



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

MINUTES OF BOARD MEETING
March 20, 2015

The meeting of the Board of Examiners for Social Workers was called to order by Sandy Lowery, Board President at 9:04 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:

Sandra Lowery, LCSW, Board President, Reno
Rod Smith, Public Member, Board Secretary/Treasurer, Reno
C.J. Yao, LCSW, Board Member, Las Vegas

Staff Present

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

Public Attendees

Allison Turchioe, Las Vegas
Misty Vaughn Allen, Reno
Candia Tolbert, LSW, Reno
Rangal Yorks, LCSW, Reno

PUBLIC COMMENT

Public comment was offered in Las Vegas, by Allison Turchioe, licensure applicant. Ms. Turchioe indicated that she was in the process of applying for licensure with the Board via endorsement of her New Jersey clinical social worker license. Ms. Turchioe indicated that she had a job offer pending the Board's possible approval of her New Jersey clinical social worker license. President Lowery thanked Ms. Turchioe for her public comment.

AGENDA

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

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

REGULAR AGENDA

DISCIPLINARY MATTERS

Review, Discussion and for Possible Action, Recommendation to Dismiss: G11-27 and G11-28.

Kim Frakes presented this agenda item to the Board. A redacted overview of these cases were presented to the Board along with the rationale and recommendation to dismiss them. Ms. Frakes indicated that these two cases were also reviewed and discussed with Henna Rasul, who, based upon Ms. Frakes' earlier review with her, was also recommending dismissal of these cases. Following review and discussion a motion was made by C.J. Yao and seconded by Rod Smith to accept the recommendations by Ms. Frakes to dismiss cases G11-27 and G11-28. This motion was carried without objection.

Review and Discussion, Redacted Disciplinary Report.

(This agenda item was tabled in order to assist with the efficacy in conducting this Board meeting).

LICENSURE, INTERN AND APPLICATION ISSUES

Review, Discussion and for Possible Action, Written Request by Candia Tolbert, LSW, Executive Director of No Child Left Behind (NCLB) to Appeal of Decision by Board Executive Director to:

i. Postpone Review and Consideration of NCLB'S Internship Program Agency Application (Application), Pursuant to NAC 641B.150 and Newly Adopted Regulations, LCB File R025-14; and

ii. Consideration to Review Application Following Written, Independent Verification Indicating that the Matters Which Prompted an Investigation by Collateral Agency(s) are Satisfactorily Resolved, to the Board's Satisfaction.

Kim Frakes presented this agenda item to the Board. Pursuant to NAC 641B.150(1), *"An applicant for licensure as a licensed clinical social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate clinical social work. Except as otherwise provided in subsection 3, (pertaining to postgraduate, supervised clinical social work occurring out-of-state) the required work must be: (a) Undertaken in a program that is approved by the Board before the applicant begins the program. The program must include, without limitation: (2) An appropriate setting, as determined by the Board; (and) (c) Conducted pursuant to the requirements and standards set forth by the Board. For good cause, the Board will withdraw its approval of a particular program."*

The newly adopted Board regulations as contained in LCB File No. R025-14, (Section 6, pertaining to NAC 641B.150) also states, *"Except as otherwise provided in subsection 2 of NAC 641B.126, (pertaining to out-of-state licenses) an applicant for licensure as a licensed clinical social worker must complete an internship...Except as otherwise provided in subsection 4, (pertaining to out-of-state postgraduate supervised clinical social work) the work must be: (c) "...For good cause, the Board will withdraw its approval of a particular program. Good cause for withdrawal of approval of a program includes, but is not limited to: (2) An investigation or finding by a local, state or federal authority pertaining to alleged practices conducted at the setting of the program which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS..."*(Effective January 1, 2015)

On or around January 27, 2011, Candia Tolbert, LSW, requested a Clinical Internship Program site application (Application). Following this date, she attempted to submit a completed Internship Program site application on the occasions as noted in the timeline provided below. Ms. Tolbert was informed verbally and in writing, that pursuant to the above Nevada Administrative Code (NAC) the Board reserved the right to review her Application until the Board received clarification and official notification which supported resolution of the issues which caused the State of Nevada Office of the Attorney General to raid her agency, No Child Left Behind (NCLB) also known as "Maylayla, Inc." on April 9, 2014. There appeared to be additional concerns as noted in the Board's June 6, 2014 letter to Ms. Tolbert. On February 10, 2015, Ms. Tolbert submitted a written request to appear during the Board's next regularly scheduled Board meeting in order to appeal the

decision by the Board's Executive Director to place her Internship site application on "hold" until there was a resolution to the above noted concerns. Ms. Tolbert also requested reconsideration during this Board meeting that her Application be approved as a Board approved Clinical Internship Program site. Each Board member's Board meeting packet contained the following documentation and a summarized timeline as noted below:

Documentation and Timeline:

1. On or around 09/10/2010, Ms. Tolbert files articles of incorporation to the Nevada Secretary of State (NV SOS) for Malayla, Inc., aka as NCLB;
2. According to Board notes, Ms. Tolbert picks up an Internship Site Application packet (Application) from the Board office on or around **01/27/2011**;
3. According to Board notes, Ms. Tolbert or a staff member from NCLB telephoned the Board regarding an additional site Application on or around **01/09/2014**. An Application was mailed to her that same day;
4. On or around **02/2014**, Ms. Tolbert telephoned Board staff inquiring about when her Application would be approved. She was informed that the Board had yet to receive her completed Internship Site Application;
5. On or around **04/09/2014**, NCLB offices in Sparks and Fallon were raided by the State Office of the Attorney General. It appears that the United States Treasury (IRS) may have been also involved in this raid. On or around 04/15/14, NCLB released a statement to the media that it had filed a legal objection pertaining to the raid. This raid and NCLB'S press release were highly publicized in the media (**Attachment A**);
6. On or around the last week of **05/23/ 2014**, Ms. Tolbert dropped off a site Application. The Board's Executive Director indicated that her Application could not be accepted at that time, given the ongoing investigations by the AG'S office and possibly the IRS. NAC 641B.150 was also cited as reasons for declining to review her Application at that time. She was informed that the Board may consider reviewing her site Application following resolution of the issues and concerns which had prompted these investigations;
7. On or around **06/04/2014**, the Board's Executive Director was contacted by Tenaya Ideker, LSW, regarding the "status" of her "internship". Ms. Ideker confirmed that Ms. Tolbert had listed a position on Craig's List, advertising NCLB as a Board approved clinical internship site. Ms. Ideker was informed by the Board's Executive Director that NCLB was not a Board approved Internship site;
8. On or around **06/06/2014**, the Board's Executive Director conducted a preliminary review of web-based information pertaining to NCLB and learned of the following (**Attachment B**):
 - NCLB'S website lists "Tenaya Ideker", as an "MFT-1", under the heading, "Family/Individual Therapists". The Board's Executive Director contacted the MFT (Marriage and Family Therapy) board and discovered that Ms. Ideker is neither licensed or registered with this board as an MFT or MFT Intern;
 - NCLB posted on "Indeed" a job search website that an "MFT-I with 600 hours of completed intern hours as well as 2 years mental health experience" could qualify for employment;
 - The NPI (National Provider Information) Number Lookup website indicated that Ms. Tolbert's primary taxonomy codes were: 103K00000X and 101YS0200X. "103K00000X" was the taxonomy code for a "Behavior Analyst". "101YS0200X" was the taxonomy code for Behavioral Health and Social Service providers;

- The Board's Executive Director contacted the State Board of Psychological Examiners (Psychology Board) which oversees the practice of Behavior Analysts in Nevada. Per the Psychology Board's Executive Director, an individual billing Nevada Medicaid for behavior analyst services would need to be certified by the Behavior Analyst National Certification Board;
9. On or around **06/06/2014**, the Board's Executive Director sends a certified letter to Ms. Tolbert regarding her site Application, Board concerns, and terms and conditions under which the Board may consider reviewing her Application at a later date. **(Attachment C)**;
 10. On or around **06/11/2014**, Stephen S. Kent, attorney, Kent Law, submits a letter to Henna Rasul, Senior Deputy Attorney General, regarding the Board's Executive Director's decision not to process Ms. Tolbert's site Application and place her Application on hold. Based upon Mr. Kent's letter, it appears that he was misinformed. Although NCLB was never approved as a Board approved Internship site, it appears that he had been mistakenly informed that NCLB was approved by the Board as an Internship site and that the Board had improperly withdrawn approval without offering Ms. Tolbert the benefit of due process. **(Attachment D)**;
 11. On or around **06/17/2014**, the Board's Executive Director locates the National Behavior Analyst Certification Board. It appears that Ms. Tolbert is not certified by this board at the time. **(Attachment E)**;
 12. On or around **06/26/2014**, the Board receives a response pertaining to Board concerns pertaining to NCLB which were discussed with Ms. Tolbert during previous telephone discussions with Board staff, including the Board Executive Director. Noted discrepancies were addressed by Board staff in the attached copy of this letter with notes from Board staff. On page 2 of this letter, Ms. Tolbert appears to believe that student practicums through UNR (University of Nevada, Reno) are the same as the Board's postgraduate supervised internship programs. **(Attachment F)**;
 13. On or around **10/10/2014**, the Board receives another Internship site Application. Ms. Tolbert's submits a letter and copies of business license information and an August 28, 2014 letter from Amerigroup indicating that a previously sent termination notice had been withdrawn. The information submitted by Ms. Tolbert does not provide any of the information requested earlier by the Board's Executive Director, regarding the State Attorney General's, possible IRS investigations and successful resolution of these matters. **(Attachment G)**;
 14. On or around **01/20/2015** (letter dated 01/15/2015), Ms. Tolbert drops off a letter updating the Board that the Attorney General's investigation was ongoing, her belief that the Board should consider her Application and that she wishes to meet with the Board regarding this matter. **(Attachment H)**;
 15. On or around **01/21/2015**, the Board's Executive Director informs Ms. Tolbert during a telephone call acknowledging receipt of her 01/20/2015 letter and that the information provided does not appear to support the Attorney General's and/or the IRS investigation being concluded. **(Attachment I)**;
 16. On or around **02/10/2015**, the Board receives a written request from Ms. Tolbert to be placed on the next Board meeting agenda. **(Attachment J)**;
 17. On or around **03/10/2015**, the Board responds to Ms. Tolbert's 02/10/2015 letter, informing her that she would be placed on the 03/20/2015 Board meeting agenda, pursuant to fulfilling the requirements of the State's Open Meeting Law. **(Attachment K)**; and

18. Candia Tolbert's **March 16, 2015** letter to the Board summarizes her reasons why the Board should reconsider and approve her Internship site Application for NCLB.

Ms. Frakes stated that following the Board's review and discussion of this matter, the Board may take action to:

1. Accept the Application, with noted concerns which appears to be unresolved in whole or in part, for reasons noted during Board discussion, for *consideration* as a Board approved Internship Program site;
2. Deny the Application until the Board (or appointed Board staff member) receives verification, to the satisfaction of the Board or appointed Board staff member, that the issues and concerns which resulted in the investigation by the State's Attorney General (AG) and other possible entities (i.e. IRS) have been successfully resolved. Consideration of a new Internship site Application at this designated time would not be a guarantee of Board approval as an Internship site; or
3. Any other action by the Board following review and discussion of this matter.

The Board reviewed the above documents, including Ms. Tolbert's March 16, 2015 letter. President Lowery requested clarification regarding the two (2) agencies involved in investigating NCLB. Ms. Tolbert wanted Board meeting minutes to reflect that NCLB was being investigated only by the State's AG office and was not the IRS. Ms. Frakes indicated that she would include Ms. Tolbert's clarification in the Board meeting minutes. Ms. Tolbert indicated that to date, the State's AG'S office has not provided her with any additional information regarding their investigation. She further noted that following the election of the new State AG, she was informed that the process to investigate and conclude this matter may take some time. Ms. Tolbert believed that certain information contained in the above listed documentation and timeline may not be correct. She acknowledged that an employee (Ideker) was incorrectly referred to as being licensed by the MFT (Marriage and Family Therapist) board. Ms. Tolbert indicated that this matter, once brought to her attention, had been corrected. President Lowery brought to Ms. Tolbert's attention that as of that moment (i.e. 9:37 a.m.), based upon her current review of NCLB'S website, this employee (Ideker) continued to be represented as being licensed by the MFT board. Ms. Tolbert stated that she thought this matter had been corrected and that she would be following up on this. Ms. Tolbert explained that she had worked hard to develop NCLB'S reputation as a respectable agency and felt maligned by the media's portrayal of this particular incident. Ms. Tolbert indicated that this matter was an innocent mistake and misunderstanding which involved improper Medicaid billing. She stated that NCLB'S clients have expressed satisfaction in the agency's services and programs and that this investigation had been instigated by a disgruntled former employee. Ms. Tolbert did not believe that Medicaid billing concerns were related to the Board's oversight pertaining to social work practice. Ms. Frakes indicated that improper billing, whether the improper billing was to an individual client or an agency, could be viewed as violations of the Board's Social Work Practice Act as contained in NRS (Nevada Revised Statute) and NAC (Nevada Administrative Code) 641B. C.J. Yao indicated that the Board's primary mission was protection of the public through the safe and ethical practice of social work. She added that it was not the Board's intentions to victimize Ms. Tolbert and noted that although the Board was placing a hold on processing her Internship site Application, this was not prohibiting Ms. Tolbert's ability to continue to provide services to her clients. Rod Smith inquired about whether NCLB was providing services to clients as "behavior analysts". It was Mr. Smith's understanding that if so, this may require certifications and licensure. Ms. Tolbert clarified that NCLB did not provide client services as behavioral analysts and that her staff were only involved in designing "behavioral interventions" for clients. Ms. Tolbert offered the Board and or staff to conduct inspections of NCLB, as often as necessary, in order to see for themselves how the agency is properly operated. Henna Rasul indicated that the Board and Board staff are not a policing entity. The mission of the Board is the health, safety and welfare of the public. President Lowery added that it appeared that the review of her Internship site Application could not advance until the matters prompting this investigation have been properly resolved by the State's AG office and State Medicaid. Mr. Smith expressed similar views previously expressed by President Lowery and indicated that the Board's hands were tied until this matter was resolved as noted.

At the conclusion of this agenda item, a motion was made by Rod Smith and seconded by C. J. Yao to uphold the Board's Executive Director's decision to place Ms. Tolbert's Internship site Application for No Child Left Behind on "HOLD" until the Board's Executive Director received documentation from the State's Attorney General's Office and Nevada State Medicaid that the concerns which had prompted the investigation by these entities had been properly resolved. President Lowery reminded Ms. Tolbert that in the meantime, she should promptly correct the misinformation regarding Ms. Ideker being licensed by the MFT board. This motion was carried without objection.

Review, Discussion and for Possible Action, Update by the Board's Executive Director Regarding her Ongoing Involvement During the 78th/2015 Legislative Session, Including, but not Limited to:

- 1. Testimony Before and Letters Written to Assigned Bill Committees;**
- 2. Response Addressing Licensee's and Public Concerns Pertaining to AB 89 as Posted on the Board's Website; and**
- 3. Postings Under "What's New" on the Board's Website as it Pertains to the Following Items and Bills:**

Kim Frakes presented this agenda item to the Board. Although there was a list of bills being tracked by her during this Legislative session, it was noted that there were two (2) public participants who indicated their interest in addressing the Board regarding two specific bills. The Board agreed in addressing these two (2) specific bills first and then reviewing the additional bills listed in the Board meeting packet. An overview of this bill as presented in the digest version of AB89 was presented by Ms. Frakes as indicated below:

AB89 *AN ACT relating to professions; ...authorizing certain qualified professionals to apply for a license by endorsement...requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Intragency Council on Veterans Affairs an annual report relating to veterans...*

<http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=89>

Rangal Yorks expressed interest in this bill as the language appeared to suggest that the Board was proposing to significantly raise the fees for all levels of licensure. Ms. Frakes and President Lowery provided an overview of the bill's history as follows: Caleb Cage, the Governor's Director of military affairs attended the Board's meeting in July 2014. Mr. Cage was visiting numerous State occupational and professional licensing boards during this period with the intention of gathering support for a bill he would be submitting on behalf of Governor Sandoval during this Legislative session. This bill would support the Governor's previous Executive Order pertaining licensure endorsement of active military personnel and spouses by State occupational and professional licensing boards. While discussing this matter with Mr. Cage, the Board expressed concerns regarding an inability to increase the ceiling on fees as charged in the Board's NAC'S (Nevada Administrative Code). It was noted during discussion that the ceiling on fees had not been increased in fifteen (15) years. Ms. Frakes noted that it was later discovered by President Lowery that the Board had not, aside from an increase in the initial application fee from \$25.00 to \$40.00 fifteen (15) years ago, raised the ceiling on the fees since the date when the Board was promulgated in 1987—almost thirty (30) years ago. Ms. Frakes added that following the July 2014 Board meeting, she was contacted by Mr. Cage who inquired whether the Board would be submitting information on his BDR (bill draft request) regarding endorsement. He added that if Ms. Frakes would be adding to the BDR, including recommendations to raise the ceiling on Board fees, she would need to act quickly as this information was required by the close of that business day. Ms. Frakes indicated that she was unable to retrieve any information regarding previous recommendations to raise the Board's ceiling on fees. Following a discussion with the Board's assigned budget analyst, who did not have any information regarding previously submitted Board BDR'S, Ms. Frakes indicated that she submitted the

current information regarding the Board's proposed ceiling of fees. She assumed that if the assigned Legislative Committee had questions, the actual fees could be amended as part of the Legislative committee process. President Lowery noted that in hindsight, the Board could have done a better job in reaching out to licensees prior to submitting the recommendations in the BDR. She further noted that it appeared that misinformation about this bill had been emailed to licensees in northern Nevada who in turn posted their objections on the Legislative website. Ms. Frakes stated that she had posted an official response on the Board's website in hopes of providing clarification that the list of fees in this bill was a proposed ceiling and not the fees the Board would be charging to licensees. This same response was also provided to the assigned Legislative Committee. Ms. Frakes noted that by the time this official response was posted, the section of the bill pertaining to the Board's proposed increase in the ceiling on fees had been pulled by Mr. Cage. President Lowery added that it was disheartening to learn that no one bothered to directly contact her or the Board with their questions and objections. Ms. Frakes added that although licensees routinely request the Board to provide them with the ability to renew and pay for their applications online, it will remain cost prohibitive, especially in light of the fact that the Board will not be able to raise fees to cover this cost. President Lowery indicated that the earliest the Board could bring this matter back for discussion would not be until the 2017 Legislative session. Mr. Yorks indicated that he was satisfied with the Board's explanation regarding this matter. Following presentation of this agenda item, the Board did not take any further action.

(The Board took a break from 10:28 a.m. until 10:35 a.m. Mr. Yorks left the meeting following the Board's review and discussion on AB89).

Following the Board's return from break, Ms. Frakes introduced Misty Vaughn Allen, Suicide Prevention Coordinator of Nevada, the State's Division of Public and Behavioral Health, Office of Suicide Prevention (Office of Suicide Prevention). Ms. Vaughn Allen was present to address the Board regarding AB 93. Ms. Frakes presented an overview of AB93 as summarized in the bill's digest as noted below:

AB93 AN ACT relating to public health; requiring certain licensed professionals to receive suicide prevention and awareness training in order to renew a license...

<http://leg.state.nv.us?Session/78th2015/Reports/history.cfm?ID=93>

Ms. Vaughn Allen indicated that she was attending the Board meeting at the request of Ms. Frakes. Ms. Frakes indicated that it would be beneficial for the Board to begin to become familiar with continuing education resource providers in the event AB93 is passed during this legislative session. Although this bill, if passed, would require individuals who are professionally licensed by the State boards mentioned in this bill (including social workers), the types of continuing education courses would be addressed post-session in the Board's regulation change process. Ms. Vaughn Allen presented a brief overview of Nevada's suicide rates, especially among veterans, as a driving force behind this bill. Ms. Vaughn Allen further indicated that the Office of Suicide Prevention has been in existence for several years, providing education to both professional and non-professional individuals regarding the risk factors and recognition of suicide symptoms. Ms. Frakes stated that when she originally testified as "neutral" on this bill before the Assembly Committee on Commerce and Labor (Committee), the presentation did not appear to go very well. Ms. Frakes indicated that although it may have appeared to certain Committee members that she was in opposition to the bill, this was not the case. She further added that there were some concerns regarding the applicability of this bill across the various levels of social work practice. Ms. Frakes expressed this bill's applicability to those licensed by the Board who do not have any direct client contact and are in administrative functions, such as grant writers. President Lowery wondered if Board staff were required to physically audit each renewing licensing, (approximately 200 monthly), how this would impact the Board office's ability to renew these licensees timely. Ms. Vaughn Allen suggested that this may be an important item to address with the bill's sponsor. The Board thanked Ms. Vaughn Allen for her time and contribution during this agenda item. Following presentation of

this agenda item, the Board did not take any further action. Ms. Vaughn Allen left the Board meeting shortly after the conclusion of this agenda item.

DISCIPLINARY MATTERS—CONTINUED

(The Board returned to Agenda Item 5B, which had been tabled earlier in this meeting).

Review and Discussion, Redacted Disciplinary Report.

Kim Frakes presented this agenda item to the Board. Ms. Frakes acknowledged that although Board staff had been making efforts to update the disciplinary files, things had been lagging. With the recent hiring of the Board's Legal Secretary, Ms. Frakes indicated that having her work on opening and logging in the disciplinary files have brought these files up-to-date. As noted there are now "113" active cases, which includes the two (2) cases dismissed during today's Board meeting. President Lowery expressed concerns that the number of disciplinary cases continue to grow. Ms. Frakes acknowledged President Lowery's concerns. She added that having the Board's Legal Secretary beginning to familiarize herself with these cases were part of a plan to have the Legal Secretary become more directly involved with this matter. Ms. Frakes stated that the next step would be for the Legal Secretary to begin to draft initial accusation letters to the individuals on this disciplinary list, with the eventual goal of having her assist with the investigative process. President Lowery asked Henna Rasul for her input. Ms. Rasul also expressed concerns on the growing number of active cases. She acknowledged that the Board is very strapped for resources, such as investigators. Ms. Rasul supported Ms. Frakes' plan to increase the Legal Secretary's direct involvement with these cases.

LEGISLATIVE AND REGULATORY ISSUES—CONTINUED

Review, Discussion and for Possible Action, Current List of Pre-filed Bills for the Upcoming 78th 2015 Legislative Session, Which May Require Monitoring and Follow Up by Identified Board Member(s) and/or Board Staff, With Bill Sponsor and Legislative Committee Members:

Kim Frakes presented this agenda item to the Board. She indicated that during the Board meeting in January 2015, she requested Board staff to make copies of the bills which may have been of interested to the Board members just prior to the Legislative session. Since then, the number of bills being tracked by Ms. Frakes had increased. In the interest of effectively utilizing Board staff time and resources, Ms. Frakes indicated that she would provide an overview of bills currently on her Legislative "Personal Bill Tracker". The overview was the same as the overview provided in each bill's digest on the Legislative website. A corresponding link was also provided on this Board meeting agenda so that anyone could pull up the bill from the Legislative website. A link was also provided under each bill which was listed in each Board members' meeting packet. This list bills being tracked by Ms. Frakes during this Legislative session were as follows:

- i. AB 53 *AN ACT relating to administrative procedure; revising provision governing the standard or proof in administrative hearings...* <http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=139>
- ii. AB72 *AN ACT relating to professional licensing board; providing professional licensing boards with the authority to issue citations in certain circumstances...*
<http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=166>
- iii. AB89 *AN ACT relating to professions; ...authorizing certain qualified professionals to apply for a license by endorsement...requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Intragency Council on Veterans Affairs an annual report relating to veterans...(Already presented and discussed earlier in this meeting).*
<http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=89>

iv. AB91 *AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged...with mental illness and...expanding the list of persons authorized to complete a certificate stating that certain persons admitted to certain mental health facilities...are not persons with mental illness...*

<http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=188>

v. AB93 *AN ACT relating to public health; requiring certain licensed professionals to receive suicide prevention and awareness training in order to renew a license...(Already presented and discussed earlier in this meeting).*

<http://leg.state.nv.us?Session/78th2015/Reports/history.cfm?ID=93>

vi. SB7 *AN ACT relating to mental health; (See AB91)*

<http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=8>

vii. SB10 *AN ACT relating to criminal procedure; allowing the Division of Public and Behavioral Health and Human Services to establish a program to provide certain services to a criminal defendant while...incarcerated...*

<http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=11>

viii. SB15 *AN ACT relating to health care professionals; requiring a mental health professional to notify certain persons when his or her patient make explicit threats or imminent serious physical harm or death in certain circumstances...*

<http://leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=25>

ix. SB70 *AN ACT relating to public bodies; making various changes relating to meetings of public bodies...*

<http://leg.state.nv.us/Sessions/78th2015/Reports/history.cfm?ID=114>

x. SB84 *AN ACT relating to health care providers; including certain alcohol and drug abuse counselors and problem gambling counselors in the definition of "provider of health care" for purposes of various provisions relating to healing arts...*

<http://leg.state.nv.us/Sessions/78th2015/Reports/history.cfm?ID=150>

xi. Any additional pre-filed bills brought to the Board's Executive Director's Attention Following the Completion of this Board Meeting's Agenda. Additional bills that were being tracked by Ms. Frakes following the completion and distribution of the Board meeting packets included:

i. AB294 *AN ACT relating to public health; requiring providers of health care to receive training relating to suicide assessment, screening and referral...*

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1787/Overview>

ii. AB325 *AN ACT relating to private professional guardians; requiring licensing for persons engaged in the business of a private professional guardian...*

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1839/Overview>

iii. SB7 *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 admission of such a person...;expanding the list of persons authorized to complete a certificate stating that certain persons admitted...are not persons with mental illness...*

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1144/Overview>

iv. SB15 *AN ACT relating to health care professionals; requiring a mental health professional to notify certain persons when his or her patient makes explicit threats of imminent serious physical harm or death in certain circumstances...*

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1161/Overview>

v. SB35 *AN ACT relating to mental health; ratifying and enacting the Interstate Compact on Mental Health...*

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1183/Overview>

vi. SB68 *AN ACT relating to professions; authorizing certain qualified professionals who hold a license in the District of Columbia or another state territory of the United States to apply for a license by endorsement to practice in this State...*

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1248/Overview>

- vii. SB353 *AN ACT relating to mental health professionals; prohibiting certain practitioners from providing sexual conversion therapy to a minor; providing a civil cause of action relating to the prohibition...*

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/Bill/1937/Overview>

Following the conclusion of this agenda item, Ms. Frakes reminded the Board that if they had any additional questions or wanted copies of any of the bills presented, to email her. The Board thanked Ms. Frakes for tracking these bills on their behalf during the Legislative session. Following review and presentation of this agenda item, the Board did not take any further action.

ASSOCIATION OF SOCIAL WORK BOARDS (ASWB)

Review and Discussion, the 2014 ASWB Examination Pass Rate Report for North America and the State of Nevada.

Kim Frakes presented this agenda item to the Board. The 2014 ASWB Examination Pass Rates for North America and the State of Nevada (jurisdiction only) was received by the Board office on or around February 27, 2014. It was noted that individuals taking their ASWB licensing exams for the State of Nevada continues to fare above the averages of the other ASWB jurisdictions. Ms. Frakes reminded that the ASWB jurisdictions currently include all of the 50 states, with exception of California, the Canadian providences and territories, and certain U.S. territories which include the U.S. Virgin Islands, Puerto Rico and most recently Guam. A copy of this two (2) paged report was included in each Board members' meeting packet. The Board was pleased to learn about Nevada's continued advanced standing as it pertains to the ASWB licensing examination scores. Ms. Frakes indicated that she expected the 2014 ASWB Examination Pass Rate Report for social work university and college programs in each jurisdiction in comparison to the examination pass rate report for North America should be arriving within the next few months. Following Ms. Frakes' presentation, the Board thanked her for presenting this information.

Review and Discussion, the 2015 Spring Education Meeting, April 30 Through May 2, 2015 in Seattle, Washington.

Kim Frakes presented this agenda item to the Board. She reminded the Board that the ASWB Spring Education Meeting (Spring Meeting) is a non-funded meeting. In each Board members' meeting packet was information regarding the Spring Meeting. Ms. Frakes indicated her intentions on attending this meeting as the information regarding licensure mobility appeared relevant and timely. The Board thanked Ms. Frakes for her presentation and supporting documentation pertaining to this agenda item.

Review and Discussion, North Carolina State Board of Dental Examiners v. Federal Trade Commission and Possible Implications for "Independent Regulatory Boards" in the United States.

Kim Frakes presented this agenda item to the Board. During the ASWB Annual Meeting in Boise, Idaho, this court case was mentioned during the meeting's Administrator's Forum. It appeared that the North Carolina State Board of Dental Examiners (N.C. Dental Board) had sent "cease and desist" letters to various "teeth whitening" providers throughout the state of North Carolina (NC). This appeared to include individuals who advertised teeth whitening, including "teeth whitening" kiosks in malls. The N.C. Dental Board believed that this was under the purview of their board and individuals who provided this service should accordingly be licensed by them. The teeth whitening practitioners became aligned with the Federal Trade Commission (FTC) and the case was eventually heard before the U.S. Supreme Court (Supreme Court). On February 25, 2015, the Supreme Court rendered a decision regarding this matter. It concluded that a state regulatory board that

includes a "controlling number" of "active participants" is not entitled to immunity from federal antitrust laws. Ms. Frakes indicated that there were some peculiarities about the N.C. Dental Board which included the state's dental licensees "voting" board member appointments to this board. Henna Rasul indicated that boards which have active oversight by state entities other than the board members themselves, including this Board, should be fine. The Board members indicated that this was an interesting case. Ms. Frakes stated that she attended a recent webinar presented by FARB (Federal Association of Regulatory Boards) regarding this court case from a legal perspective. She stated that she would continue to keep Board members updated on any new developments, including how the FTC'S possible actions against any other state licensing and regulatory boards.

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 updated the Board regarding her recent presentation on behalf of the Board to the University of Nevada, Las Vegas (UNLV). President Lowery reminded the Board that she and Kim Frakes have been active participants in the State's "Mental Health Pipeline" teleconferences. Other participants of these teleconferences have included administrators from both UNLV and UNR (University of Nevada, Reno). UNLV believed that it would be beneficial for the Board to education social work students during their final year of the program about Board licensure. President Lowery indicated that her presentation appeared well received with UNLV indicating that they would like to have her return for the purpose of conducting additional similar presentations. President Lowery further stated that this Legislative process proved to be a valuable learning experience moving forward. Aside from this, she did not have anything further to add. Board members and staff thanked President Lowery for conducting the presentation at UNLV.

BOARD OPERATIONS

Review, Discussion and for Possible Action, Approval of Minutes for the January 16, 2015 Board Meeting.

Kim Frakes presented this agenda item to the Board. She noted that the drafted minutes were for the January 16, 2015 Board were in each Board members' Board meeting packet with the exception of the Board packets sent to the Las Vegas Board members. Ms. Frakes indicated that the minutes were email to these Board members (C.J. Yao and Annie Wilson) the next morning. Ms. Yao verified that she had received the Board meeting minutes via email as noted. The Board took a few minutes to review the draft minutes as submitted. Following review of the enclosed minutes, a motion was made by Rod Smith and seconded by C.J. Yao, to approve the minutes from the January 16, 2015 Board meeting as submitted. This motion was carried without objection.

Review, Discussion and for Possible Action, Strategic Planning as it Pertains to the Possible Passage of Legislative Bills as Noted in Agenda Item 7, Including but not Limited to, Tentative Scheduling of a Board Retreat in 2015 for the Purpose of Initiating Regulation Changes.

Kim Frakes presented this agenda item to the Board. As noted during her presentation of bills being presented during the 78th/2015 Legislative session, passage of certain bills would require the Board to begin to regulation change and adoption process. Ms. Frakes suggested that the Board consider setting aside time in the late summer or early autumn, 2015, for a Board retreat for the purpose of initiating the regulation change process. Although the Board expressed appreciation pertaining to Ms. Frakes' forward thinking regarding this matter, the Board indicated that it would be best to revisit this matter following the conclusion of this Legislative session. The Board did not take any further action on this agenda item.

Review, Discussion and for Possible Action, Solicitation to Renew Contract with Coulson and Associates, Ltd., for up to Two (2) Years.

Kim Frakes presented this agenda item to the Board. This agenda item appeared on the previous January 16, 2015 Board meeting agenda and appeared to have been overlooked during this meeting. Ms. Frakes apologized for this oversight. She added that it was time to renew the Board's contract with Mr. Coulson, if the Board deemed it desirous to do so. Ms. Frakes reminded the Board that Coulson and Associates have been providing the Board with their financial audits, including the audit conducted for the previous fiscal year and reviewed by the Board during the January 16, 2015 Board meeting. Following review and discussion of this agenda item, a motion was made by Rod Smith and seconded by C.J. Yao, to approve solicitation to renew a two (2) year contract with Coulson and Associates, Ltd., by Ms. Frakes. This motion was carried without objection.

Review, Discussion and for Possible Action, Update on the Office Expansion Project.

Kim Frakes presented this agenda item to the Board. The Board's office expansion has been a work in progress for the past several months. Ms. Frakes indicated that the State's Buildings and Grounds have indicated that a new contract should be presented before the State's Board of Examiners meeting within the upcoming weeks and that work would commence shortly thereafter. It was anticipated that if everything is on schedule, the expansion project would be completed shortly afterwards. Following presentation of this agenda item, the Board did not take any further action.

Review and Discussion, Executive Director's Report.

Kim Frakes presented this agenda item to the Board. She thanked everyone for their attendance during this Board meeting. Aside from this, Ms. Frakes indicated that she did not have anything further to add.

PUBLIC COMMENT

Candia Tolbert indicated that she would correct her agency's website which was noted during this Board meeting to continue to represent an employee as being licensed as a "MFT-I" when this did not appear to be correct. Ms. Tolbert stated that she would contact the Board office regarding arranging to have copies of the minutes and voice recording. Kim Frakes indicated that she would inform Ms. Tolbert of any related costs at that time. Rod Smith stated that he wanted to thank the Board staff for all of their hard work and continued diligence.

ADJOURNMENT

A motion was made by C.J. Yao and seconded by Rod Smith to adjourn the meeting. This motion was carried without objection. The meeting was concluded at 11:50 a.m.

Respectfully Submitted,

Kim Frakes
Executive Director

DRAFT