



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

MINUTES OF BOARD MEETING
August 17, 2012 at 9:00 a.m.

The meeting of the Board of Examiners for Social Workers was called to order by Randy Reinoso, Board President, at 9:00 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. 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 were present at the following location(s):

Members Present:

Randy Reinoso, LCSW, President, Reno
Rod Smith, Public Board Member, Reno
Sandy Lowery, LCSW, Vice President, Reno
James Bertone, LCSW, Secretary/Treasurer, Reno
Tracy Cassity, LCSW, Reno

Staff Present

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

Public Attendees

Leo James Magrdichian, Applicant, present for Agenda Item 5A-1, Reno
Tasha Rae Hamilton, Applicant, present for Agenda Item 5A-2, Reno

PUBLIC COMMENT

Mr. Magrdichian thanked the Board in advance for their willingness to consider his application for licensure that would be addressed later in the Board meeting. Aside from this, there were not additional comments from the public.

CONSENT AGENDA

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

REGULAR AGENDA

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

DISCIPLINARY MATTERS

(This agenda item was addressed out-of-sequence in order to aid the efficiency of this Board meeting. This Agenda Item was addressed later in the Board meeting as noted below).

LICENSURE, INTERN AND APPLICATION ISSUES

Review, Discussion and for Possible Action, Hearing on Initial Application for Licensure Pursuant to NRS 641B.260, Hearings on Applications, Including Consideration to Approve or Refuse Licensure Pertaining to the Following Applicants:

1. Leo James Magridichian, Applicant for Social Worker license; and
2. Tasha Rae Hamilton, Applicant for Social Worker license.

Kim Frakes and Henna Rasul presented these agenda items to the Board. Pursuant to NRS 641B.260, *The Board may hold hearings and conduct investigations into any matter related to an application for licensure...* During the July 20, 2012 Board meeting, the Board agreed to continue use of the YES Policy (Policy) which is a guideline that assist in determining how to proceed in processing applications where the applicant responds affirmatively to certain screening questions. Pursuant to the Policy, applicants should be taken to the Board for consideration of licensure if certain crimes/offenses have been committed pursuant to section 3-B of the Policy. Both Mr. Magridichian and Ms. Hamilton agreed to meet with the Board for review and consideration of their applications. Both signed waivers noting that their names and the nature of their coming before the Board would be posted on a public agenda pertaining to this hearing. A copy of NRS 641B.260 and section 3-B of the YES Policy was included in each Board member's meeting packet to assist them in reviewing and discussing this matter.

Leo James Magridichian, Applicant for Social Worker License

The Board's consideration of Mr. Magridichian's application was conducted as an informal hearing. A copy of Mr. Magridichian's social worker application and accompanying documentation, deemed confidential, were not a part of the Board member's Board meeting packet. These items were distributed to each member when this agenda item was presented. Mr. Magridichian offered personal testimony regarding past and ongoing rehabilitative efforts that supported why the Board should consider him for licensure. This included maintaining sobriety for the past ten years. He provided written testimony from individuals in the mental health and substance abuse Statewide community who praised Mr. Magridichian and indicated that he would be an asset to the field and highly recommended him for licensure by the Board. The Board made additional inquiries regarding Mr. Magridichian's past rehabilitative efforts and maintenance of his achievements. The Board also inquired about Mr. Magridichian's goals should he become licensed with the Board. The Board praised Mr. Magridichian's rehabilitative efforts and his ongoing determination to sustain his accomplishments. It was noted that Mr. Magridichian's prior experiences and success in overcoming past obstacles could serve to inspire clients he serves. Mr. Magridichian indicated that when appropriate, he shares his personal insight with clients in order to assist them. Given maintenance of sobriety for the past ten years, ongoing determination to overcome life's obstacles, his momentum in achieving his goals and Mr. Magridichian's support system, the Board expressed being comfortable in moving forward in licensing Mr. Magridichian as a social worker. A motion was made by Sandy Lowery and seconded by James Bertone to license Mr. Magridichian without any restrictions placed on his license. This motion was carried. Mr. Magridichian thanked the Board for their time. The Board in turn wished him "good luck" with his future endeavors.

(Following this agenda item, the Board took a ten minute break. This meeting resumed at 10:00 a.m.)

Tasha Rae Hamilton, Applicant for Social Worker License

The Board's consideration of Ms. Hamilton's application was conducted as an informal hearing. A copy of Ms. Hamilton's social worker application and accompanying documentation, deemed confidential, were not a part of the Board member's Board meeting packet. These items were distributed to each member when this agenda item was presented. Sandy Lowery, who is a faculty member at the University of Nevada, Reno, (UNR) in remaining transparent, indicated that she was familiar with Ms. Hamilton, a recent graduate from the School of Social Work at UNR. Tracy Cassity, likewise indicated that he has familiarity with Ms. Hamilton as an individual who has practiced clinical social work in the community where Ms. Hamilton presently resides. Both Ms. Lowery and Mr. Cassity indicated that they did not view their familiarity with Ms. Hamilton preventing them from reaching a fair and impartial conclusion in hearing this matter. Likewise, Ms. Hamilton expressed being

"comfortable" in having both of these Board members participating in the review, discussion and possible action of her social worker application.

Ms. Hamilton described her life's journey that brought her in contact with social workers and how this eventually affected her decision to go into this field. She provided letters of testimony from noted members of the community who supported Ms. Hamilton becoming licensed by the Board. The Board inquired how Ms. Hamilton was able to overcome past obstacles and her efforts at rehabilitation. Ms. Hamilton indicated that she has been able to maintain close to seven years of sobriety. She viewed her family as her source of support. The Board acknowledged Ms. Hamilton's willingness to be open to the Board's inquiries and suggestions. Following review and discussion, a motion was made by Sandy Lowery and seconded by James Bertone to approve Ms. Hamilton for licensure as a social worker without any restrictions on her license. This motion was carried.

Mr. Magridichian and Ms. Hamilton excused themselves from the remainder of the Board meeting.

(Following this agenda item, the Board took a ten minute break. This meeting resumed at 10:35 a.m.)

DISCIPLINARY MATTERS—CONTINUED

Review, Discussion and for Possible Action, NAC (Nevada Administrative Code) 641B.305, the Board's Procedure Upon Receipt of Accusation, as it Pertains to:

1. Subsection (1)(a) Regarding the Process of Accusations Being, "Properly Verified"; and
2. Subsection (5) Pertaining to the Process Following the Completion of an Accusation Investigation that May Include the Use of an Identified Board Member to Assist in Reviewing Evidence in Order to Determine Whether Substantial Evidence Exists to Sustain the Alleged Violation, Moving Towards Disciplinary Action or to Recommend the Case for Dismissal at a Subsequent Board Meeting.

Subsection (1)(a) Regarding the Process of Accusations Being, "Properly Verified"

Kim Frakes and Henna Rasul presented this agenda item to the Board. Ms Frakes explained that it has recently been brought to her attention that the forms presently used to submit accusations may require revision in order to be consistent with being "Properly Verified" pursuant to NAC 641B.305(1)(a). A copy of NAC 641B.305, *Procedure Upon Receipt of Accusation*, with subsection (1)(a) highlighted and the Board's present accusation form for filing complaints against licensees was included in each Board member's Board meeting packet. Ms. Frakes further explained that following discussion with Ms. Rasul, an accusation form submitted to the Board must be "notarized" in order to be considered "properly verified". Since individuals who submit accusations must have their forms notarized in order to be properly verified, this appears to eliminate the ability for individuals to submit forms anonymously. Ms. Rasul recommended that the Board consider removing "properly verified" from NAC 641B.305(1)(a) during the next set of regulation changes, if they do not wish to have accusation forms notarized and update the accusation form by removing anonymously filed accusations.

During discussion of this agenda item, the Board discussed the need to protect the public and whether requiring notarization of accusation forms would discourage individuals from filing an accusation, especially those who may not have access to a public notary. The Board further discussed whether eliminating the ability to file an accusation anonymously also discourages individuals, especially vulnerable populations, from filing accusations. Following discussion, it was determined that an anonymously submitted accusation may prove difficult, if not impossible, for a licensee to defend himself/herself against a submitted accusation. Accordingly, requiring individuals to identify themselves when filing an accusation against a licensee appeared to strike a balance between the needs of the accuser to bring a concern to the Board's attention and the needs of a licensee to defend himself/herself in an accusation. A motion was made by Sandy Lowery and seconded

by James Bertone to remove the ability to anonymously file an accusation by updating the form and posting the updated form on the Board's website and to remove "properly verified" from NAC 641B.305(1)(a) when the Board proposes to update its regulations. This motion was carried.

Subsection (5) Pertaining to the Process Following the Completion of an Accusation Investigation that May Include the Use of an Identified Board Member to Assist in Reviewing Evidence in Order to Determine Whether Substantial Evidence Exists to Sustain the Alleged Violation, Moving Towards Disciplinary Action or to Recommend the Case for Dismissal at a Subsequent Board Meeting

Kim Frakes presented this agenda item to the Board. During the July 20, 2012, following review of the redacted disciplinary report, Board members requested a copy of the Board's procedures upon receipt of accusations (NAC 641B.305) in order to determine additional means of assisting to Ms. Frakes in reviewing and possibly investigating these cases. A copy of this regulation was included in each Board member's Board meeting packet for review. Henna Rasul stated that based upon this regulation, the Board does have authority to utilize the assistance of Board members to assist in the investigation of an accusation once the accusation letter and the licensee's response is received, pursuant to NAC 641B.305. Ms. Rasul stated that other State boards utilize a board member from the Northern Nevada to review and investigate cases from Southern Nevada and vice versa. President Reinoso indicated his interest in assisting with investigations. James Bertone reminded Ms. Frakes that he continues to be available to assist with Board investigations. Following review and discussion, the Board did not take action on this agenda item.

Review and Discussion, Redacted Disciplinary Report

This agenda item was combined with the above agenda item, 4A-2. As noted in discussing the agenda item above, the Board tasked Ms. Frakes to determine which cases on the Redacted Disciplinary Report may be appropriate for dismissal and could be referred to either President Reinoso or James Bertone for their review and recommendations. Following review by the two identified Board members, Ms. Frakes could train these two Board members on how to write a case review report. Once the case review report with recommendations is completed, the report would be submitted to Ms. Rasul and presented at a subsequent Board meeting. If this process proves effective, the identified Board members may eventually assist in investigating more difficult cases. Ms. Frakes was encouraged by the Board to follow up in referring cases to President Reinoso and James Bertone as soon as possible.

NATIONAL ASSOCIATION OF SOCIAL WORKERS (NASW)

Review, Discussion and for Possible Action, Identification of Interested Board Member(s) to Conduct an Ethic's Presentation During the NASW, Nevada Chapter, 2012 Annual Conference, Scheduled September 13 through 15, 2012, in Las Vegas, Nevada or Ratification of President Randy Reinoso's Offer to Assist in this Matter

President Reinoso requested that this agenda item be addressed at the end of the Board meeting in order to efficiently present and discuss the remaining agenda item.

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 did not have anything to add to today's Board meeting.

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. President Reinoso noted that usually he is in Las Vegas and that attending the Board meeting in Reno was a refreshing opportunity to observe the Board meeting process in person versus observation via videoconferencing. It was his hope to attend more Board meetings in person in the future. Board members expressed their pleasure in having President Reinoso attend the Board meeting in person.

BOARD OPERATIONS

Review, Discussion and for Possible Action, Approval of Minutes for the July 20, 2012, Board Meeting

Kim Frakes presented this agenda item to the Board. The Board meeting minutes for the July 20, 2012 Board meeting 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 would be posted on the Board's website. A motion was made by James Bertone and seconded by Tracy Cassity to approve the July 20, 2012 Board meetings as noted. This motion was carried.

Review, Discussion and for Possible Action, the Year End Board Cash Flow Statement, Covering July 1, 2011 Through June 30, 2012

The 2011/2012 Board fiscal year concluded on June 30, 2012. This agenda item serves to update the Board regarding total revenue, Board costs and expenditures. A copy of the "Year End Board Cash Flow Statement, Covering July 1, 2011 through June 30, 2012" was included in each Board member's Board meeting packet. Following review and discussion, the Board may take action on any budget recommendations and/or vote to approve the 2011/2012 Board fiscal year budget as submitted.

(In order to assist in the efficacy of this meeting, the Board combined this agenda item with agenda item 9 C, noted below, which is the proposed budget for the next fiscal year beginning July 1, 2012 and ending June 30, 2013).

Review, Discussion and for Possible Action, the Board's 2012 – 2013 Budget, Covering the Board's Fiscal Year, July 1, 2012 through June 30, 2013

The 2012/2013 Board fiscal year budget is being submitted for the Board's review. Following review and discussion, that Board may take action upon any recommendations and/or vote to accept the 2012/2013 Board fiscal year budget as submitted. Enclosed in each Board member's packet was a copy of the 2012/2013 Board fiscal year budget.

In reviewing both agenda items, the Board's Program Assistant IV, who prepared the budgets for both agenda items was contacted and placed on speaker phone. Overall, Board operations remained on target with respect to its 2011/2012 fiscal year budget. Ms. Frakes anticipated some savings in the next fiscal year due to the retirement of a part-time staff member. It is anticipated that this position would initially be filled by a student. If a student is hired to fill the part-time position, the cost to fill this position would be almost half of what the current person is paid. The Program Assistant noted, however, that the Board's reserve funds continue to decrease yearly. Some of this is attributed to declining interest rates the Board's accounts are earning on their CD's and increasing expenses related to legal costs. In the proposed 2012/2013 budget, the Program Assistant noted that by the end of the upcoming fiscal year, the Board's reserves would continue to decrease. Ms. Frakes noted that ample reserves are necessary in order for the Board to appropriately address most cases that go to litigation. She stressed the importance of statutory changes submitted to the Legislature for the upcoming

Legislative session. The submitted NRS change proposed by the Board would afford the Board flexibility to address any required fee increases via regulation.

Following review and discussion of both combined agenda items, a motion was made by Sandy Lowery and seconded by James Bertone to approve the Year End Board Cash Flow Statement as submitted, covering July 1, 2011 through June 30, 2012. This motion was carried.

A motion was made by Sandy Lowery and seconded by Tracy Cassity to approve the Board's 2012 – 2013 Budget, Covering the Board's Fiscal Year, July 1, 2012 through June 30, 2013, as submitted. This motion was carried.

Review, Discussion and for Possible Action, Suggested Updates to the Board's Website as Proposed by the State's Web Enterprise Solutions Manager

Kim Frakes presented this agenda item to the Board. The State Web Enterprise Solutions Manager approached Ms. Frakes recently regarding revising and updating the Board's website. Sandy Lowery expressed her interest in working directly with the State Web Enterprise Solutions Manager in revising the Board's website. It was determined that given Ms. Lowery's advanced computer technical expertise, she would be an appropriate choice to work as liaison between the State's website manager and Ms. Frakes who agreed to participate in providing practical input based upon Board staff's day-to-day use of the Board's website as well as ongoing input from public consumers. Following review and discussion, a motion was made by Tracy Cassity and seconded by Rod Smith to appoint Ms. Lowery to serve as the liaison between the State's website manager and Ms. Frakes in revising and updating the Board's website. Ms. Lowery abstained from voting on this agenda item. This motion was carried. Ms. Frakes agreed to email Ms. Lowery with corresponding information in order to initiate contact with the State Web Enterprise Solutions Manager.

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. Tentative meeting dates included: September 21st, October 19th, November 16th and December 21st. All of these dates were contingent upon whether there were disciplinary matters being presented for a hearing, a consent decree or any other matters requiring the Board's immediate attention. Ms. Frakes noted that pursuant to NRS 641B.120(3) it must meet a minimum of one time per quarter. This required the Board meeting at least one time during the fourth quarter of this year. Aside from this, Ms. Frakes did not have anything further to add.

NATIONAL ASSOCIATION OF SOCIAL WORKERS (NASW)—CONTINUED

Review, Discussion and for Possible Action, Identification of Interested Board Member(s) to Conduct an Ethic's Presentation During the NASW, Nevada Chapter, 2012 Annual Conference, Scheduled September 13 through 15, 2012, in Las Vegas, Nevada or Ratification of President Randy Reinoso's Offer to Assist in this Matter

Kim Frakes presented this agenda item to the Board. NASW, Nevada Chapter recently contacted the Board office and Board President requesting Board members to consider presenting an ethics presentation during their 2012 Annual Conference. Since there appeared to be a deadline pertaining to the conference agenda, President Reinoso agreed to assist in presenting at the Conference along with a former Board member who now serves on the NASW, Nevada Chapter, board. Ms. Frakes acknowledged that this request appears to be somewhat poorly timed and indicated that she had promised the former Board member this request would be placed as an agenda item for this Board meeting. It is hoped that someone from the Board may be available to

assist with this matter. Sandy Lowery indicated that although she would not be available during the dates of the conference, she would be willing to email the power point presentation she has used at the NASW, Nevada Chapter past annual conferences. President Reinoso asked Ms. Lowery to email the presentation power point to him. The remaining Board members expressed having commitments during the dates of the conference and would not be able to assist. They thanked President Reinoso for his willingness to assist in this matter. Following review and discussion, the Board did not take action on this agenda item.

PUBLIC COMMENT

No one was available from the public to offer comment.

ADJOURNEMENT

A motion was made by James Bertone and seconded by Rod Smith to adjourn the Board meeting at 11:45 a.m. This motion was carried unanimously.

Respectfully Submitted,

Kim Frakes, LCSW
Executive Director

DRAFT