



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 16, 2013 at 9:00 a.m.

The meeting of the Board of Examiners for Social Workers was called to order by Sandy Lowery, Board President at 9:05 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, President, Reno
Rod Smith, Public Member, Reno
C.J. Yao, LCSW, Board Member, Las Vegas
Annie Wilson, LSW, Board Member, Las Vegas

Staff Present

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

Public Attendees

Susan Chappell, LCSW (arriving at 10:00 a.m.)
Hal Taylor, Esq. (arriving at 10:00 a.m.)

PUBLIC COMMENT

There was no one to offer public comment.

AGENDA

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

CONSENT AGENDA

President Lowery took a few minutes to explain the purpose of having the "Consent Agenda" separately approved as part of the Board meeting process to the new Board members in Las Vegas. Following the brief explanation by Ms. Lowery, a motion was made by Rod Smith and seconded by C. J. Yao to approve the Consent Agenda as submitted. This motion was carried without objection.

REGULAR AGENDA

DISCIPLINARY MATTERS

Review, Discussion and for Possible Action Consent Decree Pertaining to Susan Chappell, LCSW, in the matter of Disciplinary Cases: G11-14, G11-15 and G11-30

This matter was presented to the by Kim Frakes and Henna Rasul. Ms. Frakes requested the Board to table this agenda item as Ms. Chappell and her attorney, Mr. Taylor, were scheduled to arrive at 10:00 a.m.

Review and Discussion, Redacted Disciplinary Report.

Kim Frakes presented this agenda item to the Board. She noted that during the number of open cases remains steady, with presently "87" cases open. Should the Board accept the proposed consent decree, this will reduce the number of case to "84". Rod Smith wanted clarification regarding the investigation process. Both Ms. Frakes and President Lowery noted that although the number of open cases may increase if additional new accusations are received. C.J. Yao inquired whether a licensee is required to report an accusation that is submitted against them to his/her insurance carrier. Ms. Frakes indicated that until an official disciplinary action is brought against the licensee either by consent decree or Board Order, the licensee is considered to be in "good standing" with the Board. Ms. Frakes added that she was continuing to be diligent in addressing the cases on the disciplinary list and that she is on target of addressing at least (10) cases per quarter to date. The Board encouraged Ms. Frakes and Ms. Rasul to continue to diligently address the open disciplinary cases.

LEGISLATIVE AND REGULATORY ISSUES

Review, Discussion and for Possible Action, outcome of the July 29, 2013 meeting facilitated by the Office of the State Controller and State agencies impacted by the passage of SB21, including State occupational licensing boards.

Kim Frakes presented this agenda item to the Board. Following the passage of SB21 during the 77th/2013 Legislative session, this bill was brought to the attention of Board members during the June 21, 2013 Board meeting as agenda item 6A-8. SB 21, "Revises provisions governing state financial administration." (<http://leg.state.nv.us/Session/77th2013/Bills/SB/SB21>). During discussion of this agenda item, Board members produced numerous questions regarding the implementation of this bill and requested to have the Executive Director forward these questions to the Office of the State Controller (State Controller) this bill's sponsor. In order to address questions from other state licensing boards, as well as other entities affected by SB 21, a general meeting was conducted on July 29, 2013, from 9:00 a.m. until 12:00 p.m. in Carson City with a video conference to Las Vegas. An additional meeting was conducted on August 8, 2013, from 10:00 a.m. until 12:00 in Las Vegas with video conferencing to Carson City. The Board's Executive Director attended the July 29th meeting and presented her findings regarding this meeting.

Ms. Frakes indicated that it is hear understanding that the first deadline the Board is required to submit the list of Board licensees would be August 1, 2014. This list would include the list of licensees who renewed their licenses from January 1, 2014 through June 30, 2014. The next deadline to submit a list of Board licensees would be February 1, 2015. This would include the list of licensees who renewed their licenses from July 1, 2014 through December 31, 2014. Ms. Frakes explained that to date, the logistics of how this mandated information would be submitted to the State Controller is still being worked on by the State Controller. Board members expressed concerns regarding how sensitive and confidential information would be submitted to the State Controller as well as how Board licensees would be notified about this. The Board agreed to have Ms. Frakes continue to monitor this situation and that she would inform the Board as soon as there are new developments from the State Controller. In the interim, Ms. Frakes agreed to continue to accept questions from the Board members to pass along to the State Controller. She agreed to draft a notice to post on the Board's website within the next several weeks. The Board did not take any action on this matter.

DISCIPLINARY MATTERS—CONTINUED

Review, Discussion and for Possible Action Consent Decree Pertaining to Susan Chappell, LCSW, in the matter of Disciplinary Cases: G11-14, G11-15 and G11-30

Kim Frakes presented this agenda item to the Board. Following introductions by Board members and Board staff to Susan Chappell, LCSW and Hal Taylor, Esq., Henna Rasul instructed the Board members to open the envelopes containing the proposed consent decree pertaining to G11-14, G11-15, and G11-30. Following a brief overview regarding the stipulated facts by Ms. Rasul, Mr. Taylor indicated that he and Ms. Chappell were comfortable with the stipulated facts and adjudications. He added his belief that the mentoring process should benefit Ms. Chappell and his anticipation that the Board would be supportive of Ms. Chappell during her engagement of this process by affording her the ability to utilize this time to safely discuss her cases and concerns with the mentor without fearing unnecessary intrusion by the Board in monitoring her. Following review and discussion of the proposed consent decree, a motion was made by Rod Smith and seconded by Annie Wilson to accept the consent decree as submitted. This motion was carried without objection. Ms. Chappell and Mr. Taylor excused themselves from the remainder of the Board meeting prior to the Board taking a break.

(Following this agenda item, the Board took a break from 10:05 a.m. until 10:15 a.m.)

LEGISLATIVE AND REGULATORY ISSUES—CONTINUED

Review, Discussion and for Possible Action, continuation of discussion regarding identification of regulations by Board members and staff that may require changes and proposed language related to these identified regulations, including but not limited to:

NAC 641B.115 pertaining to fees routinely charged by the Board and possible increases where allowable pursuant to NRS 641B.300.

Kim Frakes presented this agenda item to the Board. It appears that increasing fees where allowable continued to receive Board support. Annie Wilson expressed that her time as a Board member has assisted her in better understanding that the Board's request is necessary and reasonable. There did not appear to be any additional questions from the Board.

Regulations pertaining to licensure via endorsement of applicants' clinical and independent social worker licenses who are applying for licensure from other states, affording the applicant an opportunity to engage in supervised practice until it can be established that:

a. The applicant's out of state license meets substantially equivalent criteria pursuant to NAC 641B.126 and NAC 641B.150 and other specified criteria pertaining to licensure contained in NRS and NAC 641B; and

b. The ability to remain under supervised practice for a specified period if the out of state license does not meet substantially equivalent standards pursuant to NRS and NAC 641B, in order to meet substantially equivalent standards.

Kim Frakes presented this agenda item to the Board. Ms. Frakes explained the given the greater mobility of individuals licensed within numerous professions, the likelihood of a social worker seeking licensure in another state via endorsement of their out-of-state license appears to be increasing. Although not necessarily problematic for individuals licensed as LSW'S (licensed social workers), the endorsement of clinical social work licenses from other states has proven problematic for Board staff

who are reviewing an out-of-state applicant for consideration of clinical social work endorsement. Ms. Frakes offered examples of problems encountered to include: differences in what other states consider to be "clinical" hours; some states including clinical hours accrued prior to graduation from an MSW program to be applied towards clinical licensure; and some states allowing an individual to take their clinical examination prior to receiving post-graduate supervision. Ms. Frakes stated that these were only a few examples of the problems encountered in determining the "substantial equivalency" of an applicant's experience pursuant to NAC 641B.126 and NAC 641B.150. Ms. Frakes encouraged the Board to consider:

- a. Regulation changes which would afford ongoing supervision of clinical social worker applicants requesting endorsement of their out-of-state licensure for a period of time that would address any deficiencies in meeting substantially equivalent standards or until independent verification was received by the Board documenting the applicant's ability to meet substantially equivalent standards;
- b. Endorsing clinical social workers who have been licensed for a specific period of time, providing that they meet other licensing criteria such as education, examination, moral character, etc., and can provide proof that they have engaged in direct clinical practice and/or supervision of clinical practice for a specific period of time.

Sandy Lowery recommended that Ms. Frakes provide the Board with redacted application examples during a subsequent meeting in order to better assist the Board in understanding the examples offered by Ms. Frakes.

NAC 641B.105 pertaining to examinations and the number of times an applicant can take an examination under an open application.

Kim Frakes presented this agenda item to the Board. She explained that this was addressed and set as policy during the May 25, 2012 Board meeting in order to address outstanding open applications which were still pending the applicants to take and pass their exams. This proposed regulation change would allow this policy to become a regulation.

NAC 641B0150(1)(c) pertaining to the possible addition of "good cause" events under which the Board may withdraw its approval of an Internship Program, including an internship program site.

Kim Frakes presented this agenda item to the Board. She explained that although Board regulations afford the withdrawal of Board approval of an Internship Program, the addition of good cause events would further clarify the Board's ability to withdraw its approval under specified circumstances. Sandy Lowery indicated her preliminary support regarding the addition of language specifying good causes, noting certain limited examples in the past. Board members appeared generally supportive, indicating that Internship agency and program sites bear the responsibility of providing and demonstrating sound clinical and independent professional practice which interns are attempting to ascribe to.

Following presenting of the above agenda items, the Board did not take any action.

Proposed additional changes to NAC 641B identified by the Board members and staff and strategic planning required to comply with:

- 1. The State's Nevada Administrative Procedures Act, Chapter 233B of NRS, which establishes the process that an agency must follow for proposing and adopting regulations;**
- 2. A review of the Board's proposed regulations by the Legislative Committee on Health Care pursuant to NRS 439B.225; and**

3. Any additional statutes adopted during the 77th / 2013 Legislative session.

Kim Frakes presented this agenda item to the Board. This agenda item has been a source of ongoing discussion with the Board for the past several months. This agenda item serves as an ongoing reminder of developments to date of proposed regulation changes, solicit input from Board members, and strategic planning regarding the proposed changes. Following presentation of the above agenda item, the Board did not take any action.

Review, Discussion and for Possible Action, written notification to bill sponsors of AB228 and stakeholders, regarding the omission of "social workers" in the definition of providers of health care in section 10 of this bill and applicability of this omission to out-of-state volunteer social workers, including social workers licensed to provide therapeutic services in their state, being ineligible to provide volunteer services in this State under the provisions of AB228.

Kim Frakes presented this agenda item to the Board. During the June 21, 2013 Board meeting, the Board's Executive Director discussed the outcome of the 77th/2013 Legislative session which included the passing of AB228. (See agenda item 6A-1, June 21, 2013 Board meeting agenda). This bill would afford sponsoring organizations of health care events to notify the State Health Division in writing pertaining to this sponsored event. If this sponsored event included health care providers who are licensed in other states wanted to volunteer their health care services during this sponsored event, the licensed volunteer would fall under the provisions specified under this bill as part of the State Health Division and would be exempt from licensure. This exemption includes behavioral health boards who license mental health practitioners but does not include "clinical social workers". Although the Board did not take action on this agenda item, the Board expressed interest in possibly having a letter drafted and sent to the attention of this bill's sponsors and possibly other stakeholders, such as the Director of the State Health Division. This agenda item affords the Board the opportunity to review a proposed drafted letter, to make any recommended changes, and possibly approve this letter to be sent to this bill's sponsors and stakeholders identified during review and discussion of this agenda item.

Following review and discussion of the proposed letter, the Board overall believed that the letter was well constructed. A few minor changes were recommended. Following review and discussion, a motion was made by Rod Smith and seconded by Annie Wilson to accept the proposed letter, following recommended changes and to submit the letter to the legislative committee chairperson and copy a letter to the director of the State agency overseeing the process as noted in AB228. This motion was carried without objection.

NATIONAL ASSOCIATION OF SOCIAL WORKERS (NASW)

Review and Discussion the 2013 NASW-Nevada Chapter, Annual Conference scheduled September 26 through 28, 2013.

Kim Frakes presented this agenda item to the Board. This year, the NASW, Nevada Chapter, Annual Conference, scheduled September 26 through 28, 2013, will be held at the Grand Sierra Resort, in Reno. This agenda item was informational only. Sandy Lowery noted that NASW, Nevada Chapter, requested her to present an ethics presentation on September 26th. Ms. Lowery noted that she would be representing herself as a professional in the field of social work and that she was not representing the Board during her presentation. Ms. Frakes promised to provide more information as it becomes available.

DEPUTY ATTORNEY GENERAL REPORT

Henna Rasul, Senior Deputy Attorney General, indicated that she did not have anything further to add to today's Board meeting.

PRESIDING OFFICER'S COMMENTS

President 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 June 21, 2013 Board meeting.

Kim Frakes presented this agenda item to the Board. The meeting minutes for the June 21, 2013 Board meeting was prepared by Ms. Frakes 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 June 21, 2013 Board meeting was enclosed in each Board member's meeting packet. A motion was made by Rod Smith and seconded by Annie Wilson to approve the June 21, 2013 Board meeting minutes as submitted. This motion was carried without objection.

Review, Discussion and for Possible Action, the 2012/2013 year end cash flow statement comparison to the fiscal 2012/2013 Budget (AND) Review, Discussion and for Possible Action, proposed 2013/2014 Board budget.

These two (2) agenda items were presented simultaneously in order to aid in the Board meeting's efficacy. Kim Frakes presented this agenda item to the Board. The 2012/2013 Board fiscal year began on July 1, 2012. This agenda item served to update the Board regarding total revenue, Board costs and expenditures for this fiscal year which ended June 30, 2013. Following review and discussion, the Board may take action on any budget recommendations and/or vote to approve the 2012/2013 Year-to-Date Cash Flow Statement as submitted. Each Board member's meeting packet contained a copy of the 2012/2013 year end cash flow statement comparison to the fiscal 2012/2013 budget. Ms. Frakes noted that percentages at 100% would be considered as being "on target" for the end of the fiscal year. It was noted that budgeted and actual income was on target. Board staff salaries were at 97.42% of budget. In other expenditures were below budget, including legal expenses. Ms. Frakes summarized that overall, the fiscal year's budget appears to be on target. Ms. Frakes noted, however, that she anticipated an increase in expenses during the next fiscal year. A portion of the increase in expenditures is attributed to the passing of bills during the past legislative session which will require the expense of improving the Board's technology. Examples would be upgrade in software, creating a system to have forms that can be completed online and upgrading the Board's copier so that it can also scan documents. These anticipated increases were reflected on the 2013/2014 fiscal year budget. Following review and discussion of this matter, a motion was made by Rod Smith and seconded by Annie Wilson to approve the 2012/2013 year end cash flow statement comparison to the fiscal 2012/2013 budget and the proposed 2013/2014 proposed Board budget. This motion was carried without objection.

Review, Discussion and for Possible Action, election of Board officers pursuant to NRS 641B.120.

Kim Frakes presented this agenda item to the Board. Pursuant to NRS 641B.120(1), "*The Board shall elect from its members a President, a Vice President and a Secretary – Treasurer, who hold their respective office at its pleasure*". Pursuant to NRS 641B.120(2), "*An election of officers must be held annually*". An election was conducted on May 17, 2013 for the purpose of electing an interim Presiding Officer (Sandy Lowery, LCSW) until all appointments were concluded by the Office of the Governor. As of July 1, 2013 all appointments have been completed and the Board is required to elect a:

1. President
2. Vice President
3. Secretary/Treasurer

Board President

Following presentation of the offices and mandates pursuant to NRS 641B.120(1) and (2), a motion was made by Rod Smith to nominate Sandy Lowery as Board President. The motion was seconded by C.J. Yao. Sandy Lowery abstained from voting. This motion was carried without objection. Ms. Lowery accepted the nomination.

Board Vice President

A motion was made by Rod Smith to nominate James Bertone as Vice President. The motion was seconded by Annie Wilson. James Bertone was absent from this meeting. Discussion followed, led by Sandy Lowery. Ms. Lowery indicated that she and Mr. Bertone had a discussion prior to today's Board meeting regarding the likelihood that he may be nominated as Board Vice President. According to Ms. Lowery, Mr. Bertone indicated that he would accept if nominated. Ms. Frakes indicated that if Mr. Bertone, upon his return, decided that he wished to decline the nomination, the Board could hold another election for this particular office. This motion was carried without objection.

Secretary/Treasurer

A motion was made by Annie Wilson to nominate Rod Smith as Secretary/Treasurer. The motion was seconded by C.J. Yao. Rod Smith abstained from voting. This motion was carried without objection. Mr. Smith accepted the nomination.

Review, Discussion and for Possible Action, scheduling a Board retreat to be held in Reno during October or November, 2013, and possible agenda items for discussion during the retreat.

Kim Frakes presented this agenda item to the Board. Given the addition of new Board members, the fact that a Board retreat has not been conducted since 2010, and that the Board should work collectively face-to-face in order to conduct proposed regulation changes, the Executive Director is recommending a Board retreat to occur during October or November of this year. Following discussion, the Board suggested that Saturday, October 18, 2013, may be the best date for a Board retreat given the Board members' initial review of their schedules. Ms. Frakes reminded the Board that in the event the conference rooms were not available at the Board's office complex, it would be prudent for the Board to also consider other options in October. A motion was made by Rod Smith and seconded by C.J. Yao to tentatively schedule the Board retreat on Saturday, October 19, 2013, with alternate dates to be considered if a conference room is not available. Ms. Frakes would notify the Board members by email with a confirmed date which shall be based around the availability of a conference room as well as availability of Board members. This motion was carried without objection. Ms. Frakes was further tasked to contact the Las Vegas Board members and arrange for their flights and accommodations if they are available to travel to Reno the night before the retreat.

EXECUTIVE DIRECTOR'S REPORT

Kim 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....*)

There was not anyone from the public to offer comment.

ADJOURNMENT

A motion was made by Annie Wilson and seconded by Rod Smith to adjourn the Board meeting. This motion was carried without objection. Sandy Lowery inquired when the next Board meeting was scheduled. Kim Frakes indicated that the anticipated date for the next Board meeting was September 20, 2013. This Board meeting was concluded at 11:45 a.m.

Respectfully Submitted,

Kim Frakes
Executive Director

DRAFT