



State of Nevada

Board of Examiners for Social Workers

4600 Kietzke Lane, #C-121, Reno, NV 89502

(775) 688-2555

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of
LCB Number R103-23RP1 of the
Board of Examiners for Social Workers

The Board of Examiners for Social Workers will hold a Public Hearing at 9:00 a.m. on Wednesday, March 20, 2024 via a Zoom Board Meeting.

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to R103-23RP1, Chapter 641B of the Nevada Administrative Code.

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

LCB File Number. R103-23RP1

1. Need and purpose of the proposed regulations or amendments

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 purpose of the proposed regulations is to provide clarity for the public, individuals and licensees through regulations regarding the following areas – (a) establishing requirements for licensure as a master social worker (LMSW); (b) prescribing procedures relating to the placement of a license on inactive status and reinstatement of such a license; (c) making confidential certain personal information collected by the Board of Examiners for Social Workers; (d) authorizing a licensed clinical social worker to perform certain tasks; (e) revising requirements governing the examination of applicants for licensure; (f) revising the time period within which a person may apply for the restoration of an expired license; (g) revising provisions relating to provisional licensure; (h) revising provisions governing internships; (i) revising provisions governing continuing education; (j) prohibiting a licensee from providing services through telehealth to a client outside the State of Nevada in certain circumstances; (k) revising the circumstances under which a licensee must notify the Board of an event that may impact his or her ability to practice social work; (l) revising provisions relating to professional incompetence; and (m) repealing the requirement that a person carry evidence of a license to practice social work; and providing other matters properly relating thereto.

2. Not applicable

3. Permanent regulation - how to obtain the approved or revised text of regulations prepared by LCB

You may obtain a copy of the proposed regulations by writing to the Board of Examiners for Social Workers, 4600 Kietzke Lane, C121, Reno, NV 89502, or by calling the Board office at (775)688-2555. The proposed regulations are also available for review and download on the Board website <http://socwork.nv.gov/>

4. Estimated economic effect of regulations on business and the public

a. Adverse and beneficial economic effects

Based on the information received from the surveys, adoption of these regulations will have minimal to no adverse economic effect on small businesses, the public or practitioners of social work. None of the proposed changes involves any changes in fees for current licensees or new applicants.

The economic benefits of these regulations include (a) simplifying the automatically approved Continuing Education Units (CEUs). This will be very helpful for licensees who endorsed an existing license into Nevada since each state has differing CEU requirements; (b) reducing the period for restoring expired licenses from two years to one year. This allows for a new application after a year which will be less expensive than restoring an expired license; (c) applicants will be able to use the testing vendor's re-testing waiver policy which will allow applicants to retest in less than 90 days. This will give applicants increased opportunities to take their exam before their application closes. Each of these areas contribute to more effective social work practice in Nevada.

b. Immediate and long-term economic effects

The immediate effects of approval of R103-23RP1 will be increasing the options for automatically approved Continuing Education Units thereby decreasing delays in renewal applications; allowing for individuals who failed their licensure exam to retest sooner based on the testing vendors waiver policy. Clarification of telehealth parameters to ensure that NV licensees are not practicing outside of this state. The long-term benefits of the proposed regulations enhance public protection, safety and welfare by ensuring that only qualified and competent social workers are licensed in the state.

5. Methods used in determining the impact on a small business

Due to historically low response rates to the Small Business Impact Survey, the Board sent the surveys out in two manners. Surveys were sent electronically to 698 social work licensees that identified themselves as being a small business owner (Board had a 23% return rate) and paper surveys were sent out to 181 businesses that met the Small Business criteria and employ social workers (Board had a 21% return rate). Those surveyed were asked five questions. The results were as follows –

Question	Small Business		Licensees	
	Yes	No	Yes	No
If the Board were to adopt the Association of Social Work Boards (ASWB) re-testing waiver policy, which may allow an applicant or post-graduate intern who has failed their exam to retest in less than 90 days, would you support this?	95%	5%	93%	7%
Nevada law provides for social workers to practice in Nevada, it does not give any authority for Nevada licensed social workers to practice outside of the state. The Board is proposing language that would confirm that a post-graduate intern (IC) cannot practice outside of the state of Nevada. Would you support this language?	74%	26%	82%	18%
The Board is proposing that a post-graduate intern may only be in an internship in the state of Nevada and cannot be simultaneously in a post-graduate internship in another state. Would you support this?	63%	37%	72%	28%
The Board is proposing to expand the number of "automatically approved" Continuing Education (CEU) vendors from the current list of the Association of Social Work Boards (ASWB) and any chapter of the National Association of Social Worker (NASW) to include the following – (1) any CEUs approved by one of the other Nevada behavioral board (MFT/CPC, Psychology, and Drug, Alcohol and Gambling Counselors);	100%	0%	98%	2%

(2) any CEUs approved by any national behavioral health association (AAMFT, APA, and NAADAC); and (3) any CEUs approved by any other national behavioral board. Would you support this change?				
The Board is proposing to expand the area of mandatory self-reporting by licensees to include if a licensee has received a sanction from an insurance carrier, payor source or regulatory entity. Would you support this addition?	84%	16%	67%	37%

6. Cost for enforcement of the regulations

There are no additional costs involved in enforcing the proposed regulations.

7. Overlap or duplication of other state or local governmental agencies

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

8. Regulation required by federal law

Not applicable

9. More stringent than federal regulations

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

10. Not applicable

11. Not applicable

Persons wishing to comment on the proposed action of the Board of Examiners for Social Workers may appear at the scheduled virtual public hearing or address their comments, data, views or arguments in written form to the Board of Examiners for Social Workers, 4600 Kietzke Lane, C121, Reno, NV, 89502. The Board of Examiners for Social Workers must receive all written submissions on or before **March 15, 2024**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Examiners for Social Workers may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, **R103-23RP1** was filed on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, **R103-23RP1**, will be available from the Board of Examiners for Social Workers, 4600 Kietzke Lane, C121, Reno, NV, 89502, 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.

Upon adoption of any regulations, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This **Notice of Hearing** has been posted at the following locations –

- All current social work licensees (notification via listserv)
- The Board's website <http://socwork.nv.gov/>
- State Library, Archives and Public Records
- Legislative Council Bureau.

Completed: February 5, 2024