



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

NOTICE OF INTENT TO ACT UPON A REGULATION
NOTICE OF HEARING FOR THE ADOPTION OF
LCB File No. T001-16

BY

The State of Nevada Board of Examiners for Social Workers

The State of Nevada Board of Examiners for Social Workers (Board) will hold a Public Hearing pertaining to the adoption of LCB File No. T001-16, on Friday, October 21, 2016, at 10:00 a.m., at the following location:

4600 Kietzke Lane, Suite I-204
Conference Room
Reno, Nevada 89502

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of the temporary regulations pertaining to T001-16, Chapter 641B of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. T001-16

1. Need and purpose of the proposed regulation or amendments (which includes the terms or substance of the regulations to be adopted, amended or repealed...)

The need for the proposed regulations is to protect the public health, safety and welfare by ensuring that only qualified and competent social workers are licensed in the State. The rationale for each proposed regulation change is noted below:

(Section 1) NAC 641B.090 Application for licensure or renewal; conditions for waiver of examination.

The passage of Senate Bill 68 (SB 68), during the 78th, 2015 Legislative Session, requires State occupational licensing boards to issue a license to applicants who are requesting endorsement of their out-of-state license, within forth-five (45) days following receipt of the application or within ten (10) days after the Board receives the results of the applicants' background based on the submission of their fingerprints. This proposed regulation clarifies that an application must be, "complete", prior to being process. A "complete" application includes: All items finished as instructed on

the Board approved application form; Receipt of all payments and fees; and Receipt of all required documents.

(Section 2) NAC 641B.112 Provisional license: Eligibility; validity; disciplinary action; reinstatement or restoration; supervision of holder.

The proposed regulation would allow for the issuance of a provisional, one-year license to an applicant for endorsement of a similar out-of-state license, contingent upon initial receipt of specified information and the provision of the remaining required information within the one-year period of provisional licensure. Often out-of-state licensure applicants have employment opportunities within the State that are pending licensure by the Board. At times, receipt of documentation and verification of certain information by the Board may unintentionally hinder an applicant's ability to receive licensure expeditiously and cause possible delays with in-State employment opportunities. This proposed regulation change attempts to address this issue by providing interested applicants who are able, following submission of their application for endorsement to immediately provide: Verification of a corresponding, unrestricted social work license in the District of Columbia or any state or territory of the United States; A clear, photocopy of a current and official forms of government identification, which authenticates the identity of the applicant as well as his/her ability to remain and work in the United States; and a notarized affidavit accompanying the application which attests to the accuracy of the information contained on the application as well as any subsequent information provided by the applicant during the application process. Following receipt of the above information, a one-year provisional license is issued to the applicant who will have one-year to submit the additional required documents and information. This provisional license affords the applicant for licensure endorsement to pursue employment under the provisional license while allowing the Board to receive the required documents and information towards official licensure within one-year.

(Section 3) NAC 641B.115 Fees.

The proposed regulation change pertains to fees the Board shall charge and collect for applicants via endorsement, pursuant to NRS 641B.271 and NRS 641B.272. During the 2015 Legislative session, Section 47 of SB 68 indicated that the Board shall not charge or collect for fees which have already been established in section 1 of NRS 641B.300. During the 2015 Legislative session, Section 76 of AB 89 indicated that the Board shall collect not more than one-half of the fee set forth in subsection 1 of NRS 641B.300 for the initial issuance of a license for qualifying applicants for licensure endorsement, as noted in Section 74 of AB 89. The proposed regulation change in NAC 641B.115, brings the Board's regulations pertaining to the collection of fees for endorsement into compliance with the noted legislation.

(Section 4) NAC 641B.200 Professional Responsibility

The proposed regulation change establishes criteria under which a Clinical Social Worker, licensed by the Board, may engage in the certification and decertification process of individuals under an involuntary hold, pursuant to NRS 433A. This was presented in SB 7 during the 2015 Legislative session, with legislation reflected in NRS 641B.160(2). The proposed regulation change is reflected in NAC 641B.200(10) and requires that the eligible Clinical Social Worker be continuously licensed for a minimum of five (5) years, without lapse of licensure, is not under a

disciplinary sanction in any state, and must provide proof, to the Board's satisfaction, of a minimum of three (3) years post clinical social work licensure, either current, direct practice or current supervision of practice in a mental health setting. The qualifying licensed clinical social worker shall also complete training and any retraining specified by the Board as well as maintain a policy of professional liability insurance if the licensed clinical social worker is not already covered under such a policy. The proposed regulation change will enable the Board to carry out the provisions of SB 7 which is currently reflected in NRS 641B.160(2).

(Section 5) This section indicates that, pursuant to NRS 233B.063, that these temporary regulation changes would become effective following filing with the Office of the Secretary of State, pursuant to NRS 633B.066, as it pertains to temporary regulations.

2. If the regulation is a temporary one, either the text of the proposed rule or a description of the substance of the rule and the subjects and issues involved.

A copy of the proposed temporary regulation change in T001-16 is attached as Attachment A. The proposed temporary regulations are also available for review and download on the Board's website, www.socwork.nv.gov.

3. A statement of 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 both adverse and beneficial effects and both immediate and long-term effects.

Section 1. NAC 641B.090 Application for licensure or renewal; conditions for waiver of examination.

Adverse and beneficial effects. There does not appear to be any adverse or beneficial effects upon social workers regulated by the Board or on the public.

Immediate and long-term effects. There does not appear to be any adverse or beneficial immediate or long-term effects associated with this regulation change.

Section 2. NAC 641B.112 Provisional license: Eligibility; validity; disciplinary action; reinstatement or restoration; supervision of holder.

Adverse and beneficial effects. The benefit of this proposed regulation change pertains to the ability for applicants applying for endorsement to be licensed more immediately under a provisional license and to continue to provide the remaining required documents and information within the one (1) year period of provisional licensure. Adverse effects may occur if an applicant is provided a provisional license who does not meet qualifying requirements or has a disciplinary sanction against their license. The Board, however, would be able to engage in disciplinary action as specified in this section and in Chapters 641B of NRS and NAC.

Immediate and long-term effects. It is anticipated that the immediate effect will be the ability to enable qualifying applicants to receive a provisional license and to become gainfully employed. The ability for out-of-state applicants to receive a

provisional license should provide the long-term effect of addressing the shortage of qualified health professionals in the State, including social workers.

Section 3. NAC 641B.115 Fees.

Adverse and beneficial effects. An adverse effect may be the reduction of revenue to the Board as it pertains to NRS 641B.272. The reduction in fees as it pertains to qualifying individuals pursuant to NRS 641B.272, will provide a modest monetary benefit.

Immediate and long-term effects. The immediate anticipated reduction in Board revenue pursuant to NRS 641B.272 does not appear to impact the Board significantly, given that the percentage of qualifying applicants pursuant to this statute appears modest. Accordingly, it is also assumed that any long-term effects upon Board revenue will remain modest.

Section 4. NAC 641B.200 Professional Responsibility.

Adverse and beneficial effects. The beneficial effect would be the ability for qualifying licensed clinical social workers (LCSW'S) to certify or decertify individuals who either need to be certified for an involuntary commitment for psychiatric hospitalization or who need to be decertified from the involuntary commitment and eligible for discharge, pursuant to Chapter 433A of NRS. The adverse effect may occur when the qualifying LCSW either incorrectly certifies or decertifies an individual. However, the LCSW appears to be part of a mental health team evaluating the individual, with the individual's attending physician ultimately responsible for the medical clearance and discharge of the individual.

Immediate and long-term effects. Both the immediate and long-term effects pertain to individuals receiving expeditious treatment and discharge from treatment, both of which should benefit the treatment milieu.

4. A statement identifying the methods used by the agency in determining the impact on small business prepared pursuant to subsection 3 of NRS 233B.0608.

Although the proposed regulations in T001-16 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. Fifty-seven (57) surveys were mailed out on August 3, 2016, with responses requested by August 17, 2016. The Board also posted the survey on its website, www.socwork.nv.gov. By August 17, 2016, the Board received one (1) response by U.S. Mail. This response, however, did not address the items pertaining to the questions in the mailed survey. The Board continued to accept survey responses and on August 23, 2016, the Board received a survey by U. S. Mail from a respondent who appeared to fit the definition of a "small business" owner, as defined in NRS 233B.0382. This business owner indicated that he did not believe the proposed changes in T001-16 presented a direct or significant economic burden upon his business, nor did the proposed regulation change appear to directly restrict the formation, operation or expansion of his business. 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 changes. **A copy of the Board's *Small Business Impact Statement* is attached to**

this Notification as Attachment B, and may also be found on the Board's website, www.socwork.nv.gov.

5. The estimated cost to the Board for enforcement of the proposed regulation.

There may be a modest financial cost to the Board in the development and implementation of the training required in Section 4. The Board anticipates deferring some of the Board's costs by collecting a nominal fee to participants who attend the training.

6. A description of any regulations of other State or local government agencies which the proposed regulation overlaps or duplications and a statement explaining why the duplication or overlapping is necessary, if the regulation overlap or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not applicable.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of those provisions.

The Board is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

9. The date, time, and place where, and the manner in which, interested persons may present their views on the proposed regulation.

The public hearing and notification for the adoption of LCB File Number: T001-16 will be conducted on October 21, 2016, at 10:00 a.m. at: 4600 Kietzke Lane, Suite I-204, Conference Room, Reno, Nevada 89502. The Board will also accept written comments addressed and mailed to the Board office, 4600 Kietzke Lane, Suite C-121, Reno, Nevada 89502, thorough October 20, 2016. Interested individuals may also drop off their written comments to the Board office during business hours, 8:30 a.m. through 4:30 p.m., no later than the October 20, 2016 deadline. If no person who is directly affected by the proposed action appears personally during the October 21, 2016 hearing for the purpose of requesting time to make an oral presentation pertaining to the proposed regulation change, the Board may proceed immediately to act upon any written submissions.

10. All addresses where the text of the rule may be inspected and copies.

A copy of this notice and the regulations to be adopted in LCB File T001-16, will be on file at the Nevada State Library, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, T001-16, will be available at the office of the **State of Nevada Board of Examiners for Social Workers, 4600 Kietzke Lane, Suite C-121, Reno, Nevada, 89502**, and at the main public libraries in all counties throughout the State, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at: <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This notice of hearing and text of the rule has been posted at the following locations:

NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District
Headquarters
833 Las Vegas Boulevard North
Las Vegas, Nevada 89101-2062

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

*Story County Public Library
(CLOSED, instead, send to the
Storey Co. Clerk's Office, see
below)*

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Storey County Treasurer and
Clerk's Office, Drawer D
Virginia City, Nevada 89440

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library (Nye Co.)
P.O. Box 449
Tonopah, Nevada 89049

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Campton Street
Ely, Nevada 89301

11. The exact language of subsection 2 of NRS 233B.064.

NRS 233B.064(2) provides: *“Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.*

12. A statement indicating whether the regulation establishes any new fee or increases an existing fee.

The proposed regulation in T001-16 does not establish a new fee or increases an existing fee.

ATTACHMENT A

Copy of LCB File Number

T001-16



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

PROPOSED TEMPORARY REGULATION CHANGE
LCB File Number: T001-16

(All proposed changes are highlighted in "yellow")

Section 1. NAC 641B.090 is hereby amended to read as follows:

NAC 641B.090 Application for licensure or renewal; conditions for waiver of examination. (NRS 641B.160, 641B.202)

1. An application for licensure or renewal must be **complete prior to being processed, which includes;**

(a) Submission submitted on a form provided by the Board~~(.)~~;

(b) All items finished as instructed on the Board approved application form;

(c) Receipt of all payments and fees; and

(d) Receipt of all required documents.

2. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he or she has previously submitted to the Board.

3. By submitting an 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 the 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.

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

7. For each application, the Board will:

(a) Approve the application;

(b) Defer action on the application pending the receipt by the Board of additional information concerning the application; or

(c) Deny the application.

8. The Board will waive the required examination for an applicant if:

(a) The applicant is not eligible for endorsement 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 or she submits his or her 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.112 is hereby amended to read as follows:

NAC 641B.112 Provisional license: Eligibility; validity; disciplinary action; reinstatement or restoration; supervision of holder. ([NRS 641B.160](#), [641B.275](#))

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 or her 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. The Board may issue a one-year provisional license to an applicant seeking endorsement of an equivalent social work license who:

(a) Completes and submits an application for licensure on a form supplied by the Board and the appropriate fee;

(b) Agrees to the processing of the form and fingerprints as described in NAC 641B.090, sections 1 through 4; and

(c) Provides preliminary information which can be verified by the Board of the following:

(1) The applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States;

(2) The applicant provides a clear, photocopy of current and official forms of government identification, that includes:

(i) A photograph of the applicant, verifying the identity of the applicant; and

(ii) Supporting documentation that the applicant is a citizen of the United States or otherwise has the legal right to remain and work in the United States.

(c) The applicant shall sign a notarized affidavit accompanying the application stating that:

(1) The information contained in the application and any accompanying material or documents submitted during the entire application process are true and correct;

(2) The applicant has not been disciplined, investigated or under investigation by a corresponding regulatory authority in the District of Columbia or any state or territory in which the applicant holds or has held a license to engage in social work; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States.

(d) Unless the Board denies the application for good cause, within forty-five days, the Board shall issue a one-year provisional license to engage in social work, following receipt of:

(1) The information required in subsections (a), (b) and (c); and

(2) A complete set of fingerprints accompanied by the applicant's written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202.

(e) Within this one-year period of provisional licensure, the applicant shall, pursuant to NAC 641B.095, NAC 641B.100, and NAC 641B.126 submit the documents and information, in a manner required by the Board, which officially verifies the information contained in the application and as required by the regulations specified in this subsection.

(f) Within the one-year period of provisional licensure, the Board shall, following receipt of all documents and information required in subsections (a) through (d), issue an equivalent, full and unrestricted license.

(g) The Board shall cause periodic notifications to be sent to those provisionally licensed pursuant to subsection (e), whose application is deemed as incomplete and pending receipt of required information. The Board shall send a final notification

no less than 60 days prior to the expiration of the one-year of provisional licensure which notifies the provisional licensee that:

(1) The documents and information required for full licensure are still pending receipt by the Board; and

(2) The provisional licensee must have all active clients and cases successfully terminated or appropriately transferred, if the licensee is unable to provide the information required in subsection (e), by the date the provisional license expires.

~~3.~~ 4. 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 or she has failed the prescribed examination within 5 years immediately preceding the date on which he or she submits his or her application.

~~4.~~ 5. 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.

~~5.~~ 6. The holder of a provisional license may be subject to disciplinary action pursuant to [NRS 641B.400](#), including, without limitation, the revocation of his or her license.

~~6.~~ 7. 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.

~~7.~~ 8. 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. 3. NAC 641B.115 is hereby amended to read as follows:

NAC 641B.115 Fees. (~~NRS 641B.160, 641B.300~~) An applicant must pay the following fees for licensure:

1. Licensed associate in social work:

(a) Annual renewal of license.....	\$100
(b) Restoration of revoked license.....	50
(c) Restoration of expired license.....	200
(d) Renewal of delinquent license.....	100

2. Licensed social worker:

(a) Initial application.....	\$40
(b) Initial issuance of license.....	100
(c) Annual renewal of license.....	100
(d) Restoration of revoked license.....	150
(e) Restoration of expired license.....	200
(f) Renewal of delinquent license.....	100
(g) Endorsement license without examination.....	100
(h) Initial issuance of provisional license.....	75
(i) Annual renewal of provisional license.....	75

3. Licensed independent social worker and licensed clinical social worker:

(a) Initial application.....	\$40
(b) Initial issuance of license.....	100
(c) Annual renewal of license.....	150
(d) Restoration of revoked license.....	150
(e) Restoration of expired license.....	200
(f) Renewal of delinquent license.....	100
(g) Endorsement license without examination.....	100
(h) Initial issuance of provisional license.....	75

If an applicant applies for more than one type of license at one time, he or she will be required to pay only one application fee.

4. If an applicant submits an application for a license by endorsement pursuant to NRS 641B.271, the Board shall charge and collect not more than the fees specified in subsections 1, 2 or 3, as applicable, for the initial application for and initial issuance of a license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 641B.272, the Board shall collect not more than one-half of the fee set forth in subsections 1, 2 or 3, as applicable, for the initial issuance of the license.

Sec. 4. NAC 641B.200 is hereby amended to read as follows:

NAC 641B.200 Professional Responsibility.

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 or her own professional qualifications, competency, affiliations and licenses, or those of the

institutions and organizations with which he or she is associated. A licensee shall provide accurate information concerning his or her credentials, education, training and experience upon request from a client or potential client.

3. If a licensee holds more than one occupational license, he or she shall disclose to his or her 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 or

her from practicing safely.

5. A licensee shall not use his or her 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 or her 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. Except as otherwise provided by law, 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. If a licensee is supervising the work of an intern or employee, any billing or documentation of the work must clearly show that the licensee supervised the work and did not personally render services.
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 or her 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 or she cannot perform the services competently.

(a) A Clinical Social Worker, who is licensed by the Board pursuant to NRS and NAC 641B is eligible to engage in the certification and decertification process described in NRS 641B.160(2), NRS 433A.170, 433A.195 and 433A.200 if:

(1) The clinical social worker has not had any lapse in licensure, or in his or her practice for a minimum of 5 years and is not practicing under any professional license in any state, which is under a disciplinary action, suspension or revocation;

(2) The clinical social worker demonstrates, to the Board's satisfaction, a minimum of 3 years, post clinical social work licensure, current direct practice, or current supervision of practice, in a mental health setting;

(3) The clinical social work shall, as a requirement for approval to engage in the certification and decertification process described in section 10(a), complete any training or retraining approved by Board;

(4) Each clinical social worker who is approved by the Board to engage in the certification process described in section 10(a), who is not otherwise covered under a policy of professional liability insurance shall maintain a policy of professional liability insurance.

(b) A licensee may assume duties and responsibilities within the practice of social work, *not described in section 10(a)*, for which he or she cannot currently perform the services competently if he or she prepares a reasonable written plan demonstrating the manner in which he or she will acquire the competence necessary to perform the services competently. Such a plan must be completed under the supervision of, or with the consultation of, a professionally qualified person who can demonstrate competency in the area of study. 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 or her 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 or her clients which:

(a) Sets forth his or her assessment of the problems, issues or concerns of the client, the course of treatment or plan of care for the client and the scope of the licensee's services to that client, including, without limitation, any interventions, consultations or mandated reporting; 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;

(3) A record of each contact with the client which includes the date and time of the contact; and

(4) All other documents required by law or 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) Bill for services not rendered or supported by documentation.

(d) 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.

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.

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 or herself out as having expertise in a field in which he or she is not qualified.

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.

21. A licensee shall notify the Board in writing within 21 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 charged with or convicted of a criminal offense ~~that~~ other than a misdemeanor traffic offense ~~that~~, ***including, without limitation, driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance;***

(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;

(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;

(f) The licensee has been placed in a diversionary program; or

(g) The licensee has entered into a program for the treatment of the abuse of a controlled substance or alcohol or a program for the treatment of any other impairment.

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.

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.

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

Sec. 5. This section and sections 1 to 4, inclusive, of this regulation become effective upon filing with the Secretary of State.

ATTACHMENT B

Small Business Impact Statement

LCB File: T001-16



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

SMALL BUSINESS IMPACT STATEMENT

Although the proposed regulations in T001-16 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. Fifty-seven (57) surveys were mailed out by August 3, 2016, with responses requested by August 17, 2016. The Board also posted the survey on its website, www.socwork.nv.gov. By August 17, 2016, the Board received one (1) response by U.S. Mail. This response, however, did not address the items pertaining to the questions in the mailed survey. The Board continued to accept survey responses and on August 23, 2016, the Board received a survey by U.S. Mail, from a respondent who appeared to fit the definition of a "small business" owner, as defined in NRS 233B.0382. This business owner indicated that he did not believe the proposed changes in T001-16 presented a direct or significant economic burden upon his business, nor did the proposed regulation change appear to directly restrict the formation, operation or expansion of his business. 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 changes. 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.**

Kim Frakes

Kim Frakes
Executive Director
Board of Examiners for Social Workers