



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

MINUTES OF BOARD MEETING  
September 16, 2011 at 9:00 a.m.

The meeting of the Board of Examiners for Social Workers was called to order by Randy Reinoso, LSW, Board President at 9:10 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. 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 individuals present:

Members Present:

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

Staff Present

Kim Frakes, LCSW, Executive Director, Reno  
Sarah Bradley, Deputy Attorney General, Board Counsel, Reno

Public Attendees

Mark Nichols, Executive Director, NASW, Nevada Chapter, Las Vegas  
Josh Summer, Student Intern, Las Vegas

President Reinoso noted that no one from the public wished to offer public comment.

A motion was made by Sandy Lowery and seconded by Tracy Cassity to approve the agenda as submitted.

**CONSENT AGENDA**

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

**REGULAR AGENDA**

**DISCIPLINARY MATTERS**

**Recommendation to Close Files: G11-20, G11-23, G11-24 and G11-25**

Kim Frakes presented this agenda item to the Board. Using redacted information she offered her recommendations, following review of these cases with Henna Rasul, Board Counsel, to dismiss these four cases. Following review and discussion, a motion was made by James Bertone and seconded by Tracy Cassity to dismiss cases: G11-20, G11-23, G11-24 and G11-25 as presented. This motion was carried.

**Disciplinary Report (Non-Action)**

Kim Frakes presented this agenda item to the Board. The Board reviewed the redacted Disciplinary Report in their Board packets. Ms. Frakes indicated that the disciplinary list continues to grow steadily following a record breaking year of reports filed in 2010. Presently, the number of cases on the disciplinary list is 69. Ms. Frakes noted that discussion had been generated and Board action had been taken during the July 15, 2011 Board meeting to have a designated Board member assist her in reviewing cases she is recommending for dismissal. The action vote also included having President Reinoso, as part of his on-site visit at the Board office; familiarize himself with the investigative portion of the Board's disciplinary process by reviewing cases that the Board has already taken action upon. President Reinoso indicated that due to scheduling conflicts he wasn't able to conduct the on-site visit in September as planned. He indicated, however, he would continue to work with Ms. Frakes in scheduling his on-site visit in the near future. Ms. Frakes noted that in the upcoming months, more cases should be brought forward for disciplinary action as the investigative process is nearing completion for these cases.

## **LEGISLATIVE AND REGULATORY ISSUES**

### **Review, Discussion and Possible Action Regarding AB 37, [http://leg.state.nv.us/Sessions76th2011/Bills/AB/AB37\\_EN.pdf](http://leg.state.nv.us/Sessions76th2011/Bills/AB/AB37_EN.pdf), Which Removes the Requirement for State Offices to be Open from 8:00 a.m. to 5:00 p.m. Monday through Friday, effective July 1, 2011, and Implementation of Any Possible Changes to the Board Office's Present Scheduled Hours of Operation**

Kim Frakes presented this agenda item to the Board. Previously, NRS 281.110 required State offices to conduct their hours of operation from 8:00 a.m. until 12:00 p.m. and from 1:00 p.m. until 5:00 p.m. every day, with the exception of weekends and legal holidays. Variances in these hours were granted for the efficient transaction of business and the convenience of the persons with whom business is transacted. Furthermore, State offices were required to maintain a minimum of a 40-hour workweek. As written, this appeared to raise concerns for State agencies that were required to furlough. During the 76<sup>th</sup> (2011) Legislative Session, AB 37 deleted "...the provisions that require the offices of all state officers, departments, boards, commissions and agencies to remain open during a certain period..." Furthermore, AB 37 requires State offices to post their hours of operation in strategic locations and requires State offices to provide 30-days advanced notification regarding any changes to their hours of operation.

Presently, the Board's office provides 45-hours of operation weekly (i.e. 8:00 a.m. through 5:00 p.m., Monday through Friday). Ms. Frakes indicated that following the increased use of the Board's website by licensees and the public, the Board may wish to consider modifying the Board's hours of operations to 40 hours per week. This type of modification would be in compliance with NRS 281.110 and AB 37. Ms. Frakes suggested that as part of the Board's discussion in this matter, Board staff suggested modifying the office's hours to 8:30 a.m. until 4:30 p.m. This would afford Board staff the opportunity to arrive before 8:30 a.m. and allow them to prep before the office opens. Lunch times would continue to be staggered by staff members. Allowing the office to close at 4:30 p.m. would afford staff the opportunity to conclude any unfinished business (such as completing letters) before ending their day. Following review and discussion, the Board a motion was made by Sandy Lowery and seconded by Tracy Cassity to change the Board office's hours of operation to 8:30 a.m. until 4:30 p.m. In order to comply with AB 37, this change would become effective November 1, 2011, affording Ms. Frakes the opportunity to publically post the change in office hours well within the thirty-day requirement pursuant to AB 37. Any temporary deviation in office hours would be established by the Board Executive Director and Board President, or his/her designee. This motion was carried.

### **Review, Discussion and Possible Action Regarding AB 402, Which Requires State Agencies to Enter Into or Participate in a Contract to Allow it to Accept Payments**

**Electronically Unless Deemed "Impracticable" , Effective January 1, 2012, and the Board's Process to Comply with this Legislation**

Kim Frakes presented this agenda item to the Board. Ms. Frakes explained that she is in the initial phases of investigating State approved contracted vendors. Sandy Lowery expressed concerns whether the Board would be able to meet the January 1, 2012 deadline. Ms. Frakes explained that this is a deadline proposed by the Legislature. In reality, however, it is improbable that this deadline would be met by January 1, 2012, given the extensive task of bringing all of the State agencies into compliance by this deadline. Ms. Frakes indicated that she has documentation by emails to State vendors supporting her efforts to bring the Board into compliance with AB 402. Sarah Bradley indicated that based upon the information that Ms. Frakes has presented, the Board should continue their efforts to contact State approved vendors in order to bring the Board into compliance with this bill. She added that AB 402 grants the Board the authorization to do what is necessary to bring the Board into compliance. Ms. Lowery suggested that Ms. Frakes contact the larger Boards to determine which State approved vendors they are using. Ms. Frakes agreed to update the Board during pivotal points during this venture. No action was taken by the Board for this agenda item.

**Review, Discussion and Possible Action Regarding Legislative Changes that Impact Nevada State Employees, Including Board Employees**

Kim Frakes presented this agenda item, indicating that this was primarily an information only item. The 2011 Legislative session approved many changes that will impact State employees. A summary of these various changes were sent to State agencies via the "Personnel e-News". A copy of this was provided to the Board members in their packet. The Board reviewed the "Personnel e-News". Following review of the e-news letter, the Board did not take any action on this agenda item.

**DEPUTY ATTORNEY GENERAL REPORT**

This agenda item was taken out of sequence in order to accommodate Sarah Bradley's schedule.

**Review, Discussion and Possible Action Regarding Notification by the State Office of the Attorney General of Two Trainings Offered by the State of Nevada, One of Which Appears Mandatory and One Which is Highly Recommended**

Sarah Bradley presented this agenda item to the Board. On or around September 1, 2011, the Board office received an email from the Office of the Attorney General. This email was forwarded to State boards from the State Department of Personnel. The email indicated that all State employees, officers, appointees, board members and volunteers in the executive branch, "...shall attend a class on sexual harassment prevention training within 6 months of their appointment. Furthermore, the email indicated that it is "strongly recommended" that these individuals take a refresher training course once every two years regarding the State's sexual harassment policy. This course is titled "Sexual Harassment Prevention-Revisited" and is located online at: <http://nvelearn.nv.gov>. It appears that the Board office should be receiving a "Sexual Harassment and Discrimination Policy Acknowledgement" form which each Board member will be required to sign. The signed copies of this form will be kept in each Board member's packet.

The second training offered by the Office of the Attorney General is the State Training for Board and Commission Members, Executive Directors and Administrators. This course will be offered November 3, 2011, in Carson City and again on November 4, 2011 in Las Vegas. This course addresses laws and regulations specific to Nevada boards and commissions and includes the

topics of: Administrative Hearings and Procedures; Ethics in Government/Conflicts; and the Open Meeting Law. Historically, this training is offered annually and historically, has been free of charge. A nominal cost to attend these trainings, however, may be charged. Should any Board members wish to attend this training and have any applicable costs covered by the Board, should contact the Board's Executive Director.

Kim Frakes indicated that although Board members have all attended the ASWB (Association of Social Work Boards) board member training, the training offered by the Office of the Attorney General is more specific to board practices in Nevada and includes the State's Open Meeting Law. James Bertone and Tracy Cassity expressed interest in signing up for the November 3<sup>rd</sup> training offered by the Office of the Attorney General. Ms. Frakes indicated that she would assist them in signing up for this course following the adjournment of today's Board meeting. The Board did not take any action on this agenda item.

**Review, Discussion an Possible Action Regarding Notification by the State Office of the Attorney General Regarding Disclosure and Abstention Guidelines for State Board Members to Use Whenever an Identified Conflict of Interest Arises During a Public Meeting Involving a Board Member**

Sarah Bradley presented this agenda item to the Board. On or around September 1, 2011, the Board office received an email from the Office of the Attorney General. This was an email forwarded to State boards from the Nevada Commission on Ethics (Commission). An attached document, the "Nevada Disclosure and Abstention Guide", from the Commission offers guidelines for public officers and public employees to use when they believe that they may have a conflict of interest to disclose at a public meeting. A copy of the "Nevada Disclosure and Abstention Guide" was included in each Board member's packet for their review. Ms. Bradley summarized her presentation of this agenda item by recommending that whenever a Board member is in doubt about whether or not to disclose a perceived conflict of interest, he or she should seek advice from Board Counsel. She added that disclosure of a possible conflict of interest would not necessarily lead to a Board member from abstaining in any subsequent Board action. Following review of this agenda item, the Board did not take any action.

**Deputy Attorney General Report**

Information only – Typically, the Deputy Attorney General uses this time to bring the Board up to-date on legal issues of concern to the Board or make recommendations for future agenda items. This time may also be used to ask questions of counsel. Sarah Bradley indicated that she did not have anything further to add to today's Board meeting.

**BOARD OPERATIONS**

This agenda item was taken out of sequence in order to have Sarah Bradley, Board Counsel, attend the review, discussion and possible action of this particular agenda item.

**Review, Discussion and Possible Action Regarding Changing a Board Employee's Job Class Specification From "Administrative Aid" to "Administrative Assistant I" in Order to Accurately Reflect Ongoing Daily Duties Performed by the Employee, Corresponding Increase in Pay to Reflect the Change in Class Specification and Effective Date of Change in Class Specification and Corresponding Pay Increase**

Kim Frakes presented this agenda item to the Board. Ms. Frakes contacted the Board's Program Assistant (PA) by telephone as she was familiar with the Board's budgetary standing regarding the above agenda item. Leilani Weaver, (AKA "Loni") has been employed with the Board since

February 2007. Ms. Weaver had signed a waiver that allowed the Board to discuss her publicly during the Board meeting. Initially hired part-time, as an Administrative Aid, Ms. Weaver became a full-time Administrative Aid as of February 16, 2009. An Administrative Aid, pursuant to the State of Nevada Department of Personnel Class Specifications (Personnel Class Specifications), is a Class/Grade 21. Ms. Frakes indicated that it has become increasingly apparent to her and the PA, who is Ms. Weaver's immediate supervisor, that Ms. Weaver's job class specifications has continued to evolve over the past several months in order to accommodate the needs of the Board office. In reviewing the State's employment Class Concepts (typical duties performed by State employees for each job class specifications), it appears that the tasks typically performed by Ms. Weaver is more consistent with an employee performing the job class specifications of an "Administrative Assistant I". Pursuant to the Personnel Class Specification, an Administrative Assistant I is a Class/Grade 21. A copy of the "State of Nevada Department of Personnel Class Specification, 2.000 Clerical and Related Services" and a copy of the "Pay Policy 01-Classified on Employee/Employer Pay Contribution Plan Compensation Schedule" was included in the Board members' packets to assist them in reviewing and discussing this agenda item.

Presently Ms. Weaver is a "21-01" on the State's Classification and Pay Scale. It was suggested by Ms. Frakes and the PA to increase Ms. Weaver to a "23-02" at a minimum, although she could be eligible to go up to a "23-03" since her next step increase would be in February 2012. In discussing this agenda item, the Board noted that Ms. Weaver is an exemplary employee who appears to exceed what would normally be expected of an individual employed in her position. Ms. Frakes and the PA echoed the Board's observations, noting that Ms. Weaver is usually the individual who is the first line of contact when licensees and the public contact the Board and the Ms. Weaver represents the Board well. The Board discussed the ability to afford changing Ms. Weaver's job classification to a Grade and Step "23-03". The PA indicated that the Board appears to be financially able to afford this change in job classification, including the Grade and Step increase. A motion was made by Sandy Lowery and seconded by Tracy Cassity to change Ms. Weaver's job class specification to an Administrative Assistant I as a Grade and Step 23-03 and that this change would become effective September 16, 2011. This motion was carried.

Following review of this agenda item, the PA concluded her telephone call to the Board. Sarah Bradley indicated that she would be available by telephone for the remainder of the meeting should a need arise to contact her. Ms. Bradley excused herself from the meeting at 10:45 a.m.

**CONTINUING EDUCATION**—(The Board resumes the sequential order of the agenda)

**Review, Discussion and Possible Action Regarding NAC 641B.191(2), the Board's Regulations Pertaining to "Provider Status" of Certain Continuing Education Providers, Enforcement of Existing Regulations and Board Policies Regarding This Matter, and Implementation and Enforcement of Any New Board Policies Identified During the Discussion of This Matter**

Kim Frakes presented this agenda item to the Board. Part of the discussion during the July 15, 2011 Board meeting was the various types of Board applications for approval of continuing education programs. (See agenda item 8A, July 15, 2011 Board Meeting Agenda). Pursuant to NAC 641B.191, providers of continuing education programs may apply to the Board for consideration of "Provider Status". In order to be considered, the continuing education provider *must demonstrate*:

- Consistent ability to provide professional-quality programs of continuing education; and

- The program employs or consults with a social worker who is licensed in any jurisdiction and has at least 3 years' experience to review each course or program that will be provided by the approved provider, in order to comply with NAC 641B.190.

An approved provider of continuing education (i.e. Provider Status) shall:

- Within 30 days after the end of each calendar quarter, submit to the Board a report that lists the title, summary, dates and number of credits assigned to each course or program listed in the quarterly report. The Board may investigate the contents of any course or program listed in the quarterly report. The Board may withdraw the Provider Status of a provider who appears to no longer possess the minimum qualifications as indicated in this subsection by providing the Provider 30 days written notice. The Provider may reapply for Provider Status at any time by providing a written request within 30 days after receiving notification, prove compliance with the Board's regulations and requirements, and ask the Board to reconsider their decision.

The Board's policies in implementing NAC 641B.191 has been as follows:

- All continuing education providers, including those with Provider Status must maintain files for each program that include: resumes of presenters, program content, dates, times and locations of programs, program evaluations, list of attendees and program schedules. These records must be maintained for 3 years after the completion of the program (NAC 641B.194).
- Provider status is granted for 24 months, per policy. Renewal applications must be submitted before the expiration of provider status.
- Quarterly reports as indicated in NAC 641B.190.

Similar to other licensing boards in the state, the Board may wish to consider whether they would like to have continuing education information regarding Provider Status programs posted on the website for licensees. Presently, however, the Executive Director has noted that follow up and enforcement of regulations and policies regarding Provider Status programs have been inconsistent for quite sometime. Notably, many of these providers have not submitted a renewal application for a significant period of time which may lead to quality control issues. Also, many providers have failed to submit the quarterly reports as required in NAC 641B.191.

In reviewing and discussing this issue, the Board may wish to take possible action on the following:

1. Determine how to best engage Provider Status programs regarding enforcement of NAC 641B.191 (e.g. written notification, length of time to provide the Board office with the required information, etc.)
2. Whether the Board would like to have the Provider Status programs placed strategically on the Board's website once a program is compliant with all Board continuing education regulations and policies.
3. Appoint Board members (e.g. President and possibly another interested Board member) to work collaborative with the Executive Director to address this issue with Provider Status programs, including but not limited to the revision of forms and any other documentation.
4. Update the Board at pivotal points in this matter.

A copy of NAC 641B.194, copy of the Board's website home page with Continuing Education page attached, the Board's Application for Provider of Continuing Social Work Education, Renewal Application for Continuing Social Work Education Provider and CE Provider List was included to assist the Board with their discussion regarding this matter. In discussing this matter, the Board

noted that the present CE Provider List was out-dated and that some of the contact information on the list appeared to be obsolete. It was further determined that licensees would benefit from having a list of Board approved continuing education providers posted on the website, but agreed that the provider list required updating and a subsequent plan to maintain the list was required. Following review and discussion, a motion was made by Sandy Lowery and seconded by Tracy Cassity to send letters to all of the individuals/agencies on the CE Provider List, requesting them to update their information. This list should be updated by December 31, 2011 with a subsequent plan on how this list will be maintained. Ms. Frakes would bring this information forward at the regularly scheduled meeting following the December 31, 2011 deadline. This motion was carried.

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

### **Review, Discussion and Possible Action Regarding the 2011 ASWB Annual Meeting, November 3-5, 2011, in Oklahoma City, Oklahoma and Selection of a Board Delegate and an Alternate, to Attend this Annual Meeting**

Kim Frakes presented this agenda item to the Board. Annually, ASWB conducts an annual meeting that includes ASWB Board of Directors, ASWB Committee Chairs, select ASWB staff members and one Delegate per member board. ASWB provides funding for travel, lodging, and food for these individuals to attend this meeting. This three-day meeting will address all business and housekeeping items involving ASWB and member boards (see Draft Agenda). Historically, the Board has sent one delegate to attend this meeting. After review and discussion of this matter, the Board may take possible action to appoint a Board member or staff member to attend as a Board delegate. An alternate should also be appointed as part of the Board's action. The appointed alternate will attend the annual meeting if the appointed Board delegate is unable to attend. Finally, the action vote should include appointed Board member and staff (e.g. President and the Executive Director) who can make alternate plans to appoint a secondary alternate, should the appointee and alternate become unable to attend.

A copy of the ASWB 2011 Annual Meeting announcement that includes: draft of the meeting agenda; explanation of funding for flight, transportation, meals and accommodations; and a list of items and places of interest in Oklahoma City, Oklahoma, was included in the Board members' packet to assist them in their review and discussion of this matter. A motion was made by Sandy Lowery and seconded by James Bertone to have Kim Frakes attend this meeting. Should it become necessary to select an alternate, this decision could be conducted by Ms. Frakes and President Reinoso. This motion was carried. Ms. Frakes indicated that she would provide a report about the Annual Meeting at the next regularly scheduled Board meeting.

### **Review and Discussion Regarding the 2011 NASW-Nevada Chapter, Annual Conference, September 22 through 24 in Reno, Nevada**

Kim Frakes indicated that this agenda item was a discussion-only agenda item, however, if topic of interest is identified by the Board, this topic or item could be placed on a subsequent Board meeting agenda. Mark Nichols, NASW Executive Director, reminded the Board that annually, NASW, Nevada Chapter conducts their annual conference by alternating the site of the conference between Southern Nevada (Las Vegas) and Northern Nevada (Reno). This year, the annual conference will be held at the Grand Sierra Resort in Reno, Nevada. Presently, there appears to be approximately 300 attendees. Mr. Nichols indicated that there have been two workshop cancellations. The cancelled workshops are "School Social Work" and "Therapy Dogs". Mr. Nichols encouraged Board members to attend the annual conference.



**PRESIDING OFFICER'S COMMENTS**

President Reinoso indicated that he did not have anything further to add to today's Board meeting. President Reinoso stated that following review of his schedule for the remainder of the year, he would be scheduling his on-site visit of the Board office. During this visit he would also conduct the annual employment review for Kim Frakes.

**BOARD OPERATIONS**

**Review, Discussion and Possible Action Regarding Approval of Minutes for the July 15, 2011 Board Meeting**

Kim Frakes presented this agenda item to the Board. The meeting minutes for the July 15, 2011 Board meeting was prepared by Ms. Frakes for the Board's review. Pursuant to the State's Open Meeting Law, these minutes have been posted on the Board's website in "DRAFT" form. Upon final approval by the Board, the final version of these minutes will be posted on the website. A motion was made by James Bertone and seconded by Tracy Cassity to approve the July 15, 2011 Board meeting minutes as submitted.

**EXECUTIVE DIRECTOR'S REPORT**

Kim Frakes presented this agenda item to the Board. She indicated that she did not have anything further to add to today's Board meeting. Ms. Frakes thanked the Board member's for their attendance and participation at today's Board meeting.

**PUBLIC COMMENT**

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

**ADJOURNEMENT**

A motion was made by Tracy Cassity and seconded by Sandy Lowery to adjourn the Board meeting at 11:30 a.m. This motion was carried unanimously.

Respectfully Submitted,

Kim Frakes, LCSW  
Executive Director