



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

MINUTES OF BOARD MEETING
May 25, 2012 at 9:00 a.m.

The meeting of the Board of Examiners for Social Workers was called to order by Sandy Lowery, Board Vice President, at 9:06 a.m. The meeting was held at Mojave Adult, Child and Family Services, 745 W. Moana Lane, Suite 100, in Reno, Nevada. There was a simultaneous video conference conducted at Mojave Adult, Child and Family Services, 4000 E. Charleston Blvd., Suite B-230, Las Vegas, Nevada. Vice President Lowery 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 Vice President Lowery, with the following individuals present:

Members Present:

Randy Reinoso, LSW, President, Las Vegas (arriving at 9:25 a.m.)
James Bertone, LCSW, Secretary-Treasurer, Reno
Tracy Cassity, LCSW, Board Member, Reno (arriving at 9:45 a.m.)
Sandy Lowery, LCSW, Vice President, Reno
Rod Smith, Public Board Member, Reno

Staff Present

Kim Frakes, LCSW, Executive Director, Reno
Henna Rasul, Senior Deputy Attorney General, Reno

Public Attendees

No one was present from the public.

PUBLIC COMMENT

As noted, no one from the public was present to offer public comment.

CONSENT AGENDA

A motion was made by James Bertone and seconded by Rod Smith to approve the Consent Agenda as submitted. This motion was carried.

REGULAR AGENDA

A motion was made by James Bertone and seconded by Rod Smith to approve the Agenda as submitted. This motion was carried.

Review, Discussion and for Possible Action, Proposed Statutory (NRS 641B) Changes for the 77th, 2013 Nevada Legislative Session, Including But Not Limited To:

1. Changes in the Board's initial and renewal application fee schedule;
2. The addition of fees to the Board's fee schedule for Board approval of continuing education courses;
3. Identification of Board members to assist the Board's Executive Director with drafting the bill draft and submission of the bill draft to the State Department of Administration by the June 1, 2012 deadline on the State approved Bill Draft Request Module (BDR);
4. The addition of any additional statutory changes identified during the discussion of this agenda item;
and

5. Bringing the final BDR as submitted to the State Department of Administration to the next regularly scheduled Board meeting for review, discussion and ratification.

(During discussion of this agenda item, President Reinoso arrived at 9:25 a.m. and assumed the role of chairing this meeting).

Kim Frakes presented this agenda item to the Board. In order to aid in the efficacy of the Board meeting, the Board agreed to combine agenda items 5A and 5B. The last change in the Board's fee schedule, based upon information provided in NRS 641B.300 was in 2005. As reflected in the Board's annual financial audits since 2009, two out of the past three audits (i.e. FY ending 2009 and FY ending 2010) reflected a decrease in net assets as noted: (FY ending 2009 <-78,489> mainly attributed to: payout of the previous Executive Director, consecutive employment of two administrators, and legal expenditures) and (FY ending 2010 <-33,759> mainly attributed to: a small decrease in renewal applications and decrease in interest income). Although FY ending 2011 reflected a modest increase in net assets (an increase of \$6,727) this was attributed to the Board's actual legal expenses for this fiscal year being less than the budgeted amount.

As noted in the FY ending 2009, 2010 and 2011, annual financial audits, "The Board's revenue is limited by maximum license fees specified in the Nevada Revised Statutes. For expenses, the Board typically assumes an increase of 5% to 10% over the prior year for non-contract items.

Since the last change in Board fees in 2005, the ongoing costs of operations have increased, with noted increases in the following: legal (2005 - \$ 121.94 hourly versus 2012 - \$142.55 hourly), annual audits (2005 - \$1995.00 versus 2012 - \$3,500.00) and liability insurance which now includes Board members pursuant to the State Attorney General's Office (2012/2011 budgeted at \$500.00 and increased to \$1,048.00). As of March 31, 2012, the Board has an outstanding balance of \$6313.87 payable to the State Attorney General's office. Although most of this amount is attributable to the costs associated in bringing disciplinary cases forward during the 4th quarter of 2011 and the 1st and 2nd quarter of 2012, a portion of the Board's legal expenses are also attributable to the ongoing costs of operations (e.g. problematic applications). As the Board moves forward in addressing the disciplinary cases, a percentage of these cases will result in disciplinary action in the form of settlements (i.e. consent decrees) or hearings and affiliated costs.

In reviewing and discussing the following agenda items, the Board may, could take action upon:

1. Changes in the Board's initial and renewal application fee schedule. This will require a change in the Board's statutes, NRS 641B.300, "Fees". In discussing this particular agenda item, the Board's Executive Director has included in each Board member's packet, initial and renewal application fee schedules for the other State behavioral science boards (i.e. Board of Psychological Examiners, Board of Examiners for Alcohol, Drug and Gambling Counselors, aka "BEDAG", and Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors), as specified in their NRS. An example of a State licensing board, Board of Occupational Therapy, which had chosen not to include specified fee schedule in their NRS, thus affording them more flexibility in adjusting their fee schedule to accommodate their ongoing fiscal needs. This is noted in NRS 640A.190 and NAC 640A.160.

In discussing this agenda item, the Board noted the risks and benefits of having fee schedules listed in statute versus regulation. It was further noted that it appears that the Board has not implemented a change in fees since before the 1997 Legislative Session. The Board members concluded that although the process for proposing changes in regulation appears to be more extensive it is also more inclusive. As noted changes to regulations requires input from the Board's constituents and the public. Ms. Frakes noted that there appears to be an additional step to include the Legislative Committee on Health Care, added following the previous 2011 Legislative Session. The Board especially appreciated the language contained in NRS 640A.190, the

listing of fees for the State Board for Occupational Therapists. A motion was made by Sandy Lowery and seconded by President Reinoso to submit a bill draft to the State legislature, in accordance with the Legislature bill submission criteria, that proposes moving the Board's fee schedule in NRS 641B.300 and moving the fee schedule to NAC 641B.115, with language in bill draft that similar to language contained in NRS 640a.190, the State Occupational Therapist board. This motion was carried.

2. The addition of fees to the Board's fee schedule for Board approval of continuing education courses. Depending on how the Board chooses to take action on number 1 above, the Board may wish to discuss whether to charge a nominal "processing fee" to cover the cost in Board staff time to review and approve an application for continuing education approval. Documentation in each Board members meeting packet included: Applicable documents for each State board has been attached; and a Table pertaining to a 13 mo. summary of continuing education applications (group and individual) rec'd by the Board Office.

(This agenda item was inadvertently overlooked in the overall discussion of this agenda item and will be included in the next Board meeting agenda for discussion).

3. Identification of Board members to assist the Board's Executive Director with drafting the bill draft and submission of the bill draft to the State Department of Administration by the June 1, 2012 deadline on the State approved Bill Draft Request Module (BDR). Depending on how the Board chooses to take action on number 1 above, any changes to the Board's statutes, NRS 641B, will require a bill draft. All bill drafts from the Executive Branch of State government must be submitted by June 1, 2012 and will require ongoing involvement with the State Legislature, especially during the 77th, 2013 Legislative session. This agenda item serves to delegate Board member(s) who are willing to assist the Board's Executive Director in the process of submitting any bill drafts identified during agenda item 5A, 1 through 5, and more importantly, in approaching and providing testimony to State Legislators regarding the Board's bill drafts for the 2013 session.

Kim Frakes presented this agenda item to the Board. Following review and discussion, Sandy Lowery offered to assist Ms. Frakes on an ongoing basis throughout the bill draft process. The Board did not take any action on this agenda item.

4. The addition of any additional statutory changes identified during the discussion of this agenda item. During discussion of agenda item 5A, 1 through 5, and review of how other behavioral science boards have assigned fees to cover their cost in providing various activities for their licensees and the public, the Board may note additional items that they believe would assist this Board in recapturing staff time and materials in providing numerous activities for our licensees and the public. Documentation in each Board member's meeting packets included applicable documents from State behavioral science boards.

(During discussion of this agenda item, Tracy Cassity arrived at 9:45 a.m.)

At this time, it did not appear that the Board desired to assign any additional fees, aside from fees for the initial and renewal of license applications. No action was taken on this agenda item.

5. Bringing the final BDR as submitted to the State Department of Administration to the next regularly scheduled Board meeting for review, discussion and ratification. Should the Board take action on approving changes to NRS 641B, as explained, as noted, a submission of a bill draft is required. Since the Board will not meet again until after the BDR has been submitted by the June 1, 2012 deadline, the Board should take action by approving the

submission of BDR(S) to reflect any identified changes in NRS 641B, either draft basic language for the BDR or delegate the drafting of the BDR to the Board's Executive Director and Board member identified in Agenda item 5A-3, and have the Executive Director present the submitted BDR(S) to the next regularly scheduled Board meeting for ratification.

In the process of combining agenda items 5A-1 through 5A-5, this item was included in the overall discussion. It was determined that Kim Frakes would submit the bill draft in accordance with legislative requirements, noting the June 1, 2012 deadline. At the next regularly scheduled meeting, Ms. Frakes would bring the submitted bill draft to the Board for review, discussion and ratification. No action was taken by the Board pertaining to this particular agenda item.

Review, Discussion and Possible Action Proposed Regulation (NAC 641B) Changes, Including But Not Limited To:

1. Changes in the Board's regulatory language to reflect approval by the State Legislature of any BDR'S submitted by the Board for the 77th, 2013 Nevada Legislature Session.
 As noted, BDR'S submitted to the State Legislature will likely result in changes to the Board's regulations. This agenda item serves to assist the Board in thinking and moving forward with any accompanying regulation changes. Following discussion of this agenda item, the Board may take action by delegating Board members to assist the Executive Director in drafting regulation changes in anticipation of successful passage of any submitted bill drafts.

Kim Frakes presented this agenda item to the Board. It was noted during discussion that this Board's fees were substantially lower than similar fees charged by other State behavioral science boards in their NAC'S. As noted in earlier discussion during this Board meeting, it appears that the Board has not had an increase in fees since before the 1997 Legislative Session (approximately fifteen years ago). It was also noted that the cost of Board operations continues to rise steadily and although the Board has avoided increasing licensing fees, an increase was presently necessary in order to continue maintaining the Board's solvency. Following discussion, the following changes to the Board's fee schedule was proposed:

	Initial Application	Initial Issuance of License	Annual Renewal	Restoration of a Revoked or Expired License	Renewal of a Delinquent License	Endorsement w/o exam fee	Provisional License or Certificate
LASW	-----	-----	From \$75 to \$100	From \$150 to \$200	From \$40, increases to \$100	-----	-----
LSW	From \$40 to \$100	From \$75 to \$100	From \$75 to \$100	From \$150 to \$200	From \$40, increases to \$100	Remains at \$100	From \$75 to \$100
LISW/LCSW	From \$40 to \$100	Remains at \$100	Remains at \$150	From \$150 to \$200	From \$75, increases to \$100	Remains at \$100	From \$75 to \$100

A motion was made by Tracy Cassity and seconded by James Bertone to: (1) approve the change in the Board's fee schedule as noted above; (2) draft appropriate language in NAC 641B.115. the Board's fee schedule; (3) initiate the process to bring this particular regulation change and any additional recommendations for regulation changes emailed to Ms. Frakes by Board members following this meeting; and (4) Ms. Frakes will bring a draft of these regulation changes to the next regularly scheduled Board meeting. This motion was carried.

2. Changes in the Board's regulatory language to reflect the number of times an applicant, who has either failed the licensing examination, pursuant to NAC 641B.105, or neglected to schedule and take their licensing examination before the closure of their application, pursuant to NAC 641B.120, and imposing a cap on the number of times an applicant can either retake a failed licensing examination or schedule to take an initial licensing examination under an open application.

Kim Frakes presented this agenda item to the Board and noted that this agenda item was originally presented to the Board during the July 15, 2011 Board meeting as agenda item 12D. Presently, the Board does not limit the number of times an applicant under an open application can re-take their licensing examination so long as the applicant notifies the Board in writing to keep their licensing application open an additional year. Since the original presentation of this agenda item, Board staff have compiled information (Tracking Table) and requesting policy changes and eventual regulation changes. As noted in accompanying documentation, the number of times tracked applicants requesting licensing examination extension (either due to non-passage of the examination and/or failure to schedule an examination timely before the closure of their application) may be an improper use of Board staff's time and Board resources. As noted in the Tracking Table, there appears to be approximately "29" individuals with open applications who have either failed their licensing examinations or have not taken their licensing examination at all. It was noted that some applicants have taken the licensing examination "five" or more times, with applicants having their applications open as early as 2006. Ms. Frakes also noted that the language in NAC 641B.105 and NAC 641B.120 appeared to defer the determination pertaining to how many times an examination could be taken under an open application as policy. A copy of *"Tracking of Examination Extensions Since July 1, 2011, Open Applications, non-licensed"* (a tracking table) and NAC 641B.105 and NAC 641B.120, the Board may take action by imposing the number of times an examination may be taken under an open application as well as the number of times an extension may be granted (i.e. capping the number of extensions, if applicable). Following review of the information pertaining to this agenda item, Ms. Lowery proposed that the Board change its policy and allow applicants one year following receipt of Board examination approval to successfully complete and pass their licensing examination. Should an applicant be unsuccessful in passing their licensing examination within this one-year period, the applicant must re-apply for licensure and re-initiate the examination process under a new application. A motion was made by Tracy Cassity and seconded by James Bertone to approve Ms. Lowery's recommendation. This motion was carried.

3. The addition of any additional regulation changes identified during the discussion of this agenda item.

This agenda item was combined with the above agenda items to assist in the efficacy of the meeting. There did not appear to be any noted regulation changes identified by Board members at this time. The Board did not take any action specific to this agenda item.

4. Identification of Board members to assist the Board Executive Director with: (a) drafting regulation changes to be submitted to the State Legislative Counsel Bureau and any additional State agencies pursuant to NRS 233B; and (b) establishing a time line/schedule to provide notification of any regulation changes pursuant to NRS 233B, including but not limited to public hearings and workshops.

This agenda item was combined with the above agenda items to assist in the efficacy of the meeting. As noted in agenda item 5A-3, Sandy Lowery also offered to assist Ms. Frakes as needed in the process of drafting regulation changes and any subsequent actions required to implement identified regulation changes. The Board did not take any action specific to this agenda item.

Review, Discussion and for Possible Action, Pertaining to Recently Codified Regulations (NAC 641B) Pertaining to Board Regulation Changes, R142-08, Proposed and Approved by the Legislative Counsel and Effective February 11, 2009, and Steps Required to Correct the Omission of Section 1, Intended as Amendments to NAC 641B.005, "Definitions", Including But Not Limited to the Submission of Any Bill Drafts and Regulation Changes

Kim Frakes presented this agenda item to the Board. Ms. Frakes explained that upon initial receipt of the codified regulations from the State Legislative Counsel Bureau (LCB) on January 18, 2012, it appeared that Section 1, pgs. 1 – 2 had been omitted. Due to the apparent omission, this was placed as an agenda item. Following the placement of this matter as an agenda item, and following discussion with staff from the LCB, the Board Executive Director was informed that Section 1 was placed in the codified regulations as "NAC 641B.069" as "Interpretation of terms used in NRS 641B.030". Accordingly, it appears that this problem has resolved itself. The Board expressed being pleased that the regulations have been finally codified. Copies of the codified regulations were distributed to each Board member as a supplement to this Board packet. Following review and discussion of this agenda item, the Board did not take any action.

ASSOCIATION OF SOCIAL WORK BOARDS (ASWB)

Review and Discussion Regarding the ASWB Pass/Fail Rates for Graduates of Each Social Work Education Program in Nevada, (i.e. University of Nevada, Reno and University of Nevada, Las Vegas), for the Year 2011

Kim Frakes presented this agenda item to the Board. Annually, ASWB distributes their findings pertaining to their examination pass/fail rates for each ASWB member's jurisdiction (i.e. state or providence) and comparison of these rates to the overall pass/fail rates for North America. Copies of the 2011 ASWB Examination Pass/Fail Rates for Nevada in comparison to North America was included in each Board member's meeting packet. During the Board's discussion, it was noted that UNLV social work graduates scored somewhat lower than the percent of North American licensing test takers in the Bachelors exam but scored higher percentage wise on the Clinical Exam (90% versus 78% North American Pass Rate). None of the graduates from UNLV in 2011 had taken the Advanced Generalist Examination. In comparison, it was noted that the UNR social work graduates scored above the North American Pass Rate on all levels of licensing examinations. (Bachelors: 89% versus 78%; Masters: 100% versus 83%; Advanced Generalist: 100% versus 48%; and Clinical: 89% versus 78%). Ms. Lowery noted that the test preparation workshops she has been conducting appear to be benefitting the UNR social work students. The Board did not take any action on this agenda item.

Review and Discussion Regarding the ASWB 2012 Spring Education Meeting, *E-World Ethics: Issues and Implications for Regulatory Boards*, Conducted April 26-29, 2012, and the List of Presentations With Available Downloads From the ASWB Website, www.aswb.org

Kim Frakes presented this agenda item to the Board. Although our Board members were not able to attend the ASWB Spring Meeting, the Board members had express interest in the presentations at the Spring Meeting, including the presentations by Frederick G. Reamer, PhD. Ms. Frakes noted that ASWB had posted a list of these presentations which can be downloaded via the ASWB website. This list was included in each Board member's packet. The Board did not take any action on this agenda item which was deemed as informational only.

Review and Discussion Regarding Job Posting Pertaining to the Search for a New ASWB Executive Director Who Will Replace the Present ASWB Executive Director Due to Retirement

Kim Frakes presented this agenda item to the Board. As noted, the current ASWB Executive Director is planning to retire. In anticipation of her retirement, this job posting was recently sent to all ASWB member boards. ASWB approved distribution of this job announcement on the Board office bulletin board and posting this announcement as an agenda item during this Board meeting. A copy of the ASWB Executive Director job announcement was included in each Board member's meeting packet.

Review and Discussion, Senior Deputy Attorney General Report

Henna Rasul presented this agenda item to the Board. Typically, the Senior 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 be used to ask questions of counsel. Ms. Rasul indicated that she and the Board Executive Director continue to work diligently and collaboratively on resolving disciplinary issues. Aside from this, she did not have anything to present to the Board at this time. The Board also did not have any questions for Ms. Rasul.

Review and Discussion, Presiding Officer's Comments

Typically, President Reinoso or presiding officer will use this time to bring the Board up-to-date on items of concern (items of interest that do not require action or do not need a full agenda position) or to make recommendations for future agenda items. It was noted that President Reinoso had left the meeting earlier. The remaining Board members did not have anything to add to this meeting. Kim Frakes reminded Sandy Lowery and James Bertone that Board confirmations would expire June 30, 2012. Both Ms. Lowery and Mr. Bertone expressed their interest in being reappointed to the Board. Ms. Frakes encouraged them to reapply and that the applications are located on the Governor's State website.

BOARD OPERATIONS

Review, Discussion and for Possible Action, Approval of Minutes for the "April 27, 2012" Board Meeting (Inaccurately Reported as April 27, 2011 on this Board Meeting Agenda)

Kim Frakes presented this agenda item to the Board. The Board meeting minutes for the April 27, 2012 was prepared by Ms. Frakes and submitted in each Board member's meeting packets for their review, discussion and possible action to approve these minutes. Pursuant to the State's Open Meeting Law, these minutes were posted on the Board's website in "DRAFT" form. Following final approval by the Board, a final version of these minutes will be posted on the Board's website. It was noted that there was a typographical error and that the actual date of the minutes was "April 27, 2012". Aside from this, it appears that the minutes were written appropriately. A motion was made by Sandy Lowery and seconded by James Bertone to approve the April 27, 2012 Board meetings, with the correct year of "2012" as noted. This motion was carried.

Review, Discussion and for Possible Action, the Year-to-Date Board Cash Flow Statement Covering July 1, 2011 Through April 30, 2012, in Comparison to the Fiscal 2011/2012 Budget

Kim Frakes presented this agenda item to the Board. This agenda item serves to update the Board regarding the Board's cash flow and expenditures for the first ten (10) months of fiscal year 2011/2012 (i.e. July 1, 2011 through April 30, 2012), in comparison to the actual budgeted cash flow and expenditures for the 2011/2012 fiscal year. As indicated on the cash flow statement, budgeted cash flow and expenditures at or near

83.33 % are considered to be "on target" for the year-to-date budget projections. A copy of the Year-to-Date Board Cash Flow Statement was included in each Board member's packet. Following presentation and review of the Year-to-Date Board Cash Flow Statement, a motion was made by Rod Smith and seconded by James Bertone to approve the cash flow statement as submitted.

Executive Director's Report

Kim Frakes presented this agenda item to the Board. This time is routinely used to bring the Board up-to-date on items of concern (items of interest that do not require action or do not need a full agenda position) or to make recommendations for future agenda items. This time may also be used to ask about any issues relating to the day to day operations of the Board. Ms. Frakes reviewed with the Board possible future Board meeting dates. It was determined that Sandy Lowery, Tracy Cassity and Rod Smith would be the only Board members available if the next meeting was scheduled on June 29, 2012. Ms. Frakes indicated that she did not foresee a meeting on that date and that a meeting would only be scheduled on this date if absolutely necessary. It was further determined that July 20, 2012 and August 17, 2012 appeared to be dates that all Board members should be available if a Board meeting is scheduled. Given the need to move forward with regulation changes, Ms. Frakes noted that she would get back to them soon regarding the next regularly scheduled Board meeting.

PUBLIC COMMENT

No one was available from the public to offer comment.

ADJOURNEMENT

A motion was made by Tracy Cassity and seconded by Rod Smith to adjourn the Board meeting at 2:55 p.m. This motion was carried unanimously.

Respectfully Submitted,

Kim Frakes, LCSW
Executive Director