

ASSEMBLY BILL NO. 491—COMMITTEE ON
COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF EXAMINERS
FOR SOCIAL WORKERS)

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to social workers.
(BDR 54-527)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to social workers; providing for the licensing of a master social worker; increasing certain fees prescribed by the Board of Examiners for Social Workers; requiring an applicant for the issuance or renewal of a license to engage in social work to submit a complete set of his fingerprints to the Board for investigation of the criminal history of the applicant; authorizing the placement of a license on inactive status; authorizing a social worker who is licensed in another state to engage in the practice of social work in this state in response to an emergency or disaster declared by the Governor under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 629.031 is hereby amended to read as follows:
2 629.031 1. “Provider of health care” means a physician
3 licensed pursuant to chapter 630, 630A or 633 of NRS, dentist,
4 licensed nurse, dispensing optician, optometrist, practitioner of
5 respiratory care, registered physical therapist, podiatric physician,



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1 licensed psychologist, licensed marriage and family therapist, *social*
2 *worker*, chiropractor, doctor of Oriental medicine in any form,
3 medical laboratory director or technician, pharmacist or a licensed
4 hospital as the employer of any such person.

5 2. For the purposes of NRS 629.051, 629.061 and 629.065, the
6 term includes a facility that maintains the health care records of
7 patients.

8 **Sec. 2.** Chapter 641B of NRS is hereby amended by adding
9 thereto the provisions set forth as sections 3 to 16, inclusive, of this
10 act.

11 **Sec. 3.** *“Associate in social work” means a person who:*

12 1. *Is licensed as an associate in social work pursuant to NRS*
13 *641B.210; and*

14 2. *Engages in the practice of social work.*

15 **Sec. 4.** *“Board” means the Board of Examiners for Social*
16 *Workers.*

17 **Sec. 5.** *“Clinical social work” means the application of*
18 *methods, principles and techniques of assessment, planning,*
19 *intervention, evaluation, case management, advocacy, information*
20 *and referral, group work, community organization,*
21 *administration, planning, consultation, research and*
22 *psychotherapeutic methods and techniques to persons, families*
23 *and groups in the diagnosis and treatment of mental and*
24 *emotional conditions.*

25 **Sec. 6.** *“Clinical social worker” means a person who:*

26 1. *Is licensed as a clinical social worker pursuant to NRS*
27 *641B.240; and*

28 2. *Uses specialized knowledge and skill to engage in the*
29 *practice of clinical social work.*

30 **Sec. 7.** *“Independent social worker” means a person who:*

31 1. *Is licensed as an independent social worker pursuant to*
32 *NRS 641B.230; and*

33 2. *Uses specialized knowledge and skill to engage in the*
34 *practice of social work.*

35 **Sec. 8.** *“Master social worker” means a person who:*

36 1. *Is licensed as a master social worker pursuant to section 14*
37 *of this act; and*

38 2. *Uses specialized knowledge and skill to engage in the*
39 *practice of social work.*

40 **Sec. 9.** *“Social work” means the application of methods,*
41 *principles and techniques of assessment, planning, intervention,*
42 *evaluation, case management, advocacy, information and referral,*
43 *group work, community organization, administration, planning,*
44 *consultation and research to assist persons, groups or*



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1 *communities to enhance or restore their ability to function*
2 *physically, socially and economically.*

3 **Sec. 10.** *“Social worker” means a person who is licensed as:*

4 *1. An associate in social work;*

5 *2. A clinical social worker;*

6 *3. An independent social worker;*

7 *4. A master social worker; or*

8 *5. A social worker licensed pursuant to NRS 641B.220.*

9 **Sec. 11.** *1. The Board shall appoint an Executive Director*
10 *who serves at the pleasure of the Board and is entitled to receive*
11 *such compensation as may be fixed by the Board.*

12 *2. The Board may:*

13 *(a) Maintain offices in as many locations in this state as the*
14 *Board finds necessary to carry out the provisions of this chapter.*

15 *(b) Employ attorneys, investigators and other professional*
16 *consultants and clerical personnel necessary to carry out the*
17 *provisions of this chapter.*

18 **Sec. 12.** *An applicant for a license as a social worker who is*
19 *a graduate of a foreign school must submit to the Board:*

20 *1. Proof that he has earned a degree in social work; and*

21 *2. Proof obtained from the Council on Social Work*
22 *Education that the degree is equivalent to a degree that is*
23 *accredited by the Council on Social Work Education.*

24 **Sec. 13.** *1. Upon written request to the Board and payment*
25 *of the fee for the placement of a license on inactive status*
26 *prescribed in NRS 641B.300, a person who is licensed to engage*
27 *in social work in this state may have his license placed on inactive*
28 *status.*

29 *2. A person whose license is placed on inactive status shall*
30 *not engage in the practice of social work during the period in*
31 *which the license is on inactive status.*

32 *3. A person whose license is placed on inactive status*
33 *pursuant to this section is exempt from the requirements for*
34 *continuing education.*

35 *4. A person who wishes to renew a license that is placed on*
36 *inactive status must submit to the Board:*

37 *(a) An application for the renewal of the license; and*

38 *(b) The fee for the annual renewal of a license on inactive*
39 *status prescribed in NRS 641B.300.*

40 *5. A person whose license is placed on inactive status may*
41 *apply to the Board to have his license restored to active status. The*
42 *Board will restore the license to active status:*

43 *(a) Upon the submission of an application for the restoration*
44 *of the license;*



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1 (b) Upon the payment of the fee for the restoration of an
2 inactive license to active status prescribed in NRS 641B.300;

3 (c) If the applicant has engaged in the practice of social work
4 in another jurisdiction during the period his license was on
5 inactive status, upon the submission of proof that he is in good
6 standing and that there are no disciplinary proceedings pending
7 against him in that jurisdiction;

8 (d) Upon submission of any other proof the Board may require
9 to determine whether the applicant is qualified and competent to
10 engage in the practice of social work; and

11 (e) If the Board considers it necessary, upon the successful
12 completion of a written or oral examination.

13 **Sec. 14. 1.** The Board shall issue a license to engage in
14 social work as a master social worker to any applicant who
15 possesses the preliminary qualifications set forth in NRS 641B.200
16 and who:

17 (a) Possesses a master's degree in social work from a college
18 or university accredited by the Council on Social Work Education
19 or which is a candidate for such accreditation; and

20 (b) Passes an examination prescribed by the Board.

21 2. A person licensed as a master social worker may supervise
22 other persons who engage in the practice of social work.

23 **Sec. 15. 1.** Notwithstanding any other provisions to the
24 contrary, a person who is licensed as a social worker in another
25 state may engage in the practice of social work in this state for not
26 more than 90 consecutive days in a year without a license issued
27 by the Board if the person:

28 (a) Provides services as a social worker for which he is
29 licensed to provide in response to an emergency or disaster
30 declared by the Governor;

31 (b) Provides written notice to the Board of his intention to
32 provide services as a social worker; and

33 (c) Obtains the approval of the Board before he provides those
34 services.

35 2. As used in this section:

36 (a) "Disaster" has the meaning ascribed to it in NRS 414.0335.

37 (b) "Emergency" has the meaning ascribed to it in
38 NRS 414.0345.

39 **Sec. 16. 1.** Each person who applies for a license issued
40 pursuant to this chapter must submit to the Board a complete set
41 of his fingerprints and written permission authorizing the Board
42 to forward the fingerprints to the Central Repository for Nevada
43 Records of Criminal History for submission to the Federal Bureau
44 of Investigation for its report.



1 2. *The Board shall establish, by regulation, a fee for*
2 *processing the fingerprints that must be paid by the applicant or*
3 *licensee. The fee must not exceed the sum of the amounts charged*
4 *by the Central Repository for Nevada Records of Criminal History*
5 *and the Federal Bureau of Investigation for processing the*
6 *fingerprints.*

7 **Sec. 17.** NRS 641B.030 is hereby amended to read as follows:
8 641B.030 As used in this chapter, unless the context otherwise
9 requires ~~it~~:

10 ~~1. "Board" means the Board of Examiners for Social Workers.~~
11 ~~2. "Social work" means the application of methods, principles~~
12 ~~and techniques of case work, group work, community organization,~~
13 ~~administration, planning, consultation and research to assist persons,~~
14 ~~groups or communities to enhance or restore their ability to function~~
15 ~~physically, socially and economically.~~
16 ~~3. "Clinical social work" means the application of methods,~~
17 ~~principles and techniques of case work, group work, community~~
18 ~~organization, administration, planning, consultation, research and~~
19 ~~psychotherapeutic methods and techniques to persons, families~~
20 ~~and groups to help in the diagnosis and treatment of mental and~~
21 ~~emotional conditions.], the words and terms defined in sections 3~~
22 *to 10, inclusive, of this act have the meanings ascribed to them in*
23 *those sections.*

24 **Sec. 18.** NRS 641B.040 is hereby amended to read as follows:
25 641B.040 The provisions of this chapter do not apply to:
26 1. A physician who is licensed to practice in this state;
27 2. A nurse who is licensed to practice in this state;
28 3. A person who is licensed as a psychologist pursuant to
29 chapter 641 of NRS;
30 4. A person who is licensed as a marriage and family therapist
31 pursuant to chapter 641A of NRS;
32 5. A person who is licensed as an occupational therapist or
33 occupational therapy assistant pursuant to NRS 640A.010 to
34 640A.230, inclusive;
35 6. A person who is licensed or certified as an alcohol and drug
36 abuse counselor or certified as an alcohol and drug abuse counselor
37 intern pursuant to chapter 641C of NRS;
38 7. Any clergyman;
39 8. A county welfare director; *or*
40 9. ~~[Any person who may engage in social work or clinical~~
41 ~~social work in his regular governmental employment but does not~~
42 ~~hold himself out to the public as a social worker; or~~
43 ~~—10.]~~ A student of social work and any other person preparing
44 for the profession of social work under the supervision of a qualified
45 social worker in a training institution or facility recognized by the



1 Board . ~~[, unless the student or other person has been issued a~~
2 ~~provisional license pursuant to paragraph (b) of subsection 1 of NRS~~
3 ~~641B.275.]~~ Such a student must be designated by the title "student
4 of social work" or "trainee in social work," or any other title which
5 clearly indicates his training status.

6 **Sec. 19.** NRS 641B.100 is hereby amended to read as follows:

7 641B.100 1. The Board of Examiners for Social Workers
8 consists of five members appointed by the Governor.

9 2. Four members appointed to the Board must be licensed or
10 eligible for licensure pursuant to this chapter, except the initial
11 members who must be eligible for licensure.

12 3. One member appointed to the Board must be a
13 representative of the general public.

14 *4. No member of the Board may be held liable in a civil*
15 *action for any act that he performs in good faith in carrying out*
16 *his duties pursuant to the provisions of this chapter.*

17 **Sec. 20.** NRS 641B.170 is hereby amended to read as follows:

18 641B.170 1. Except as otherwise provided in subsection 2,
19 any *complaint filed with the Board and any* records or information
20 received by the Board relating to a licensee or an applicant for a
21 license are confidential.

22 2. Any *complaint or any* records or information received by
23 the Board are public records if:

24 (a) The records or information were obtained by the Board
25 during the course of an investigation, the investigation is completed
26 and disciplinary action is imposed by the Board as a result of the
27 investigation; or

28 (b) The licensee or the applicant for a license submits a written
29 request to the Board asking that the *complaint*, information or
30 records be made public records.

31 3. This section does not prohibit the Board from
32 *communicating with or* providing any such records or information
33 to another licensing board or any agency, including a law
34 enforcement agency, which is ~~[investigating]~~ *legally authorized to*
35 *investigate* a person licensed pursuant to this chapter.

36 **Sec. 21.** NRS 641B.203 is hereby amended to read as follows:

37 641B.203 An application for the issuance of a license to
38 engage in social work ~~[as an associate in social work, a social~~
39 ~~worker, an independent social worker or a clinical social worker]~~
40 *pursuant to this chapter* must include the social security number of
41 the applicant.

42 **Sec. 22.** NRS 641B.206 is hereby amended to read as follows:

43 641B.206 1. An applicant for the ~~[renewal of a license to~~
44 ~~engage in social work as an associate in social work or the]~~ issuance
45 or renewal of a license to engage in social work ~~[as a social worker,~~



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1 ~~an independent social worker or a clinical social worker]~~ *pursuant*
2 *to this chapter* shall submit to the Board the statement prescribed by
3 the Welfare Division of the Department of Human Resources
4 pursuant to NRS 425.520. The statement must be completed and
5 signed by the applicant.

6 2. The Board shall include the statement required pursuant to
7 subsection 1 in:

8 (a) The application or any other forms that must be submitted
9 for the issuance or renewal of the license; or

10 (b) A separate form prescribed by the Board.

11 3. A license to engage in social work ~~[as an associate in social~~
12 ~~work, a social worker, an independent social worker or a clinical~~
13 ~~social worker]~~ *pursuant to this chapter* may not be issued or
14 renewed by the Board if the applicant:

15 (a) Fails to submit the statement required pursuant to subsection
16 1; or

17 (b) Indicates on the statement submitted pursuant to subsection
18 1 that he is subject to a court order for the support of a child and is
19 not in compliance with the order or a plan approved by the district
20 attorney or other public agency enforcing the order for the
21 repayment of the amount owed pursuant to the order.

22 4. If an applicant indicates on the statement submitted pursuant
23 to subsection 1 that he is subject to a court order for the support of a
24 child and is not in compliance with the order or a plan approved by
25 the district attorney or other public agency enforcing the order for
26 the repayment of the amount owed pursuant to the order, the Board
27 shall advise the applicant to contact the district attorney or other
28 public agency enforcing the order to determine the actions that the
29 applicant may take to satisfy the arrearage.

30 **Sec. 23.** NRS 641B.220 is hereby amended to read as follows:

31 641B.220 1. The Board shall grant a license to engage in
32 social work as a social worker *pursuant to this section* to any
33 applicant who possesses the preliminary qualifications set forth in
34 NRS 641B.200 and who:

35 (a) Possesses a baccalaureate degree or master's degree in social
36 work from a college or university accredited by the Council on
37 Social Work Education or which is a candidate for such
38 accreditation.

39 (b) Passes an examination prescribed by the Board.

40 2. The Board shall grant a license to engage in social work as a
41 social worker *pursuant to this section* to an applicant licensed as an
42 associate in social work who:

43 (a) Possesses the preliminary qualifications set forth in
44 NRS 641B.200;



1 (b) Possesses a baccalaureate degree or master's degree in a
2 related field, or has completed equivalent course work in a related
3 field;

4 (c) Completes 3,000 hours of employment in Nevada as an
5 associate in social work; and

6 (d) Passes an examination prescribed by the Board.

7 3. A person who is granted a license to engage in social work
8 as a social worker pursuant to subsection 1 or 2 may supervise
9 another person engaged in the practice of social work.

10 **Sec. 24.** NRS 641B.260 is hereby amended to read as follows:

11 641B.260 1. The Board may hold hearings and conduct
12 investigations into any matter related to an application for licensure.
13 The Board may require the presentation of evidence.

14 2. The Board may refuse to issue a license to an applicant if he:

15 (a) Is not of good moral character as it relates to the practice of
16 social work;

17 (b) Has submitted any false credential to the Board;

18 (c) Has been disciplined in ~~{another}~~ *any* state in connection
19 with the practice of social work *or any related profession*, or has
20 committed any act in another state which ~~{is}~~ *, if committed in this*
21 *state, would be* a violation of this chapter; ~~{or}~~

22 (d) *Has entered a plea of nolo contendere or guilty or been*
23 *found guilty of or been convicted of a crime arising out of, in*
24 *connection with or related to the activities of that person in such a*
25 *manner as to demonstrate his unfitness to engage in the practice*
26 *of social work;*

27 (e) *Has committed any act which would be grounds for the*
28 *denial, suspension or revocation of a license to engage in the*
29 *practice of social work; or*

30 (f) Fails to comply with any other requirements for licensure.

31 **Sec. 25.** NRS 641B.275 is hereby amended to read as follows:

32 641B.275 1. The Board shall grant a provisional license to
33 engage in social work as a social worker *licensed pursuant to NRS*
34 *641B.220* to a person ~~{~~:

35 ~~—(a) Who}~~ *who* applies to take the next available examination and
36 who is otherwise eligible to be a social worker pursuant to
37 subsection 1 of NRS 641B.220 . ~~{; or~~

38 ~~—(b) Who:~~

39 ~~—(1) Possesses a baccalaureate degree or a master's degree in a~~
40 ~~related field of study from an accredited college or university~~
41 ~~recognized by the Board; and~~

42 ~~—(2) Presents evidence that he is enrolled in a program of~~
43 ~~study leading to a degree in social work at a college or university~~
44 ~~accredited by the Council on Social Work Education or which is a~~



1 ~~candidate for such accreditation and which is approved by the~~
2 ~~Board.]~~

3 2. The Board shall grant a provisional license to engage in
4 social work as an independent social worker to a person who applies
5 to take the next available examination and who is otherwise eligible
6 to be an independent social worker pursuant to subsection 1 of
7 NRS 641B.230.

8 3. The Board shall grant a provisional license to engage in
9 social work as a clinical social worker to a person who applies to
10 take the next available examination and who is otherwise eligible to
11 be a clinical social worker pursuant to subsection 1 of
12 NRS 641B.240.

13 4. The Board shall establish by regulation ~~[the]~~ *a* period *of not*
14 *more than 9 months* during which a provisional license issued
15 pursuant to this section ~~[will be valid. The period must be:]~~

16 ~~—(a) No longer than 9 months for a person who is granted a~~
17 ~~provisional license to engage in social work pursuant to paragraph~~
18 ~~(a) of subsection 1 or subsection 2 or 3; and~~

19 ~~—(b) No longer than 3 years for a person who is granted a~~
20 ~~provisional license to engage in social work pursuant to paragraph~~
21 ~~(b) of subsection 1.] is valid.~~

22 **Sec. 26.** NRS 641B.290 is hereby amended to read as follows:

23 641B.290 1. If a licensee fails to comply with the
24 requirements of NRS 641B.280, the license becomes delinquent .
25 ~~[and]~~ *Except as otherwise provided in this subsection,* the Board
26 shall, within 30 days after the license becomes delinquent, send a
27 notice to that effect by certified mail, return receipt requested, to
28 ~~[his]~~ *the* last known address *of the licensee* according to the records
29 of the Board. *The Board is not required to send a notice required*
30 *by this subsection if the licensee notifies the Board of his intention*
31 *not to renew his license before the license becomes delinquent.*

32 2. A licensee may renew his license within 60 days after the
33 license becomes delinquent if he complies with the requirements of
34 NRS 641B.280 and pays, in addition to the fee for the annual
35 renewal of a license, the fee for the renewal of a delinquent license.

36 3. If the license is not renewed within 60 days after the license
37 becomes delinquent, the license expires without any further notice
38 or a hearing.

39 4. A person whose license expires pursuant to subsection 3
40 may apply to the Board for restoration of his license by:

41 (a) Submitting a written application for restoration;

42 (b) Submitting the statement required pursuant to
43 NRS 641B.206;

44 (c) Paying all past due renewal fees and the fee for restoration
45 prescribed by the Board; and



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1 (d) Passing the examination deemed necessary by the Board.
2 **Sec. 27.** NRS 641B.300 is hereby amended to read as follows:
3 641B.300 The Board shall charge and collect fees not to
4 exceed the following amounts for:

5	
6	Initial application [\$40] \$100
7	Provisional license [75] 150
8	Initial issuance of a license [100] 300
9	Annual renewal of a license [150] 300
10	Restoration of a suspended or revoked license [150] 300
11	Restoration of an expired license [200] 400
12	Renewal of a delinquent license..... [100] 200
13	Reciprocal license without examination [100] 200
14	<i>Placement of a license on inactive status</i> 300
15	<i>Annual renewal of a license on inactive status</i> 300
16	<i>Restoration of an inactive license to active</i>
17	<i>status</i> 300
18	<i>Certificate for registration for a program of</i>
19	<i>postgraduate social work approved by the</i>
20	<i>Board</i> 100
21	

22 **Sec. 28.** NRS 641B.410 is hereby amended to read as follows:
23 641B.410 The Board, any of its members *or employees*, or any
24 member of a review panel of social workers who becomes aware
25 that any one or combination of the grounds for initiating disciplinary
26 action may exist as to a person practicing social work in this state
27 shall, and any other person who is so aware may, file a written
28 complaint specifying the relevant facts with the Board. The
29 complaint must specifically charge one or more of the grounds for
30 initiating disciplinary action.

31 **Sec. 29.** NRS 641B.420 is hereby amended to read as follows:
32 641B.420 *1.* As soon as practicable after the filing of such a
33 complaint, the Board shall ~~[fix a date for a hearing thereon.]~~ *review*
34 *the complaint. If the Board determines that the complaint does not*
35 *contain grounds for disciplinary action, the Board shall dismiss*
36 *the complaint. If the Board determines that grounds for*
37 *disciplinary action exist, the Board shall file an accusation and*
38 *immediately provide written notice to the licensee of the*
39 *accusation and the date and place fixed for the hearing.* The date
40 *of the hearing* must not be earlier than 30 days after the ~~[complaint]~~
41 *accusation* is filed, except that the date may be changed upon
42 agreement of both parties. ~~[The Board shall immediately notify the~~
43 ~~defendant licensee of the complaint and the date and place fixed for~~
44 ~~the hearing.]~~ A copy of the ~~[complaint]~~ *accusation* must be attached
45 to the notice.



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- 1 2. *The accusation must:*
2 (a) *Set forth in ordinary and concise language the acts or*
3 *omissions with which the licensee is charged;*
4 (b) *Specify the material facts and any statute or regulation*
5 *which the licensee is alleged to have violated; and*
6 (c) *Be signed by the President of the Board.*

7 3. *Before the date of the hearing, the Board and the licensee*
8 *may enter into a written agreement for the resolution of the*
9 *charges alleged in the accusation. The agreement must be signed*
10 *by the President of the Board and the licensee.*

11 **Sec. 30.** NRS 641B.425 is hereby amended to read as follows:

12 641B.425 1. The Board may issue subpoenas for the
13 attendance of witnesses and the production of books and papers.

14 2. The district court, in and for the county in which any hearing
15 is held, may compel the attendance of witnesses, the giving of
16 testimony and the production of books and papers as required by
17 any subpoena issued by the Board.

18 3. If any witness refuses to attend or testify or produce any
19 books or papers required by a subpoena, the Board may file a
20 petition ex parte with the district court, setting forth that:

21 (a) Notice has been given of the time and place for the
22 attendance of the witness or the production of the books or papers;

23 (b) The witness has been subpoenaed in the manner prescribed
24 by this chapter;

25 (c) The witness has failed or refused to attend or produce the
26 books or papers required by the subpoena before the Board in the
27 cause or proceeding named in the subpoena, or has refused to
28 answer questions propounded to him in the course of the hearing;
29 and

30 (d) The Board therefore requests an order of the court
31 compelling the witness to attend and testify or produce the books
32 and papers before the Board.

33 4. The court, upon such a petition, shall enter an order directing
34 the witness to appear before the court at a time and place fixed by
35 the court in the order, and then and there to show cause why he has
36 not attended or testified or produced the books or papers before the
37 Board. The time may not be more than 10 days after the date of the
38 order. A certified copy of the order must be served upon the witness.

39 5. If the court determines that the subpoena was regularly
40 issued by the Board, the court shall thereupon enter an order that the
41 witness appear before the Board at the time and place fixed in the
42 order, and testify or produce the required books or papers. Failure to
43 obey the order is a contempt of the court which issued it.



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1 **6. The court may award any costs, including attorney's fees,**
2 **incurred by the Board in the enforcement of a subpoena for which**
3 **the court entered an order compelling compliance by a witness.**

4 **Sec. 31.** NRS 641B.430 is hereby amended to read as follows:
5 641B.430 1. The defendant licensee must be accorded the
6 right to appear at the hearing of a complaint conducted by the Board
7 in person and through the representation of legal counsel. He must
8 be given adequate opportunity to confront the witnesses against him,
9 testify and introduce the testimony of witnesses in his behalf and
10 submit arguments and briefs in person or through his counsel. The
11 Board shall make and announce its decision as soon as practicable.

12 2. The failure of the person charged to attend his hearing or
13 defend himself must not delay and does not void the proceedings.
14 The Board may, for good cause shown, continue any hearing from
15 time to time.

16 3. If the Board finds the person guilty as charged in the
17 complaint, it may by order:

18 (a) Place the person on probation for a specified period or until
19 further order of the Board.

20 (b) Administer to the person a public ~~for private~~ reprimand.

21 (c) Limit the practice of the person to, or by exclusion of, one or
22 more specified branches of social work.

23 (d) Suspend the license of the person to practice social work for
24 a specified period or until further order of the Board.

25 (e) Revoke the license of the person to practice social work.

26 (f) Impose a fine of not more than \$5,000, which must be
27 deposited with the State Treasurer for credit to the State General
28 Fund.

29 (g) Require the person to pay all costs , **including reasonable**
30 **attorney's fees**, incurred by the Board relating to the discipline of
31 the person.

32 The order of the Board may contain other terms, provisions or
33 conditions as the Board deems proper and which are not inconsistent
34 with law.

35 **Sec. 32.** NRS 641B.500 is hereby amended to read as follows:

36 641B.500 It is unlawful for any person to represent himself as
37 a social worker **or engage in the practice of social work** within the
38 meaning of this chapter unless he is licensed pursuant to the
39 provisions of this chapter.

40 **Sec. 33.** NRS 641B.505 is hereby amended to read as follows:

41 641B.505 1. Except as otherwise provided in this chapter, it
42 is unlawful for a person to engage in:

43 (a) The independent practice of social work unless he is licensed
44 as ~~he~~ :



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1 (1) A clinical social worker or an independent social worker
2 pursuant to this chapter ~~{H}~~; or

3 (2) A master social worker and is enrolled as a clinical
4 social worker or an independent social worker in a program of
5 postgraduate study approved by the Board; or

6 (b) The clinical practice of social work unless he is licensed as
7 ~~{a}~~:

8 (1) A clinical social worker pursuant to this chapter ~~{H}~~; or

9 (2) A master social worker and is enrolled as a clinical
10 social worker in a program of postgraduate study approved by the
11 Board.

12 2. As used in this section, "independent practice of social
13 work" means the unsupervised practice of social work, other than
14 for a public employer, for compensation.

15 **Sec. 34.** NRS 48.039 is hereby amended to read as follows:

16 48.039 1. The testimony of a witness who previously has
17 undergone hypnosis to recall events that are the subject matter of the
18 testimony is admissible if:

19 (a) The witness, or the parent or guardian of the witness if he is
20 a minor, gave informed consent to the hypnosis;

21 (b) The person who induced the hypnosis is:

22 (1) A provider of health care; or

23 (2) ~~{A clinical social worker who is licensed pursuant to
24 chapter 641B of NRS; or~~

25 ~~—(3)—~~ An officer or employee or former officer or employee of
26 a law enforcement agency,
27 who is trained in forensic hypnosis and who is not otherwise
28 currently involved in the investigation of a case or action in which
29 the witness is a victim, witness or defendant;

30 (c) Before the hypnosis was induced, a written record was made
31 that includes, without limitation:

32 (1) A description of the subject matter of the hypnosis as
33 provided by the witness; and

34 (2) The information that was provided to the hypnotist
35 concerning the subject matter of the hypnosis;

36 (d) The entire session at which the hypnosis was induced was
37 electronically recorded by audio or video recording equipment,
38 including, without limitation, any interview that was conducted
39 before or after the hypnosis was induced;

40 (e) The recording of the entire session at which the hypnosis
41 was induced was made available by the party who produced the
42 witness to each party involved in the case, pursuant to the discovery
43 procedures as provided in NRS 174.235 to 174.295, inclusive, the
44 Nevada Rules of Civil Procedure or the Nevada Justices' Courts'



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1 Rules of Civil Procedure, depending upon the nature of the
2 proceedings; and

3 (f) The hypnotist and the witness were the only persons present
4 during the session of hypnosis unless the hypnotist or a law
5 enforcement officer who is investigating the criminal case, if any,
6 determined that it was necessary for one of the following persons to
7 be present during the session:

8 (1) A parent or guardian of a witness who is a minor; or

9 (2) An artist employed by a law enforcement agency.

10 2. The court, on its own motion or that of a party, may exclude
11 the testimony of a person who previously has undergone hypnosis to
12 recall events which are the subject matter of the testimony if the
13 court determines that such testimony is unreliable or is otherwise
14 inadmissible.

15 3. The court shall instruct the jury to exercise caution when
16 considering the reliability of the testimony of a person who
17 previously has undergone hypnosis to recall events that are the
18 subject matter of the testimony.

19 4. The provisions of this section do not limit:

20 (a) The ability of a party to attack the credibility of a witness
21 who previously has undergone hypnosis to recall events that are the
22 subject matter of his testimony; or

23 (b) The legal grounds upon which to admit or exclude the
24 testimony of such a witness.

25 5. As used in this section, "provider of health care" has the
26 meaning ascribed to it in NRS 629.031.

27 **Sec. 35.** NRS 689A.0485 is hereby amended to read as
28 follows:

29 689A.0485 If any policy of health insurance provides coverage
30 for treatment of an illness which is within the authorized scope of
31 the practice of a ~~[licensed associate in social work,]~~ social worker,
32 ~~[independent social worker or clinical social worker,]~~ the insured is
33 entitled to reimbursement for treatment by ~~[an associate in social~~
34 ~~work,]~~ a social worker, ~~[independent social worker or clinical social~~
35 ~~worker]~~ who is licensed pursuant to chapter 641B of NRS.

36 **Sec. 36.** NRS 689B.0385 is hereby amended to read as
37 follows:

38 689B.0385 If any policy of group health insurance provides
39 coverage for treatment of an illness which is within the authorized
40 scope of the practice of a ~~[licensed associate in social work,]~~ social
41 worker, ~~[independent social worker or clinical social worker,]~~ the
42 insured is entitled to reimbursement for treatment by ~~[an associate in~~
43 ~~social work,]~~ a social worker, ~~[independent social worker or clinical~~
44 ~~social worker]~~ who is licensed pursuant to chapter 641B of NRS.



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1 **Sec. 37.** NRS 695B.1975 is hereby amended to read as
2 follows:

3 695B.1975 If any contract for hospital or medical service
4 provides coverage for treatment of an illness which is within the
5 authorized scope of the practice of a ~~{licensed associate in social~~
6 ~~work,}~~ social worker, ~~{independent social worker or clinical social~~
7 ~~worker,}~~ the insured is entitled to reimbursement for treatment by
8 ~~{an associate in social work,}~~ a social worker, ~~{independent social~~
9 ~~worker or clinical social worker}~~ who is licensed pursuant to chapter
10 641B of NRS.

11 **Sec. 38.** NRS 695C.1775 is hereby amended to read as
12 follows:

13 695C.1775 If any evidence of coverage provides coverage for
14 treatment of an illness which is within the authorized scope of the
15 practice of a ~~{licensed associate in social work,}~~ social worker,
16 ~~{independent social worker or clinical social worker,}~~ the insured is
17 entitled to reimbursement for treatment by ~~{an associate in social~~
18 ~~work,}~~ a social worker, ~~{independent social worker or clinical social~~
19 ~~worker}~~ who is licensed pursuant to chapter 641B of NRS.

20 **Sec. 39.** Each person who, on October 1, 2003, holds a license
21 as a social worker pursuant to NRS 641B.220, associate in social
22 work, independent social worker or clinical social worker issued by
23 the Board of Examiners for Social Workers must, as a condition for
24 the first renewal of that license after October 1, 2003, submit to the
25 Board:

26 1. A complete set of his fingerprints and written permission
27 authorizing the Board to forward the fingerprints to the Central
28 Repository for Nevada Records of Criminal History for submission
29 to the Federal Bureau of Investigation for its report; and

30 2. The fee for processing the fingerprints established by the
31 Board pursuant to section 16 of this act.

32 **Sec. 40.** 1. This act becomes effective on passage and
33 approval.

34 2. Sections 21, 23, 26 and 27 of this act expire by limitation on
35 the date on which the provisions of 42 U.S.C. § 666 requiring each
36 state to establish procedures under which the state has authority to
37 withhold or suspend, or to restrict the use of professional,
38 occupational and recreational licenses of persons who:

39 (a) Have failed to comply with a subpoena or warrant relating to
40 a proceeding to determine the paternity of a child or to establish or
41 enforce an obligation for the support of a child; or



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- 1 (b) Are in arrears in the payment for the support of one or more
- 2 children,
- 3 are repealed by the Congress of the United States.

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