



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

MINUTES OF THE PUBLIC WORKSHOP TO SOLICIT COMMENTS
PERTAINING TO REVISED PROPOSED REGULATIONS
Las Vegas, Nevada

LCB FILE NO. R025-14

May 16, 2014

The Public Workshop to Solicit Comments Pertaining to Revised Proposed Regulations (Public Workshop) of the Board of Examiners for Social Workers (Board), LCB File Number R025-14, was called to order by Kim Frakes, Board Executive Director, at 10:01 a.m. The Public Workshop was conducted at Mojave Adult, Child and Family Services, 4000 E. Charleston Blvd., Suite B-230, Las Vegas, Nevada. Ms. Frakes noted that the Public Workshop had been properly noticed. She clarified that the purpose of the Public Workshop was to solicit comments from the public pertaining to the Board's proposed revised regulations contained in LCB File No. R025-14. Ms. Frakes indicated that a public hearing pertaining to the adoption of these regulations would be conducted on June 20, 2014 where the solicited public comments would be reviewed and discussion by the Board prior to making a determination on whether to move forward in officially adopting the proposed regulations. Ms. Frakes initiated roll call with the following Board members, Board staff and participants (arriving and departing at various times) present:

Members Present:

Annie Wilson, LSW, Board Member
C.J. Yao, LCSW, Board Member

Staff Present:

Kim Frakes, LCSW, Executive Director
Gina Diluzio, Certified Court Reporter, Sunshine Litigation Services

Public Attendees:

Sylvia Naseath, LCSW
Phyllis Montavon, LSW
Riley Kline, LCSW
Pamela Kurez
Valerie Tines-Braggs, LCSW
Jacqueline Austin, LSW
Luke Hatch, LCSW
Adam Crawford
Yancy Whipple
Mark Hutcherson, LCSW
Gary Waters, LCSW
Jason Engle, LSW
Randy Reinoso, LSW
Martha Camero, LSW

INTRODUCTION – OPEN WORKSHOP

Ms. Frakes reiterated that that purpose of the Public Workshop (workshop) was to receive public comments pertaining to proposed additions, amendments, and/or repeal of regulations pertaining to Chapter 641B of the Nevada Administrative Code. She further added that the purpose of the workshop was to solicit comments from interested parties on the general topics contained in the "Notice of Workshop to Solicit Comments on Proposed Regulations" (Notice). The Notice was mailed to: all individuals licensed by the Board, all persons on the Board's mailing list, all county libraries, and the Nevada State Library. The Notice had also been electronically posted to: the Board's website, the Legislative website and the State's Public Notice website.

The general topics to be addressed during the public workshop as follows (Agenda Item 2A):

Item 1 When an applicant is required to pass an examination under an open application.

Item 2 Requirements for license restoration applicants.

Item 3 Increase in fees allowable under NRS 641B.300.

Item 4 Licensure by endorsement for out-of-state applicants.

Item 5 Accrued internship hours not leading directly to licensure.

Item 6 Conditions leading to Board withdrawal of internship approval.

Item 7 Board acceptance of postgraduate hours from another state.

Item 8 Changes for Board approved supervisors of interns, including reports.

Item 9 Conditions under which licensees are required to self-report to the Board.

Item 10 Expanding the applicability of unprofessional conduct.

PUBLIC COMMENT (Agenda Item 3)

Ms. Frakes opened the floor to public comment pertaining to the general topics contained in the proposed regulation.

Mark Hutcherson, LCSW

Mr. Hutcherson raised a question pertaining to the proposed increase in license fees and the rationale for the proposed fee increases. Ms. Frakes directed Mr. Hutcherson to the small business impact statement, which was part of the distributed workshop informational documentation. Mr. Hutcherson inquired about Item 6, pertaining to conditions leading to Board withdrawal of internship approval. Ms. Frakes directed Mr. Hutcherson to pages 12 and 13 of the proposed regulations, LCB File No. R025-14. Ms. Frakes clarified these conditions by reviewing the proposed conditions.

Luke Hatch, LCSW

Mr. Hatch indicated that his business is in Hiko, Nevada. His agency, located in rural Nevada, is an experiential-based treatment program for adolescents. The agency is located on a working cattle ranch. Because he is one of the few social workers in this area, he finds himself receiving a lot of clients, including referrals from Lincoln County drug court. This can be overwhelming at times. Mr. Hatch described his

adolescent residential treatment program and difficulty he has experienced in meeting the Board's expectations pertaining to approval of internship agencies. Mr. Hatch requested the Board to consider some "leeway" for these rural agencies especially in providing therapy to diverse populations. He indicated that his agency may not be able to demonstrate the provision of therapy to a diverse population. He indicated that the hiring of a clinical social work intern would prove more beneficial than hiring a fully licensed therapist. Mr. Hatch indicated his interest in attending the Board's next scheduled Intern Supervisor Training.

Sylvia Naseath, LCSW

Ms. Naseath inquired about electronic supervision. She indicated that Nevada Medicaid has already approved Skype and telephone contact for therapy and supervision on a limited basis. Ms. Frakes indicated that although this particular topic was not included in the general topics to be addressed during this meeting, this could be a possible topic of discussion at a future Board meeting.

Yancy Whipple, LCSW

Ms. Whipple indicated her support of Mr. Hatch's comments pertaining to the Board's review and considerations of rural internship program site approval. She indicated that the Board's standards for approving internship agency site approval may be difficult for rural agencies to meet and echoed Mr. Hatch's sentiments for Board considering in making decisions pertaining to approving rural programs and agencies.

Adam Crawford

Mr. Crawford indicated that he had conducted his postgraduate supervision in Utah but is not licensed as a clinical social worker there. The economy prompted him to relocate to Nevada. Mr. Crawford inquiries pertained to licensure via endorsement of his postgraduate supervised hours in Utah. Mr. Crawford wanted to know if there were any informational workshops pertaining to licensure via endorsement. Ms. Frakes indicated that periodically in the past, both UNLV and UNR requested speakers from either the Board or Board office to present on licensure via endorsement. She added that this request has not occurred over the past few years, however. Aside from this, the Board does not provide ongoing workshops. Mr. Crawford requested the Board consider providing such workshops. Mr. Crawford added that more information pertaining to postgraduate supervision towards clinical licensure on the Board's website would also be helpful. C.J. Yao indicated that presently, Mr. Crawford could contact the Board should he have any further questions pertaining to the internship (postgraduate supervision) process. Ms. Frakes inquired whether internship related questions posed as "Frequently Asked Questions" on the website may be considered helpful. Mr. Crawford indicated that such postings on the Board's website would be helpful.

Jacqueline Austin

Ms. Austin's inquires and comments pertained to her accrued postgraduate supervised hours obtained in Ohio. Although she had conducted her postgraduate supervised hours in Ohio, she was not licensed there. Ms. Austin moved to Nevada and was subsequently licensed as an LSW. Ms. Frakes acknowledged that reviewing the present regulations for endorsement of postgraduate supervised hours may be confusing. She added that one of the proposed regulations attempts to streamline endorsement for out-of-state individuals who have been licensed ten (10) years or more. Ms. Frakes further added that without the benefit of having access to Ms. Austin's file, it would be difficult to adequately address her concerns. Ms. Frakes suggested that Ms. Austin contact the Board office next week and a staff member could review her file and attempt to address her concerns. Ms. Frakes asked Ms. Austin if she happened to have any additional questions pertaining to the general topics noted on the workshop agenda. Ms. Austin indicated that she did not.

Riley Kline

Mr. Kline's inquiries pertained to Item 5, accrued internship hours not leading directly to licensure. Ms. Frakes clarified the rationale for this proposed regulation. Following clarification, Mr. Kline indicated that he did not have any additional questions pertaining to this regulation. Mr. Kline then inquired about the process pertaining to the Board's approval of new internship sites. He indicated that he would like to see this process become more expedient. Ms. Frakes acknowledged his frustration and indicated that the Board is attempting to address this matter, including the possibility of hiring additional staff. She added that any increase in Board office staffing may require fee increases in order to pay for the additional staffing.

Mark Hutcherson

Mr. Hutcherson recalled a situation where he was supervising an intern who required an extended medical leave of absence. (At this point, a break was taken from around 10:45 a.m. until 11:00 a.m.) Following the break, Mr. Hutcherson resumed his comments. Returning to his example, Mr. Hutcherson indicated that he would like to see the Board consider some considerations pertaining to item 5, under the conditions of medical hardship. Ms. Frakes asked if Mr. Hutcherson could offer an alternative period of time in lieu of the three (3) years as noted in the proposed regulation. Mr. Hutcherson indicated that he did not but requested considerations as it pertained to certain situations, such as medical circumstances.

Mr. Hutcherson inquired about item 9, pertaining to conditions under which licensees are required to self-report to the Board. Ms. Frakes pointed out where the proposed regulation change was located on LCB File No. R025-14 and provided an overview of the proposed regulation.

Phyllis Montavon

Ms. Montavon indicated that she is in a Board approved internship program and experiences test anxiety. Ms. Montavon inquiries pertained to item 5, accrued internship hours not leading directly to licensure. Ms. Montavon requested clarification pertaining to her present situation. Because she had not successfully taken and passed the clinical examination and her internship hours were completed, she was required to open a new internship program file. Ms. Montavon wanted to know how long her previously accrued internship hours would be eligible to be applied towards her new internship hours following the successful taking and passing of the clinical examination. Ms. Montavon then inquired about how often she would be allowed to take her clinical examination. Ms. Frakes directed Ms. Montavon to review the letter that the Board sent her pertaining to her examination. The letter would specify when Ms. Montavon was eligible to retake the examination as well as the time frame she was approved by the Board to take the examination. She further advised Ms. Montavon that if she was able to independently verify from a mental health professional (that she is not already affiliated with through her agency or personally) that she has a diagnosable anxiety disorder, she could request special accommodations through ASWB (pursuant to the mental health professional's documentation) on the date of the examination. Ms. Frakes further suggested that Ms. Montavon contact the Board office if she happened to have any further inquiries pertaining to her internship and/or clinical examination.

Mark Hutcherson

Mr. Hutcherson requested clarification pertaining to item 1, and the Board's current schedule of taking a licensing examination under an open application. Ms. Frakes clarified the Board's schedule of taking a licensing examination under an open application. Mr. Hutcherson inquired whether there was a total cap on the number of times an applicant could take the licensing examination. Ms. Frakes indicated that overall, the Board did not limit the total number of times an applicant could take a licensing examination. The limitation proposed in item 1 pertained to the number of times an applicant could take a licensing examination under his/her current open application before being required to reapply.

Riley Kline

Mr. Kline requested clarification pertaining to Ms. Montavon's accrued hours in her previous internship program and requested clarification on how long the Board would consider accepting these previously accrued hours towards her new internship program. Ms. Frakes indicated that the hours accrued in the previous internship would be considered towards application in her new internship for three (3) years following the closure of the previous program. Mr. Hutcherson requested clarification on when this would take effect and its applicability towards Ms. Montavon's situation. Ms. Frakes stated that it appears that this particular regulation would take effect on January 1, 2015.

Phyllis Montavon

Ms. Montavon requested clarification the number of times she would be eligible to take the clinical examination in her new internship programs. Ms. Frakes indicated that since Ms. Montavon had questions specific to her internship, it would be best if she contacted the Board and Board staff could review her file with her during the telephone call.

Valerie Tines-Braggs

Ms. Tines-Braggs inquiries pertained to item 6, conditions leading to Board withdrawal of an internship program. Her question pertained to the minimum number of hours required in order to properly sustain an internship. Ms. Frakes clarified the minimum number of hours required weekly and quarterly and the number of weeks in each quarter. She further provided a rationale for the Board proposing the regulations in this section.

A break was taken from about 11:30 a.m. until 11:45 a.m. The workshop resumed at 11:46 a.m. The remaining participants were: Kim Frakes, C.J. Yao, Annie Wilson, Randy Reinoso and Gina Diluzio. No further comments were received from 11:46 a.m. until 1:00 p.m. Ms. Frakes indicated at 1:00 p.m. that the Public Workshop pertaining to the revised proposed regulations contained in LCB File Number R025-14 was officially concluded.

Respectfully Submitted,

Kim Frakes
Executive Director