



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

MINUTES OF BOARD MEETING  
January 21, 2011 at 9:00 a.m.

The meeting of the Board of Examiners for Social Workers was called to order by the Board President, Randy Reinoso at 9:13 a.m. The meeting was held at Mojave Adult, Child and Family Services, 4000 E. Charleston Blvd., Suite B-230 in Las Vegas, Nevada. There was a simultaneous video conference conducted at Mojave Adult, Child and Family Services, 745 W. Moana Lane, Suite 100, Reno, Nevada. Both meetings were also available to any public member who wished to observe or participate. President Reinoso noted that the meeting had been noticed properly and the members present constituted a quorum for the purposes of the Board meeting.

Roll call was initiated by President Reinoso with the following Board members and Board staff present via videoconference:

Members Present:

Randy Reinoso, LSW, President, Las Vegas  
Sandy Lowery, LCSW Vice President, Reno  
James Bertone, LCSW, Secretary-Treasurer, Reno

Staff Present

Kim Frakes, LCSW, Executive Director, Reno

Public Attendees

Mark Nichols, Executive Director, NASW, Nevada Chapter

A motion was made by James Bertone and seconded by Sandy Lowery to approve the Agenda as presented. This motion was carried.

**CONSENT AGENDA**

A motion was made by Sandy Lowery and seconded by James Bertone to approve the Consent Agenda as presented. This motion was carried.

**REGULAR AGENDA**

**DISCIPLINARY MATTERS**

**Recommendation to Close Files: {G08-16, G08-18 and G08-21}; and G10-42**

Kim Frakes presented this agenda item to the Board. Using redacted information she indicated why, following review of the cases listed in the agenda, she and the Special Projects Manager were recommending the cases for dismissal. President Reinoso requested clarification regarding the brackets around Cases G08-16, G08-18 and G08-21. Ms. Frakes indicated that the brackets indicated that these three cases involved the same social worker. Following the presentation and clarification by Ms. Frakes a motion was made by Sandy Lowery and seconded by James Bertone to accept the recommendations to dismiss Cases G08-16, G08-18, G08-21 and G10-42 as presented. This motion was carried.

**2010 Disciplinary Recap Report**

Kim Frakes presented this agenda item via oral report to the Board. Ms. Frakes indicated that 2010 had been a very active year for the Board office with regards to disciplinary cases. She noted that 2010 had broken another record for received cases. In 2010 the Board received "47" accusations. This is an increase of three (3) cases from 2009. Ms. Frakes noted that the increase is attributed to one licensee who had five cases under investigation and a few complainants who filed against multiple licensees within the respective agencies. During 2010 Ms. Frakes conducted investigations on "35" cases. Out of the 35 cases investigated in 2010, "6" resulted in disciplinary action and "29" cases were dismissed. Out of the 6 cases that received Board action, "5" were consent decrees and "1" resulted in a hearing. Following this presentation the Board thanked Ms. Frakes for the update. The Board did not take any action on this agenda item.

### **Disciplinary Report**

Kim Frakes presented this agenda item to the Board. The Board reviewed the redacted Disciplinary Report that was updated on January 19, 2011. Ms. Frakes offered the Board an update about additional cases that had received notification from the Board about an accusation following the preparation of the January 19<sup>th</sup> report. With the dismissal of the 4 cases above, the total cases is not "46". Sandy Lowery noted that some of the cases that received a "3" rating are still pending notification. Furthermore it was noted that with the three cases from 2008 being dismissed at today's meeting, Ms. Frakes was instructed to begin actively addressing the cases from 2009. President Reinoso noted that per his weekly teleconferences with Ms. Frakes, her time has been tasked over the past few months addressing immediate requests from the State Legislature, especially in regards to the Board's bill draft for the LMSW license. Ms. Frakes indicated that she would continue to diligently address these cases and hoped to have some of the older cases brought to the Board during the next regularly scheduled meeting for resolution.

### **LEGISLATIVE AND REGULATORY ISSUES**

#### **Review, Discussion and Action Regarding SB61 as Presented to the 76<sup>th</sup> (2011) Legislative Session, Including Responses Required From Board's Executive Director in Preparation for the Legislative Session.**

Kim Frakes presented this agenda item to the Board. The Board's proposed bill for the LMSW license, originally submitted to the Legislative Counsel Bureau (LCB) as Bill Draft Request (BDR) 506 has been pre-filed as SB61. The bill has been assigned to the Legislative Committee on Commerce, Labor and Energy. A copy of SB61, as pre-filed was contained in the Board member's packet as well as the response Ms. Frakes had submitted to the LCB regarding NRS provisions which reference "clinical social workers" the might require amending to allow for the Masters Social Workers license. This agenda item served to update the Board about the role Ms. Frakes and the Special Projects Manager has had in the process of moving the bill from the BDR to the pre-filed bill, SB61. In addition to updating the Board regarding the development of SB61 she suggested that the Board may wish to use this time to consider any strategic planning regarding this Bill as the Board moves to prepare for the upcoming Legislative Session.

Mark Nichols, Executive Director of NASW, Nevada Chapter, offered public comment regarding their board's process in determining this organization's stance on the bill. Some of the items contained in agenda item 5B-1 (NASW, Nevada Chapter's position regarding SB61) were briefly addressed by Mr. Nichols during this portion of the meeting. Sandy Lowery noted that some of the concerns noted by NASW, Nevada Chapter regarding SB61 appeared to be scope of practice concerns regarding the LMSW licensees. Board members and Mr. Nichols agreed that when the Board had introduced previous bill drafts regarding licensure and the bill is pre-filed, the information generally addresses the qualifications to be licensed at a particular level of licensure and that specific scope of practice issues are addressed following the passage of a bill in public workshops and public hearing. During the public workshops and hearing there would be ample opportunities to give input regarding the scope of practice for the LMSW license and the appropriate settings to implement this new level of licensure. Mr. Nichols commented that the information Ms. Frakes had submitted to LCB in response to their

questions regarding specific NRS provisions was helpful. Ms. Frakes noted that LCB had included the information from her response into the pre-filed bill, SB61. Following discussion the Board did not take action on this agenda item.

**Review, Discussion and Action Regarding Pre-filed Bills and Bill Draft Requests (BDR) for the Legislative Session Which May Impact the Board, Including: 23-35, S-49 (AB1), 54-106 (SB37), 18-202 (AB62), 18-203 (AB63), 54-254, 31-396 (SB81), 31-409 (AB21), 33-441 (AB10), 837, 889, 922 and Any Pre-filed Bills and DBR Filed After Posting of Agenda.**

Kim Frakes presented this agenda item to the Board. A copy of the above listed BDR's and pre-filed bills were included in each Board member's packet. This agenda item afforded the Board an opportunity to review the list of pre-filed bills and BDR's which Ms. Frakes and the Special Projects Manager determined may impact the Board. Ms. Frakes explained that although she would continue to track the list of pre-filed bills and BDR's, there presently were close to 945 pre-filed bills for the upcoming Legislative session. In reviewing this information Ms. Frakes noted that one of the pre-filed bills, AB10, would change the Board's retention of documents if passed. This may impact the Board's current retention schedule including the schedule which the Board had taken action on during the November 19, 2010 Board meeting. Mark Nichols, Executive Director, NASW, Nevada Chapter inquired about AB33 and AB65, pre-filed bills submitted by the Board of Psychological Examiners regarding behavioral analysis. Ms. Frakes explained that "behavioral analysis" requires specific training and is often conducted in the school settings. Behavioral analysis is not considered to be within a social worker's scope of practice in this State and therefore these pre-filed bills would not impact the Board. Following discussion the Board did not take action on this agenda item.

**Review, Discussion and Action Regarding Additional Legislative Matters of Interest to Board Members.**

Kim Frakes introduced this agenda item to the Board. Following presentation of the two previous agenda items (Agenda Item 4A and 4B) the Board may wish to discuss, take action or place on the next Board meeting agenda any additional Legislative matters of interest to the Board. Ms. Frakes added that the Board may wish to identify Board members interested in assisting her during the upcoming Legislative session, including providing testimony regarding SB61. Following discussion the Board members agreed to assist Ms. Frakes as needed during the Legislative session, especially with regards to SB61. Sandy Lowery and Jim Bertone indicated that if their work schedules would accommodate them, they would be willing to offer testimony during the Legislative session regarding SB61. Following discussion the Board did not take action of this agenda item.

**ASSOCIATION OF SOCIAL WORK BOARD (ASWB); NATIONAL ASSOCIATION OF SOCIAL WORKERS (NASW)**

**Review, Discussion and Action Regarding NASW, Nevada Chapter's Position on SB61 and Pre-filed Bills Which May Impact the Board During the Legislative Session.**

This agenda item was taken out of sequence in order to accommodate Mark Nichols's, Executive Director, NASW Nevada Chapter, schedule. Kim Frakes introduced this agenda item to the Board. As the Board moves forward with SB61, the pre-filed bill raised questions for certain members of the NASW, Nevada Chapter (NASW). An initial meeting to discuss SB61 was scheduled on January 4, 2011, between members of NASW's Legislative Committee members, President Reinoso (attending in Las Vegas) and certain Board staff attending via teleconference in Reno. The focus of this meeting was to respond to questions the NASW Legislative Committee leaders had regarding the LMSW license as proposed in SB 61. Following this meeting it was determined that further discussion among the NASW Legislative Committee members was required. A follow up meeting was scheduled on January 18, 2011 via teleconference that included the NASW, Nevada Chapter's Board of Directors and Executive Committee and the Legislative Committee. The purpose of the January 18<sup>th</sup>

meeting was to provide an opportunity for the Board's Executive Director and Special Projects Manager to address additional questions from the NASW leadership regarding SB 61. It was anticipated that at the conclusion of this meeting, the NASW leadership could vote to take a position on SB 61, either for or against this bill, or to take a neutral stance on this bill. At the conclusion of the January 18<sup>th</sup> meeting, however, the NASW, Nevada leadership was unable to determine a position. Mr. Nichols indicated that NASW Legislative Committee would be meeting again on January 24, 2011 to further discuss this matter and to hopefully formulate a position regarding SB 61. In order to assist the NASW Legislative Committee in formulating a position on SB 61, Mr. Nichols requested additional information from Ms. Frakes. Specifically, Mr. Nichols wanted to know the number of LCSW's licensed by the Board, the number of LCSW's who were presently unemployed in the State, the number of LCSW's who received licensure via endorsement from other states and the number of LCSW's who were denied licensure via endorsement. Ms. Frakes indicated that aside from the request for the number of LCSW's who are presently unemployed, she would email him the other requested information. Ms. Frakes indicated that the Board does not routinely track most of the information requested by Mr. Nichols, including the number of LCSW's who are unemployed.

Mr. Nichols indicated that one of the questions circulating from the NASW leadership was in regards to the ASWB Master's examination and the amount of questions on this examination regarding clinical practice. Ms. Frakes indicated that the "KSA's (Knowledge, Skills and Abilities) of the ASWB examinations are discussed extensively during each annual meeting. Although the KSA's for the Master's examination contains some limited clinical information, the Master's examination is not considered an examination that thoroughly assess an applicant for their KSA's regarding clinical social work. Ms. Frakes acknowledged that although the KSA's for the Master's examination assesses for limited clinical KSA's, it would be considered an appropriate instrument in assessing the KSA's that would be necessary in order to conduct the "limited" clinical practice conducted by LMSW's as proposed in SB 61.

Noting that this agenda item included the NASW, Nevada Chapter's position on any pre-filed bills which may impact the Board during this Legislative Session, President Reinoso inquired about NASW's position on the Governor's proposal expressed during the State of the State address to sunset and consolidate all State Boards. Mr. Nichols indicated that he did not believe the NASW, Nevada Chapter would be supporting the Governor's proposal to sunset and consolidate all State boards. He indicated that he is presently drafting a resolution that would indicate: that NASW recognizes the profession of social work to be a distinct and diverse profession, that the profession relates to a number of issues in its service to the individuals and communities it serves and accordingly, should remain independent of other boards. Mr. Nichols and the Board agreed that it was important for the Board and NASW to work collaborative in order to address common issues facing the social work profession during this Legislative Session. President Reinoso thanked Mr. Nichols for his attendance at this meeting and his continued efforts to serve as a liaison between NASW, the Board and the Legislators. Mr. Nichols left the Board meeting around 10:35 a.m.

### **Review, Discussion and Action Regarding Support Services Offered to Member Boards and Assistance to Board in Preparation for Upcoming Legislative Session**

Kim Frakes presented this agenda item to the Board. She indicated that this agenda item was more informative and that the Board could vote to take action should the discussion generated by this agenda item give rise to the Board being required to take action. Ms. Frakes reminded the Board that ASWB could be used as a resource during the upcoming Legislative Session. One of the resources was the Administrator's Forum which is a chat room format accessible to executive directors of all member boards. Ms. Frakes indicated that she had recently posted a question on the chat room regarding how member boards who license non-clinical Master's level social workers, have defined the scope of practice for this particular level of social work licensure. The posted question also inquired about other related issues regarding this particular level of licensure, including but not limited to, the overall acceptance of the Master's level of licensure and overall

disciplinary issues regarding scope of practice issues. Following review and discussion, the Board did not take action on this agenda item.

Following the presentation of this agenda item, the Board took a break from 10:40 a.m. until 10:50 a.m.

### **DEPUTY ATTORNEY GENERAL REPORT**

Although Henna Rasul, Board Counsel, was not present, Ms. Frakes indicated that in a conversation with Ms. Rasul prior to the Board meeting, Ms. Rasul had indicated that she did not have anything to add to today's Board meeting.

### **PRESIDING OFFICER'S COMMENTS**

President Reinoso indicated that he did not have anything further to add to this Board meeting. He reminded Kim Frakes to follow up on the matter of whether South West Airline would allow the transfer of an unused airline ticket issued to a previous Board member in 2010 to be transferred to him. Ms. Frakes indicated that she would follow up on this.

### **BOARD OPERATIONS**

#### **Approval of Minutes for November 19, 2010 Board Meeting**

Following review of the November 19, 2010 Board meeting, a motion was made by James Bertone and seconded by Sandy Lowery to approve the minutes as submitted. This motion was carried.

#### **Review, Discussion and Action Regarding Board's 2010 Fiscal Year Audit**

Kim Frakes presented this agenda item to the Board. Pursuant to State Legislative requirements, an audit must be completed annually by December 1<sup>st</sup>. The Board's approved CPA has completed the audit of the Board's financial audit for the 2009-2010 fiscal year. This audit included the Board's Financial Statements, Notes to the Financial Statements and the Auditor's Comments. Ms. Frakes indicated that the CPA's comments indicated that overall the Board's audit did not note any violations of statutes. Furthermore, there did not appear to be any financial weaknesses of a magnitude to justify inclusion within the audit report. It was noted that the budgeted amount for licensure, including applications, license renewals, provisional licenses, interest earned on the Board's CD accounts and licensure via endorsement was budgeted higher than what was actually received. Ms. Frakes noted that this impacted the Board's anticipated revenue and as a result, the Board was short by \$15,635 in the revenue collected during the previous fiscal year. The drop in anticipated fees were attributed to the economic down turn and decreasing available jobs. Sandy Lowery recommended that in the next Legislative session the Board should consider increasing the application fees. Following review and discussion regarding the 2010 fiscal year audit, a motion was made by Sandy Lowery and seconded by James Bertone to accept the Board's 2010 Fiscal Year Audit as submitted. This motion was carried.

#### **Review, Discussion and Action Regarding December 31, 2010 Board Year to Date Cash Flow Statement**

Kim Frakes presented this agenda item to the Board. A year to date Board cash flow statement was included in the Board member's meeting packet. This Statement served to inform the Board regarding the Board's revenue versus expenses. Based upon review of this report, the Board may offer recommendations to the Executive Director and vote to take action to approve the year to date Statement and action on any recommendations made to the Executive Director. The Statement included the Board's cash flow from the beginning of the fiscal year, July 1, 2010 to December 31, 2010. There was a question regarding the 209.73% increase in "Liability Insurance". Ms. Frakes indicated that the State had required the Board members to be insured under the Board's liability insurance. This was coverage for any possible litigation involving the Board.

Initially, the liability insurance was limited to and budgeted for Board staff, which was \$500.00. This unexpected increase raised the insurance fees to \$1,048.64 and resulted in the 209.73% increase. Following review and discussion, the Board did not have any recommendations for the Executive Director and did not take action on this agenda item.

**Review, Discussion and Action Regarding the Memorandum of Understanding Submitted by the State's Office of the Attorney General Through Board Counsel on October 4, 2010 and Tabled by Board during the November 19, 2010 Board Meeting.**

Kim Frakes presented this agenda item to the Board. As discussed during the November 19, 2010 Board meeting, the Office of the Attorney General (AG) is requesting all board clients that are billed hourly to review the Memorandum of Understanding (MOU) and sign this document. The MOU lists all of the services routinely provided to boards by the AG's office. The MOU was an effort by the AG's office to better anticipate the amount of time and types of services provided to each board. As explained to Ms. Frakes by a Senior Deputy Attorney General, the MOU was anticipated to also assist each board in better calculating their future costs with the AG's office. Ms. Frakes noted, however, that the AG's office has also submitted a prefiled bill draft request that appears to be closely related to their request for the MOU. Bill draft request, 18-203, AB 63, proposes to revise provisions relating to interlocal agreements. As submitted, AB63 proposes to revise the provision governing the duties of, and services provided by, the AG's office under which certain cooperative agreements between various public agencies (including the Board) may be reviewed by the AG. This proposed bill would also authorize the AG's office to designate a city or district attorney to prosecute certain matters on behalf of these State agencies.

During the November 19<sup>th</sup> meeting, this agenda item had been tabled in order to allow Ms. Frakes the opportunity to review of prior bills for services provided by the AG's office. Ms. Frakes would analyze these bills and provide a summary to the Board during this meeting regarding the types of services routinely requested by the Board from the AG's office and the amount of time/costs for these services.

The Board member's January 21<sup>st</sup> meeting packet contained the results of Ms. Frakes' review and summary. She had analyzed the services and the number of units billed to the Board by the AG's office for the months of June 2009 until November 2010. Ms. Frakes indicated that this comprehensive review afforded her an opportunity to review the types of services offered, the amount of time spent on these services and any significant trends in service delivery from the AG's office. Following her analysis of the information from June 2009 until November 2010, Ms. Frakes developed a chart that included the "Three Highest Months" and the "Three Lowest Months" time-wise and cost-wise for the services routinely offered. Noting that the three lowest months averaged to approximately 5.0 hours of billable services to the Board and that there was not a financial gain for the Board to request a higher amount of hours per month in the MOU, a motion was made by Sandy Lowery and seconded by James Bertone for the Board to request an average of "5.0" hours monthly for services provided to the Board from the AG's office and for Kim Frakes to work collaborative with President Reinoso to complete the MOU and submit the MOU by January 31, 2011. This motion was carried.

**Review, Discussion and Action Regarding the Governor's January 12, 2011 Letter to State Employees Regarding 5% Salary Reduction for all State Agencies**

Kim Frakes presented this agenda item to the Board. She indicated that this was an intended to be an informative agenda item. Following the Governor's inauguration, a letter was sent by the Governor to all State employees on January 21, 2011. This letter conveyed his intention to establish "open and honest communication" with State employees while frankly discussing the State's present financial crisis. The Governor recommended a 5% reduction in State employees' salaries in lieu of the present one-day per month furlough as one way to assist in addressing the State's current budget crisis. Ms. Frakes reminded the Board that following the State Attorney General's written response to questions posed by various occupational licensing boards in 2009, the Attorney General's response indicated that State boards should be exempt to the

present furlough as they do not receive funding from the State's general fund. This was submitted as a discussion item on the September 18, 2009 Board meeting agenda. Ms. Frakes indicated that it was yet to be determined whether the same rationale would apply to the Governor's recommendation for a 5% salary reduction and that she would continue to keep the Board informed as this matter developed. The proposed 5% reduction would become effective at the beginning of the next fiscal year, July 1, 2011. Following discussion of this agenda item, the Board did not take action.

### **EXECUTIVE DIRECTOR'S REPORT**

Kim Frakes presented this agenda item to the Board. She indicated that she did not anticipate a Board meeting in February unless pressing issues, such as Legislative matters, surfaced that would require the Board's immediate attention. Ms. Frakes added that the Board should expect a meeting, however, in March. Aside from this, Ms. Frakes indicated that she did not have anything further to add to this Board meeting. Sandy Lowery utilized this section to convey to Ms. Frakes that she was continuing to develop the template that would eventually be used for licensee certificates and that in the near future, she would be requesting sample signatures from Board members in order to scan their signatures onto the certificates. It is anticipated that generating the certificates and scanning the Board members signatures by computer would assist in reducing the Board's overall costs in generating licensee certificates.

### **PUBLIC COMMENT**

There was no public comment offered at the end of this Board meeting.

### **ADJOURNEMENT**

A motion was made by Sandy Lowery and seconded by James Bertone to adjourn the Board meeting at 11:20 a.m. This motion was carried unanimously.

Respectfully Submitted,

Kim Frakes, LCSW  
Executive Director