



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

MINUTES OF BOARD MEETING
March 21, 2014

The meeting of the Board of Examiners for Social Workers was called to order by Sandy Lowery, 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 videoconference 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 President Lowery, with the following individuals present at the following location(s):

Members Present:

Sandy Lowery, LCSW, Board President, Reno
Rod Smith, Secretary/Treasurer, 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

None

PUBLIC COMMENT

There was no public attendees at both location and accordingly, no one from the public to offer comment.

AGENDA

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

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 without objection.

REGULAR AGENDA

DISCIPLINARY MATTERS

Review and Discussion, Notification to the Board Pertaining to a One (1) Year Immediate Suspension (Effective February 14, 2014), of Clinical Social Worker License, 5248-C, Adriana Botello, Following Violation of Mutually Agreed Upon Consent Decree Stipulation While Under License Probation in Disciplinary Case: G10-43.

Kim Frakes presented this agenda item to the Board. On March 30, 2012, the Board and Ms. Botello entered into a mutually agreed upon Consent Decree in the matter of disciplinary Case G10-43. As stipulated in the Consent Decree, Item 10, pages 11 and 12, Ms. Bottelo agreed when entering into the Consent Decree with the Board that any use of, "...alcohol, illicit drugs and misuse of prescription medication..." during the period of

time her license is on probation would be grounds for automatic suspension. This agenda item, the "Notification of Suspension of Clinical Social Worker License..." served to inform the Board regarding the circumstances regarding the automatic suspension of Ms. Botello's clinical social worker license. This agenda item is considered an information only item since the stipulations contained in the Consent Decree, including the stipulation pertaining to abstinence from alcohol was voted on and accepted unanimously by the Board on March 30, 2012. Accordingly, as noted in the documents listed below, Ms. Botello's employer as well as Ms. Botello herself, admitted to the use of alcohol while under the provisions of the Consent Decree in disciplinary case G10-43. Ms. Botello may be eligible to restore her license, as noted in the Consent Decree, after February 14, 2015.

Documents included in each Board members' packet for review were:

1. Notification of Suspension of Clinical Social Worker License Number 5248-C;
2. Subpoena Duces Tecum issued to Ms. Botello's employer, New Frontier Treatment Center (New Frontier), on December 19, 2013;
3. Cover letter from New Frontier addressed to the Board's Executive Director, dated January 20, 2014 and included as part of the information subpoenaed by the Board. Attached, is a New Frontier *Employee Contact Record*, which was part of the information subpoenaed by the Board. The "Written Warning" from the *Employee Contact Record* includes an incident occurring at New Frontier on or around 08/28/2013 pertaining to alleged alcohol abuse, Ms. Botello's admission of using alcohol and additional performance related employment concerns.
4. Notarized Affidavit of Service notifying Ms. Botello of her suspended clinical social worker license;
5. Demand for Payment – Final Notice pertaining to the \$11,300.00 remaining balance Ms. Botello owes the Board pursuant to NRS 353C.1956 and NRS 622.240.

Following review of this agenda item, the Board indicated they were satisfied that the stipulations pertaining to the automatic suspension of Ms. Botello's clinical social worker license was conducted appropriately.

(Agenda Item 6A was taken out of sequence in order to aid in the efficacy of this meeting).

Review, Discussion and for Possible Action, Update Pertaining to the February 26, 2014 Submission of the Final Draft of Proposed Regulation Changes to the Legislative Counsel Bureau (LCB) for Pre-Adoption Review and Subsequent Steps Required Pursuant to the State of Nevada Office of the Attorney General's Rulemaking Guidelines, Including the Scheduling of a Public Workshop and Public Hearing Pertaining to the Proposed Regulation Changes.

Kim Frakes presented this agenda item to the Board. On February 21, 2014, the Board approved the formatted proposed regulation changes. These proposed regulation changes were submitted to the LCB on February 26, 2014. It was anticipated that the Board should hear back from the LCB on or around March 26, 2014 (30 days from the date of submission). This agenda item served to update the Board regarding which steps are next in this process, including establishing tentative Public Workshop and Public Hearing dates in Reno and Las Vegas in the near future. Following review and discussion, a motion was made by James Bertone and seconded by Rod Smith to conduct the Public Workshop (Workshop), with two (2) separate locations, one in Las Vegas and one in Reno on Friday, May 16, 2014. Kim Frakes, Executive Director, would facilitate the Workshop in Las Vegas while Sandy Lowery, LCSW, Board President, would facilitate the Workshop in Reno. Both workshops would be facilitated independently and would begin at 10:00 a.m. The Public Hearing and Notification Regarding the Adoption of the Proposed Regulation (Hearing) would be conducted on Friday, June 20, 2014 at 9:00 a.m. This hearing would be conducted via videoconferencing between the Las Vegas and Reno locations. This motion carried without objection. C.J. Yao and Annie Wilson requested additional clarification following this motion being carried. Following additional discussion, this motion continued to be carried without objection.

Review, Discussion and for Possible Action, the Board's Interpretation by Precedent of:

- 1. NAC 641B.205(11), Pertaining to a Licensee's Influence Over a Client Which Could Reasonably be Anticipated in a Licensee Deriving Benefits of an Unprofessional Nature...;**
- 2. NAC 641B.205(13) Pertaining to a Licensee Entering into a Dual Relationship..."; and**
- 3. Whether a Petition for a Board Advisory Opinion is Necessary Pursuant to NAC 641B.420 and NAC 641B.425.**

Kim Frakes presented this agenda item to the Board. Following discussion, a motion was made by Rod Smith and seconded by C.J. Yao to table this agenda item until after the proposed regulation changes have been submitted to the Legislative Counsel Bureau (LCB). This motion was carried without objection.

CONTINUING EDUCATION

Review, Discussion and for Possible Action, Overview of the Board's Current Continuing Education Policy and Procedures, and any Recommendations to Encourage Group Providers of Continuing Education who Regularly Submit Application for Board Continuing Education Approval to Consider Becoming a "Board Approved Provider of Continuing Education", Pursuant to NAC 641B.191.

This item was presented by Board President, Sandy Lowery and placed on the May 17, 2013 Board meeting agenda per her request. Ms. Lowery had noted that many of the group applicants who submit for Board approval of continuing education programs may be eligible to become Board approved Group Providers of Continuing Education. This could lessen the impact of continuing education applications in terms of Board staff time as well as possibly increase satisfaction to those agencies who are approved as Board approved Group Providers of Continuing Education since these agencies would be able to streamline the required documentation submitted to the Board for ongoing Board approval. A copy of NAC 641B.191, which pertained to approval of continuing education providers by the Board, was included in each Board members' packet for their review. Following review and discussion pertaining to the Board's process of approving continuing education providers, pursuant to NAC 641B.191, Ms. Lowery indicated that she was satisfied regarding the discussion and indicated that this topic could be readdressed at a later time. No further action was taken on this agenda item.

(The next agenda item was taken out of sequence in order to aid in the efficacy of the Board meeting).

Deputy Attorney General Report

Ms. Rasul indicated that she did not have anything to add to today's Board meeting. Following Ms. Rasul's report, she excused herself around 10:15 a.m., from the remainder of the Board meeting. She indicated that she could be reached on her cell phone should any additional questions arise during the Board meeting.

(The Board took a break from 10:15 a.m. and resumed at 10:25 a.m.)

ASSOCIATION OF SOCIAL WORK BOARDS (ASWB).

Review and Discussion, Association of Social Work Boards (ASWB) Spring Education Meeting, Gateway to Effective Regulation, May 8 through 11, 2014, in St. Louis, Missouri.

Kim Frakes presented this agenda item to the Board. Annually, ASWB conducts a Spring Education meeting. The meeting this year will take place in St. Louis, Missouri. ASWB will fund the attendance of this meeting for presenters, members of the ASWB Board of Directors, and chairs of ASWB committees. Because ASWB is committed to providing resources to their member social work boards and colleges, there is no registration fee required for social work regulators, but those attendees must pay their own travel and lodging. Ms Frakes noted that ASWB was offering a limited number of "scholarships" that would cover the transportation costs and lodging for social work regulatory board/college members and administrators. Individuals must apply for this funding before March 21. If interested in applying for a sponsorship to attend this Spring Meeting, applications (due March 21, 2014) may be accessed on the ASWB website, aswb.org. A Copy of the ASWB 2014 Spring Education Meeting information located on the ASWB website was included in each Board members' meeting packet. Following this discussion of this agenda item, no further action was taken by the Board.

DISCIPLINARY MATTERS--CONTINUED

Review and Discussion, Redacted Disciplinary Report.

Kim Frakes presented this agenda item to the Board. A copy of the Redacted Disciplinary Report, current as of March 18, 2014, was included in each Board members' meeting packet. She acknowledged that the Board's ongoing disciplinary list continues to be a challenge for her. She indicated her anticipation that following receipt of a lap top computer, she should be able to address this list as well as other ongoing Board matters. The Executive Director will review the redacted Disciplinary Report with the Board. This will offer the Board an opportunity to inquire about the status of certain cases as well as offer comments or input regarding the overall direction of the disciplinary cases under review by the Executive Director.

PRESIDING OFFICER'S COMMENTS

President Lowery wanted to bring to the Board's attention, concerns regarding the licensee database on the Board's website. Although it appears that the database can be changed or manipulated, this is an erroneous aspect of the Excel Spreadsheet. It was noted that in fact, when an individual accessing the database attempts to "save" any changes, this causes their screen to "freeze". Aside from this, Ms. Lowery noted that she did not have any further comments to add to today's Board meeting.

BOARD OPERATIONS

Review, Discussion and for Possible Action, the approval of minutes for the February 21, 2014 Board meeting.

Kim Frakes presented this agenda item to the Board. A copy of the meeting minutes for the February 21, 2014 Board meeting has been prepared submitted in each Board members' meeting packet. A motion was made by Rod Smith and seconded by Annie Wilson to approve the February 21, 2014 Board meeting minutes as submitted. This motion was carried without objection.

Review, Discussion and for Possible Action, the Year-to-Date Board cash flow statement covering July 1, 2013 through February 28, 2014, in comparison to the 2013/2014 fiscal budget.

Kim Frakes presented this agenda item to the Board. The 2013/2014 Board fiscal year began on July 1, 2013. This agenda item served to update the Board regarding total revenue, Board costs and expenditures for this fiscal year which ends June 30, 2014. Revenue and expenses at or near 67% are deemed as being on target on this report. Following review and discussion, a motion was made by C.J. Yao and seconded by Annie

Wilson to approve the Year-to-Date Board cash flow statement covering July 1, 2013 through February 28, 2014, as submitted. This motion was carried without objection.

EXECUTIVE DIRECTOR'S REPORT

Kim Frakes presented this agenda item to the Board. She thanked the Board members' attendance at today's meeting. Aside from this, Ms. Frakes indicated that she did not have anything further to add to today's 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....)

Rod Smith wanted to use the public comment period to express his appreciation of Board staff and hard work. Kim Frakes thanked Mr. Smith for his comment and indicated that she would pass this along to Board staff. Aside from Mr. Smith's comment, there was not anyone from the public who wished to offer comment.

ADJOURNMENT

A motion was made by James Bertone and seconded by C.J. Yao to adjourn the Board meeting. This motion was carried without objection. This Board meeting was concluded at 10:40 a.m.

Respectfully Submitted,

Kim Frakes
Executive Director