



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

MINUTES OF BOARD MEETING
November 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:

Rod Smith, Public Member, Board Secretary/Treasurer, Reno
James Bertone, LCSW, Board Vice President, Reno
Sandra Lowery, LCSW, Board President, Reno
Annie Wilson, LSW, Board Member, Las Vegas

Staff Present

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

Public Attendees

Valerie Luvano, LSW, Reno
Margaret Dines, LSW, Reno
Charles Ellis, LCSW, Las Vegas
Toni Mims, Las Vegas
Ingrid Sanchez, LCSW, Las Vegas
Veronica Perez, LSW, Las Vegas
Vanessa Diaz, Las Vegas
Gabriela Viote, Las Vegas
Tanitsha Bridgers, LCSW, Las Vegas
Victoria Carreon, Las Vegas

Connie (C.J.) Yao, LCSW, Board Member, Las Vegas--Absent

PUBLIC COMMENT

Public comment was offered in Las Vegas, by Ingrid Sanchez, LCSW, Veronica Perez, LSW, and Vanessa Diaz, LSW. All three (3) individuals were from Behavioral Bilingual Services, Las Vegas. Concerns were expressed regarding the timeliness in processing clinical internship applications. President Lowery thanked the participants for their comments. She indicated that unless a request was submitted in writing to be placed on the agenda, the Board was not in a position to take action on their comments.

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.

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

(Following approval of the Consent Agenda, the individuals offering public comment from Bilingual Behavioral Services left the Board meeting).

REGULAR AGENDA

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

LICENSURE, INTERN AND APPLICATION ISSUES

Review, Discussion and for Possible Action, Letter from the State of Nevada Board of Psychological Examiners (Psychology Board), Executive Director, Regarding Cease and Desist Letters Recently Sent by the Psychology Board to Social Work Licensees who Appeared to be Engaging in the Practice of Biofeedback and Hypnosis, Acknowledgment by the Psychology Board that this Letter may Have Been Sent "Prematurely", and Requested Response from the Board to the Psychology Board Pertaining Scope of Practice for Individuals Licensed by the Board as it Pertains to the Practice of Biofeedback and Hypnosis.

Kim Frakes presented this agenda item to the Board. This agenda item was a follow up to a matter originally brought to the Board's attention during the September 9, 2014 Board meeting as Agenda Item 9A, "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..." During the presentation of this agenda item, it was suggested by the Board to table this agenda item pending further review of this matter by the Psychology Board's own Deputy Attorney General, which included the possibility of an Opinion from the Attorney General's office. Since then, on or around October 17, 2014, the Board office received a letter from the Psychology Board's Executive Director. (The actual date this letter was not printed on the letter). As noted above, the Psychology Board acknowledged that their July 10, 2014 letter was sent "Prematurely" and requested a written response from this Board that the practice of biofeedback and hypnosis may be utilized by individuals who are licenses as social workers. Following the posting of this agenda item, the Board's Executive Director became aware of a different letter being sent by the Psychology board to at least one clinical social worker requesting him to furnish them with a letter from our Board indicating that he is eligible for the exemption pursuant to NRS 641.029. This agenda item afforded the Board the opportunity to review the proposed written response requested by the Psychology Board, determine whether the Psychology Board's written request to our licensee(s) is deemed appropriate, and any recommendations, if any, by the Board for follow up to this matter. Each Board member's Board meeting packet contained copies of:

1. The initial letter sent by the Psychology Board on July 10, 2014 as reviewed by the Board during the September 19, 2014 Board meeting;
2. A copy of the Psychology Board's board meeting agenda for August 1, 2014 and accompanying minutes requesting an opinion from the Attorney General's office regarding the limitation of practice regarding hypnosis and biofeedback;
3. A copy of the letter sent (date unknown) by the Psychology Board and received by the Board office on October 17, 2014, with a request for a written response pertaining to whether this Board believes that hypnosis and biofeedback falls within the scope of practice for individuals licensed by our Board;
4. A redacted copy of a letter sent to a Board licensed LCSW requesting him to provide to the Psychology Board with a written "notice" from our Board pertaining to whether our Board believes his engagement in the practice of hypnosis and/or biofeedback is determined to be within our Board's scope of practice;

5. Proposed response to the Psychology Board's letter received on or around October 17, 2014, if the Board deems a response to be appropriate; and
6. Copy of NRS 641.025 ("Practice of Psychology" defined) and NRS 641.029 (Applicability of chapter), as noted below:

GENERAL PROVISIONS

NRS 641.025 "Practice of psychology" defined. "Practice of psychology" means the observation, description, evaluation, interpretation or modification of human behavior by the application of psychological principles, methods or procedures to prevent or eliminate problematic, unhealthy or undesired behavior and to enhance personal relationships and behavioral and mental health. The term includes, without limitation, such specialized areas of competence as:

1. Psychological testing and the evaluation of personal characteristics, including, without limitation, intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning;
 2. Counseling;
 3. Psychoanalysis;
 4. Psychotherapy;
 5. Hypnosis;
 6. Biofeedback;
 7. Analysis and therapy relating to behavior;
 8. Diagnosis and treatment of mental or emotional disorders, alcoholism and substance abuse, including, without limitation, disorders of habit or conduct;
 9. Psychological aspects of physical injury, illness, accident or disability; and
 10. Evaluation, therapy, remediation and consultation relating to the academic performance of the patient.
- (Added to NRS by [1985, 1906](#); A [1995, 2493](#); [1999, 204](#))

NRS 641.029 Applicability of chapter. The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
 2. A person who is licensed to practice dentistry in this State;
 3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to [chapter 641A](#) of NRS;
 4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to [chapter 641A](#) of NRS;
 5. A person who is licensed to engage in social work pursuant to [chapter 641B](#) of NRS;
 6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to [NRS 640A.010](#) to [640A.230](#), inclusive;
 7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to [chapter 641C](#) of NRS; or
 8. Any member of the clergy,
- ↪ if such a person does not commit an act described in [NRS 641.440](#) or represent himself or herself as a psychologist.

During the Board's discussion, questions arose regarding the Psychology board's statutory authority to contact individuals who are not licensed by their board, including individuals who are licensed by this Board. It was determined that once a response letter was sent to the Psychology board, their ongoing contact with this Board's licensees would cease. Henna Rasul cautioned against responding to the Psychology board's request for this Board to specifically address "scope" of practice issues as it related to biofeedback and hypnosis. Instead, the letter should reflect the Psychology board's own listed of exempted provisions pertaining to NRS 641.029. Ms. Frakes added that engaging in turf, scope of practice issues are more appropriately addressed by professional organizations, such as NASW (National Association for Social Workers), including the NASW Nevada Chapter. A motion was made by Rod Smith and seconded by Annie Wilson, LSW, for Kim Frakes to work with Henna Rasul in drafting a letter in response to the Psychology board's request for clarification

regarding whether this Board deems biofeedback and hypnosis as being within the scope of practice for individuals licensed by the Board. This motion was carried with objection.

Following the Board's action on this agenda item, Charles Ellis, LCSW, indicated that he had received a letter from the Psychology board (date not provided), resending an earlier cease and desist letter sent to him by their board. This letter, in a redacted format, was included in each Board member's Board meeting packet. It further indicated that Mr. Ellis could, *"be able to claim an exemption from the application of NRS Chapter 641 and NAC Chapter 641, pursuant to NRS 641.029..."* This letter further instructed Mr. Ellis to, *"...provide written notice from (this Board) that states (his) scope and qualifications..."* to meet the requirements in providing these services. Mr. Ellis was informed by Ms. Frakes that the Psychology board, pursuant to their own statutes, have exempted him from the applicability of Chapter 641.029 of NRS.

Review, Discussion and for Possible Action, Written Request Received by the Board on October 16, 2014, Submitted by the Manager of Social Services from a Hospital in Northern Nevada Regarding the Board's Position that Social Workers Should *Not* Simultaneously Serve as Both Social Workers and Public Notaries to their Clients and the Request for Clarification and Possibility that the Board Reconsider their Position as it Pertains to this Matter.

Kim Frakes presented this agenda item to the Board. On or around October 16, 2014, the Board received a written request, dated October 13, 2014, from the Manager of Social Services at a local Northern Nevada hospital. It has long been the Board's position that social workers should not serve as both a "social worker" and "a notary public" for their clients. This position, based upon Board precedence has viewed engaging in both roles as a dual relationship and may be considered a potential violation of provisions contained in NAC 641B.200, Professional responsibility and NAC 641B.205, Responsibility to client.

Furthermore, a 1996 Opinion from the Office of the Attorney General (although not specifically addressing social workers serving as a client's notary public) addressed social workers engaging simultaneously as legal guardians and/or power of attorneys for their clients. This Opinion discussed the maintenance of trust in the social worker/client relationship, the vulnerability of the client and the client's dependence upon the expertise and position of the social worker. The Conclusion of the Opinion (page 5) addressed the rationale of preserving the integrity of the profession and avoidance of assuming roles which conflict with the, "...basic foundation of social work even through the best intentions support the decision..."

Each Board member's Board meeting packet and Ms. Frakes' presentation to the Board included:

1. A copy of letter dated October 13, 2014 from the Manager of Social Services (Manager) requesting clarification regarding the Board's position that social workers should not serve as public notaries for their clients;
2. Copy of the 1996 Opinion from the Office of the Attorney General regarding guardianship and social workers. This Opinion appears to contain relevant information pertaining to the legal rationale for social workers to avoid engaging in dual relationships with their clients, even if the best intentions appear to support a decision to do so;
3. Oral summary of a telephone discussion with the Notary Administrator, State of Nevada Secretary of State's Office on or around October 14, 2014;
4. Oral summary of a response from the ASWB (Association of Social Work Boards) member administrator pertaining to the Board's Executive Director's posting on the list serve on or around October 17, 2014 pertaining this matter; and
5. Copies of NAC 641B.200 and NAC 641B.205, pertaining to the Standards of Social Work Practice as it pertains to: Professional Responsibility and Responsibility to Client.

STANDARDS OF PRACTICE

NAC 641B.200 Professional responsibility. ([NRS 641B.160](#))

3. If a licensee holds more than one occupational license, he or she shall disclose to his or her client orally and in writing the type of practice of social work in which the licensee is engaged and which of the licenses apply to the practice of social work the licensee is providing to that client. If a licensee is engaged in a practice that is not the practice of social work, the licensee shall disclose to the client orally and in writing the type of practice in which the licensee is engaged and that the practice is not within the scope of the practice of social work. If the licensee fails to disclose to the client that the practice in which the licensee is engaged is a practice other than the practice of social work, the Board, in evaluating whether the licensee is in compliance with the standards of professional responsibility, will presume that the practice in which the licensee was engaged was intended to be the practice of social work.

5. A licensee shall not use his or her relationship with a:

- (a) Client;
- (b) Person with significant personal ties to a client, whether or not related by blood; or
- (c) Legal representative of the client,

↳ to further his or her own personal, religious, political or business interests.

6. A licensee is responsible for setting and maintaining professional boundaries with:

- (a) Each client;
- (b) Each person with significant personal ties to a client, whether or not related by blood;
- (c) The legal representative of the client;
- (d) Each intern; and
- (e) Persons who are supervised by the licensee.

19. A licensee shall not authorize a person under the supervision of the licensee to perform services outside of the level of licensure, training or experience of the person who is supervised or allow that person to hold himself or herself out as having expertise in a field in which he or she is not qualified.

20. A licensee shall not order or knowingly allow a person under the supervision of the licensee to engage in any illegal or unethical act related to social work.

NAC 641B.205 Responsibility to client. ([NRS 641B.160](#))

2. If a licensee must act on behalf of a client who has been declared incompetent or otherwise found by the Board to be incapable of acting in his or her own best interest, the licensee shall safeguard the interests and rights of that client.

3. If another person has been legally authorized to act on behalf of an incompetent client, a licensee shall deal with that person in accordance with the best interests of the client.

11. Except as otherwise provided in subsection 12, a licensee shall not influence or attempt to influence a:

- (a) Client;
- (b) Person with significant personal ties to a client, whether or not related by blood; or
- (c) Legal representative of the client,

↳ in any manner which could reasonably be anticipated to result in the licensee deriving benefits of an unprofessional nature during the time that the client is receiving professional services and for 2 years after the termination of the services.

13. A licensee shall not solicit or enter into a dual relationship with a client, intern or person who is supervised by the licensee:

- (a) During the time that the client is receiving professional services from, or the intern or person is being supervised by, the licensee; and
- (b) For at least 2 years after the termination of the professional relationship, internship or period of supervision.

14. A licensee shall not cause a client physical, mental or emotional harm by taking direct or indirect actions or failing to take appropriate actions.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 5-15-92; 10-25-93; R113-98, 1-13-99; R112-00, 1-17-2001; R079-02, 1-9-2003)

GENERAL PROVISIONS

NAC 641B.005 Definitions. (NRS 641B.160) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 641B.010](#) to [641B.065](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 11-28-89; R113-98, 1-13-99; R112-00, 1-17-2001; R079-02, 1-9-2003)

NAC 641B.017 "Client" defined. (NRS 641B.160) "Client" means a natural person, couple, family, group, organization, governmental agency or political subdivision of this State that receives services from a social worker, regardless of whether the social worker charges a fee or receives any compensation for the services.

(Added to NAC by Bd. of Exam'rs for Social Workers by R113-98, eff. 1-13-99; A by R079-02, 1-9-2003; R142-08, 2-11-2009)

The Manager of Social Services (Manager) from a hospital located in Northern Nevada indicated that it has been her observation that the practice of utilizing social workers in the role of public notaries in medical settings appears to be a widely accepted practice. She indicated that during a recent national healthcare conference, it was noted that several hospitals nationally were utilizing social workers at this capacity. The Manager believed having social workers in her department providing public notary services proved beneficial for the hospital patients and the hospital itself. She stated that the relationships established between social worker and patient served to create an environment of trust and this was beneficial when executing legal documents which required a notarized signature. The Manager noted that a significant portion of the executed legal documents were advanced directives although other forms of legal documents were also notarized by social workers at this hospital.

Ms. Frakes summarized a recent telephone conversation on or around October 14, 2014, that she had with the Notary Administrator (Administrator) from Nevada Secretary of State's Office (NV SOS), the State agency which oversees public notaries. Ms. Frakes indicated that she read the brief October 13, 2014 letter verbatim which was mailed to the Board by the hospital's Social Services Manager. Based upon the letter, the Notary Administrator expressed "concern" regarding the practice of hospital social workers engaging in notary duties with their patients. The Administrator's first concern pertained to hospital social workers serving as notaries in providing "help" to their patients in completing Advanced Directives. The purpose of a notary is merely to witness a signature. Once a social worker begins to "help" in completing a legal document, including Advanced Directives, the social worker is serving in the capacity of offering "advice" on completing the legal document. Offering "help" in completing a form is restricted to attorneys. Second, the Administrator expressed concerns regarding the Manager's reference to social workers, *"ensuring a patient's healthcare wishes are respected even when s/he does not have the ability to articulate them."* The Notary Administrator wondered how a social worker is able to determine a patient's wishes if they do not have the ability to articulated them. Ms. Frakes stated that at the conclusion of her discussion with the NV SOS Notary Administrator, it was the Administrator's opinion that the use of social workers as a notary public for hospital patients was, "a bad idea". Ms. Frakes added that a social worker offering notary services to the same client or patient could be viewed as a "dual relationship" and a potential violation of the Board's NRS and NAC'S.

The hospital Manager indicated that although she had indicated in her October 13, 2014 letter that this practice had been ongoing, following her telephone conversations with Ms. Frakes, the practice ceased until she could receive clarification following today's Board meeting. The Manager indicated that when Advanced Directives were being executed and notarized by the social workers, the patients had the capacity to make sound decisions. She added that this was a "free" service offered to the hospital patients which also provided a convenience for both the hospital and the patient.

President Lowery asked Ms. Frakes regarding the responses she received from the ASWB (Association of Social Work Boards) Administrator's Forum. Ms. Frakes informed Board members and participants that the ASWB Administrator's Forum offers an online exchange of ideas and is often used by participating member boards to post issues of concerns and receive responses from other members. Ms. Frakes indicated that in response to this matter, she only receive one (1) response from an administrator who echoed sentiments similar to the Notary Administrator.

James Bertone expressed his opinion that working as both a social worker and notary public would be a dual relationship. Both are mutually exclusive roles and social workers are not in the business of providing notary services. Accordingly, it could be viewed as a possible violation of NRS and NAC 641B.

President Lowery wondered if a social worker, who was not assigned to a patient as a social worker would be able then to provide notary services. Ms. Frakes asked the hospital Manager if the hospital could create provisions that would ensure that a social worker acting as a notary has not acted as a patient's social worker, either during the current hospitalization or in previous hospitalizations. She reminded the meeting participants that the Board's NAC'S (NAC 641B.205) views a dual relationship as being conducted concurrently or within the previous two (2) years. The Manager indicated that she did not believe that the hospital could make assurances that a social worker would not also serve as a patient's notary within two (2) years following a discharge.

Henna Rasul indicated that she was inclined to agree with Mr. Bertone. The roles of social worker and public notary are mutually exclusive roles. Having a social worker acting in both capacities either concurrently or within the previous two (2) years would be deemed a dual relationship and possible violation of NRS and NAC. She further indicated that the Board's statutes and regulations do not offer for the consideration of exceptions or exemptions.

It was suggested to the attendees from the hospital for them to research this matter further. If they can find standards of practice for social workers on a national level to provide notary services to their clients, they can contact the Board and request this matter to be discussed again in a future meeting. President Lowery suggested that in the interim, the hospital may wish to consider using unit clerks to serve as notaries. Although the hospital Manager indicted that the social workers did not act as notaries on their own assigned patients during their hospital stay, Ms. Frakes cautioned the hospital Manager that their attendance during today's Board meeting would not preclude the Board from following up on any complaints filed by the pertaining concerns regarding possible violations of NRS and/or NAC 641B, including allegations pertaining to dual relationships.

Following discussion of this agenda item, the Board did not take any action.

(Ms. Luvano and Ms. Dines left the Board meeting following the conclusion of this agenda item).

Review, Discussion and for Possible Action, Proposed Notification to be Sent to all Board Approved Internship Program Supervisors (Supervisors) Regarding the Board's September 19, 2014 Board Meeting Approval of Agenda Item 6A, Requiring Supervisors to Attend Re-training at Least Every Five (5) Years or Sooner if a Supervisor Appears to Require Additional Training.

Kim Frakes presented this agenda item to the Board. During the September 19, 2014 Board meeting, this matter was placed on the agenda (Agenda Item 6A) as a possible action item. Review and discussion of this matter included NAC 641B.155(1) which allows the Board to specify a schedule for Internship Program Supervisors to successfully complete "any training" specified by the Board, "if deemed necessary". Following review and discussion, the Board approved the re-training of Board approved supervisors at a minimum, every five (5) years. A supervisor may be required to attend re-training or sooner, if deemed necessary by the

Board's internship program reviewer and/or the Executive Director. Should a supervisor fail to complete training as specified above, he or she would not receive any new interns for supervision. This agenda item proposed a draft notification to any internship program supervisors who happen to meet this specified criteria. In an effort to accommodate the anticipated increase in supervision training attendees, Ms. Lowery and Ms. Frakes agreed to establish a schedule which would provide these trainings at least every calendar quarter.

Each Board member's meeting packet included a copy of the proposed drafted notification and a copy of NAC 641B.155 as contained below:

NAC 641B.155 Supervisors of interns: Generally. ([NRS 641B.160](#))

1. To become a supervisor of an intern, a person must:
 - (a) Be approved by the Board to serve as the supervisor of an intern.
 - (b) Be a licensed independent social worker or a licensed clinical social worker if supervising an intern who is seeking a license as a licensed independent social worker, or be a licensed clinical social worker if supervising an intern who is seeking a license as a licensed clinical social worker.
 - (c) Have at least 3 years of experience as a licensed clinical social worker or licensed independent social worker or have equivalent experience acceptable to the Board.
 - (d) Demonstrate to the Board that his or her current practice:
 - (1) If he or she is supervising an intern who is seeking a license as a licensed independent social worker, consists of not less than 15 hours per month of independent practice.
 - (2) If he or she is supervising an intern who is seeking a license as a licensed clinical social worker, consists of not less than 15 hours per month of clinical practice in the area of psychotherapeutic methods and techniques.
- ↪ The Board may waive the requirements of this paragraph if the Board determines that there is good cause, including, without limitation, practice within the last 2 years which is equivalent to the requirements of this paragraph.
 - (e) If deemed necessary by the Board, successfully complete a written examination.
 - (f) If deemed necessary by the Board, successfully complete any training specified by the Board.
2. A person will not be approved as a supervisor of an intern if he or she is subject to an order issued by the Board for disciplinary action.
3. A supervisor shall not:
 - (a) Reside with the intern, have an intimate personal relationship with the intern or be related to the intern by blood or marriage;
 - (b) Have had the intern as a client;
 - (c) Have had the intern as a supervisor; or
 - (d) Supervise more than three interns at one time without prior approval from the Board.
4. The Board will maintain a list of persons who have been approved by the Board to supervise interns and will provide, upon request, a copy of the list to any person who is applying to become an intern.
5. Each agreement pursuant to which a supervisor agrees to supervise an intern and each plan of supervision setting forth the requirements of [NAC 641B.160](#) must be submitted to the Board for its approval. The Board will, when it deems the limitation appropriate, disapprove a proposal for the supervision of a particular intern by a particular supervisor.
6. A supervisor shall keep a record of the internship program which must include, without limitation, the content of meetings and a description of supervisory activities. Such a record must be kept for a minimum of 5 years after the termination of the internship program.
7. The Board will not recognize time spent by an intern:
 - (a) Under the supervision of a person who has not been approved by the Board to supervise interns; or

(b) In an arrangement covered by an agreement relating to the supervision of the intern which has not been approved by the Board.

Following review and discussion of this agenda item, a motion was made by Rod Smith and seconded by James Bertone to approve the draft notification as submitted. This motion was carried without objection.

LEGISLATIVE AND REGULATORY ISSUES

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

Review and Discussion, Presentation by the Guinn Center for Policy Priorities (Guinn Center), Director of Research and Policy (Director), Regarding the *Nevada's Mental Health Workforce: Shortages and Opportunities (Nevada's Mental Health Workforce) Report, Anticipated Issues and Areas of Focus by the Guinn Center During the 2015 Legislative Session and Possible Recommendations by the Board Following Discussion of this Agenda Item.*

The Guinn Center's Director thanked the Board for placing her on the Board meeting agenda. The Director summarized the information contained in her letter, received on October 9, 2014, sent to the attention of the Board's Executive Director. The Director's as summarized in the October 9, 2014 letter is noted below:

- Nevada faces a critical shortage of mental health professionals;
- The Guinn Center will be focusing on this issue in the 2015 Legislative Session;
- The Guinn Center views licensing requirements by State boards as posing possible barriers for individuals seeking licensure endorsement from other states who may be interested in employment in healthcare fields in the State;
- The reduction of certain barriers by state licensing boards would facilitate the ability for these individuals to become licensed via endorsement and increase the pool of mental health professionals in this State.

The Director indicated that recommendations she is requesting from all State boards and which the Guinn Center will be presenting to the Legislature during the 2015 Legislative Session include:

- Requiring only national examinations in lieu of State-specific tests for licensure;
- Eliminate years of experience requirements and accept training requirements from other states;
- Create uniform procedures for administering fingerprints and allow for provisional or full licenses to be granted prior to receipt of fingerprint results;
- Provide temporary or provisional licenses to professionals in good standing from other states until they meet Nevada requirements;
- Create a 30-day uniform timeliness to consider applications; and
- Consider joining interstate compacts to improve recruitment from other states and facilitate telehealth services.

The Director added that the Guinn Center will also be recommending increasing State salaries, benefits and incentives for mental health professionals and reducing reliance on contract workers.

Each Board member's Board meeting packet included a copy of the Guinn Center's October 9, 2014 letter and a copy of the Guinn Center's report, *Nevada's Mental Health Workforce: Shortages and Opportunities*. Following the Director's presentation, President Lowery thanked the Director. She indicated that the Board, during its recent most revisions to its regulations (NAC 641B) has worked on addressing some of these recognized concerns. She added that the Board will continue to support legislation that fosters the safe and ethical practice of social work in this State.

The Board did not take any action on this agenda item as it was posted as a discussion item.
(Following the presentation of this agenda item, Victoria Carreon left the meeting. The Board also took a break from 10:30 a.m. until 10:45 a.m.)

DISCIPLINARY MATTERS

Review and Discussion, Redacted Disciplinary Report.

Kim Frakes presented this agenda item to the Board. Ms. Frakes presented a copy of the redacted Disciplinary Report which was located in each Board member's meeting packet. Given the ongoing matters regarding Ms. Frakes' personal matters, she indicated that it has only been very recently that she has been able to refocus her attention onto more day-to-day Board office details. Accordingly, Ms. Frakes apologized for not being able to direct much her attention over the past weeks onto disciplinary matters. She indicated that she hoped to be able to provide a future report reflecting her re-focused energies to this ongoing matter.

LEGISLATIVE AND REGULATORY ISSUES—CONTINUED

Review, Discussion and for Possible Action, Updated Information Pertaining to the Executive Director's Testimony Before the Legislative Commission on October 24, 2014 Regarding the Board's Proposed Regulation Changes Contained in LCB File No. R025-14.

Kim Frakes presented this agenda item to the Board. This agenda item served to update the Board regarding the Executive Director's testimony before the Legislative Commission (Commission) on October 24, 2014. She indicated that during the Commission meeting on October 24, 2014, numerous proposed regulation changes which were submitted by various State agencies, including State boards and commissions, were reviewed. Almost half of the submitted proposed regulations were passed unanimously by the Commission following an initial review. The remaining were placed on a "hold" following further questioning by members of the Commission. Ms. Frakes indicated that the Board's proposed adopted regulation changes were one of the regulations placed on hold and required her to address any concerns posed by Commission members. She stated that the concerns raised by one Commission member pertained to the apparent uneven increase in fees for licensed social workers while there was not an increase for the other levels of licensure. Ms. Frakes informed the Board that she addressed the Commission member's concerns by noting that the other levels of licensure were already being charged the maximum already allowable pursuant to NRS 641B.300 and that the Board would be attempting to address a change to this NRS in the upcoming Legislative session. She informed the Board that the Commission voted unanimously to accept the Board's proposed regulations, which would be addressed in the next agenda item.

Following presentation of this agenda item, the Board did not take any action.

Review, Discussion and for Possible Action, the Board's Adopted Regulation Contained in LCB File No. R025-14, as Filed with the State of Nevada Secretary of State Office on October 24, 2014.

Kim Frakes presented this agenda item to the Board. Ms. Frakes indicated that following her testimony before the Legislative Commission on October 24, 2014, the adopted regulations were filed with the State of Nevada Office of the Secretary of State on the same day. Once filed, the Board's adopted regulations have the full effect and enforcement of law. As noted on page 1, the following regulation changes become effective October 24, 2014: Section 1 pertaining to examinations (NAC 641B.105); Section 2 pertaining to restored

applications (NAC 641B.111); Section 9 pertaining to expanding the definition of unprofessional conduct; and Section 10 which summarizes that Sections 1, 2 and 9 become effective October 24, 2014.

The remaining sections become effective January 1, 2015: Section 3 pertaining to fees; Section 4 pertaining to revision in licensure from another state via endorsement; Section 5 pertaining to internship practice for interns pursuing an Independent Social Worker license; Section 6 pertaining to internship practice for interns pursuing a Clinical Social Worker license; Section 7 pertaining to supervisors of Board approved internships; and Section 8 pertaining to circumstances under which licensees are required to report to self-report to the Board.

President Lowery inquired as to how long it would take for these regulations to be codified. Ms. Frakes indicated that she did not know. Following presentation of this agenda item, the Board did not take any action.

ASSOCIATION OF SOCIAL WORK BOARDS (ASWB)

Review, Discussion and for Possible Action, Approval of a Presentation to the Board at a Future Regularly Scheduled Board Meeting by ASWB Staff Regarding their "Application Portal (Portal)" and Possible Applications of the Portal by the Board in Online Application Renewals and any Additional Future Applications.

Kim Frakes presented this agenda item to the Board. The 77th/2013 Legislative session passed legislation requiring all State agencies to begin the use of forms electronically. The 76th/2011 Legislative session passed legislation requiring all State agencies to accept credit card payments by January 1, 2012 or as soon as practicable. To date, the expense to undertake both of these mandates has proven cost prohibitive. Recently, Ms. Frakes discovered that ASWB has been assisting their member boards with a handful of electronic services, including Utah's initial license application. Ms. Frakes approached ASWB regarding the feasibility and cost for them to set up an application portal for the renewal of licenses. Based on preliminary discussions, it appears that ASWB may be able to work with our Board and State IT agencies which oversee our computer systems to establish a way for applicants to renew and pay for their renewal applications online. Currently, it appears that ASWB may be able to shoulder most of the initial costs and could consider offsetting their costs by charging renewing online applicants a nominal fee. Ms. Frakes stated that following review and discussion of this agenda item, the Board may take action to approve Ms. Frakes in continuing with discussions regarding this matter and to schedule a time when staff from ASWB may attend a future Board meeting for the purpose of providing a hands-on demonstration and to answer any questions from the Board and Board staff.

Each Board member's Board meeting packet included printed information emailed to Ms. Frakes by ASWB. The Board expressed interest in pursuing this matter. A motion was made by Rod Smith and seconded by James Bertone for Ms. Frakes to continue her discussions with ASWB regarding the possible application of their Application Portal for the Board renewal applications and to arrange for ASWB staff to attend a subsequent Board meeting for the purpose of providing a hands-on demonstration of the portal and to address any questions raised by the Board. This motion was carried unanimously without objection.

Review and Discussion, the Executive Director's Attendance at the ASWB 2014 Annual Conference in Boise, Idaho, November 13 through 15, 2014.

Kim Frakes presented this agenda item to the Board. Ms. Frakes attended the ASWB 2014 Annual Conference (Conference), conducted this year in Boise, Idaho. She indicated that the conference was, as always, highly informative. A big focus of the conference was licensure portability and telemedicine. This area of healthcare appears to be a well-funded, burgeoning area of healthcare. While it appears that the purpose is to provide

accessibility of healthcare, there appears to be a substantial financial benefit for companies who provide telehealth services. Ms. Frakes added that this may result in this matter having a significant presence during the upcoming Legislative session. Included in each Board member's meeting packet were copies of: 2014 Annual Meeting of the Delegate Assembly informational brochure cover sheet with meeting agenda (2 sided document); Notification of the 2015 Spring Education Meeting in Seattle, Washington and future ASWB meetings, including the 2017 Spring Education Meeting in Las Vegas, Nevada; and Copies of the DRAFT model regulatory standards for technology and social work practice. Ms. Frakes noted that according to the ASWB upcoming conference schedule, it appears that ASWB may be holding the 2017 Spring Education Meeting in Las Vegas. In the past, ASWB would wait to receive an invitation from member boards to conduct their conference in a particular state. Since invitations have been scarce and prices for funding such functions appear to operate more smoothly if planned well in advance, ASWB has taken the initiative to schedule out their upcoming conferences through 2017. President Lowery noted that the 2015 Annual Meeting will be conducted in Ft. Lauderdale, Florida. She expressed interest in being the Board delegate to attend this meeting. The Board did not take action as this was a discussion item.

DEPUTY ATTORNEY GENERAL REPORT

Review and Discussion, Senior Deputy Attorney General Report.

Henna Rasul indicated that she did not have anything to add to today's Board meeting.

PRESIDING OFFICER'S COMMENTS

Review and Discussion, Presiding Officer's Comments.

Sandy Lowery presented this agenda item. Ms. Lowery indicated that DCFS (Division of Child and Family Services) and UNR (University of Nevada, Reno) has been provided CEU Provider Status by the Board. This means that there should be less continuing education applications being submitted to the Board office as continuing education courses/programs will now receive general approval under their CEU Provider number. President Lowery indicated that contrary to the public opinions offered earlier during the Board meeting, the Board office continued with its ongoing day-to-day operations during Ms. Frakes' absence. She indicated that she had been at the office on numerous occasions to assist with daily operations. Kim Frakes acknowledged and thanked President Lowery for her continued support during her family crisis and for her efforts in bringing more providers of continuing education courses onboard as CEU Providers. The Board also thanked President Lowery for her diligent work and dedication to the Board. Aside from this, President Lowery indicated that she did not have anything further to add.

BOARD OPERATIONS

Review, Discussion and for Possible Action, Approval of Minutes for the September 19, 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 September 19, 2014 Board meeting. Following review of the enclosed minutes, a motion was made by Annie Wilson and seconded by Rod Smith, to approve the minutes as submitted. This motion was carried without objection.

Review, Discussion and for Possible Action, the Board's Third 2014 Quarter (July, August and September) Licensure Report (Report), with Portions of Information from the Report Reflected in the Nevada Legislative, Report of Occupational Licensing Boards, located on the Legislative

Website, <http://leg.state.nv.us/App/OL/A> , and any recommendations from the Board Following Review and Discussion of the Report.

Kim Frakes presented this agenda item to the Board. Each calendar quarter, State occupational licensing boards are required to submit specific information regarding numbers of individuals who are licensed and disciplined by the respective boards. Following the Board's Executive Director's presentation of excerpts from the quarterly reports during a previous Board meeting, the Board has requested this to continue. In each Board member's meeting packet was a copy of the 2014 3rd Quarter Board licensure statistical information. Ms. Frakes indicated that during the 3rd / 2014 quarter, there were a total of "ten (10)" licenses issued by the Board via endorsement. Out of the ten, five (5) were LCSW'S. Ms. Frakes noted that this was a robust quarter for issuing new and renewal licenses, with "2,606" licenses being monitored by the Board. Following presentation of this agenda item, the Board thanked Ms. Frakes for the information and did not take any action.

Review, Discussion and for Possible Action, the Board's Year-to-Date 2014 Fiscal Year Budget Summary for July 1 through September 30, 2014 in Comparison to the Board Approved 2014 Fiscal Year Budget.

Kim Frakes presented this agenda item to the Board. Included in each Board member's meeting packet was a year-to-date 2014 fiscal year budget for the 1st 2014/2015 quarter for the months of July 1 through September 30, 2014. The Board's 2014/2015 approved budget is also included for comparison. It is noted that expenses and revenue that is at 25% is deemed as being on target. Following review of the 2014 fiscal year budget summary, a motion was made by Rod Smith and seconded by James Bertone to accept the 2014 fiscal year budget as submitted. This motion was carried without objection.

Review and Discussion, the Board Office (Office) 2014 Holiday Schedule as Posted on the Board's Website, <http://socwork.nv.gov/ContactUs> , Including the Revised Office Schedule for the Week of December 22 through 26, 2014.

Kim Frakes presented this agenda item to the Board. This agenda item served to notify the Board of the Office holiday schedule, especially the early closure on December 24, 2014, Christmas Eve. Ms. Frakes indicated that the holiday schedule was posted well over a month ago, pursuant to State requirements and that the revision to the Board's office schedule was also discussed and approved by President Lowery. A copy of the holiday schedule, as posted on the Board's website was included in each Board member's meeting packet. The Board thanked Ms. Frakes for updating them regarding the holiday schedule.

Review and Discussion, the Proposed Board Meeting Schedule for 2015.

Kim Frakes presented this agenda item to the Board. A copy of the 2015 calendar was enclosed in each Board member's meeting packet. Highlighted were the "third" Fridays of each month. Ms. Frakes reminded the Board that "odd" numbered months are typically used for regularly scheduled Board meetings and "even" numbered months are typically reserved for disciplinary meetings. However, the State Legislature will be convening which means that meetings may be scheduled out of sequence in order to address any matters which arise unexpectedly.

Review and Discussion, Executive Director's Report.

Kim Frakes presented this agenda item to the Board. She thanked everyone for their attendance at the meeting and reminded the Board that the next scheduled Board meeting would probably be January 16, 2015.

Ms. Frakes indicated that she would get back to everyone once this date was confirmed. Aside from this, Ms. Frakes stated that she did not have anything further to add to today's meeting.

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 at either the Reno or Las Vegas locations to offer comment.

ADJOURNMENT

A motion was made by James Bertone and seconded by Rod Smith to adjourn the meeting. This motion was carried without objection. The meeting was concluded at 11:25 a.m.

Respectfully Submitted,

Kim Frakes
Executive Director