who were known to have an interest in matters pertaining to social work licensure, including any individuals specifically requesting such notifications. The notifications informed recipients that the regulation change in LCB File No. R018-16 could be viewed in its entirety on the Board's website, www.socwork.nv.gov, or could be obtained in hard copy by submitting a written request to the Board's office. In addition to being made available on the Board's website, these documents were also mailed to all county libraries in Nevada and posted at the following locations:

Mojave Adult Clinic
745 W. Moana Lane, Suite 100
Reno, NV 89509

Mojave Adult Clinic
4000 E. Charleston Blvd., Suite B-230
Las Vegas, NV 89104

Washoe Co. Dept. of Soc. Services
350 S. Center St.
Reno, NV 89501-2103

Clark Co. Social Services
1600 Pinto Lane
Las Vegas, NV 89106-4196

UNR School of Social Work
Ansari Business Bldg., Rm. 523
900 N. Virginia Street
Reno, NV 89502

UNLV School of Social Work
Central Desert Complex 10
4505 Maryland Pkwy.
Las Vegas, NV 89154-9900

Nevada Board of Examiners for Social Workers
4600 Kietzke Lane, Suite C-121
Reno, NV 89502

A public workshop (hearing) to solicit public comment pertaining to the proposed regulation change in File No. R018-16, was conducted on April 15, 2016, from 12:30 p.m. until 3:30 p.m. at the following locations: Mojave Mental Health: Reno, 745 West Moana Lane, Suite 100, Reno, Nevada 89509 and Mojave Adult Clinic, 4000 East Charleston Blvd., Suite B-230, Las Vegas, Nevada 89104. Public input and discussion pertaining to the proposed regulation change were considered by Board members at both locations. Minutes of both public workshops are attached (*Attachment A*), and contain a summary of the public input and discussion conducted at both locations pertaining to the proposed regulation change. Thereafter, on or about May 13, 2016, the Executive Director to the Board of Examiners for Social Workers issued a Notice for the Adoption of Regulation in LCB File No. R018-16. A copy of the minutes which summarizes the input and discussion pertaining to LCB File No. R018-16 during the April 15, 2016 Public Workshops may be obtained from the Nevada Board of Examiners for Social Workers, 4600 Kietzke Lane, Suite C-121, Reno, Nevada 89502, by visiting the Board's website, www.socwork.nv.gov, or by email to kfrakes@besw.nv.gov.

3. **The number of persons who:**
 - (a) **Attended each hearing:** Las Vegas-21; Reno-9
 - (b) **Testified at each hearing:** Las Vegas-13; Reno-7
 - (c) **Submitted written comments:** One (1)
4. **A list of names and contact information, including telephone number, name of entity or organization represented and electronic mail address, for each person identified above in #3, as provided to the State Board of Examiners for Social Workers, is attached as Attachment B.**
5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Although the proposed regulation in R018-16 did not propose any increases in fees or the addition of fees, the Board sent out a survey to agencies who appeared to fit the definition of a "small business" as defined in NRS 233B.0382, and who were known by the Board to hire licensed social workers. Forty-five (45) surveys were mailed on March 22, 2016, with responses requested by April 8, 2016. The Board also posted the survey on its website, www.socwork.nv.gov. By April 14, 2016, the Board received two (2) responses by U.S. Mail. Both responses indicated that the proposed regulation changes contained in R018-16 did not appear to pose any fiscal impact upon their businesses. Accordingly, the Board further believes that it used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the proposed regulation change. Interested individuals may also request a copy of this statement by submitting a written request to our office: State of Nevada Board of Examiners for Social Workers, 4600 Kietzke Lane, Suite C-121, Reno, Nevada 89502.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Public comment pertaining to proposed regulation changes which were not in response to changes resulting from the 78th/2015 Legislative session, were favorable. Aside from regulation changes resulting from a particular legislative continuing education requirement, comments pertaining to regulation changes resulting from legislation pertaining to endorsement of out-of-state licenses, were generally favorable. Accordingly, the Board moved forward in adopting the proposed regulation changes on June 17, 2016.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
(1) Both adverse and beneficial effects; and
(2) Both immediate and long-term effects.

(a) Adverse and beneficial effects

Adverse economic effect of a particular legislative continuing education requirement may result if a licensee fails to take the required Board approved continuing education course timely and/or fails to submit proper verification of course completion timely upon licensure renewal. As stipulated in legislation, a licensee would not be eligible to renew his or her license if the aforementioned verification is not received upon licensure renewal. This would place an economic burden upon this licensee, with possible, additional adverse impact upon the licensee's employer. The Board has taken tremendous efforts to educate their licensees regarding this requirement for license renewal, which becomes effective July 1, 2016. Beneficial effects pertaining to the continuing education requirement will facilitate licensee practice competency which should benefit the public. Additional anticipated beneficial effects resulting from the regulation change will be the ease of licensure endorsement for out-of-state applicants and increased access of internship supervisors for licensees seeking to obtain postgraduate supervision towards an advanced level of licensure (i.e. LCSW'S and LISW'S)

(b) Both immediate and long-term effects.

The immediate effects appear to have been addressed in item 7-a, above. It is anticipated that the long-term effects of the proposed regulation changes will include increased licensee competency, increased postgraduate supervised practice opportunities and increased licensure via endorsement for out-of-state applicants.

8. The estimated cost to the agency for enforcement of the proposed regulation:

Initially, it is anticipated that there will be a modest increase in staff time to enforce the legislative continuing education mandate. It is expected, that with ongoing efforts to educate licensees about this requirement and as Board staff become more accustomed in conducting the verification of continuing education completion process, the increase in staff time will begin to subside.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other State or government agency regulations that the proposed regulation duplicates.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

- 11. 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 proposed regulation does not provide a new fee or increase an existing fee.