

State of Nevada
BOARD OF EXAMINERS FOR SOCIAL WORKERS

ADVISORY OPINION NO. 2

(Amended and Approved January 12, 2001)

INTRODUCTION

The Nevada Medicaid Office of the Welfare Division of the Department of Human Resources has posed a series of questions relating to the provision of social work services in skilled nursing facilities. The State of Nevada Board of Examiners for Social Workers (BOARD) will respond to each question in turn.

QUESTION 1

What are the licensure requirements of persons providing social work services in skilled nursing facilities?

ANALYSIS

NRS 641B.030(2) defines "social work" as follows:

"Social work" means the application of methods, principles and techniques of case work, group work, community organization, administration, planning, consultation and research to assist persons, groups or communities to enhance or restore their ability to function physically, socially and economically.

NRS 641B.500 makes it unlawful for any person to represent himself as a social worker unless licensed by the BOARD. Similarly, NRS 641B.510 makes it unlawful for any person to use the title of a licensee in connection with his work, or in any way imply that he is licensed by the BOARD unless he is licensed by the BOARD.

A person who performs social work functions as defined by NRS 641B.030(2) is representing himself as a social worker. Such a person must be licensed by the BOARD. Otherwise, he would be in violation of NRS 641B.500 and/or 641B.510.

CONCLUSION 1

Persons providing social work services in skilled nursing facilities are holding themselves out to the public as social workers and must be licensed by the BOARD.

QUESTION 2

May a "social work assistant" provide social work services without a license?

ANALYSIS

The term “social work assistant” is a carry over from earlier times when many states did not require the licensure of social workers. Chapter 641B does not recognize “social work assistants” as an exception to licensure requirements or as a separate licensing category.

“Social work assistants” are subject to the same requirements as all other individuals performing social work services. See that Analysis of Question 1 above. A person performing social work functions as defined by NRS 641B.030(2) is representing himself as a social worker. A person cannot escape liability merely by labeling himself a “social work assistant.” The key is not what the person calls himself, but the functions he actually performs.

It should be noted that NRS 641B.510 makes it unlawful to imply that a person is licensed by the BOARD. Now that nursing assistants are certified by the Nevada State Board of Nursing, it is not unforeseeable that the public will infer that “social work assistants” are similarly certified or licensed by this BOARD.

CONCLUSION 2

The BOARD disapproves of the label “social work assistant” as a meaningless distinction as it relates to the requirements of licensure established by Chapter 641B. A person performing social work represents that he is a social worker and is required to be licensed regardless of the label he attaches to himself.

QUESTION 3

May a “social work assistant” sign social service notes?

ANALYSIS

The BOARD does not recognize the label “social work assistant.” See Analysis in Question 2 above. However, it is possible that a person licensed under Chapter 641B may be given the job title of a “social work assistant.”

Signing social service notes constitutes the practice of social work as defined by NRS 641B.030(2). Consequently, a person so signing represents himself as a social worker. Thus, licensure is required. See Analysis in Question 1 and 2 above.

CONCLUSION 3

A “social work assistant” may sign social service notes only if he is licensed by the BOARD.

QUESTION 4

May a licensed Associate in Social Work (LASW) be employed as the social worker at a skilled nursing facility?

ANAYLSIS

Persons licensed as a Licensed Associate in Social Work (LASW) under NRS 641B.210 are generally able to perform all social service functions. A LASW may not practice independently [NRS 641B.505(1)]. A LASW may not practice clinical social work [NRS 641B.505(2)]. Employment by a skilled nursing facility, even if the LASW were the only social worker employed by the facility, does not constitute independent practice. Accordingly, nothing in Chapter 641B would prevent a skilled nursing facility from employing a LASW as a social worker.

CONCLUSION 4

Nothing in Chapter 641B prevents a skilled nursing facility from employing a LASW as a social worker.

QUESTION 5

What are the licensing requirements of persons providing social work consulting services?

ANALYSIS

If the person providing social work consulting services is not an employee of the skilled nursing facility or other health care facility or agency, then that person is functioning as an independent contractor. See NRS 284.173(2). As an independent contractor, he is engaged in the independent practice of social work and is subject to the requirements of NRS 641B.505.

NRS 641B.505(1) makes it unlawful to engage in the independent practice of social work unless licensed as a Licensed Independent Social Worker (LISW) or as a Licensed Clinical Social Worker (LCSW). NRS 641B.505(2) makes it unlawful to engage in the clinical practice of social work unless licensed as a Licensed Clinical Social Worker (LCSW).

CONCLUSION 5

Persons providing social work consulting services as an independent contractor must be licensed as a Licensed Independent Social Worker (LISW) or a Licensed Clinical Social Worker (LCSW).

QUESTION 6

May a social worker consultant “sign off” on social service notes entered by an unlicensed individual?

ANALYSIS

A social worker consultant must be licensed as a Licensed Independent Social Worker (LISW) or a Licensed Clinical Social Worker (LCSW). See Analysis in Question 5 above. As a LISW and/or a LCSW, the licensee is subject to the Standards of Practice established by the BOARD, NRS 641B.400; NAC 641B.220.

NAC 641B.200(1) provides in pertinent part as follows:

He shall not misrepresent his own professional qualifications, affiliations and licenses, nor those of the institutions and organizations with which he is associated. Emphasis added.

NAC 641B.205(1) provides as follows:

A licensee shall serve clients with devotion, loyalty, determination and the maximum application of professional skill and competence.

A licensee that “signs off” on the social service notes of an unlicensed person implies that the services were actually performed by the consultant and, thus, misrepresents the qualifications of the person actually performing the social services (the unlicensed person). If the unlicensed person is an employee or agent of the skilled nursing facility (institution), a violation of NAC 641B.200(1) would occur.

Similarly, a licensee that “signs off” on the social service notes of an unlicensed person does not serve his clients with devotion, loyalty, determination and the maximum application of professional skill and competence. As a result, there would be a violation of NAC 641B.205(1).

CONCLUSION 6

A licensee that “signs off” on the social service notes of an unlicensed person is guilty of unprofessional conduct.

STATE OF NEVADA BOARD OF
EXAMINERS FOR SOCIAL WORKERS

By: _____
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