



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

MINUTES OF BOARD MEETING
June 21, 2013 at 9:00 a.m.

The meeting of the Board of Examiners for Social Workers was called to order by Sandy Lowery, Board Chair at 9:07 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. Chairperson 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 Chairperson Lowery, with the following individuals present at the following location(s):

Members Present:

Sandy Lowery, LCSW, Vice President, Reno
Rod Smith, Public Member, Reno
James Bertone, LCSW, Secretary/Treasurer, Reno
Annie Wilson, LSW, Las Vegas (arriving at 9:50 a.m.)

Staff Present

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

Public Attendees

Kirby Burgess, A Brighter Day Group Home, Las Vegas

PUBLIC COMMENT

Public comment was not offered by the public attendee.

REGULAR AGENDA

A motion was made by Rod Smith and seconded by James Bertone to approve the Agenda as submitted. This motion was carried without objection.

DISCIPLINARY MATTERS

Review, Discussion and for Possible Action Consent Decree Pertaining to Cassandra Little, LCSW (expired) in the matter of Disciplinary Case G12-16.

This matter was presented to the Board by Kim Frakes and Henna Rasul. Ms. Frakes distributed copies of the proposed consent decree to the Board members. Annie Wilson was mailed a copy of the proposed consent decree in a sealed envelope. Upon her arrival to the Board meeting, Annie Wilson was instructed to open the sealed envelope containing the proposed consent decree in order to review it. Rod Smith and Sandy Lowery disclosed, as a matter of record, that they both knew of Ms. Little professionally. Neither Mr. Smith nor Chairperson Lowery believed that their prior knowledge of Ms. Little would cause them to be biased in their review and decision pertaining to the proposed consent decree. Ms. Frakes also disclosed, as a matter of record, that she also knew Ms. Little professionally. Ms. Frakes indicated she did not believe that this caused her to be biased in her investigation pertaining to this particular disciplinary case. During deliberations, Chairperson Lowery inquired why Ms. Little's stipulations included the reimbursement of attorney's fees but did not include a fine. Ms.

Frakes expressed that Ms. Little was also simultaneously addressing other government entities related to the allegations contained in the consent decree. Ms. Frakes believed that not including a fine would assist in expeditiously settling this matter with the Board. Following review and discussion of this matter, a motion was made by Rod Smith and seconded by James Bertone to approve the consent decree proposed in disciplinary case G12-16, pertaining to Cassandra Little. This motion was carried without objection.

Review, Discussion and for Possible Action, Recommendation to Dismiss: G09-14; G09-25; (G10-29 and G11-21); G11-03; G12-02; (G12-15, G12-18, G13-02 and G13-03).

Kim Frakes presented this agenda item to the Board. Ms. Frakes presented the above cases via a redacted report regarding the above cases. Following presentation of this case by Ms. Frakes, a motion was made by Rod Smith and seconded by James Bertone to dismiss disciplinary cases (listed above) as presented. This motion was carried without objection.

Review and Discussion, Redacted Disciplinary Report.

Kim Frakes presented this agenda item to the Board. She noted that during the May 17, 2013 Board meeting, there were ninety-two (92) open cases. Ms. Frakes indicated that she was continuing to be diligent in addressing the cases on the disciplinary list. Ms. Frakes noted that she and Henna Rasul have been negotiating a possible settlement related to different licensee. Ms. Frakes reiterated her goal of bringing a minimum average of ten (10) cases forward, either via dismissal or via Board action, each quarter. Ms. Frakes expressed that to date, she is exceeding this goal. A recap of the 1st and 2nd quarter for this year indicated that ten (10) cases were dismissed in the 1st quarter during the February Board meeting. During the 2nd quarter, to date, eleven cases were dismissed and one (1) case was presented for disciplinary action, during the Board meetings in May and during this meeting. The total number of cases either dismissed or disciplined during the first and second quarter of this year was twenty-two (22), including the eleven (11) cases addressed during this Board meeting. The Board acknowledged the challenges faced by Board staff, including the challenges of addressing multiple job functions and competing job demands. The Board encouraged Ms. Frakes to continue to diligently address the disciplinary cases.

LICENSURE, INTERN AND APPLICATION ISSUES

Review, Discussion and for Possible Action, Appeal by Applicant Who Has Been Denied Endorsement of Their Out-of-State Clinical Social Worker License Via Endorsement, Due to an Inability to Meet "Substantially Equivalent" Standards Pursuant to NAC 641B.150(3), Based Upon Documentation as Submitted by the Applicant.

Kim Frakes presented this agenda item to the Board. Ms. Frakes indicated that following the public posting of the agenda for this meeting, the applicant provided additional information regarding her post-graduate supervised hours to the Board office. Based upon this additional information, it was determined that the applicant's post-graduate supervised hours and experience would be deemed as substantially equivalent pursuant to NAC 641B.150(3). The applicant was informed that she was eligible for licensure via endorsement. Subsequently, it appears that this matter has been resolved and that no further action by the Board was required.

LEGISLATIVE AND REGULATORY ISSUES

Review, Discussion and for Possible Action, Outcome of Bills Tracked by the Board's Executive Director at the Conclusion of the 77th, 2013 Legislative Session, Including Any Strategic Plans/Actions Regarding These Bills as Noted Below:

1. AB 228, which, "Authorizes certain providers of health care to provide voluntary health care services in this State in association with certain organizations."
<http://leg.state.nv.us/Session/77th2013/Bills/AB/AB228>.
2. AB 251, which, "Requires a public body to make available to the public certain contact information for its members." <http://leg.state.nv.us/Session/77th2013/Bills/AB/AB251>
3. AB 252, which, "Makes various changes to the Nevada Administrative Procedure Act."
<http://leg.state.nv.us?Session/77th2013/Bills/AB/AB252>.
4. AB 266, which, "Revises provisions relating to veterans."
<http://leg.state.nv.us/Session/77th2013/Bills/AB/AB266>.
5. AB 349, which, "Revises provisions governing professions."
<http://leg.state.nv.us/Session/77th2013/Bills/AB/AB349>.
6. AB 383, which, "Revises provisions governing the Sunset Subcommittee of the Legislative Commission." <http://leg.state.nv.us/Session/77th2013/Bills/AB/AB383>.
7. AB 386, which, "Establishes a pilot program for the administration of mental health screenings to pupils enrolled in selected secondary schools in the Clark County School District."
<http://leg.state.nv.us/Session/77th2013/Bills/AB386>.
8. SB 21, which, "Revises provisions governing state financial administration."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB21>.
9. SB 25, which, "Makes various changes relation to technological crimes."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB25>.
10. SB 86, which, "Requires the Department of Health and Human Services to allocate money for certain programs relating to persons with Alzheimer's disease and other related dementia." <http://leg.state.nv.us/Session/77th2013/Bills/SB/SB86>.
11. SB 205, which, "Makes various changes concerning the collection of information relating to the treatment of trauma." <http://leg.state.nv.us/Session/77th2013/Bills/SB/SB205>.
12. SB 236, which, "Revised provisions governing state agencies."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB236>.
13. SB 319, which, "Revises provision governing certain professions."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB319>.
14. SB 324, which, "Revises provisions governing professions."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB324>.
15. SB 370, which, "Makes various changes regarding administrative regulations."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB370>.
16. SB 395, which, "Requires the Advisory Commission on the Administration of Justice to identify and study certain information. <http://leg.state.nv.us/Session/77th2013/Bills/SB/SB395>.
17. SB 483, which, "Revises provisions relating to the compensation of state employees."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB483>.
18. SB 502, which, "Makes various changes relating to certain required investigations of the background and personal and history of certain persons as a condition of employment, licensure, certification and other privileges. <http://leg.state.nv.us/Session/77th2013/Bills/SB/SB502>.
19. SB 520, which, "Makes certain changes relating to public safety."
<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB520>.

Kim Frakes presented this agenda item to the Board. Ms. Frakes provided a brief overview of the bills listed above that she had tracked during the 77th, 2013 Legislative session. Bills generating Board discussion from the above list are listed below:

AB228 As enrolled, this bill, "Authorizes certain providers of health care to provide voluntary health care services in this State in association with certain organizations (Item #1 above). A copy of AB228 was included in each Board member's Board meeting packet for review. Ms. Frakes provided a brief overview of the history pertaining to this bill. Although other licensed practitioners who engage in psychotherapy such as psychologists, marriage and family therapists and clinical professional counselors are considered a 'provider of health care', pursuant to Chapter 629 of NRS (Nevada Revised Statutes), licensed clinical social workers, historically, have been omitted and are not included in this definition. Accordingly, it appears that the AB228, as enrolled, does not apply to social workers, including clinical social workers. A discussion followed regarding whether a letter should be drafted and sent to all stake holders regarding AB228, informing them that as enrolled, this bill does not include social workers, including clinical social workers, and based upon this apparent lack of inclusion, it appears that this bill would not pertain to individuals licensed by this Board. Should an individual licensed as a social worker, including clinical social worker from another state wish to volunteer their services, the omission of social workers, including clinical social workers from the definition listed in NRS 629.031, appears to imply that individuals licensed as social workers/clinical social workers would require licensing by this Board prior to engaging in voluntary service as noted in AB 228.

AB386 As enrolled, this bill, "Establishes a pilot program for the administration of mental health screenings to pupils enrolled in selected secondary schools in the Clark County School District." A copy of AB386 was included in each Board member's Board meeting packet for review. In ongoing monitoring of this bill, Ms. Frakes noted that the pilot program would be implemented as a "study". Annie Wilson and Rod Smith inquired regarding funding to implement this bill. Ms. Frakes replied that although this bill becomes effective July 1, 2013, funding sources did not appear to be identified during the period of times that she attended the Legislative committee meetings and hearing via live streaming on the internet. Concerns regarding how the information obtained during the pilot program were discussed. It was concluded that the implementation of this bill warrants ongoing monitoring by Ms. Frakes and interested Board members.

SB21 As enrolled, this bill, "Revises provisions governing state financial administration." Given the length of this bill, copies of pages 1 through 4 of SB21, pertaining to the bill's applicability to State occupational licensing boards, were included in each Board member's Board meeting packet for review. A full copy of this bill was provided at each Board meeting site as well. Ms. Frakes called the Board's attention to page 1 of the bill and additional information pertaining the scope of this bill. This bill's passage and enrollment into Chapter 353 of NRS would prohibit the issuance of licensure by this Board if the applicant owes an unpaid debt to the State. Furthermore, this bill would prohibit renewal of occupational licenses to individuals who owe an unpaid debt to the State. The collection of unpaid debt would be conducted by the Office of the State Controller. The mechanism for collection would be information shared by the various State occupational licensing boards with the Controller's office. This information would be in the form of a list of all individuals licensed by each State occupational licensing board. The list would contain the names of the licensees as well sensitive information such as addresses, dates of birth and social security numbers. The sharing of sensitive information raised concerns with Board members. Henna Rasul explained that she has been assisting the Deputy Attorney General (DAG) for the Controller's office by providing consultation with their DAG regarding State occupational licensing boards. Ms. Rasul indicated that the implementation of this bill is preliminary. It is not uncommon that following a bill's passage for their to be questions about how to best implement a bill. Ms. Rasul explained that the Controller's office and DAG share many of the concerns expressed by Board members regarding the confidentiality and safety of the information being shared with the Controller's office by State occupational licensing boards. Ms. Rasul anticipated that questions raised by this Board appear to be similar to questions raised by other State occupational licensing boards. It was suggested that Board

members email their questions and/or concerns regarding SB21 directly to Ms. Frakes. These questions would be compiled and sent to the Controller's DAG. According to Ms. Rasul, it was anticipated that the Controller's office and DAG desire to address the concerns of all State occupational licensing boards in the near future. In concluding discussion about SB21, Ms. Frakes noted that individuals who owe an unpaid debt to this Board, such as unpaid debt accrued via disciplinary action, would also be referred to the State Controller's office for collection. Accordingly, it appears that although there may be concerns regarding the sharing of sensitive information between the Controller's office and the Board, this bill could be instrumental in assisting the Board in the collection of outstanding debts owed following Board disciplinary actions against certain individuals.

SB236 As enrolled, this bill, "Revises provisions governing state agencies." A copy of this bill was included in each Board member's Board meeting packet for their review. Ms. Frakes indicated that this bill requires all State agencies to post on their respective website, electronic versions of their forms which allows for these forms to be completed, downloaded and saved electronically. Although State agencies are required to implement these changes no later than June 30, 2015, each State agency may request a waiver submitted to the Interim Finance Committee if it appears that they are unable to fall into compliance by this deadline. Ms. Frakes explained that there did not appear to be funding identified to implement this bill, although State agencies were provided the ability, as noted in this bill's language, to utilize any program or software or technology deemed appropriate to the State agency.

At the conclusion of discussion pertaining to this particular agenda item (Item 6A) the Board recommended ongoing monitoring of how these bills would be implemented as time progressed. The Board did not see a need to take action upon this particular agenda item.

(Following review and discussion of this agenda item, the Board took a break from 10:50 a.m. until 11:00 a.m.)

Review, Discussion and for Possible Action, Proposed Regulation Changes That Have Been Identified by the Board's Executive Director, Mentioned by Individuals From the Public at Large or Discussed Without Action by Board Members During Regularly Scheduled Board Meetings Following the Board's Last Adoption of Regulations, R142-08 on February 11, 2009, as Noted Below:

1. *NAC 641B.115 Fees.* Proposed changes in fees charged to applicants and licensees as presently allowable pursuant to NRS 641B.300.
2. *NAC 641B.126 Licensure by endorsement.* Proposed changes pertaining the Board's acceptance of postgraduate supervised hours and acceptance of applicable licensing examination scores submitted by applicants from other states.
3. *NAC 641B.140 Licensed independent social worker... and NAC 641B.150 Licensed clinical social worker: Internship required for licensure.* Proposed changes pertaining postgraduate supervised practice pertaining individuals who have a corresponding level of licensure from other states but do not meet substantially equivalent standards for licensure in Nevada pursuant to NAC 641B.140(3) or NAC 641B.150(3), an opportunity for provisional licensed practice under Board approved supervision, until substantially equivalency is established pursuant to NAC 641B.140(3).
4. *Executive Order 2012-11 Providing Reciprocity for Military Spouses Seeking Licensure in this State,* issued by the State Governor on May 7, 2012, corresponding bills introduced during the 77th, 2013 Legislative session, supporting the Executive Order and proposed Board regulation changes which provides compliance with the Executive Order and applicable passed legislation.
5. *NAC 641B.005 through NAC 641B.070, General Provisions.* Addition of the definition of "substantially equivalent", as contained in NAC 641B.140(3) and NAC 641B.150(3).

Kim Frakes presented this agenda item to the Board. Ms. Frakes reminded the Board of the necessity to begin addressing regulation changes as noted above. Henna Rasul indicated that some of her other occupational licensing boards have already drafted their regulations and have submitted them to the Legislative Counsel Bureau for initial review. Discussion followed pertaining to items 1 through 5. Following discussion of this agenda item, Chairperson Lowery suggested that Board members could email Ms. Frakes with their input regarding items 1 through 5 above, or any additional regulations which they believed should be addressed as possible regulation changes in a subsequent Board meeting. Following review and discussion, the Board did not take any action on this agenda item.

Review, Discussion and for Possible Action, Proposed Regulation Changes, Identified by Board Members Not Already Noted in this Agenda.

This agenda item was addressed in the previous agenda item. Chairperson Lowery recommended that Board members review Board regulations and email to Ms. Frakes any additional regulations which they believed should be brought to a subsequent Board meeting for review and discussion for possible changes or revisions. There was no action taken on this agenda item.

CONTINUING EDUCATION

Review, Discussion and for Possible Action, NAC 641B.189(3)(a)(b), Pertaining to Awarding Continuing Education Ethics Hours to Licensees Serving, "...as a member of a committee or board of review..." With Stipulations Noted in Subsection 3a and 3b, and Applicability, if Any, to Licensees Serving in the Capacity as Board Members and/or Board Staff.

Kim Frakes presented this agenda item to the Board. This item was placed on the May 17, 2013 Board meeting agenda per request by a Board Member. NAC 641B.189 pertains to continuing education and the approval of continuing education programs by the Board. Subsection 3 provides continuing education ethics credits, with the amount of continuing education hours stipulated in this section, to licensees who serve, "...as a member of a committee or board of review..." that considers, "...issues or applies any policy, law or regulation relating to ethics..." and is, "...approved by the Board." During the May 17, 2013 Board meeting, the Board took action requesting Kim Frakes to post a question related to this matter on the ASWB Administrator's Forum to see if other states and Canadian providences/territories offer continuing education credit, especially ethics credit, to licensees who serve on their respective boards. Ms. Frakes was also tasked by the Board to ask other Nevada state Boards if they offer continuing education credits for serving on their respective boards. Ms. Frakes is presenting her findings to the Board.

Ms. Frakes reported that the question posted on the ASWB'S Administrators' Listserv on June 18, 2013. This question asked...(1) *Does your jurisdiction provide continuing education credits to licensees who serve on the regulatory board/council?* (2) *If yes: how may credits may be applied towards the "ethics" continuing education requirement, if such a requirement exists?* Fourteen (13) states and one (1) Canadian providence responded. Out of the fourteen (14) responses, eight (8) responded "NO", i.e. they did not offer continuing education credits to licensees serving on their regulatory boards or councils. Out of the remaining six (6), one (1) provided credit for attending a board-oriented training. One (1) board offered up to 8 continuing education credits, although continuing education credit has never been requested. Another board offered 2 continuing education credits. Three (3) boards offered continuing education credits, but the amounts were not specified. One (1) board indicated that continuing education credits were not

offered due to the appearance that this could be viewed as a conflict of interest. None of these boards allowed serving on a board to fulfill ethics requirements. Ms. Frakes indicated that none of the State behavioral science boards offered continuing education credits for their licensees who served on their respective boards. Following review and discussion of this agenda item, a motion was made by James Bertone and seconded by Annie Wilson to deny offering continuing education credits to licensees who serve as Board members. This would be applicable to Board staff as well. This motion was carried without objection.

DEPUTY ATTORNEY GENERAL REPORT

Henna Rasul indicated that there have been revisions to the State's Open Meeting Law (OML) contained in Chapter 241 of NRS. Kim Frakes indicated that the OML itself is approximately 130 pages and promised to email an updated copy of the OML to each Board member. Aside from this, Ms. Rasul indicated that she did not have anything else to add to today's Board meeting.

PRESIDING OFFICER'S COMMENTS

Chairperson Lowery reminded the Board and Kim Frakes that elections would occur during the next regularly scheduled Board meeting. She inquired whether the newest Board members, Annie Wilson, LSW and C.J. Yao, LCSW had received their Board member resource manuals. Ms. Frakes indicated that Ms. Wilson and Ms. Yao would be receiving their resource manuals along with their next Board meeting packets. Aside from this, Chairperson Lowery indicated that she did not have anything further to add to today's Board meeting.

BOARD OPERATIONS

Review, Discussion and for Possible Action, the approval of Minutes for the May 17, 2013 Board meeting.

Kim Frakes presented this agenda item to the Board. The meeting minutes for the May 17, 2013 Board meeting was prepared by the Executive Director for the Board's review, discussion and possible action to approve the minutes. Following final approval by the Board, the final version of the minutes will be posted on the Board's website. A copy of the minutes from the May 17, 2013 Board meeting was enclosed in each Board member's meeting packet. A motion was made by Rod Smith and seconded by James Bertone to approve the May 17, 2013 Board meeting minutes as submitted. This motion was carried without objection.

EXECUTIVE DIRECTOR'S REPORT

Kim Frakes presented this agenda item to the Board. Ms. Frakes thanked the Board members for attending today's Board meeting. Aside from this, Ms. Frakes did not have anything else to add to today's Board meeting.

PUBLIC COMMENT

(Pursuant to NRS 241.020, the notice of meeting must include: *A period devoted to comment by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken....*)

As a matter of public comment, Board member Rod Smith wanted to extend his thanks to Board staff. He noted that he is able to directly observe the day-to-day operations of the Board office during his frequent

visits to the office in order to assist with continuing education applications. Mr. Smith noted that the daily Board office operations appear to run professionally and smoothly and wanted to express his observations during this period of the Board meeting. Aside from Mr. Smith's comments, none of the public attendees wished to offer public comment.

ADJOURNMENT

A motion was made by James Bertone and seconded by Rod Smith to adjourn the Board meeting. This motion was carried without objection. This Board meeting concluded at 11:36 a.m.

Respectfully Submitted,

Kim Frakes
Executive Director

DRAFT