

State of Nevada, Board of Examiners for Social Workers

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Policy Number: L-010	Title: Screen Questions Policy – Initial / Renewal Applications	Date Approved by Board: <i>Pending</i>
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Policy Summary:

In our efforts to positively represent the Social Work profession and safe guard the public served, this policy will address the evaluation criteria known as the "YES" Policy used for an applicant's initial licensure or a licensee seeking to renew their license that answers "yes" to any of the screening questions on their application.

Policy:

The mission of the Board of Examiners for Social Work is to protect the public. Screen questions are asked of new applicants and renewal applicants in order to evaluate competency, qualifications, and the ability of the applicant to comply with the essential eligibility requirements for the practice of social work. The information provided by the applicant is then evaluated for approval or denial of licensure based on the legal requirements for full licensure / renewal of licensure.

Applications

Applicants for licensure or renewal are asked six (6) screening questions.

	Yes	No
1. Have you ever been charged or convicted (including a nolo-contendere plea or guilty plea) of a misdemeanor, gross misdemeanor, felony, or other criminal offense (other than minor traffic violations) in any court? If YES, in addition to the affidavit, attach a certified copy of the court records, order, ruling or disposition regarding your conviction that includes the nature of the offense, date of discharge , proof of compliance, as well as a signed statement identifying the circumstance.		
2. Have you ever been denied approval to take a licensing examination or denied a license or certification?		
3. Has any jurisdiction, state or association refused, rejected, dismissed, withdrawn or denied your application for certification or licensure?		
4. Have you ever been the subject of an administrative action / proceedings that refused to renew, revoked, suspended, or otherwise restricted your certificate or license in any profession?		
5. Are you currently under investigation or have you ever voluntarily surrendered your certificate or license in any profession in order to avoid disciplinary action by a regulatory agency in any state?		
6. Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, mental and / or medical condition) which currently affects your ability to deliver essential social work services?		

If the applicant answers "yes" to any of these questions, they are required to provide additional information. The Board will evaluate each applicant for licensure based on evidence of closure, rehabilitation and the potential / actual risk to the public.

Staff will automatically forward these applications to the Executive Director, Deputy Director or Board of Examiner for Social Work designee, for review and approval.

Regarding Question One (1): Legal History

If one or more of the following convictions are identified, the application must be taken to the Board for disposition.

- Murder, voluntary manslaughter or mayhem;
- Assault with intent to kill or commit sexual assault or mayhem;
- Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- Abuse or neglect of a child, disabled person or elder adult or contributory delinquency;
- A violation of federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past seven (7) years.
- A violation of any provision of NRS 200.5099 or 200.50955, which outlines abuse, neglect, and exploitation of an older person;
- Any offense involving DUI, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding seven (7) years; or
- Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding seven (7) years.

The Executive Director, Deputy Director or designee, after consultation with the designated Board Member has the discretion to clear the following issues:

- A minor event (defined as any conviction that is not a felony or one of the convictions listed above), minor traffic related matters, a minor criminal citation and / or juvenile offenses occurring within the last seven (7) years.
- Up to three minor events occurring between seven (7) and ten (10) years prior to the date of application.
- One (1) or more events occurring more than ten (10) years prior to the date of application in Nevada.
- If an applicant that has been granted relief by a court of appropriated jurisdiction that results in the dismissal of the case is a minor event, must be reviewed by the Executive Director, Deputy Director or designee, and the designated Board member to determine if the application must proceed to the Board for disposition.

APPLICANT MUST PRESENT THE FOLLOWING INFORMATION for review and consideration.

- ***A court certified copy of the conviction and final or most recent disposition of your case(s) from the Court Clerk of the court in which convicted.***
- A letter from the applicant describing the underlying circumstances of the conviction including the nature of the act(s) or crime(s) and the date(s) of the crime.
- A letter from the applicant describing ***rehabilitation efforts or changes*** (s)he has made to prevent future problems. It is their responsibility to present sufficient evidence of

rehabilitation ***to demonstrate their fitness for licensure***. The **evidence** of rehabilitation may include, but is not limited to:

- i. An evaluation by a mental health practitioner that addresses the problem and fitness for social work licensure.
- ii. Proof of completion of probation if ordered.
- iii. Letters of reference from employers, instructors, professional counselors, probation or parole officers on official letterhead.

Regarding Questions Two (2) through Five (5): Licensure, Administrative Actions and /or Professional Conduct.

APPLICANT MUST PRESENT THE FOLLOWING INFORMATION for review and consideration.

- A letter from applicant describing the circumstance of the incident.
- A certified copy of the determination made by the licensing or professional entity.
- If disciplinary action was imposed, the above document should include date and location of the incident, specific violation, date of disciplinary action, and sanctions or penalties imposed.
 - i. A letter from the applicant describing rehabilitation efforts or changes (s)he has made to prevent further problems. It is their responsibility to present sufficient evidence of rehabilitation to demonstrate their fitness for licensure.

The Executive Director, Deputy Director or designee, after consultation with the designated Board Member has the discretion to clear the following issues **

- If the actual violation is NOT a violation of the Nevada Social Work Practice Act;
- The action occurred more than five (5) years prior to the date of application for licensure/certification in Nevada;
- The individual has completed all restitution and requirements of the Board order resulting in the action being satisfied in the jurisdiction where the action took place; and
- There has been action in only one jurisdiction or the action in multiple jurisdictions is based on one jurisdiction's action and all requirements have been completed.

****NOTE:** In the matter of a felony arrest or pending administrative proceeding, issued in any state or jurisdiction, against any new applicant for licensure or certificate, proof of a **judicial order, agreement or ruling must be submitted**. The Executive Director, or designee, may confer with the Deputy Attorney General (DAG) assigned to the Board to determine if the application should proceed or be held for resolution. If allowed to proceed, the application will then be reviewed with the designated Board member for final approval

Regarding Questions Six (6): Fitness to Practice

APPLICANT MUST PRESENT THE FOLLOWING INFORMATION for review and consideration.

- A letter from the applicant outlining the circumstances.
- The Board may request additional information as it deems necessary.

The Executive Director, Deputy Director or designee, after consultation with the designated Board Member has the discretion to clear the following issues.

- If no permanent practice limitations are identified, a statement is sent to the applicant that gives explicit responsibility to the applicant for safe practice including the direction to report to the Board any permanent exacerbations of the condition.

STATE OF NEVADA BOARD OF EXAMINERS FOR SOCIAL WORK APPROVAL MATRIX

STATE OF NEVADA BESW MATRIX

QUESTION 1 LEGAL MISDEMEANORS							
Convictions or Charges including moral turpitude:	<ul style="list-style-type: none"> • Traffic tickets (NRS 484B.600) • Trespassing (NRS 207.200) • Shoplifting (NRS 205.240) • Breach of peace (NRS 203.010) • Solicitation of prostitute (NRS 201.354) • Jaywalking (NRS 484B.287) • Battery (NRS 200.481(5)/domestic violence w/o injury, strangulation or weapon • Harassment (NRS 200.571), Stalking (NRS 200.575) • PTO violation • Lewdness/indecent exposure • 1st DUI w/o injury 	<ul style="list-style-type: none"> • One closed minor event defined as any conviction; not a felony • Minor closed traffic related matters, including a criminal citation within last seven (7) years. • Juvenile offenses within last seven (7) years. • Multiple closed minor events over ten (10+) prior to application in Nevada. • Up to three (3) minor closed events between seven (7) ten (10) yrs. 	Time Elapsed Since Last Conviction	within last 7 yrs. →	STATUS	<ul style="list-style-type: none"> • Closed → • (Closure required) • Open → 	<ul style="list-style-type: none"> • Staff may approve with applicable documentation on file. • Appl. to ED/Board for Review. (Release letter advising of closure requirement).

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CATEGORY E							
Convictions or Charges:	<ul style="list-style-type: none"> • Criminal gang activity • Solicitation of children for prostitution • Possession of controlled substance • fraud • Municipal ordinances (Conviction <u>not</u> a felony, i.e. juvenile offenses minor criminal citations, traffic related matter). 	<ul style="list-style-type: none"> • One closed minor event defined as any conviction; not a felony • Minor closed traffic related matters, including a criminal citation within last seven (7) years. • Juvenile offenses within last seven (7) years. • Multiple closed minor events over ten (10+) prior to application in Nevada. • Up to three (3) closed minor events between seven (7)ten (10) yrs. 	Time Elapsed Since Last Conviction	within last 7 yrs. →	STATUS	<ul style="list-style-type: none"> • Closed → (closure required) • Open → 	<ul style="list-style-type: none"> • Staff may approve with applicable documentation on file. • Appl. to ED/Board for Review. (release letter advising of closure requirement).
CATEGORY D							
Conviction or Charge:	<ul style="list-style-type: none"> • Arson, involuntary manslaughter, • Misdemeanors NOT involving violence, drug possession or paraphernalia. • Parental (Custodial) Kidnapping 	<ul style="list-style-type: none"> • One closed minor event defined as any conviction; not a felony • Minor closed traffic related matters, including a criminal citation within last seven (7) years. • Juvenile offenses within last seven (7) years. • Multiple closed minor events over ten (10+) prior to application in Nevada. • Up to three (3) closed minor events between seven (7)-ten (10) yrs.. 	Time Elapsed Since Last Conviction	within last 7 yrs. → within last 7 yrs. → within last 7 yrs. → exceeds 10 yrs. → between 7-10 yrs. →	STATUS	<ul style="list-style-type: none"> • Closed → • Open → 	<ul style="list-style-type: none"> • Staff may approve with applicable documentation on file. • Appl. to ED/Board for Review.

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CATEGORY C							
Conviction or Charge:	<ul style="list-style-type: none"> Grand Theft/Larceny, Crimes with No Actual Harm, Driving While License Suspended Habitual, Perjury, Fraud, Embezzlement, Burglary, Robbery Conversion or Misappropriation of property, other felonies involving violence, drug possession or paraphernalia per NRS 454. DUI, Assault and Battery. 	<ul style="list-style-type: none"> Any single (closed) event exceeding ten (10) years from date of application. Any single (closed) event between 7-10 yrs. from date of application. Any single (closed) event less than 7 yrs. from date of application. Multiple (closed) events up to (10) yrs. from date of application. If granted relief or dismissal of a minor charge by a court of appropriate jurisdiction. 	Time Elapsed Since Last Conviction	exceeds 10 yrs. between 7- 10 yrs. → within last 7 yrs. → up to 10 yrs. → within last 10 yrs. →	STATUS	<ul style="list-style-type: none"> Closed → Closed → Closed → Closed → Closed → 	<ul style="list-style-type: none"> Staff may approve with applicable documentation on file. Staff may approve with applicable documentation on file. Appl. to ED/Board for Review. Appl. to ED/Board for Review. Appl. to ED/Board for Review.
CATEGORY B							
Conviction or Charge:	<ul style="list-style-type: none"> Third (3rd) DUI Abuse, Neglect or Exploitation of a child, elder or disabled person per NRS 200.5099/200.50955. 2nd Degree Kidnapping Felony involving a firearm or deadly weapon or attempted murder, , voluntary manslaughter, mayhem, terrorism, et al. Robbery, burglary, assault Possession, distribution or use of controlled substance as defined by NRS 454. 	<ul style="list-style-type: none"> Any event from date of application. Any event from date of application. Any event from date of application. Any event up to 10 yrs. from date of application. 	Time Lapse Since Last Conviction	within last 10 yrs. →	STATUS	<ul style="list-style-type: none"> Closed → Open → 	<ul style="list-style-type: none"> Appl. to ED/Board for Review. Appl. to ED/Board for Review.
CATEGORY A							
Conviction or Charge:	<ul style="list-style-type: none"> Murder 1st Degree Kidnapping Assault with intent to kill, sexual assault or mayhem. 	<ul style="list-style-type: none"> Any event up to 10 yrs. from date of application. 		within last 10 yrs. →	STATUS	<ul style="list-style-type: none"> Closed → Open → 	<ul style="list-style-type: none"> Appl. to ED/Board for Review. Appl. to ED/Board for Review.

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QUESTIONS 2-5							
LICENSURE, ADMIN ACTION &/OR PROFESSIONAL CONDUCT.	<ul style="list-style-type: none"> • Violation of Nevada SW Practice Act. • Action occurred more than five (5) yrs. prior to date of application. • Has individual completed required restitution of Board Order satisfactorily in designated jurisdiction(s)? 	<ul style="list-style-type: none"> • Any event up to 5 yrs. from date of application. 	Time Lapse Since Last Conviction	within last 7 yrs. →	STATUS	<ul style="list-style-type: none"> • Closed → • Open → 	<ul style="list-style-type: none"> • Appl. to ED/Board for Review. • Appl. to ED/Board for Review.
QUESTION 6							
FITNESS TO PRACTICE	<ul style="list-style-type: none"> • Condition or impairment (medical and/or mental including alcohol or substance addictions). • If no permanent practice limitations are identified, a statement is sent to the applicant that gives explicit responsibility to the applicant for safe practice including the direction to report to the Board any permanent exacerbations of the condition. 	<ul style="list-style-type: none"> • A letter from the applicant outlining the circumstances. • Letter detailing treatment plan / process. • BESW may request additional information as deemed necessary. 	Time frame	within 5 yrs. →	STATUS	<ul style="list-style-type: none"> • Closed → • Ongoing → 	<ul style="list-style-type: none"> • Appl. to ED/Board for Review. • Appl. to ED/Board for Review.