



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1987 | Issue 1

Article 98

1-1-1987

Health and Welfare; regulating social work

University of the Pacific, McGeorge School of Law

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Recommended Citation

University of the Pacific, McGeorge School of Law, *Health and Welfare; regulating social work*, 1987 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1987/iss1/98>

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of skilled nursing facilities,⁴ intermediate care facilities,⁵ and residential facilities for groups⁶ to any person or governmental entity that requests this information.⁷

BAA

4. NEV. REV. STAT. § 449.0039 (facility for skilled nursing means an establishment which provides continuous skilled nursing and related care). *See id.* § 449.0151 (medical facility includes a facility for skilled nursing).

5. *Id.* § 449.0038 (facility for intermediate care means an establishment that provides 24-hour personal and medical supervision for four or more persons who do not require the extent of care which a skilled nursing facility or hospital provides). *See id.* § 449.0151 (medical facility includes a facility for intermediate care).

6. Residential facility for groups means an establishment operated for the purpose of providing food, shelter, assistance, and limited supervision to the aged or mentally infirm who are not related to the operator of the facility, or to four or more females during or after pregnancy who are not related to the operator of the facility. *Id.* at § 449.017.

7. 1987 Nev. Stat. ch. 464, sec. 1, at ___ (enacting NEV. REV. STAT. § 449.200). Facilities that are exempt include any church-operated facility that provides care and treatment based on spiritual healing, foster homes, and government-operated medical facilities. NEV. REV. STAT. § 449.070.

Health and Welfare; regulating social work

NEV. REV. STAT. §§ 49.____, 641B.____, 689A.____, 689B.____, 695A.____, 695B.____, 695C.____, (new) §§ 433.209, 433.265, 641.029 (amended).
SB 234 (Committee on Commerce and Labor); 1987 STAT. Ch 484

Chapter 484 creates the Board of Examiners for Social Workers¹ (Board) to examine² and to regulate the practice of social work.³ Pursuant to Chapter 484, an applicant must meet specified educa-

1. 1987 Nev. Stat. ch. 484, sec. 3, at ___ (enacting NEV. REV. STAT. § 641B.____). *See also id.* sec. 5, at ___ (the Board consists of five governor-appointed members, four of whom must be licensed or eligible for licensing pursuant to Chapter 484, and one must be from the general public).

2. The examination must be fair and impartial and designed to discover the applicant's fitness. *Id.* sec. 17, at ___. The Board may employ specialists to conduct the exams, and the board member who is of the general public may not participate in the grading. *Id.*

3. *Id.* sec. 2, at ___. *See also id.* sec. 3, at ___ (social work, community organization, methods, principles and techniques of case work, group work, community organization, administration, planning, consultation and research to assist persons, groups or communities to enhance or restore their ability to function physically, socially and economically).

tional,⁴ examination, and supervision requirements⁵ before obtaining a license as a social worker, independent social worker, or clinical social worker.⁶ The Board may issue a license⁷ without an examination to any person holding a license from a state with licensing requirements substantially equivalent to those of Nevada.⁸

Chapter 484 sets forth grounds for initiating disciplinary action.⁹ The Board may first file a written complaint¹⁰ and set a hearing date.¹¹ In the event of a guilty finding, the Board may impose sanctions including; probation, public or private reprimand, limitation of one's practice, license suspension or revocation, or a fine.¹² Pursuant to Chapter 484, any person engaging in the activities of a social worker after license suspension or revocation is guilty of a misdemeanor.¹³

Chapter 484 provides that a client¹⁴ has a privilege to refuse to disclose confidential communications with a social worker or any other person involved in diagnosis or treatment.¹⁵ Chapter 484 also establishes the following exceptions to the privilege of confidentiality: (1) The services of the social worker are sought for criminal or

4. *Id.* secs. 14-16, at ____ (the applicant must possess a baccalaureate degree, doctoral degree, or master's degree in social work from an accredited college).

5. *Id.* secs. 13-17, at ____ (before a license is issued, the applicant must either be under the supervision of a social worker, or must supervise others who engage in the practice of social work).

6. *Id.* sec. 15, at ____ (to obtain a license as a social worker, independent social worker, or clinical social worker, the applicant must have a master's or doctoral degree, complete 3,000 hours of supervised postgraduate clinical social work, and pass a Board examination).

7. *Id.* sec. 13, at ____ The Board will issue a license to engage in social work to any applicant who is over 21 years old and a United States citizen or legally entitled to work in the United States and who is employed as a social worker or supervisor on July 1, 1988. *Id.*

8. *Id.* sec. 19, at ____ See also *id.* sec. 20, at ____ (license may be renewed by application to the Board, payment of the annual renewal fee, and submission of evidence of continuing education).

9. *Id.* sec. 23, at ____ Grounds for disciplinary action include unprofessional conduct, conviction of a felony or an offense involving moral turpitude, violation of federal or state drug laws, the use of fraud in the application for a license, examination or practice of social work, allowing unauthorized use of a license, professional incompetence, and habitual drunkenness. *Id.*

10. *Id.* sec. 24, at ____ (the complaint must specify the relevant facts to the Board, and set forth one or more grounds for initiating disciplinary action).

11. *Id.* sec. 26, at ____ (the accused has the right to appear in person or through counsel, however, failure of the accused to appear does not void the proceedings). The hearing must be conducted in private. *Id.*

12. *Id.* (maximum fine is \$5000).

13. *Id.* sec. 31, at ____ An injunction may be sought by a district court on petition by the Board in addition to any applicable criminal prosecution. *Id.* sec. 32, at ____.

14. *Id.* sec. 34, at ____ (client means a person who consults or is interviewed by a social worker for the purpose of diagnosis or treatment). See *id.* sec. 36, at ____ (the privilege may be claimed by the client, or the client's guardian, representative, or social worker).

15. *Id.* sec. 35, at ____.

fraudulent purposes, (2) the social worker is required to testify in an administrative or court-related investigation involving a client's welfare, (3) the information is relevant to determine a breach of duty between the social worker and a client, (4) the information is communicated among persons participating in the client's treatment, or (5) disclosure is required by state or federal law.¹⁶

BAA

16. *Id.* sec. 37, at _____. *See id.* sec. 4, at _____ (exempts licensed physicians, nurses, psychologists, marriage and family counselors, drug and alcohol counselors, clergy, the County Welfare Director, one engaged in social work related to government office, and social worker trainees).

Health and Welfare; perinatal care

NEV. REV. STAT. § 442.____ (new).

SB 34 (Committee on Human Resources and Facilities); 1987 STAT. Ch 529

Existing law regulates both prenatal and postnatal health care.¹ Chapter 529 requires the Nevada Board of Health to adopt standards regulating perinatal care administered by any provider of health care² based upon recommendations submitted by the School of Medicine and the School of Nursing of the University of Nevada System.³

PSS

1. NEV. REV. STAT. §§ 442.010-442.020 (pregnant women must be examined for syphilis); 442.030-442.110 (a newborn child must be treated for Ophthalmia Neonatorum); 442.115 (infants must be examined for preventable mental disorders). *See id.* § 442.005 (empowers the state board of health to regulate and administer maternal and child care).

2. A provider of health care includes a physician, dentist, licensed psychologist, chiropractor, doctor of traditional Oriental medicine in any form, medical laboratory director or technician, pharmacist, or a licensed hospital as the employer of any such person. 1987 Nev. Stat. ch. 529, sec. 1, at ____ (enacting NEV. REV. STAT. § 442.____). *See* NEV. REV. STAT. § 629.031. *Compare with id.* §§ 442.010, 442.030-.100, 442.115 (application to midwives).

3. 1987 Nev. Stat. ch. 529, sec. 1, at ____ (enacting NEV. REV. STAT. § 442.____).