



State of Nevada

Board of Examiners for Social Workers

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

(775) 688-2555

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter **641B**.

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

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 licensee 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. **A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested parties may obtain a copy of the summary.**

Copies of the draft language changes for NAC 641B, notices of workshops and notice of intent to act upon the regulation were sent via email to persons who were known to have an interest in social work licensing. These documents were available on the Board website – www.socwork.nv.gov. Below is a summary of the efforts made to solicit public comment.

- October 18, 2023 - Draft NAC change language was presented to the Board at the October meeting for initial review and consideration. The proposed changes were unanimously approved.
- October 18, 2023 - Draft NAC change language was uploaded to the Board website and included both the proposed change language and a summary document of the changes for individuals who did not want to read through the entire proposed changes document.
- October 18, 2023 - All licensees were notified by the Board email listserv that the proposed NAC change language was available for review on the website.
- October 18, 2023 - All licensees were notified by the Board email listserv that two public workshops to solicit feedback on the proposed NAC changes would occur on November 14, 2023, and November 30, 2023.
- October 24, 2023 - LCB issued a regulation filing number of R103-23. The draft language was uploaded onto the Board website for review.
- November 2, 2023 – Small Business Impact Surveys were mailed to 181 businesses that met the survey criteria and provided services by social workers. The board had a 21% return rate on this survey.
- November 2, 2023 – Board sent out the Small Business Impact Surveys via the Board listserv to 698 social workers who identified themselves as having a small business. The board had a 23% return rate on this survey.

- November 14, 2023 – held first Zoom public workshop to review the proposed NAC changes. 35 social workers attended.
- November 30, 2023 – Held second Zoom public workshop to review the proposed NAC changes. 20 social workers attended.
- December 20, 2023 – Board meeting held and feedback from the two public workshops was reviewed. The Board voted to make several changes per the feedback received. The changes in the draft language were communicated to LCB.
- January 17, 2024 – LCB issued a revised regulation – R103-23RP1. The revised language was uploaded onto the Board website for review.
- February 7, 2024 – Contacted the Nevada State Library, Archives and Public Records and requested posting of the Notice of Intent to Act Upon a Regulation.
- February 8, 2024 – Licensees notified via listserv of the Notice of Intent to Act Upon a Regulation. The hearing was scheduled on March 20, 2024.
- February 8, 2024 – Notice of Intent to Act Upon a Regulation was uploaded onto Board website for review.
- February 16, 2024 – R103-23RP1 was presented to the Interim Committee on Health and Human Services and was accepted as written.
- February 21, 2024 - The survey results were posted to the website. The website is <https://socwork.nv.gov/> and the specific link to the page where the survey is posted is <https://socwork.nv.gov/uploadedFiles/socworknvgov/content/about/Small%20Business%20Survey%20Results.pdf>

181 surveys sent out to agencies – 38 were returned (21%)

698 surveys sent out to licensees with business licenses - 164 were returned (23%)

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	100%	0%	98%	2%

behavioral board (MFT/CPC, Psychology, and Drug, Alcohol and Gambling Counselors); (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%

- March 20, 2021 – Board conducted the hearing on the Notice of Intent to Act Upon a Regulation. 11 social workers attended. There were no concerns expressed by the individuals in attendance. Board unanimously passed the final draft language as submitted in R103-23RP1.
- April 11, 2024 – Board presented draft language to the Commission on Behavioral Health for review and feedback. Draft language was originally submitted with anticipated attendance at February 2024 meeting, but the agenda item was “overlooked” and was then rescheduled. The board answered questions, no suggestions for changes in the language.

3. The number of person who:

a. Attended each hearing –

- i. Public Workshops - November 14, 2023 - 35 individuals attended; November 30, 2023 – 22 individuals attended.
- ii. Hearing on Intent to Act Upon a Regulation – March 20, 2024 - 11 individuals attended

b. Testified at each hearing –

- i. Public Workshops - November 14, 2023 – 1 individual commented; November 30, 2023 - 3 individuals commented;
- ii. Hearing on Intent to Act Upon a Regulation - March 20, 2024 - no one commented.

c. Submitted to the agency written comments –

- i. Received two emails comment regarding the draft language after the first Public Workshop on November 14, 2023 and one email comment regarding the draft language after the second Public Workshop on November 30, 2023.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.

At the public workshops and hearing, per Open Meeting Law, the Board asked for individuals to identify themselves by name. The Board did not ask for entity affiliation, mailing addresses, phone number or emails.

Received email comments from –

- Kimberly Martin, LCSW, employed by Washoe County Human Services Agency with following email address – ksmartin@washoecounty.gov
- Natalie Newell, LCSW, emailed a response from natalie.k.newell@gmail.com
- Jeannette Bostedt, LCSW, emailed a response from jeannette.bostedt@gmail.com

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Based upon the definition of a Small Business as a “business conducted for profit which employs fewer than 150 full-time or part-time employees,” the Board developed a list of small businesses to contact based on the list of approved post-graduate internship sites throughout Nevada. Each of these sites employs social workers. We excluded any entities that had more than 150 employees. Currently the Board has over 300 sites throughout the state. The Board compared this list to the list of Nevada employers provided by licensees. The board sent a small business survey to 181 small businesses. We included a stamped self-addressed envelope for easy return of the survey. In addition, the Board did a search among the over 4700 licensees in our state. 698 identified themselves as Nevada licensed business owners. An email link to an online survey was sent to these 698 licensees.

The Board received 38 responses (21%) from the mailed survey to small businesses and 164 responses (23%) to licensees who identified having a NV business license.

The survey results were posted to the website after review by the Board in the February 21, 2024 Board Meeting. The Survey results did not suggest any impact from the proposed changes to the NACs. The website is <https://socwork.nv.gov/> and the specific link to the page where the survey is posted is <https://socwork.nv.gov/uploadedFiles/socworknvgov/content/about/Small%20Business%20Survey%20Results.pdf>

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.

The Board made minor revisions to language based on the review of the information from the workshops and LCB reissued our draft language as R103-23RP1. This language was unanimously voted through by the Board at the March 20, 2024, hearing on the Notice of Intent to Act Upon a Regulation.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

a. Both adverse and beneficial effects; and

This Board has no jurisdiction to regulate any businesses. While the Board regulates social workers who are employed at small businesses, the requirement for a social work license may be a condition of employment which leaves the licensee responsible for his/her own licensing and renewal fees. Therefore, there are neither adverse nor beneficial effects from these regulations on businesses. For the public and for licensees, these NAC changes provide clarity regarding specific areas in our law.

b. Both immediate and long-term effects

This Board has no jurisdiction to regulate any businesses. While the Board regulates social workers who are employed at small businesses, the requirement for a social work license may be a condition of employment which leaves the licensee responsible for his/her own licensing and renewal fees. Therefore, there are neither immediate nor long-term effects from these regulations on businesses. For the public and for licensees, these NACS will allow for easier navigation of continuing education, endorsement of licenses to another state, and taking and passing the national licensure exams. See section #1 for a more comprehensive summary of the proposed NAC changes.

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

There is no additional cost to the Board for the enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no state or federal agency regulations that the proposed regulation duplicates or overlaps.

10. If the regulation includes provisions that are more stringent than a federal regulation which 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 amount the agency expects to collect and the manner in which the money will be used.

In 2021, SB44 provided authority for the Board to divide the existing LSW (Licensed Social Worker) licensing category, which combined licensing for individuals with either a bachelor's degree or master's degree, into two separate license types. The bachelor's level license remained a LSW, and the bill provided authority to create a new level of licensure – LMSW (License Master Social Worker).

Any individuals who, on or before July 1, 2021, had a LSW license and had a master's degree in social work (MSW) was eligible to automatically be "rolled up" to the LMSW license at **no charge**. Between July 1, 2021, and December 31, 2021, over 1500 individuals with LSW licenses were "rolled up" to a LMSW. While the bulk of eligible "roll ups" happened with a year of the new license level, any LSW who was licensed with us as noted above remains eligible to "roll up" to the higher level of license a no charge. The fees for the LMSW license only apply for new applications for licensure and they are identical to the LSW license.

The LMSW licensing category does not create a new revenue stream, rather it just divides the initial license applications already coming into the Board by the applicants level of education.

SB44 also granted the Board authority to create an "inactive status" level of licensure. Currently, a licensee must keep their license current whether they are practicing or not. The only distinction that exists is "retirement status" which exempts individuals from all CEUs required by the Board except those that are mandated by the Nevada Legislature. The licensee is continuing to pay the fee for the renewal.

The "inactive status" will allow an individual to essentially suspend their license for a period of up to five years. **This will result in a loss of revenue to the Board for licensees who choose to inactivate their licenses.** For a Licensed Social Worker (LSW) or License Masters Social Worker (LMSW) that could result in a revenue loss of 125.00 per year or 625.00 if the licensee remained inactive for the five-year maximum period. For a Licensed Clinical Social Worker (LCSW) or Licensed Independent Social Worker (LISW) that could result in a revenue loss of 187.50 per year or 937.50 if the licensee remained inactive for the five-year maximum period. If the licensee requests to re-activate their license, they will pay a renewal fee and return to active status. Again, this will not be a new revenue stream for the Board.