



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

MINUTES OF BOARD MEETING  
October 16, 2015

The meeting of the Board of Examiners for Social Workers was called to order by Sandy Lowery, Board President at 8:30 a.m. The meeting was held at 4600 Kietzke Lane, Suite I-204, in Reno, 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:

Members Present:

Rod Smith, Public Member  
Annie Wilson, LSW, Board Member  
James Bertone, LCSW, Board Vice-President  
C.J. Yao, LCSW  
Sandra Lowery, LCSW, Board President, Reno

Staff Present

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

Public Attendees

Lea Cartwright, J.K. Belz and Associates, Reno

PUBLIC COMMENT

No one offered public comment.

**AGENDA**

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

**REGULAR AGENDA**

**BOARD OPERATIONS**

**Review, Discussion and for Possible Action, Approval of the Minutes for the August 21, 2015 Board meeting.**

Kim Frakes presented this agenda item to the Board. She noted that the drafted minutes were for the May 15, 2015 Board were in each Board members' Board meeting packet. Following review of the enclosed minutes, a motion was made by James Bertone and seconded by Annie Wilson, to approve the minutes from the August 21, 2015 Board meeting as submitted. Rod Smith and C.J. Yao abstained from taking action since they did not attend the August 21, 2015 Board meeting. This motion was carried without objection.

## **LEGISLATIVE AND REGULATORY ISSUES**

*(In order to aid in the efficacy of this meeting, this Agenda Item, 5 A through E were combined with Agenda Item 6 A through C, in order to present the proposed regulation changes in chronological order as they appear in Chapter 641B of the Nevada Administrative Code).*

### **Agenda Item 5 A through E:**

**Review, Discussion and for Possible Action, Revisions of Nevada Administrative Code (NAC) 641B as it Pertains to the Passage of the Following Assembly and Senate Bills During the 78<sup>th</sup> (2015) Legislative Session as Listed Below and Possible Action to Accept Each of the Proposed Regulation Changes by:**

- (i) **Accepting the proposed regulation changes as submitted;**
- (ii) **Accepting a proposed regulation change not listed, resulting from Board discussion;**
- (iii) **Accepting the proposed regulation changes with recommended changes in language and/or location of the recommended changes under a different Nevada Administrative Code, resulting from Board discussion;**
- (iv) **Rejecting the proposed regulation change; or**
- (v) **Tabling the proposed regulation change.**
- (vi) **Proposed regulation changes approved by the Board or approved by the Board with recommended changes will be submitted to the Board at a subsequent Board meeting for final approval prior to submission to the Legislative Counsel Bureau in accordance to applicable NRS and NAC, including, NRS 439B.225 and NRS 233B.**

**NAC 641B.126, Licensure by Endorsement and NAC 641B.140, Licensed Independent Social Worker: Internship Required for Licensure; and NAC 641B.150, Licensed Clinical Social Worker: Internship Required for Licensure, as it pertains to the passage of: Assembly Bill No. 89, AN ACT relating to professions, requiring a regulatory body, including the Board, to develop opportunities for reciprocity of licensure for certain qualified professionals, under certain circumstances and the passage of Senate Bill No. 68, AN ACT relating to professions; authorizing certain qualified professionals to apply for the issuance of an expedited license by endorsement by regulatory bodies, including the Board, to practice in this State, under certain circumstances.**  
[http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB89\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB89_EN.pdf)  
[http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB68\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB68_EN.pdf)

**NAC 641B.187, Prerequisites and Requirements for Renewal of License; Grounds for Disciplinary Action; NAC 641B.188, Affidavit of Completion: Submission; Verification of Authenticity; NAC 641B.189, Approval of Program by Board: Acceptable Forms of Program; Unacceptable Courses and Programs; and NAC 641B.190, Approval: General Requirements, as it pertains to the passage of Assembly Bill No. 93, AN ACT relating to public health, requiring or encouraging certain licensed or certified professionals to receive suicide prevention and awareness training in order to renew a license and provisions regarding other related matters;**  
[http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB93\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB93_EN.pdf)

**NAC 641B.200, Professional Responsibility, as it pertains to the passage of Senate Bill No. 7, AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list persons authorized to complete certain certificates concerning the mental**

**condition of another, including clinical social workers with appropriate psychiatric experience and training, as determined by the Board;**

[http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB7\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB7_EN.pdf) **and**

**NAC 641B.210, Confidentiality of Records, as it pertains to the passage of Senate Bill No. 15, AN ACT relating to health care professionals; requiring a mental health professional, including clinical social workers, to apply for the emergency admission of his or her patient to a mental health facility or make a reasonable attempt to notify certain persons when his or her patient makes explicit threats of imminent serious physical harm or death in certain circumstances**

[http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB15\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB15_EN.pdf).

AND

**Agenda item 6A though C:**

**Review, Discussion and for Possible Action, Proposed Regulation Changes Identified by Board Members and Staff and possible action to accept each of the proposed regulation changes by:**

- (i) Accepting the proposed regulation changes as submitted;**
- (ii) Accepting a proposed regulation change not listed, resulting from Board discussion;**
- (iii) Accepting the proposed regulation changes with recommended changes in language and/or location of the recommended changes under a different Nevada Administrative Code, resulting from Board discussion;**
- (iv) Rejecting the proposed regulation change; or**
- (v) Tabling the proposed regulation change.**
- (vi) Proposed regulation changes approved by the Board or approved by the Board with recommended changes will be submitted to the Board at a subsequent Board meeting for final approval prior to submission to the Legislative Counsel Bureau in accordance to applicable NRS and NAC, including, NRS 439B.225 and NRS 233B.**

**NAC 641B.155, Supervisors of Interns: Generally, as it Pertains to the Inclusion of Other State Licensed Mental Health Practitioners, Under Certain Circumstances, Including but Not Limited to, Training and Experience as Specified by the Board;**

**NAC 641B.187, Prerequisites and Requirements for Renewal of License; Grounds for Disciplinary Actions as it Pertains to:**

- (i) Subsection 3, Lowering the Age to "65" for Licensed Individuals Who are Retired from the Practice of Social Work, and Who are Requesting a Waiver of Continuing Education Requirements, as Allowable Pursuant to the Passage of Assembly Bill 93, During the 78<sup>th</sup> (2015) Legislative Session; and**
- (ii) Subsection 4, Clarification of Good Cause Exemptions Allowing for the Renewal of a License Following Failure to Complete Continuing Education Requirements, as Allowable Pursuant to the Passage of Assembly Bill 93, During the 78<sup>th</sup> (2015) Legislative Session.**

**NAC 641B.205, Responsibility to Client, as it Pertains to Subsection 13, Clarifying Circumstances Under Which a Client May Continue to Receive Services Within a 2-Year Period, from a Licensee Following the Termination of Services within a Particular Setting, When the Continuation of Services with a Licensee in a Different Setting Appears to be for the Benefit of the Client.**

Following an overview of Agenda Item 5 and Item 6 by President Lowery, she invited Kim Frakes to present both agenda items which were combined in order to aid in the efficacy of the meeting. Ms. Frakes noted that the proposed regulation changes presented on this portion of the agenda (Agenda Item 5A through E) were a result of bills which were passed during the 78<sup>th</sup>/2015 Legislative Session. This now requires the Board to make regulation changes in order to carry out changes made by the Legislature to NRS (Nevada Revised Statute) 641B. In order to assist the Board with this process, Ms. Frakes indicated that each Board meeting packet contained the following:

- A copy of the proposed regulation changes. Ms. Frakes explained the color coding as it pertained to the various fonts in the proposed regulations. The previous Newly Adopted Regulations, R142-08, were codified in January, 2012 and are accordingly reflected as regular font. The recent-most Newly Adopted Regulations, R025-14, and were filed by the Nevada Secretary of State office on or around October 24, 2014. R025-14 is still waiting to be codified by the Legislative Counsel Bureau. Some of the proposed regulation changes, including regulation changes necessary due to the passage of Legislation during the 78<sup>th</sup>/2015 Legislative session were reflected as noted: (a) Items which were contained in R025-14 and are pending codification are bolded, underlined and in italics; (b) Items which are newly proposed language are in blue font; (c) Items which are contained in codified language from R142-08 are in red font which has a line striking out the language; and (d) Items which were contained in R025-14, were pending codification, but are proposed for removal are written in red, bolded, underlined, italics which has a line striking out the language;
- An abbreviated copy of each referenced Assembly or Senate bill as introduced on the Legislative website. This abbreviated copy contained the abstract of each bill and a copy of the portion of the bill referencing changes to NRS 641B;
- A copy of the Board's most recent NAC (Nevada Administrative Code) 641B;
- A copy of the Board's Recently Adopted Regulations, R025-14; and
- A copy of the Board's most recent NAC 641B which were merged with the Newly Adopted Regulation Changes in R025-14 (which are pending codification by the Legislative Counsel Bureau). Ms. Frakes expressed that creating an, "Unofficial Copy", of NAC 641B would hopefully assist the Board when reviewing the proposed regulation Changes.

(Agenda Item 5B)—NAC 641B.126, Licensure by Endorsement and NAC 641B.140, Licensed Independent Social Worker: Internship Required for Licensure; and NAC 641B.150, Licensed Clinical Social Worker: Internship Required for Licensure, as it pertains to the passage of: Assembly Bill No. 89, AN ACT relating to professions, requiring a regulatory body, including the Board, to develop opportunities for reciprocity of licensure for certain qualified professionals, under certain circumstances and the passage of Senate Bill No. 68, AN ACT relating to professions; authorizing certain qualified professionals to apply for the issuance of an expedited license by endorsement by regulatory bodies, including the Board, to practice in this State, under certain circumstances. [http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB89\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB89_EN.pdf)  
[http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB68\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB68_EN.pdf)

Both Assembly Bill 89 (AB 89) and Senate Bill 68 (SB 68) requires licensure via endorsement for individuals who are licensed in another state or territory who meet certain criteria as specified in these two bills. The

criteria includes: Licensure under a corresponding board in another state or territory for a minimum of five (5) years; Licensure that is unrestricted and has not been disciplined in any state or territory; and the applicant is able to provide proof of current and active practice under their license for the previous five (5) years. Ms. Frakes indicated that the proposed changes to NAC 641B.126 are as follows:

(NAC 641B.126.1) Insert, *as applicable*, for clarification and removal of wording as it pertained to examination, in order to be consistent with the changed in these two bills.

(NAC 641B.126.1.a) Insert language which is consistent with the Legislative changes to NRS 641B. This includes language pertaining to licensure as a social worker for a minimum of five (5) years with application to the Board under the same level of licensure; Successfully passing the appropriate level of examination for licensure; Providing evidence, satisfactory to the Board, of continuous and current practice under the level of licensure which corresponds with the licensure application, and; Possession of a license, registration, certification or credential which has never been suspended, revoked, or otherwise restricted for any reason, by any state or U. S. territory.

A new subsection, 2, was added which allows an applicant who is licensed at either an independent or clinical level in another state or U.S. territory, who is not seeking endorsement of their postgraduate supervised hours towards licensure, the option of applying for a licensed social worker (LSW) license, providing the applicant meets certain criteria, including criteria pertaining to an appropriate level of examination, pursuant to NRS 641B.250 and NAC 641B.105, and, possession of an unrestricted, social worker license which has never been suspended, revoked, or otherwise restricted in any state or U.S. territory.

Removal of portions of the criteria for endorsement listed under NAC 641B.126(1)(a), of the Newly Adopted Regulations, R025-14, pertaining to licensure criteria.

A new subsection, 3, which allows the Board to consider approval of licensure for applicants from another state or U.S. territory, licensed less than five (5) years, who meets substantially equivalent licensing criteria, to include the applicant's postgraduate, supervised hours were: Supervised by a clinical, independent or Master's level social worker, as specified, and; The postgraduate, supervised hours were conducted in the same state which approved the supervised hours.

*(DISCUSSION)*

Ms. Frakes indicated that during the Legislative session, there was discussion about merging the two (2) bills, i.e., AB 89 and SB 68. To date, this does not appear to have occurred. Ms. Frakes indicated that AB 89 contained mandated language pertaining to charging, "half", on all initial applications for veterans, retired veterans and spouses of active duty and deceased veterans. Ms. Frakes indicated that she did not include a reduction in fees reflecting this mandate as she did not find any other licensing boards modifying their fees. Ms. Frakes asked Ms. Rasul if she was aware of any State boards she represents who are proposing regulation changes in response to this mandate. Ms. Rasul indicated that at the time, she was not aware of any proposed regulation changes pertaining to a reduced fee for veterans and spouses as noted above.

Ms. Frakes indicated that it has been brought to her attention, that the Board's requirement to retake the appropriate licensing examination if the applicant had taken the exam over 15 years ago was addressed, in part, for those who are eligible for licensure via AB 89 and SB 68. However, there are occasions when applicants who are licensed in another state at either a clinical or independent level of social work who simply wish to apply as a licensed social worker (LSW). In these instances, if the applicant has not taken the exam considered appropriate for an LSW (i.e. the Bachelor's or Master's exam) within the previous 15 years, the Board has required the individual to retake this exam. Ms. Frakes believed this would be an opportunity for the Board to discuss whether they wanted to propose any revisions to this policy.

Ms. Frakes indicated that according to the Association of Social Work Boards (ASWB) each level of exam (i.e. Bachelor's, Master's, Clinical or Advanced) is a separate exam which measures different knowledge, skills and abilities. President Lowery wondered why the Board continues to have an applicant who has practiced at an advanced level, which includes practice routinely conducted by an licensed social worker, to take the Bachelor's or Master's exam. Ms. Rasul cautioned that requirements for out-of-state applicants should be consistent with how the Board treats in-state applicants. President Lowery suggested language reflecting that applicants applying under this revised regulation have a minimum 5 years current practice and removal of proposed language in section 2.c.

Section 3.c, pertained to applicants who are licensed less than 5 years and would not be eligible pursuant to AB 93 and SB 68. The language reflects substantially equivalent standards currently reflected in the Board's regulations. President Lowery wondered if this would be an appropriate time to discuss revisions pertaining to other types of mental health providers who would be eligible to provide supervision to interns. It was agreed that this would be an appropriate topic of discussion further on during the meeting.

(Agenda Item 6A)—NAC 641B.155, Supervisors of Interns: Generally, as it Pertains to the Inclusion of Other State Licensed Mental Health Practitioners, Under Certain Circumstances, Including but Not Limited to, Training and Experience as Specified by the Board.

Kim Frakes presented this agenda item to the Board. Due to ongoing outreach by Board staff and Board members, with various rural entities, it has been brought to the attention of the Board that fulfilling the requirements of postgraduate supervision towards clinical licensure by a licensed clinical social worker who is approved by the Board to provide supervision, may be too rigorous. The recommended revision allows for some modification to the requirements in NAC 641B.155, under certain circumstances, as deemed appropriate by the Board. Ms. Frakes indicated that the proposed changes are as follows:

(NAC 641B.155.d.2) Insert language which enables the Board to consider a different level of mental health licensure to provide a portion of the required postgraduate supervision. This section proposes removal of language pertaining to practice requirements within the last 2 years.

*(DISCUSSION)*

In reviewing the proposed language, Ms. Frakes indicated that the intention of this proposed language pertained to allowing Board approved interns by other mental health practitioners licensed in this State. In reviewing the proposed language, it was determined that this did not appear to be the appropriate section to add this language. It was determined to revise language pertaining to the phrase, "*in part*"; and replace it with language pertaining to this being at the, "*Board's discretion*".

(Agenda Item 6B)--NAC 641B.187, Prerequisites and Requirements for Renewal of License; Grounds for Disciplinary Actions as it Pertains to:

- (i) Subsection 3, Lowering the Age to "65" for Licensed Individuals Who are Retired from the Practice of Social Work, and Who are Requesting a Waiver of Continuing Education Requirements, as Allowable Pursuant to the Passage of Assembly Bill 93, During the 78<sup>th</sup> (2015) Legislative Session; and
- (ii) Subsection 4, Clarification of Good Cause Exemptions Allowing for the Renewal of a License Following Failure to Complete Continuing Education Requirements, as Allowable Pursuant to the Passage of Assembly Bill 93, During the 78<sup>th</sup> (2015) Legislative Session.

Kim Frakes presented this agenda item to the Board. Pursuant to the passage of Assembly Bill 93 during the 78<sup>th</sup>, 2015 Legislative session, these proposed regulation changes reflect the mandate that social workers complete at least 2 hours of continuing education instruction on evidence-based suicide prevention and awareness, as a prerequisite for the renewal of a license, pursuant to NRS 641B.280. Since the bill only affords the Board the ability to set forth in regulation evidence of completion and does not allow the Board to determine exemptions from this mandate, this is accordingly reflected in the regulation changes in subsection 1a and 1b. The recommendations to lower the age of exemption for completion of continuing education hours for retirees has been lowered to age 65, which appears to more generally reflect the age of retirement. The recommended change in subsection 6 of this regulation is considered a, "housekeeping" measure which accurately reflects the number of continuing education hours required for various levels of licensure. Ms. Frakes indicated that the proposed changes are as follows:

(NAC 641B.187.1.a.2) Inserts language which is consistent with Legislative changes in NRS 641B.280, requiring at least two (2) hours of continuing education instructions on evidence-based suicide prevention and awareness, for licensed associate social workers and licensed social workers, which will become effective on July 1, 2016.

(NAC 641B.187.1.b.2) Inserts language which is consistent with Legislative changes in NRS 641B.280, requiring at least two (2) hours of continuing education instructions on evidence-based suicide prevention and awareness, for licensed clinical social workers and licensed independent social workers, which will become effective on July 1, 2016.

(NAC 641B.187.3) Revises language which, with the exception of NRS 641B.280, which mandates evidence-based continuing education instruction on suicide prevention and awareness, allowing licensees who are retired from the practice of social work, a waiver of continuing education requirements, if the waiver is submitted in writing by the eligible licensee upon renewing his or her social work license.

(NAC 641B.187.4) Inserts clarification pertaining to the Board's ability to grant exceptions to licensees who fail to meet continuing education requirements for good cause, with the exception of NRS 641B.280, which mandates evidence-based continuing education instruction on suicide prevention and awareness.

(NAC 641B.187.5) Inserts clarification pertaining to the Board's ability to grant waive continuing education requirements for licensees who are enrolled in a program leading to a baccalaureate or master's degree in a social work program approved by the Council on Social Work Education or a doctoral degree in social work. This exemption would not be extended to NRS 641B.280, which mandates evidence-based continuing education instruction on suicide prevention and awareness.

(NAC 641B.187.6) Provides housekeeping language indicating that if the Board renews the license of a licensee, pursuant to NAC 641B.187(4), the Board may require the licensee to complete the number of continuing education hours required for the licensee's level of licensure during a 2-year period.

Ms. Frakes noted that although there were not any proposed changes pertaining to NAC 641B.188, "*Affidavit of completion: Submission; verification of authenticity*," as it pertained to continuing education hours, this section was added in the list of proposed regulation changes in order to benefit the Board when reviewing this agenda item.

*(DISCUSSION)*

Although the Legislature affords some flexibility pertaining to enforcement of this mandate, President Lowery indicated that the Board should provide good faith to the Legislature regarding enforcement of this mandate. There was discussion on whether a licensee routinely knows when their continuing education collection cycle is due. President Lowery suggested that continuing education collection cycle for each licensee, in order to better facilitate compliance with this particular mandate, should be posted on the Board's public database. It was further discussed that the Board will need to increase efforts in auditing licensee continuing education compliance, including having first-time licensee renewals submit their affidavit of completion of mandated suicide prevention and awareness for audit Board audits.

*(Following review of the proposed regulation changes in NAC 641B.187, the Board took a 10 minute break from 10:00 a.m. until 10:10 a.m.)*

NAC 641B.188 Although not agendized, President Lowery noted that in response to mandated continuing education pertaining to suicide prevention and awareness, the Board may wish to modify language pertaining auditing licensees for compliance with this mandate. Section 2 indicates that the Board will randomly select affidavits to verify compliance with continuing education requirements. As a result of Board discussion, she suggested that this regulation may require modification to require first-time license renewals to submit proof of suicide prevention and awareness completion. This would be in the form of an attached continuing education certificate.

(Agenda Item 6ii)—NAC 641B.189, Proposed Regulation Changes Identified by Board Members and Staff and possible action to accept each of the proposed regulation changes by:

(ii) Accepting a proposed regulation change not listed, resulting from Board discussion;

Kim Frakes presented this agenda item to the Board. This agenda item afforded the Board and Board staff to propose regulation changes that, for various reasons, were not able to be posted on the agenda. This particular agenda item pertains to the technological methods of presenting continuing education courses. As technology continues to advance, including the delivery of continuing education courses, there has been discussion between Board staff, Board members and licensees on the definition of, "distance learning courses". During the course of discussing regulation changes, the Board may wish to discuss how the advances in technology and methods of delivering continuing education courses may be cause to expand the Board's current definition of approved, "distance learning", courses and possibly consider whether this expanded definition should also be reflected in the number of continuing education hours allowable, pursuant to subsection 2 of this regulation.

(NAC 641B.189.2) Inserts language which enables a licensee to request and for the Board to approve additional distance learning continuing education hours, contingent upon good cause, as determined by the Board.

*(DISCUSSION)*

There were discussion pertaining to professionalism as it pertains to licensee compliance in attending, focusing and completing continuing education courses. It was noted that the proposed regulation changes on page 17 afforded licensees to request and the Board may accordingly consider additional distance learning courses. The additional discussion pertained to the possibility redefining "distance learning" courses. In lieu of redefining "interactive" discussion between participants and course providers, President Lowery recommended requiring distance learning courses to use pre-tests/post-tests as a measurement of participant learning.



There was also discussion to possibly establish via policy including ASWB (Association of Social Work Boards) as a Board approved provider of continuing education. The Board further recommended changes to section 4.c, d, e and f.

NAC 641B.190 Although not agendized, the Board recommended modifications to this regulation to modify language regarding subsection e, courses being "evidence-based" entirely or partially, and change this to indicate courses which are, "evidence-based". James Bertone suggested adding a section 3.i, to include in the Board's list of approved courses, suicide awareness and prevention.

The Board reviewed the remaining NAC 641B.191 through NAC 641B.195. The Board recommended Ms. Frakes review these regulations to determine whether the addition of language pertaining to pre-test and post-test would apply and to accordingly make language changes.

(Agenda Item 5D)--NAC 641B.200, Professional Responsibility, as it pertains to the passage of Senate Bill No. 7, AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list persons authorized to complete certain certificates concerning the mental condition of another, including clinical social workers with appropriate psychiatric experience and training, as determined by the Board;  
[http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB7\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB7_EN.pdf) .

Kim Frakes presented this agenda item. During the 78<sup>th</sup>, 2015 Legislative session, the passage of Senate Bill 7 expanded the list of certain licensed mental health professionals, to include licensed clinical social workers, who are authorized to complete a certificate concerning the mental condition of an individual who is admitted involuntarily for to certain facilities. The criteria for determining clinical social workers who would be authorized to complete this certificate would be determined by the Board. Determining factors would include, but is not limited to, length of psychiatric experience and Board approved training, pursuant to this senate bill. It appears that the Legal 2000 form would be updated to reflect the passage of this bill. To date, this has not been provided by the State's Division of Public and Behavioral Health. In anticipation of a revised Legal 2000 form and in lieu of having this form, a general revision to subsection 10 of this regulation is being proposed.

*(DISCUSSION)*

President Lowery indicated that she had a hand out which clarifies the nature of this bill which she would provide to the Board after lunch. She noted that the language in SB 7 and the assumed intention of this bill appears incongruent. Ms. Frakes indicated that during Legislative session discussion of SB 7, it appeared that would be a modification to the current Legal 2000 form. To date, there a revision of this form does not appear to be available. Ms. Frakes indicated that without the benefit of this form, the proposed language should still enable the Board, once the modified Legal 2000 form becomes available, the suggested revision to NAC 641B.200(10) would afford the Board the ability to determine minimum requirements for LCSW'S who are interested in being eligible to de-certify individuals from a Legal 2000 and provide the Board the ability to establish appropriate training.

(Agenda Item 6C)—NAC 641B.205, Responsibility to Client, as it Pertains to Subsection 13, Clarifying Circumstances Under Which a Client May Continue to Receive Services Within a 2-Year Period, from a Licensee Following the Termination of Services within a Particular Setting, When the Continuation of Services with a Licensee in a Different Setting Appears to be for the Benefit of the Client.

Kim Frakes presented this agenda item to the Board. The rationale for proposed regulation changes, it appears that there may be occasions where a client may benefit from continuing with a licensee following the termination of professional services within the 2-year period pursuant to subsection 13. It appears that the intentions of this subsection may have been to avoid placing a client in the middle of a client "poaching" scenario and avoid situations where a client's social worker leaves a particular agency and then solicits the client to obtain services with the same social worker at a different agency. The proposed regulation revision attempts to clarify when it may be appropriate for a licensee to provide professional services to a client within the 2-year period following the initial termination of professional services. The proposed changes were added to subsection 13.

*(DISCUSSION)*

The Board's discussion wondered why this would be considered an issue. Ms. Frakes indicated that based on precedent, the Board has defined the above noted situation as a, "dual relationship". Based upon Board discussion, this appeared to be an issue to agency policy. The Board agreed to have Ms. Frakes research a definition of "dual relationship" and possibly add this definition to the Board's list of definitions at the beginning of the NAC.

*(Following discussion of this agenda item, the Board took a lunch break from 11:30 a.m. until 1:00 p.m.)*

(Agenda Item 5D)--NAC 641B.200, Professional Responsibility, as it pertains to the passage of Senate Bill No. 7—CONTINUED

President Lowery continued discussion of this agenda item. She presented handouts pertaining to Legal 2000 procedure. As submitted in SB 7, the bill's language allows clinical social workers with appropriate psychiatric training, as determined by the Board, with appropriate training approved by the Board. The Legal 2000 form, in its current format, does not reflect the language in SB 7. Ms. Frakes indicated that pursuant to policy, the Board may require interested social workers to carry liability insurance, for a specified minimum amount. The Board concluded that language in the proposed regulation change appeared general enough to afford the Board to follow up with appropriate training once the Legal 2000 form is revised and circulated.

(Agenda Item 5E)--NAC 641B.210, Confidentiality of Records, as it pertains to the passage of Senate Bill No. 15, AN ACT relating to health care professionals; requiring a mental health professional, including clinical social workers, to apply for the emergency admission of his or her patient to a mental health facility or make a reasonable attempt to notify certain persons when his or her patient makes explicit threats of imminent serious physical harm or death in certain circumstances  
[http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB15\\_EN.pdf](http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB15_EN.pdf) .

Kim Frakes presented this agenda item. During the 78<sup>th</sup>, 2015 Legislative session, the passage of Senate Bill 15 required a mental health professional to apply for the emergency admission of a patient or client or make reasonable attempts to notify certain persons when the patient or client makes explicit threats of imminent serious physical harm or death, under circumstance noted in this bill. Although the Board already requires a licensee to notify certain individuals, under circumstances noted in subsection 3, this proposed regulation revision references Chapter 629 of NRS, where the revision to this statute was implemented pursuant to this senate bill.

*(DISCUSSION)*

Senate Bill 15, also known as the, "Tarasoff Law", was passed during this session. Although this regulation already provides for a duty to warn, the proposed revision refers to the new law which is contained in Chapter 629 of NRS.

(Agenda Item 6A)—NAC 641B.155, Supervisors of Interns: Generally, as it Pertains to the Inclusion of Other State Licensed Mental Health Practitioners, Under Certain Circumstances, Including but Not Limited to, Training and Experience as Specified by the Board—CONTINUED

The Board continued discussion pertaining to additional levels of mental health licensure to provide a specified amount of postgraduate supervision towards clinical or independent level of licensure. President Lowery presented her research pertaining to 9 Western states regarding their requirements. According to her research, it appears that these 9 states allowed other mental health licensure to provide postgraduate social work supervision. The Board determined that it should establish a specified amount of hours and training. The interdisciplinary aspect of supervision could serve to enrich the postgraduate supervision experience. The Board agreed to modify the proposed language to indicate that after the first 1,000 hours of clinical practice, an intern may, with Board approval, change to a different Board approved supervisor who is licensed as either a clinical psychologist or a board certified psychiatrist, licensed a minimum of three (3) years. The clinical psychologist or board certified psychiatrist must have completed any training specified by the Board.

The Board also discussed how this revision should be reflected in the proposed regulation changes for out-of-state applicants seeking endorsement. For applicants licensed less than five years, the Board would accept the application for endorsement in which the applicant received a minimum of 1,000 postgraduate hours and the remaining hours were supervised under a clinical psychologist or a board certified psychiatrist who is authorized to provide supervision in their state.

*(Following review and discussion of this agenda item, the Board took a 10 minute break).*

(Agenda Item 6B)--NAC 641B.187, Prerequisites and Requirements for Renewal of License and NAC 641B.188, Affidavit of Completion: Submission; Verification of authenticity—CONTINUED

The Board continued with discussion on how to implement the requirements of AB 93, which included how to maintain the spirit of the law. The Board requested Ms. Rasul to research how other State boards she represents are implementing this mandate. It was suggested that perhaps licensees who had less than 6 months to complete their continuing education cycle after July 1, 2016, would be exempt while licensees who had more than six (6) months in their collection cycle after July 1, 2016 would be required to take the required 2.0 continuing education course in suicide prevention and awareness. The Board agreed that this matter should be further clarified on the Board's website, in addition to ample notification on licensees' renewal applications. Pursuant to AB 93, Ms. Frakes noted that the Board should formally "adopt" this regulation well in advance of the July 1, 2016 deadline. The Board suggested that a rubric would greatly assist licensees regarding compliance with this mandate. It was further suggested that Board members could research evidence-based online courses which contains pre-test/post-test. NASW Nevada Chapter, a Board provider, would also be a good referral source for licensees.

Following review and discussion of the proposed regulations, a motion was made by Annie Wilson and seconded by James Bertone to approve the proposed regulation changes, with recommended revisions to these proposed regulations, as noted during the Board's review and discussion of the proposed regulations. This motion was carried without objection. Ms. Frakes indicated that a second draft of these proposed regulations, reflecting the Board's recommended revisions, would be brought to the November 20, 2015 Board meeting for a final review and approval. Contingent upon the Board approving the second draft during the

November 20, 2015 Board meeting, the regulations will then be submitted to the State's Legislative Counsel Bureau.

## **DEPUTY ATTORNEY GENERAL REPORT**

### **Review and Discussion, Senior Deputy Attorney General Report.**

Ms. Rasul also noted that she did not have anything further to add to today's Board meeting. President Lowery reminded Ms. Rasul that she would be checking other State licensing boards she represents to determine how they are implementing AB 93 deadlines.

## **PRESIDING OFFICER'S COMMENTS**

### **Review and Discussion, Presiding Officer's Comments.**

President Lowery updated the Board regarding her following up with interested parties who attended and presented on school social workers during the August 21, 2016 Board meeting. President Lowery indicated that she met with these individuals within one (1) week, on August 28, 2015. She provided them with recommendations on how they could revise their job description in order for the school social worker positions could be considered as part of a Board approved internship program. President Lowery provided them with ways they could contact her and indicated that she would make herself available to assist them with this process. President Lowery indicated that the individuals indicated that they would draft a job description and determine if the proposed job description would also meet their school district's requirements. Since the August 28, 2015 meeting, President Lowery has not heard back from these individuals.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Review and Discussion, Board Executive Director's Report.**

Kim Frakes thanked the Board for attending the Board meeting/retreat. She indicated that the Board office had finally received a new color-copier/scanner and that she is getting settled into her new office. Ms. Frakes reminded everyone about the November 20, 2015 Board meeting. During this meeting, the regulations would be revised and receive a final review by the Board prior to being submitted to the Legislative Counsel Bureau.

## **PUBLIC COMMENT**

Rod Smith wanted the Board staff to know of his appreciation for all that they do. Kim Frakes indicated that she would pass this along to them.

This meeting was subsequently adjourned at 3:07 p.m.

Respectfully Submitted,

Kim Frakes, LCSW  
Board Executive Director