



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

MINUTES OF BOARD MEETING
September 19, 2014

The meeting of the Board of Examiners for Social Workers was called to order by Sandy Lowery, Board President at 9:03 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:

Rod Smith, Public Member, Board Secretary/Treasurer, Reno
James Bertone, LCSW, Board Vice President, Reno
Sandra Lowery, LCSW, Board President, Reno
Connie (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

Jennifer Ayala, UNR Student, Reno
Lauren Eshenbaugh, UNR Student, Reno
Amanda Cuevas, UNR Student, Reno
Yadira Lopez, UNR Student, Reno
Hal Taylor, Esq., Reno
Scott Bauer, Reno
Debra A. Alves, Reno
Charles Ellis, LCSW, Las Vegas
Marie Francis, Las Vegas
Shannon Hsu, Las Vegas
Stephanie White, Las Vegas
Edward White, Las Vegas

PUBLIC COMMENT

No one attending as a public attendee offered comment at this time.

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.

REGULAR AGENDA

PUBLIC COMMENT

Charles Ellis, LCSW, attending in Las Vegas, inquired if he could offer public comment at this time pertaining to Agenda Item 9A. This Agenda Item pertained to a letter which had been sent to the Board's Executive Director on or around July 10, 2014, by the State of Nevada Board of Psychological Examiners (Psychology Board). This letter had expressed concerns regarding certain areas of practice deemed by the Psychology Board as being exclusive to individuals licensed by them. This appeared to result in legal action involving individuals licensed by this Board and possibly individuals who were licensed by other boards in Nevada. Mr. Ellis wanted to express his professional observations pertaining to the efficacy of hypnotherapy as it applied to his practice, especially in his work with veterans.

Hal Taylor, attending in Reno indicated that he also wished to offer public comment pertaining to Agenda Item, 9A. Mr. Taylor indicated that he represents the Hypnotherapists Union, Local 472 and that he also serves as the Public Member for the State of Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. Mr. Taylor noted that pursuant to NRS 641.029, several licensed professionals were exempt, including social workers under subsection 5.

(In order to assist with the efficacy of the meeting, the Board agreed to skip to Agenda item 9A as noted below).

DEPUTY ATTORNEY GENERAL REPORT

Review, Discussion and for Possible Action, Letter Sent to the Board's Executive Director on July 10, 2014, by the State Board of Psychological Examiners (Psychology Board) Pertaining to Areas of Practice Deemed Exclusive to Individuals Licensed by the Psychology Board and Subsequent Legal Actions Involving Individuals Licensed by the Board of Examiners for Social Workers.

Kim Frakes presented this agenda item to the Board. She noted that the January 17, 2014 agenda for the Psychology Board, item # 12 was an action item pertaining to a, "Draft letter to be sent to unlicensed practitioners practicing/advertising biofeedback and or hypnosis." The minutes for this meeting indicated that the Psychology Board took action on this matter and approved to send a form letter to non-licensed practitioners of biofeedback and or hypnosis before considering engaging in formal litigation. On July 11, 2014, our Board received a letter of notification sent on July 10, 2014 by Gary Lenkeit, Ph.D., Psychology Board President. Dr. Lenkeit's letter informed our Board that: (1) Pursuant to NRS 641.025, biofeedback and hypnosis is exclusive to individuals who are licensed as psychologists; and (2) The Psychology Board would be sending letters to individuals practicing biofeedback and hypnosis and that individuals licensed by our Board may be receiving this referenced letter.

Following receipt of this letter, inquiries from Board licensees pertaining to the receipt of this same notification and request for the approval of a continuing education courses taken by a Board licensed clinical social workers who was pursuing hypnotherapy certification, Ms. Frakes conducted a preliminary inquiry regarding applicable minimum educational and licensure requirements in order to pursue a hypnotherapy certification. Ms. Frakes directed the Board members to their Board meeting packet which included the following documentation:

1. Copy of the January 17, 2014 agenda for the Nevada State Board of Psychological Examiners, including agenda item 12 regarding the unlicensed practice of biofeedback and or hypnosis;
2. Copy of the Minutes from the January 17, 2014 Psychology Board meeting, including page 2 which reflects the outcome of their discussion on agenda item 12;

3. Copy of the July 10, 2014 letter sent by Gary Lenkeit, Ph.D., Psychology Board President to our Board's Executive Director;
4. Copy of the September 26, 2014 (sic) letter sent by a Board licensed clinical social worker in response inquiries by the Board Executive Director pertaining to minimum education and licensing criteria for certification by the American Society of Clinical Hypnosis (ASCH);
5. Copies of ASCH website information obtained by the Board's Executive Director pertaining to: (a) ASCH; (b) membership; and (c) membership levels.

Ms. Frakes noted that in the documents copied from the ASCH website, it appears that there are five (5) levels of membership, with full membership requiring a Master's level of education or higher and that the awarded degree be approved by a regional accrediting body. The Master's level of education must also be deemed appropriate for engaging in hypnosis by the ASCH. It also required that applicants for full membership be fully licensed in their state of practice. Ms. Frakes further noted that Dr. Lenkeit's letter cited NRS 641.025 as the rationale for the cease and desist letters. In reviewing NRS 641.025, "Practice of psychology" defined, "psychotherapy" and "biofeedback" are included in a list of task, ten (10) in all, as defining the practice of psychology. It is noted, however, that in NRS 641.029, there are eight (8) professions that are exempt from the provisions of NRS 641, including, "A person who is licensed to engage in social work pursuant to chapter 641b of NRS"; (subsection 5). In discussion, Ms. Frakes and President Lowery stated that it appears that social workers are exempted from the full list contained in NRS 641.025 being applicable to psychologists only. Ms. Frakes added that pursuant to NRS and NAC 641B, most of the items contained in NRS 641B.025 would only apply to clinical social workers in the course of providing diagnosis and treatment to their clients. She added that even if exempted pursuant to NRS 641B.026, NRS and NAC 641B require proven competence in an area of diagnosis and treatment. Accordingly, biofeedback and hypnosis would only be conducted by a clinical social worker who has been properly trained to perform in these areas.

Ms. Rasul indicated that the Psychology Board's Deputy Attorney General (DAG) is working to address this matter in response to ongoing questions from the public regarding this matter. She recommended that the Board "table" this Agenda Item until an opinion can be reached by the Psychology Board's DAG. Following review and discussion of this agenda item, a motion was made by Sandra Lowery to table this agenda item pursuant to Henna Rasul's recommendations. This motion was carried without objection.

(Following the conclusion of this agenda item, the following individuals left the meeting: Hal Taylor, Scott Bauer and Debra A. Alves, in Reno; and Charles Ellis, Marie Francis and Shannon Hsu, in Las Vegas.)

(The Board then returned to the agenda, and resumed addressing the sequence of items on the agenda as originally posted).

CONSENT AGENDA

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.

DISCIPLINARY MATTERS

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 September 15, 2014, was provided in each Board member's Board meeting packet. Citing ongoing family medical issues, the recent family medical crisis and her recent absences from the office, providing adequate attention to the disciplinary cases has been difficult. Ms. Frakes indicated that it appears that the family

medical issue is beginning to resolve and that she is planning to return her full attention and focus back to the Board's operation, including disciplinary cases.

LICENSURE, INTERN AND APPLICATION ISSUE

Review, Discussion and for Possible Action, Specification of Re-training for Board Approved Independent and Clinical Social Work Intern Supervisors, Pursuant to NAC 641B.155(1)(f).

<http://leg.state.nv.us/NAC/NAC-641B.html#NAC641BSec155>.

Kim Frakes presented this agenda item to the Board. Following the initial submission of the Board's proposed regulation changes to the Legislative Counsel Bureau (LCB) earlier this year, Ms. Frakes was contacted by the assigned Deputy Legislative Counsel, Legal Division, LCB, regarding drafting of the Board approved regulation changes for official formatting as LCB File No. R025-14. During the course of ongoing discussions between Ms. Frakes and the Deputy Legislative Counsel, it was suggested that the language pertaining to the proposed regulation change for NAC 641B.155(1)(f) was unnecessary. Accordingly, it was deleted from the language contained in LCB File No. R025-14. As written, NAC 641B.155(1)(f) already affords the Board the discretion to specify "re-training". Ms. Frakes indicated that this agenda item provides opportunity for the Board to review and discuss the need for retraining of Board internship program supervisors. She suggested that the Board may opt to take action to specify: (a) criteria determining when re-training is required; (b) enforcement of re-training criteria; (c) whether internship program supervisors can accept new interns while waiting for a training course; (d) if re-training is specified and approved by the Board, when this shall go into effect and notification by the Board to all Board approved internship program supervisors. In each Board member's Board meeting packet was a copy of the proposed regulation changes as initially submitted to LCB, pages 1, 12 and 13, deemed as "redundant" language, following discussion with the LCB Deputy Legislative Counsel, and accordingly deleted from LCB File No. R025-14.

Ms. Frakes indicated that there has been discussion between herself and President Lowery to require retraining at a minimum, every five (5) years. Sandra Lowery noted that in her ongoing service to the Board in providing overview of Board approved Internship Programs that State statutes and regulations change and that supervisors of Board approved interns are often unaware of these changes. This becomes an issue of public safety as many of the changes are for increase practitioner competence, which includes the supervision of Board approved interns who are newcomers to the profession and are reliant upon the knowledge and expertise of their Board approved supervisors when it comes to the provision of safe and competent practice. Ms. Frakes suggested that in order to avoid disruption of Board Internships that have already been approved that the requirement of having retraining every five (5) years become effective January 1, 2015 and that Board approved supervisors, who after receiving notification from the Board to attend a retraining decline to do so, that they would not receive any additional interns until they have completed a retraining. Ms. Frakes indicated that this notification should also include supervisors who have attended a retraining within the past five (5) years but who continue to exhibit problems in submitting intern reports as required by the Board and supported in NAC 641B. Following discussion of this agenda item, a motion was made by Annie Wilson for require retraining every five (5) years for Board approved supervisors, or sooner if deemed necessary by the assigned/appointed reviewer of internship quarterly reports, and that notifications sent to supervisors who fall into this category would be notified that this would be a requirement that is effective January 1, 2015. Any supervisor notified accordingly who declined to attend the retraining would not receive any additional interns until he/she successfully completed this required training. A motion was made by Annie Wilson to require retraining of Board approved supervisors a minimum of every five (5) years or soon in cases where it appears that the supervisor requires additional training and to have this requirement become effective January 1, 2015.

James Bertone requested to continue the discussion prior to moving for a vote. Mr. Bertone requested the Board to consider whether these trainings could also be open to agency directors. Ms. Frakes expressed concerns that since trainings have typically only been offered only twice a year, that the classes would fill up quickly, especially in light of required retraining of supervisors. Ms. Lowery expressed her willingness to offer additional supervisor trainings as her schedule would allow. Following discussion of this agenda item, a motion was made by Rod Smith and seconded by C.J. Yao to require supervisor trainings every five (5) years for Board approved supervisors, or sooner if it appears that a particular supervisor requires retraining, that this would become effective January 1, 2015, with appropriate written notification being sent by the Board office to all supervisors deemed eligible pursuant to the above mentioned criteria. Any supervisors who decline to attend the required retraining would not be assigned any additional interns until he or she has completed the Board's supervisor training program. This training would also be open to agency directors, contingent upon availability in a scheduled training to accept these individuals. This motion was carried without objection.

Review, Discussion and for Possible Action, Pursuant to NRS 641B.260, Hearing on Application; refusal to issues license, Review of Application Pertaining to Stephanie White via Endorsement of Florida Clinical Social Worker License, SW6787, Disciplinary Action Against Florida Provisional Clinical Social Work License, PSW 541, and Notification to the Board by the Florida Board of Apparent Incomplete Probation Stipulations Regarding Ms. White's Florida Disciplinary Case 2002-12812.

Kim Frakes presented this agenda item to the Board. On May 27, 2014, the Board received an initial application for clinical social work licensure via endorsement from Stephanie White (aka Stephanie DeNapoli-Sencil). Ms. White answered affirmatively to the application screening question number 4 pertaining to being the subject of an administrative action or proceeding related to professional licensure or certification. Ms. White acknowledged that her Florida Provisional Clinical Social Work license, PSW 541, was sanctioned by the Florida board. In her written explanation, Ms. White indicated that the Florida stipulated probation became "Null and Void" and "Tolled" following receipt of her full clinical social work license, SW 6787, by the Florida board. Although the Board's Executive Director determined that documentation pertaining to Ms. White's previous clinical social work hours and experience appeared to meet the Board's minimal criteria for substantial equivalency, she would be required to meet with the Board pursuant to NRS 641B.260 which states, *"The Board may hold hearings and conduct investigations into any matter related to an application for licensure. The Board may refuse to issue a license to an applicant if the applicant has been disciplined in another state in connection with the practice of social work or has committed any act in another state which is a violation of this chapter..."* Ms. Frakes indicated that as a matter of public safety, the Board has via precedent, required applicants who have been sanctioned by other licensing boards to appear before the Board in order to determine whether to proceed with licensure. She added that via precedent, whenever an applicant has not completed their sanctions in another state, the Board has denied application in this State until the applicant has proved completion of any outstanding disciplinary sanctions in another state.

Ms. Frakes noted that there also appeared to be discrepancies and missing or incomplete items in Ms. White's submitted documentation. Although Ms. White reported that the sanction against her Florida provisional license PSW 541 was "Null and Void" and the sanctions were "Tolled", this did not appear to be credible. Pursuant to recent ongoing discussions with staff from the Florida Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling (Florida Board), it appeared that although Ms. White paid all applicable fines and costs but did not complete the required one (1) year of probation, which included additional stipulations ordered by the Florida board. Staff from the Florida Board indicated that Ms. White's disciplinary case is still open and that the stipulation in the settlement pertaining to the probation being "Tolled" meant that she would only receive credit for time she actually conducted while on probation in Florida, as stipulated in the settlement which Ms. White had agreed to. Ms. Frakes indicated that

by the time the Florida board had concluded their investigation and had reached and ordered their settlement with Ms. White's on May 5, 2003, she had already been issued her clinical social worker license. Ms. Frakes noted that Ms. White had also neglected to accurately complete her application by omitting that she was also licensed in Alaska and Colorado. Additionally, there appeared to be discrepancies on whether licensure was required by Ms. White's current employer, Wellpoint, Inc., in the course of providing services telephonically to clients from her home and whether she was providing services deemed as being within the scope of "social work", including "clinical social work" while residing in Nevada. Ms. Frakes acknowledged that there was an abundance of documentation in each Board member's Board meeting packet to review prior to discussion on this matter. Each Board member's Board meeting packet contained the following documents:

1. Initial clinical social work license application (received **05/27/14**), including affirmative response to screening question and Ms. White's written explanation;
2. Verification of Provisional Clinical Social Worker license, PSW541, received **05/27/14**, from the Florida board, under "Denapoli-Sencil".
3. A summary of the stipulated facts are as follows:
 - Ms. White was a "registered clinical social worker in Florida (# 921) on/around 12/21/1998 through 1/31/2002;
 - She was a provisional clinical social worker in Florida from 01/31/2002 through 06/13/2002;
 - She received her clinical social worker license in Florida on 06/13/02;
 - Ms. White was employed at the Children's Home Society (Children's Home) from 9/31/2000 through 02/27/2002, and practiced under her registered clinical social worker and provisional clinical social worker license;
 - While employed at Children's Home, Ms. White signed official documents as a "licensed clinical social worker".
 - During this period, Ms. White signed letters addressed to the court and advised the court regarding children on her caseload as a "LCSW Child Therapist".
 - This was a violation of Florida law.
4. The proposed Florida disposition in the board ordered settlement included:
 - Appearance before the Florida board when this Stipulation was presented.
 - Reprimand by the board and payment of a fine and costs.
 - Probation for a period of 1 year.
 - The public meeting pertaining to this matter, noted in the final order was 04/25/2003. The filing date was on 05/06/2003.
5. The terms of probation included:
 - Compliance with all Florida state statutes and rules.
 - Appearance before the board at the first meeting following probation and the last meeting by the board preceding termination of probation, and other times as specified by the board.
 - The period of probation shall be "tolled" during the period of time Ms. Smith leaves the state of Florida or does not engage in practice in Florida for period of 30 days or more. In the event Ms. White does not engage in active practice in the Florida, her period of probation shall resume when she re-engages in active practice in Florida.
 - Ms. White shall notify the Florida board within 10 days of any address change.
 - Ms. While shall submit quarterly reports to the Florida board as stipulated.
 - Additional items as stipulated in the Settlement Stipulation and Final Order as noted.
6. Official transcript from Florida State University with MSW degree posted received **06/02/2014**.
7. Verification of Georgia clinical social work license (CSW003206) received **06/11/2014**, indicating Ms. White was issued her Georgia license 02/14/2003, expiring 09/30/2014, with said license being active and in good standing.

8. Verification of California clinical social worker license (LCS 24894) received **06/19/2014**, indicating that Ms. White was issued her California license 09/10/2008, expiring 09/30/2015, with said license being active and in good standing.
9. Based upon Ms. White's application, Board staff learned on **06/23/2014** she was licensed as a clinical social worker in Alaska (1004) but omitted this information on her application.
10. Based upon Ms. White's application, Board staff learned on **06/25/2014** she was licensed as a clinical social worker in Colorado (00000334) but omitted this information on her application.
11. Letter sent to Ms. White from the Board on **06/26/14**, detailing all of the information required in order to process and consider her application for licensure via endorsement.
12. Official Score Transfer Report from ASWB received **06/26/2014**.
13. Verification of clinical social work licensure from Florida received **07/01/14**, verifying Ms. White's clinical license, SW 6787, was "Clear, Active" with no disciplinary actions;
14. Change of address form for Ms. White from Wasilla, AK to Pahrump, NV, received **07/10/14**. A copy of the "Information for Clinical Social Worker License" was attached.
15. Verification of clinical social work licensure from Alaska received by the Board on **07/21/2014**, indicating that Ms. White was issued a clinical social worker license on 07/29/2010, expiring 6/30/2016, with this license (1004) being in good standing without any disciplinary actions.
16. Letter from the Board dated **08/15/2014** pertaining to NRS 641B.260, Ms. White's prior disciplinary action in Florida, the State's Open Meeting Law and proper notification, and items still required in order to process her application and consider her application for licensure. Ms. White picked up the certified letter on 08/18/2014. As noted on the bulleted items requested in this letter, the Board did not receive official verification of licensure from Colorado until 09/12/2014. The bulleted items also requested clarification regarding Ms. White's present employment position in Nevada and cautioned her about practicing, representing or billing for social work services until licensed in this state accordingly, pursuant to NRS and NAC 641B.
17. Letter from Ms. White dated 08/14/2014, received **08/18/2014** in response to the Board's letter (see #14) which requested a job description for the position held by Ms. White in Nevada. The submitted job description for "Wellpoint" is for a Behavioral Health Appeals Coordinator Senior, for the state of California and was posted 01/24/2014. This submitted job description specifies:
 - This position must work out of California and may work from home.
 - Requires a Master's degree in social work, related behavioral health field and 4 years of managed health care experience.
 - Requires unrestricted licensure in the behavioral health or health field, including licensure as a "Licensed Clinical Social Worker".
 - Ms. White specifies in this letter that her position does not require, "*...any direct or face to face psychotherapeutic counseling services to clients.*"
 - Pursuant to NAC 641B.124, *Practice by electronic, telephonic or other means*, requires an individual providing social work services within this State through any means, including electronic means, constitutes the practice of social work and is subject to the provisions of NRS and NAC 641B, including but not limited to, licensure.
18. In response to the Board's letter (see # 14), Ms. White corrected her initial application adding two (2) additional licensing boards (Colorado and Alaska). The corrected application was received on **08/21/2014** which had been originally requested by Board staff in the 06/26/2014 letter (see # 9). Following receipt of this item, Ms. White was informed by the Board that licensure verification from Colorado was still pending and required in order to process her application for licensure consideration. Ms. White submitted a job description that is different than the one received on 08/18/2014. This job description is also for a "Behavior Health Appeals Coordinator Senior" and was sent to Ms. White on 02/11/2014, while she was residing in Alaska. Ms. White's letter states this position is for an "Off Premises Worker (OPW) in the state of Nevada". The submitted job description does not mention or refer to this position as an "OPW" position.

19. Three letters of testimonials on behalf of Ms. White are received on **08/21/14**. There is a signature on only one (1) of the letters. Contact information is provided on only one (1) of the letters.
20. Verification of licensure from Colorado, received **09/12/2014**, indicating that Ms. White was licensed as a clinical social worker (CSW.00000334), issued 01/14/2005, expiring 08/31/2015, with said license being current and in good standing.

ENDORSEMENT CHECKLIST INFO

As noted on page 2, Ms. White's estimated hours included hours from the Children's Home Society which is the agency Ms. White had engaged in misconduct alleged by the Florida board. It further appears that Ms. White's clinical social work supervisor may be deceased and if so, would be unable to provide additional information regarding her postgraduate supervision. Verification of postgraduate supervised hours from Florida were not included in the Board packet since this agenda item pertained on whether to license Ms. White based upon her apparent noncompliance with Florida's sanctions against her provisional license.

Copies of relevant NRS and NAC'S were also included in each Board member's Board meeting packet as noted below:

RELEVANT NRS AND NAC

LICENSING; FEES

NRS641B.260 Hearing on application; refusal to issue license.

1. The Board may hold hearings and conduct investigations into any matter related to an application for licensure. The Board may require the presentation of evidence.
 2. The Board may refuse to issue a license to an applicant if the applicant:
 - (a) Is not of good moral character as it relates to the practice of social work;
 - (b) Has submitted any false credential to the Board;
 - (c) Has been disciplined in another state in connection with the practice of social work or has committed any act in another state which is a violation of this chapter; or
 - (d) Fails to comply with any other requirements for licensure.
- (Added to NRS by [1987, 1119](#); A [1995, 450](#))

NRS641B.270 Licensing of person licensed in another state. The Board may grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in this chapter.

(Added to NRS by [1987, 1119](#))

DISCIPLINARY ACTION

NRS641B.400 Grounds for disciplinary action.

The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct;
2. Conviction of:
 - (a) A felony relating to the practice of social work;
 - (b) Any offense involving moral turpitude; or
 - (c) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or dangerous drug as defined in [chapter 454](#) of NRS;

3. Use of fraud or deception in:
 - (a) Applying for a license;
 - (b) Undergoing the initial licensing examination; or
 - (c) Rendering services as a social worker;
4. Allowing unauthorized use of a license issued pursuant to this chapter;
5. Professional incompetence;
6. Practicing social work without a license;
7. The habitual use of alcohol or any controlled substance which impairs the ability to practice social work; and
8. Operation of a medical facility, as defined in [NRS 449.0151](#), at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to [NRS 449.160](#).

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

(Added to NRS by [1987, 1120](#); A [1995, 451](#); [2003, 2716](#); [2009, 902](#))

NRS641B.430 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.

1. If the Board finds a person guilty in a disciplinary proceeding, the Board may, by order:
 - (a) Place the person on probation for a specified period or until further order of the Board.
 - (b) Administer to the person a public reprimand.
 - (c) Limit the practice of the person to, or by exclusion of, one or more specified branches of social work.
 - (d) Suspend the license of the person to practice social work for a specified period or until further order of the Board.
 - (e) Revoke the license of the person to practice social work.
 - (f) Impose a fine of not more than \$5,000, which must be deposited with the State Treasurer for credit to the State General Fund.

↪ The order of the Board may contain other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

2. The Board shall not administer a private reprimand.
3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

(Added to NRS by [1987, 1120](#); A [1993, 889](#); [1995, 451](#); [2003, 3459](#); [2005, 792](#))

UNLAWFUL ACTS; PENALTIES

NRS641B.500 Representation as social worker without license. It is unlawful for any person to represent himself or herself as a social worker within the meaning of this chapter unless he or she is licensed pursuant to the provisions of this chapter.

(Added to NRS by [1987, 1121](#))

NRS641B.505 Independent and clinical practice of social work without license.

1. Except as otherwise provided in this chapter, it is unlawful for a person to engage in:
 - (a) The independent practice of social work unless he or she is licensed as a clinical social worker or an independent social worker pursuant to this chapter.
 - (b) The clinical practice of social work unless he or she is licensed as a clinical social worker pursuant to this chapter.
2. As used in this section, “independent practice of social work” means the unsupervised practice of social work, other than for a public employer, for compensation.

(Added to NRS by [1989, 2198](#); A [1995, 452](#))

NRS641B.510 Use of title of licensee or otherwise implying licensure. It is unlawful for any person, other than a person licensed pursuant to this chapter, to use the title of a licensee in connection with his or her work, or in any other way imply that the person is licensed by the Board, unless he or she is so licensed.

(Added to NRS by [1987, 1121](#))

NRS641B.520 Penalty. Any person who violates any of the provisions of this chapter or, having had his or her license suspended or revoked, continues to represent himself or herself as a social worker, is guilty of a misdemeanor.

(Added to NRS by [1987, 1121](#))

NRS641B.530 Injunctive relief. A violation of this chapter by a person unlawfully representing himself or herself as a social worker may be enjoined by a district court on petition by the Board. In any such proceeding it is not necessary to show that any person is individually injured. If the respondent is found guilty of misrepresenting himself or herself as a social worker, the court shall enjoin the respondent from such representations unless and until the respondent has been licensed. The procedure in such proceedings must be the same as for any other application for an injunction. The remedy of an injunction is in addition to any applicable criminal prosecution and punishment.

(Added to NRS by [1987, 1121](#))

LICENSING AND SUPERVISION

641B.090 NAC Application for licensure or renewal; conditions for waiver of examination. ([NRS 641B.160, 641B.202](#))

1. An application for licensure or renewal must be submitted on a form provided by the Board.
2. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he or she has previously submitted to the Board.
3. By submitting an application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of, or to clarify an ambiguity in, the matters and information stated within the application. If the Board so requests, the applicant must supply to the Board information that will verify the authenticity or clarify any ambiguity in the application.
4. An applicant for initial licensure must submit to the Board to satisfy the requirements of [NRS 641B.202](#):
 - (a) Two sets of completed fingerprint cards;
 - (b) Written authorization for the Board to forward those cards to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and
 - (c) The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories.
5. If deemed necessary, the Board will appoint a member of the Board or a designee to examine an application, take the actions authorized pursuant to subsection 3 and make recommendations for the Board's action.
6. If deemed necessary, the Board will require the personal appearance of the applicant.
7. For each application, the Board will:
 - (a) Approve the application;
 - (b) Defer action on the application pending the receipt by the Board of additional information concerning the application; or
 - (c) Deny the application.
8. The Board will waive the required examination for an applicant if:
 - (a) The applicant is not eligible for endorsement pursuant to [NAC 641B.126](#);
 - (b) The applicant has passed an appropriate examination in another state within the 6 months immediately preceding the date on which he or she submits his or her application for licensure with the Board; and
 - (c) The examination that the applicant passed is equivalent to the examination that the applicant would otherwise be required to take pursuant to [NAC 641B.105](#).

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 11-8-95; R112-00, 1-17-2)

Henna Rasul also suggested that the Board members be provided ample time to review all of the attached documents prior to engaging in discussion on this matter. Following review of the attached documentation, Ms. Rasul encouraged the Board to also consider the attached NRS and NAC's in their discussion and possible action in this matter. She indicated that the Board had the option to approve Ms. White for licensure fully, reject her application, or proceed to a hearing regarding her application. If Ms. White's application were to go to a hearing, the Board had the option to approve her application for licensure and place sanctions upon her newly issued license, including but not limited to suspension and revocation for a specified period of time.

Following their review of the attached documentation, Ms. Frakes reminded that Board that pursuant to Board precedent, prior applicants with outstanding or incomplete sanctions from other boards have resulted in their applications being closed, with the Board agreeing to reconsider a new application from the applicant following proof that the applicant has completed all required disciplinary sanctions and the matter deemed "closed" by the other state. Ms. Rasul indicated that if the Board takes action to deviate from precedent, there should be a valid reason by the Board to do so.

The Board directed their questions to Ms. Frakes. Jim Bertone and Rod Smith expressed concern regarding Ms. White's omission on her application regarding her licensure in Colorado and Alaska. They asked Ms. Frakes whether this alone could be grounds to deny licensure. Ms. Frakes indicated that numerous factors would be considered into whether an application would be denied. These factors for consideration could include omissions from an applicant regarding licensure in other states, especially if there were board disciplinary sanctions from the states. C. J. Yao inquired about how Board staff was able to determine that Ms. White had been licensed in Colorado and Alaska. Ms. Frakes responded that Board staff conducts their due diligence when considering applicants from other states which may include licensure research in other states that an applicant happens to reference this on his or her work history. Annie Wilson expressed concerns that Ms. White may be practicing in a job position in Nevada which requires licensure as a clinical social worker. Sandy Lowery stated that based upon her review of the Wellpoint job descriptions, it appeared that Ms. White may be working in the capacity of a case manager, overseeing and resolving customer appeals. She did not see this as a position requiring social work licensure if Ms. White was not representing herself as a social worker in Nevada. Ms. Lowery inquired whether Ms. White's Florida disciplinary action had been entered in the ASWB (Association of Social Work Boards) Public Protection Database (PPD). Ms. Frakes indicated that she had reviewed the PPD and noted that Ms. White's disciplinary action did not appear to be entered either under her current name or the name she was disciplined under, "DeNapoli-Sencil". Ms. Lowery wondered why Florida had not entered this disciplinary action in the ASWB PPD. Ms. Frakes indicated that although state boards who are members of ASWB should enter disciplinary cases, there could be mitigating circumstances as to why they had not. Ms. Frakes further stated that in her discussions with the Florida board, she did not ask why Ms. White's disciplinary action was not entered in the PPD. Ms. Lowery also wondered why Ms. White was subsequently able to obtain a new license in other states following her action in Florida. Ms. Frakes explained that there have been instances in Nevada where licensees who were under investigation have moved to another state prior to the conclusion of the investigation. This Board cannot disclose whether a particular licensee is under the investigation to anyone, including another state, until the investigation's conclusion determines that the licensee has engaged in violations of the State's Social Work Practice Act (i.e. NRS and NAC 641B) and either a formal complaint is filed or a settlement (consent decree) is negotiated and approved by the Board. It is possible that the five (5) other states who licensed Ms. White did not research her licensure history extensively. If they had, they would have found that Ms. White had been disciplined in Florida.

Ms. Lowery requested clarification regarding Ms. White's Florida disciplinary action. Ms. Frakes indicated that while Ms. White was working under her provisional license she had represented herself as being fully licensed as a clinical social worker by representing herself as such to the public and by signing documentation accordingly. This was a violation of Florida law. During the course of investigating and negotiating a

settlement, Ms. White had obtained her clinical social worker license and had moved to Georgia where she obtained clinical social work licensure via endorsement of her Florida clinical social worker license. Ms. Frakes added that she had contacted the Florida board who indicated that although Ms. White had paid the necessary legal fines and costs for the disciplinary action, she never completed the other terms and conditions of her Florida settlement. Her disciplinary case is considered as open and incomplete.

Ms. Lowery asked Ms. White if she desired to provide the Board with a brief statement. Ms. White indicated that her omission of being licensed in Alaska and Colorado where oversights on her behalf. The disciplinary action by Florida was taken on her provisional license and not on her clinical license. Since 2003, she had moved from Florida and had been successfully licensed in other states without incident. Ms. Lowery indicated her concern that following her disciplinary action in Florida, Ms. White neglected to take the necessary steps to close the disciplinary matter. She added that an incomplete or unresolved disciplinary action, according to this Board is viewed as an open disciplinary action, requiring Ms. White to take the necessary steps to correct this. Annie Wilson asked Ms. White whether she had any intentions or plans to address this matter with the Florida board. Ms. White indicated that the action was against a provisional license and not her clinical license. C.J. Yao expressed concerns as to why an applicant would not provide the care and thought required to properly complete an application for licensure and to provide requested information timely. James Bertone indicated that NRS 641B.260, subsections 2a through 2d, appeared to justify the Board's position to deny Ms. White a license as it appears that she misrepresented herself as being a clinical social worker in Florida when she wasn't, she appeared to have omitted information on her application, she was disciplined in Florida for an act which would be considered a violation of Nevada's Social Work Practice Act; and she failed to comply with Board staff's repeated request for information.

Following review and discussion of this matter, a motion was made by Rod Smith and seconded by James Bertone to deny and close Ms. White's clinical social work application for endorsement. The Board office shall issue Ms. White a refund of her application fees, less the non-refundable forty dollar (\$40.00) application fee within thirty (30) days. Ms. White is invited to reapply for licensure with the Board once official written verification directly from the Florida board is received that Ms. White's disciplinary action in Florida's disciplinary case number 2002-12812 is closed. This motion was carried without objection.

(Following action on this agenda item, the Board took a break from 10:30 a.m. until 10:45 a.m.)

Review, Discussion and for Possible Action, Updated Information Pertaining to the Following Submitted Bill Drafts and Regulation Changes, Including Any Recommendations by the Board to the Board's Executive Director Pertaining to this Matter:

1. Update Pertaining to Adopted Regulation of the Board as Contained in LCB File No. R025-14, and Submitted to the State Legislative Counsel Bureau on June 26, 2014.

Kim Frakes presented this agenda item to the Board. This agenda item served to update the Board regarding the Status of the submitted Regulation changes contained in LCB File No. R025-14. On August 19, 2014, the Board's Executive Director received an email and an attachment from the LCB Paralegal Manager, Legal Division, notifying her that a copy of R025-14, attached in the email, would be submitted to the Legislative Commission (Commission). To date, Ms. Frakes indicated to the Board that she is still waiting to hear from the Legislative to determine when a final review before the Commission is scheduled. Upon notification of the final review before the Commission, Ms. Frakes will be required to go before the Commission to address any additional questions or concerns. If all questions and concerns are addressed at that time, the proposed regulations will then go to the Nevada Secretary of State for filing. Once filed with the Nevada Secretary of State, the Board's officially adopted regulations will then have the full effect and enforcement of law. Following the presentation by Ms. Frakes, the Board did not take action on this agenda item.

2. Proposed Bill Draft, Originally Approved by the Board During the May 25, 2012 Board Meeting Pertaining to NRS 641B.300, Fees, <http://leg.state.nv.us?NRS/NRS-641Bhtml#NRS641BSec300> and Relevance to Agenda Item 7A-3.

Kim Frakes presented this agenda item to the Board. In the course of preparing bill drafts for the 78th/2015 Legislative session, Ms. Frakes was approached by the Governor's Director of Military and Veterans Policy (Director's) regarding the Board's proposed bill draft as it pertains to the Governor's Executive Orders (Orders). These Orders were also presented to the Board during the Director's attendance during the July 18, 2014 Board meeting. Based on discussions with the Director as well as personnel from the State's Department of Administration, Budget Division, it appears that the deadline for all State Executive Branches to submit all non-budgetary bill drafts was **May 16, 2014**. Ms. Frakes indicated that she was surprised to learn of the new deadline since in the past, the date for all Executive Branches of State government to submit their proposed bill drafts were later in the year. It appears that the May 16th deadline was part of the changes enacted during the previous Legislative session. This agenda item served to update the Board regarding the inability to submit a bill draft via the State's Budget Division and to discuss possible strategies which the Executive Director may take in order to have proposed bill drafts, not already written into drafted language pursuant to Agenda Item 7A-3. Each Board member's Board meeting packet contained the following information:

1. Limited copies of the *Bill Draft Request (BDR) Instructions for NEBS* at each meeting site;
2. A copy of bill drafts already submitted for the 78th/2015 Legislative Session, noting that the first few bill drafts were submitted in 2013 prior to the ending of the 77th/2013 session; and
3. A copy of the bill draft submitted 06/26/12 pertaining to fee increases prior to the 77th/2013 Legislative Session.

Following review and discussion of this agenda item, the Board did not take action on this agenda item.

3. Proposed Bill Draft Pertaining to Licensure via Endorsement of Active Duty Military Personnel and Spouses Pursuant to Governor's Executive Order 2012-11 and Ratification of Recently Submitted Bill Draft to the Governor's Director of Military and Veterans Policy, in Preparation for the 78th (2015) Legislative Session.

Kim Frakes presented this agenda item to the Board. Following the Director's (see previous agenda item) attendance and presentation during the Board's July 18, 2014 Board meeting, Ms. Frakes stated that she was contacted by the Governor's Director on or around July 30, 2014, regarding proposed language pertaining to licensure via endorsement for active duty military personnel and their spouses. She was informed by the Director that the deadline for his submission to the State's Budget Division for any proposed bill drafts was July 31, 2014. Although the Board did not take any action during the July 18, 2014 Board meeting pertaining to the Governor's Director's presentation, the Board expressed interest in submitting a bill draft which included appropriate language pertaining to the Board's ability to increase its fees as noted in NRS 641B.300. During the July 18, 2014 Board meeting, the Board inquired as to whether the Director or someone from the Governor's office may be able to assist the Board with filing and/or sponsoring a bill draft which would address the Board's needs to increase fees and the creation of a provisional level of licensure for active duty military personnel and their spouses. During the Director presentation during the July 18th Board meeting, he suggested a follow up contact by Ms. Frakes. Ms. Frakes explained that she filed proposed language to be contained in the Governor's bill draft with the intention of bring it to the Board at today's Board meeting for review and possible ratification. Following a review of the finalized initial bill draft (BDR 295) submitted by the Director and the Governor's office, there appeared to be inclusion of certain language submitted by Ms. Frakes to the Governor's Director and omission of other language. This agenda item served to update the Board regarding the process to collaborate with the Governor's Director as it pertains to bill draft language regarding

licensure for active duty military personnel and their spouses. Each Board member's Board meeting packet included the following:

1. Memorandum issued by the Office of the Governor, May 28, 2014, pertaining to Veterans Licensure Reciprocity and Data efforts from the Governor's Director;
2. The submitted proposed language to be included in the Governor's bill draft pursuant to the May 28, 2014 memo and the Governor's Director's attendance and presentation during the July 18, 2014 Board meeting. Portions of the submitted language may have been included in Bill Draft Request (BDR) 295. *(This is the item for possible ratification by the Board).*
3. A copy of Executive Order 2012-11 issued by the Governor, requesting drafted language pertaining to licensure reciprocity by June 20, 2012; and
4. A copy of the submitted drafted language pertaining to a provisional license (NRS 641B.275) in order to comply with Executive Order 2012-11. This proposed language was ratified by the Board during the July 20, 2012 Board meeting.

Ms. Frakes indicated that she would continue to monitor the bill draft list frequently on the Legislature website and will notify the Board of any bills that may be of interest to the Board during the upcoming 78th (2015) Legislative Session. Following review and discussion of this agenda item, the Board did not take action on this agenda item.

NATIONAL ASSOCIATION OF SOCIAL WORKERS, NEVADA CHAPTER (NASW, NV)

Review, Discussion and for Possible Action, Update Pertaining to Invitation by NASW, NV to Present at the 2014 NASW Nevada Chapter Annual Conference on Saturday, September 20, 2014.

Kim Frakes presented this agenda item to the Board. This agenda item was initially presented during the July 18, 2014 Board meeting. During this meeting, Ms. Frakes brought to the Board's attention an invitation from NASW, NV Chapter to present during their 2014 Annual Conference in Las Vegas. J. D. Fripp, NASW NV Chapter Executive Director, was present at this meeting to offer suggestions regarding the content of the presentation. The Board took action during the July 18th meeting, identifying Ms. Frakes as the person who would take the lead in the development of this presentation. James Bertone would serve as the alternate presenter. C. J. Yao and Annie Wilson also volunteered to assist in developing and conducting the presentation. Sandy Lowery indicated that given the fact that Ms. Frakes needed to attend to family matters during her family medical leave, it did not appear feasible for any other Board members to conduct the presentation. Furthermore, Ms. Lowery expressed concern that if James Bertone had attended the NASW Conference in Las Vegas, along with Ms. Yao and Ms. Wilson, there was a risk that the Board could be perceived as conducting a "walking/traveling" quorum. With this in mind, Ms. Lowery contacted Mr. Fripp and explained why the Board would not be able to conduct the presentation as originally planned. Ms. Frakes indicated that she had already emailed Mr. Fripp and apologized for her inability to present, citing family medical issues. Following review and discussion of this agenda item, the Board did not take any action.

DEPUTY ATTORNEY GENERAL REPORT—CONTINUED

Review and Discussion, Senior Deputy Attorney General Report.

Henna Rasul presented this agenda item to the Board. Typically, this agenda item affords Ms. Rasul the opportunity 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 also be used to ask questions of counsel. Ms. Rasul commended

and thanked the Board for their careful review and consideration of all documents and comments as well as their thoughtful deliberation as it pertained to Agenda Item 6B, Stephanie White's licensure application via endorsement. Aside from this, Ms. Rasul indicated that she did not have anything further to add.

PRESIDING OFFICER'S COMMENTS

Review and Discussion, Presiding Officer's Comments.

Sandy Lowery presented this agenda item. Ms. Lowery indicated that she was pleased to have Ms. Frakes' return from family medical leave and encouraged her to ask for assistance from the Board as the workload has continued to accumulate during her absence. Aside from this, Ms. Lowery indicated that she did not have anything further to add.

BOARD OPERATIONS

Review, Discussion and for Possible Action, Approval of Minutes for the July 18, 2014 Board Meeting.

Kim Frakes presented this agenda item to the Board. In each Board member's Board meeting packet was a draft of the minutes for the July 18, 2014 Board meeting. Following review of the enclosed minutes, a motion was made by Rod Smith and seconded by Annie Wilson to approve the minutes as submitted. This motion was carried without objection.

Review, Discussion and for Possible Action, Reappointment of Roderick Smith and Annie Wilson, LSW, to the Board by the Governor on or around September 3, 2014.

Kim Frakes presented this agenda item to the Board. The initial appointment to the Board by the Governor for Annie Wilson was May 2, 2013 and expired June 30, 2014. Ms. Frakes indicated that Ms. Wilson had been reappointed to the Board effective September 4, 2014, with her new term expiring on June 30, 2017. The initial appointment to the Board by the Governor for Rod Smith was December 5, 2011 and expired June 30, 2014. Ms. Frakes indicated that Mr. Smith was also reappointed by the Governor September 2, 2014, with his new term expiring on June 30, 2017. Copies of the letter of Appointment for both Ms. Wilson and Mr. Smith from the State Office of the Governor, dated September 3, 2014, were contained in each Board member's Board meeting packet. This agenda item served to congratulate both Ms. Wilson and Mr. Smith for their reappointments and to thank them for their service to the Board! Ms. Frakes inquired whether Mr. Smith and Ms. Wilson had signed and returned their Oath of Office (Oath) to the Governor's office. Both confirmed that they had signed and returned their Oath by mail to the Governor's office. The Board also congratulated Mr. Smith and Ms. Wilson for their reappointments to the Board. Ms. Frakes thanked Mr. Smith and Ms. Wilson for their ongoing work and dedication to the Board. Following discussion of this agenda item, no further action was taken.

Review, Discussion and for Possible Action, Election of Board Officers Based upon the Recent Reappointment of Board Members as Noted in Agenda Item 11A and B.

Kim Frakes presented this agenda item to the Board. As noted in the July 18, 2014 Board meeting minutes, an election of Board Officers was conducted during this meeting pursuant to NRS 641B.120(2), which states, "*An election of officers must be held annually*". Although the possible reappointment of Annie Wilson and Rod Smith to the Board by the Governor's office was pending at the time, the Board proceeded to hold the elections since appointments and reappointments of Board members by the Governor's office has historically

been known to take several months. The outcome of the nomination and election of officers during the July 18, 2014 Board meeting was as follows:

President	Sandra Lowery, LCSW
Vice President	James Bertone, LCSW
Secretary/Treasurer	Rod Smith, Public Member

Following presentation of this agenda item, a motion was made by C. J. Yao and seconded by Annie Wilson to keep the offices held by the Board members as nominated and approved during the July 18, 2014 Board meeting. This motion was carried without objection.

Review and Discussion, Executive Director's Report.

Kim Frakes presented this agenda item to the Board. Ms. Frakes historically utilizes 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. This time has also been used to ask about any issues relating to the day to day operations of the Board. Ms. Frakes thanked the Board for their patience and understanding during the time she was on family medical leave. Ms. Frakes acknowledged that work had continued to accrue during her absence and that she was working diligently to address this. She emphasized her gratitude to Board staff for all of their hard work in continuing to address the ongoing daily Board operations during her absence. Ms. Frakes also thanked the Board for their attendance and hard work during today's meeting. Aside from this, Ms. Frakes indicated that she did not have anything further to add.

PUBLIC COMMENT

Rod Smith stated that he wanted to thank the Board staff for all of their hard work and continued diligence. There was not any one from the public attendees to offer comment.

ADJOURNMENT

A motion was made by Annie Wilson and seconded by C. J. Yao to adjourn the meeting. This motion was carried without objection. The meeting was concluded at 12:17 p.m.

Respectfully Submitted,

Kim Frakes
Executive Director