



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 20, 2015

The meeting of the Board of Examiners for Social Workers was called to order by Rod Smith, Board member at 9:01 a.m. The meeting was held at Mojave Mental Health: Reno, 745 W. Moana Lane, Suite 100, in Reno, Nevada. There was a simultaneous videoconference conducted at Mojave Adult Clinic, 4000 E. Charleston Blvd., Suite B-230, Las Vegas, Nevada. Kim Frakes indicated that following the October 16, 2015 Board meeting and retreat, there had been developments as it pertained to Board member appointments. It was already known that James Bertone, LCSW, would not seek reappointment to the Board. Ms. Frakes indicated that Sandra Lowery, LCSW was not reappointed to the Board. Ms. Frakes welcomed the two (2) newest Board appointed members. They were, Vikki Erickson, LCSW, Reno and Colleen York, LSW, Las Vegas.

Henna Rasul, Senior Deputy Attorney General and Board Counsel had recommended that since the Board presently did not have an official chair, Ms. Frakes should chair the opening of this meeting. Following roll, Ms. Rasul suggested that the Board go immediately to agenda item 11B, "Election of Board Officers". Ms. Frakes, noted that the meeting had been properly posted and that the Board members present constituted a quorum. Roll call was initiated by Ms. Frakes, with the following individuals present at the following location(s):

Members Present:

Rod Smith, Board Member, Reno  
Annie Wilson, LSW, Board Member, Las Vegas  
C.J. Yao, LCSW, Board Member, Las Vegas  
Colleen York, LSW, Board Member, Las Vegas  
*(Vikki Erickson, LCSW, Board Member, Reno, arrived later)*

Staff Present

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

Public Attendees

Guy Ashmore, Applicant, Reno  
Lea Cartwright, J. K. Belz and Associates, Reno  
James Bertone, LCSW, Public Attendee, Reno  
Sandra Lowery, LCSW, Public Attendee, Reno  
Les Gruner, Public Attendee, Reno  
Marvin Neal, Applicant, Reno  
Daniel Mager, Applicant, Las Vegas  
Justin Smith, Nevada Behavioral Solutions, Las Vegas  
Craig Slater, Nevada Behavioral Solutions, Las Vegas  
Cheryl Boyer, Private Practice, Las Vegas  
Kristina Ricker, Applicant, Las Vegas

**BOARD OPERATIONS**

This agenda item was taken out-of-order in order to facilitate the efficacy of the Board meeting.

*(Agenda Item 11B-1)* **Review, Discussion and for Possible Action, Election of Board Officers, Pursuant to NRS 641B.120(1) and (2)**

**Board President:**

Kim Frakes opened nominations for the Board office of President. A motion was made by C.J. Yao, to nominate Rod Smith as Board President. Annie Wilson, seconded the motion. This motion was carried, with Rod Smith abstaining from voting. Following the election of Rod Smith as Board President, Ms. Frakes turned the meeting over to Mr. Smith, to chair the remainder of this Board meeting.

**Vice President:**

President Smith opened nominations for the Board office of Vice President. A motion was made by C.J. Yao, to nominate Annie Wilson as Board Vice President. Colleen York, seconded the motion. This motion was carried, with Annie Wilson abstaining from voting.

**Secretary/Treasurer**

Kim Frakes indicated that this Board office was typically held by someone who would be available to sign checks as needed. Typically, this office has been held by someone in Northern Nevada. A motion was made by C.J. Yao, to nominate Vikki Erickson, as the Board's Secretary/Treasurer. This motion was seconded by Annie Wilson. This motion was carried. It was noted that Ms. Erickson was not present at this meeting. Kim Frakes indicated that Ms. Erickson had informed her that she would be arriving late to the meeting. If for some reason she objected to being the Board's Secretary/Treasurer, another nomination process could take place.

*(Agenda Item 11B-2)* **Newly Elected Board President and Board Secretary/Treasurer to Schedule Time with the Board's Executive Director for the Purpose of Tending to the Board's Banking Related Procedures**

Kim Frakes indicated that President Smith, Secretary/Treasurer Erickson, and herself should plan on scheduling time in the near future for the purpose of updating the signature cards at the Board's bank. The Board did not take any action on this item.

**AGENDA—Continued**

**PUBLIC COMMENT**

No of the public attendees desired to offer public comment.

**Review, Discussion and for Possible Action, Approval of Agenda**

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

**CONSENT AGENDA**

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

**REGULAR AGENDA**

**DISCIPLINARY MATTERS—Tabled**

*(In order to aid with the efficiency of this meeting, the above Agenda item was tabled in order to move to another agenda item. The Board returned to this agenda item later during the meeting.)*

## **LICENSURE, INTERN AND APPLICATION ISSUES**

### **Review, Discussion and for Possible Action, Licensed Social Worker (LSW) Application for Guy Ashmore, Based Upon Actions Taken by the State of Washington Department of Health Against his Washington State Counselor Registration Credential, # RC-000-48981 and Pursuant to NRS 641B.260(2)(a) and (c) and NAC 641B.090.**

Kim Frakes presented this agenda item to the Board. Pursuant to NRS 641B.260, ***Hearing on Application, (2) The Board may refuse to issue a license to an applicant if the applicant: (a) Is not of good moral character as it relates to the practice of social work; (c) Has been disciplined in another state in connection with the practice of social work or has committed any act in another state which is a violation of this chapter.*** Ms. Frakes indicated that the October 20, 2015 Board letter sent to Mr. Ashmore provides an outline regarding his application to the Board, sanctioned Washington registration and positive criminal history. Following review and discussion pertaining this matter, the Board may take action by:

1. Providing Mr. Ashmore an licensed social worker licensed (LSW) license without restrictions, following his successful taking and passing an appropriate level of examination;
2. Refusing to provide Mr. Ashmore an LSW license. If the Board chooses to refuse to license Mr. Ashmore, this Board action should include a timeline as to when he may be eligible to reapply;
3. Placing Mr. Ashmore's application on, "HOLD", requiring him to obtain additional information so that the Board may have additional information at a subsequent Board meeting regarding whether to proceed in licensing him; and
4. Following Mr. Ashmore's successful passing of an appropriate level of examination, issuing a license to Mr. Ashmore and take immediate disciplinary action against his license. This may include, but would not be limited to: license revocation, suspension, probation or limiting his practice.

Ms. Frakes also noted that each Board member's Board meeting packet also contained copies of the above referenced NRS and NAC, as also noted below:

#### **NRS 641B.260 Hearing on application; refusal to issue license.**

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

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

1. An application for licensure or renewal must be submitted on a form provided by the Board.
2. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he or she has previously submitted to the Board.
3. By submitting an application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of, or to clarify an ambiguity in, the matters and information stated within the application. If the Board so requests, the applicant must supply to the Board information that will verify the authenticity or clarify any ambiguity in the application.
4. An applicant for initial licensure must submit to the Board to satisfy the requirements of [NRS 641B.202](#):
  - (a) Two sets of completed fingerprint cards;
  - (b) Written authorization for the Board to forward those cards to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories.

5. If deemed necessary, the Board will appoint a member of the Board or a designee to examine an application, take the actions authorized pursuant to subsection 3 and make recommendations for the Board's action.

6. If deemed necessary, the Board will require the personal appearance of the applicant.

7. For each application, the Board will:

(a) Approve the application;

(b) Defer action on the application pending the receipt by the Board of additional information concerning the application; or

(c) Deny the application.

8. The Board will waive the required examination for an applicant if:

(a) The applicant is not eligible for endorsement pursuant to [NAC 641B.126](#);

(b) The applicant has passed an appropriate examination in another state within the 6 months immediately preceding the date on which he or she submits his or her application for licensure with the Board; and

(c) The examination that the applicant passed is equivalent to the examination that the applicant would otherwise be required to take pursuant to [NAC 641B.105](#).

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 11-8-95; R112-00, 1-17-2001; R079-02, 1-9-2003; R048-04, 5-25-2004; R142-08, 2-11-2009)

Each Board member's Board meeting packet also contained the following information:

1. Redacted copy of the October 20, 2015 Board letter which provides a detailed overview pertaining to this matter;
2. Mr. Ashmore's redacted social worker application; and
3. Mr. Ashmore's redacted June 8, 2015 letter, which accompanied his application and provided the required explanation to any affirmative responses to screening questions on the application.

Due to the bulk of these documents, Ms. Frakes indicated that separate from the Board member's packet, were copies of the following provided at each Board meeting location. Given the amount of submitted documentation, Ms. Frakes requested that Board members at each location share the following documents:

1. June 19, 2015, official Social Worker Assoc. Independent Clinical License (SWIA.SC) license verification from Washington State, indicating, "Disciplinary Action", against Mr. Ashmore's SWIA.SC license;
2. A copy of, "Statement of Charges", for Mr. Ashmore's Washington State Counselor Registration, in the matter pertaining to, "06-02-B-1064RC", filed on or around March 13, 2006;
3. A copy of, "Final Order", for Mr. Ashmore's Washington State Counselor Registration in the above referenced matter, signed on or around August 3, 2006;
4. A copy of, "Notice of Decision and Agreement...", pertaining to Case No., "M2012-1114", pertaining to Mr. Ashmore's license, SWIA.SC.60305097, filed on or around November 30, 2012;
5. A copy of, "Agreement to Practice With Conditions", Case No., "M2012-1114", pertaining to Mr. Ashmore's license, SWIA.SC.60305097, filed on or around December 5, 2012;
6. A copy of, "Order of Release", Case No., "M2012-1114", pertaining to Mr. Ashmore's license, SWIA.SC.60305097, signed on or around March 28, 2014;
7. Copies of additional verification of Mr. Ashmore's Washington Counselor Registration and SWIA.SC license, provided by Mr. Ashmore;
8. A copy of Mr. Ashmore's SWIA.SC Washington license, provided by Mr. Ashmore;
9. A copy of Mr. Ashmore's, "Defendant Case History", from Pierce County (Washington) District Court, provided by Mr. Ashmore; and
10. A copy of Mr. Ashmore's July 14, 2015 letter providing detailed information regarding his prior convictions.

Following review of the documentation, President Smith opened the meeting for discussion. Annie Wilson asked Mr. Ashmore if he was employed following his location to Nevada. Mr. Ashmore indicated that he was last employed as a social worker in July, 2015, while living in Washington. Ms. Wilson asked Mr. Ashmore

about his current support system. He indicated that he had family in Las Vegas and a support from the community.

Mr. Ashmore admitted that he had made some regrettable choices in the past which were linked to particular life experiences at that time. He noted that he had been successfully employed as a social worker in Washington and believed his life was in a better place where he could utilize his life experiences towards assisting others.

Following review and discussion on this agenda item, a motion was made by C. J. Yao and seconded by Annie Wilson to approved Mr. Ashmore's social worker application, without any restrictions, following his ability to successfully take and pass the licensing exam. This motion was carried without any objection.

**Review, Discussion and for Possible Action, Licensed Clinical Social Work (LCSW) Application for Daniel Mager as it Pertains to:**

1. \* *(For Possible Action)* Denial of Accrued Clinical Hours Applied Towards Arizona Clinical Social Worker License, # LCSW-2925, Revoked, Pursuant to NAC 641B.150 and Newly Adopted Regulations, R025-14;
2. \* *(For Possible Action)* Consideration of Licensure by the Board, Including Terms and Conditions if Approved for Licensure at Any Level, Based Upon:
  - a. \* *(For Possible Action)* Results of Criminal History Conducted by the Nevada Department of Public Safety (NV DPS), Pursuant to NRS 641B.202, NRS 641B.260 and NAC 641B.090; and
  - b. \* *(For Possible Action)* Actions Taken by the Arizona Board of Behavioral Health Examiners (AZBBHE), Against his Arizona Clinical Social Worker License, #LCSW 2925 and Pursuant to NRS 641B.260 and NAC 641B.090.

Kim Frakes presented this agenda item to the Board. On January 9, 2014, the Board received Mr. Mager's application for a Clinical Social Worker (LCSW) license. Although no longer licensed in any state as a clinical social worker, Mr. Mager is requesting the Board to consider hours previously conducted under his New York, LMSW license (expired) and his Arizona revoked, LCSW license. As noted in the Board's July 23, 2015 letter to Mr. Mager, he is not eligible for endorsement as he does not have a license. Furthermore, as submitted by Mr. Mager, it appears that he has not engaged in recent clinical practice, pursuant to NAC 641B.126 of the old regulations or the previously adopted regulations contained in R025-14.

Also noted in the Board's July 23, 2015 letter, his prior criminal history, as noted in his self-disclosure, as well as positive criminal history and sanctions (2) taken against his Arizona LCSW by the Arizona Board of Behavioral Health Examiners (AZBBHE) may be grounds to deny licensure (See Agenda Item 6A, NRS 641B.260 and NAC 641B.090). Ms. Frakes indicated that in reviewing this matter, the Board shall, as part of its review, discussion and action, determine: (a) Whether to accept Mr. Mager's request to endorse his clinical hours (in whole or in part) towards licensure as a clinical social worker in Nevada; and (b) Whether to issue any license to Mr. Mager. The Board may also review options 1 through 4, as it appears above pertaining to Agenda Item 6A and the copied NRS 641B.260 and NAC 641B.090. Separate full copies of NAC 641B.126 and NRS 641B.126 and NAC 641B.150, (pgs. 7, 8, 9, 13, 14, 15, 16 and 17) of the newly adopted regulations were provided at each Board meeting location for each Board member's review.

Each Board member's packet also contained:

1. Copies of the above noted regulations;
2. Redacted copy of the July 23, 2015 Board letter which provides a detailed overview pertaining to this matter;
3. Mr. Mager's redacted clinical social worker application, received January 9, 2014;

4. Mr. Mager's redacted February 24, 2014 letter, received February 27, 2014, providing the required explanation to any affirmative responses to screening questions on the application;
5. Copy of Mr. Mager's online New York LMSW expired license verification;
6. Copy of Mr. Mager's online Arizona Certified Independent Social Worker and revoked Licensed Clinical Social Worker license verification, with an online summary of his revoked clinical license;
7. Copy of AZBBHE'S entry of Mr. Mager's sanction into the ASWB (Association of Social Work Boards), DARS (Disciplinary Action Report System) report, listing the rationale for disciplinary action as, *"Unable to Practice Safely by Reason of Alcohol or Other Substance"*, and the action as, *"Probation of license"*;
8. Copy of sanction by the AZBBHE, "Consent Agreement and Order", Case No. 2005-0130, revoking Mr. Mager's Arizona LCSW, effective on or around May 7, 2007. A copy of this Order was also provided by Mr. Mager during his application process. This Order appeared to reference a separate Arizona board action (see pg. 2);
9. Copy of a packet submitted to the Board and received on March 6, 2015. This includes a cover letter from Mr. Mager with 4 bulleted items pertaining to attached documents. The attached documents are:
  - A statement of explanation pertaining to Mr. Mager's prior conviction for a 1977 misdemeanor charge;
  - Copy of court disposition indicating that the above case had been sealed;
  - "Statement of Clarification", from Mr. Mager, regarding the first sanction taken by the AZBBHE (referenced in # 8 above). In this letter, Mr. Mager disputed certain facts contained in the previous, April 3, 2006 Order; and
  - Copy of previous sanction (referenced in # 8 above), by the AZBBHE, "Consent Agreement and Order", Case No, 2005-0130, effective on or around April 3, 2006;
10. Copy of Central Recovery's website homepage. It appears that Central Recovery is Mr. Mager's current employer as well as the center which provided him treatment on or around 2006 (See letter referenced in # 4 above); and
11. Copy of, "Endorsement Check List", reviewing Mr. Mager's "clinical" hours as submitted in order to determine substantial equivalency (2-sided document).

**In addition, Mr. Mager has provided his own set of documentation to be reviewed during the Board meeting, as part of his possible presentation to the Board.**

President Smith opened the floor for discussion. He asked Henna Rasul if it would be okay to ask for assistance from former Board President, Sandy Lowery, since this particular agenda item appeared somewhat complex. Ms. Rasul indicated that it would be appropriate for Ms. Lowery to provide guidance to President Smith during the Board's review and discussion on this matter. The Board concurred that Mr. Mager had not engaged in direct social work practice for several years, including clinical social work. It was determined that he would not be eligible for the acceptance of his postgraduate, clinical hours, pursuant to either NAC 641B.150 and the corresponding regulation in the LCB File Number R025-14. A motion was made by Annie Wilson and seconded by C. J. Yao, to deny Mr. Mager's postgraduate, clinical hours, for reasons noted above. This motion was carried.

In discussing whether the sanction by the Arizona board, which revoked Mr. Mager's license, and his past criminal history should prohibit him from being licensed by the Board. It was noted that since Arizona had revoked his clinical social worker license, Mr. Mager was not obligated to fulfill any board orders for Arizona. Further, it appeared that his criminal history was well in his past. Mr. Mager inquired about what licensing options would be available to him since he was not eligible for a clinical social worker license. Ms. Frakes indicated that he could be eligible for licensure as an, "LSW", licensed social worker. In lieu of taking up time during the meeting discussing licensure options, Ms. Frakes indicated that Mr. Mager could contact the Board,

where more time could be afforded to him regarding an LSW, and the options available under this license. A motion was made by C. J. Yao and seconded by Annie Wilson, to table this matter until Mr. Mager had weighed his options pertaining to an LSW license. This motion was carried without objection.

*(Following this agenda item, the Board took a break from 10:50 a.m., until 11:00 a.m.)*

**Review, Discussion and for Possible Action, Licensed Social Worker Application, Licensed Social Worker (LSW) Application for Marvin Neal, Based Upon Results of Criminal History Conducted by the Nevada Department of Public Safety (NV DPS), Pursuant to NRS 641B.202, NRS 641B.260 and NAC 641B.090.**

Kim Frakes presented this agenda item to the Board. On May 1, 2015, the Board received Marvin Neal's application to be licensed as a social worker (LSW application). Mr. Neal responded affirmatively to screening questions numbers 1 (Prior felony convictions) and 2 (Prior arrests and/or convictions) on his application. He provided a written explanation and additional documentation pertaining to his legal history and documents supporting his rehabilitative efforts. (Marked, "Exhibits A through M). On June 5, 2015, the Board received the results of Mr. Neal's criminal background report from the NV DPS and FBI. His criminal history in Nevada was negative while his criminal history outside of Nevada was positive for 10 arrests. On August 4, 2015, the Board received verification that Mr. Neal had passed his Bachelor's examination. Following confirmation that Mr. Neal had passed the Bachelor's exam, a review of the criminal history was conducted in comparison to the information provided by Mr. Neal. The findings of this review are noted in the Board's October 26, 2015 letter to Mr. Neal. With exception to NRS 641B.202 (authorizing the Board to require fingerprints as a part of licensure), NRS 641B.260 and NAC 641B.090 are contained in Agenda Item 6A (see above). Ms. Frakes indicated that following review and discussion of this agenda item, the Board's options for "action" are similar to those contained in Agenda Item 6A, with exception to waiting for Mr. Neal to pass the licensing exam, given that he had already passed this exam.

Each Board member's Board meeting packet contained:

1. Redacted copy of the Board's October 26, 2015 Board letter with finding of the review of Mr. Neal's reported criminal history versus the outcome of the criminal background check conducted by the NV DPS and FBI;
2. Redacted copy of Mr. Neal's social worker application and supporting documentation; and
3. Redacted copy of the June 3, 2015 Board letter sent to Mr. Neal along with his examination approval letter, informing him that a review of his disclosed criminal history versus history contained in the NV DPS and/or FBI criminal background check would occur once he had successfully taken and passed an appropriate licensing examination on August 4, 2015.

**In addition, Mr. Neal has provided his own set of documentation to be reviewed during the Board meeting, as part of his possible presentation to the Board.**

President Smith opened the floor for discussion. Ms. Frakes acknowledged the vast amount of documentation pertaining to this agenda item. She summarized that it appeared Mr. Neal had made a concerted effort pertaining to his rehabilitation and that based upon the received documentation, it appeared that he had managed to steer clear of the criminal system for the past 40 years. Annie Wilson asked Mr. Neal what were the factors which contributed to his criminal past. Mr. Neal admitted to making poor choices and was eventually relieved when he was arrested. Colleen York asked Mr. Neal about whether he had received any professional rehabilitative services. Mr. Neal indicated that it was his faith and his ongoing practice as a youth pastor which assisted him and continues to assist him. C. J. Yao commended Mr. Neal on his efforts in turning his life around. Following review and discussion pertaining to this agenda item, a motion was made by Vikki

Erickson and seconded by C. J. Yao to approve Mr. Neal for social work licensure, without any restrictions. This motion was carried without objection.

**Review, Discussion and for Possible Action, Appeal Pertaining to Denial of Licensed Clinical Social Worker (LCSW) Application for Kristina Ricker, Pursuant NAC 641B.126, NAC 641B.150 and Newly Adopted Regulations, R025-14.**

Kim Frakes presented this agenda item to the Board. On July 24, 2014, the Board received Kristina Ricker's application to be endorsed via Ms. Ricker's New York LCSW license. Ms. Ricker was licensed as a LCSW in New York on or around September 5, 2013. Since Ms. Ricker has been licensed in New York less than 5 years, she would not be eligible for the terms endorsement under SB 68. Accordingly, Ms. Ricker's application would be required to meet "substantially equivalent" standards, pursuant to NAC 641B.126 and NAC 641B.150. Following a review of Ms. Ricker's postgraduate supervised practice, it appeared that certain clinical hours Ms. Ricker accrued in New York would not be deemed substantially equivalent to Nevada's standards. When the findings pertaining to the ineligibility of Ms. Ricker's application to meet substantially equivalent standards, she requested to appeal the decision by Board staff. The Board's September 24, 2015 letter summarizes this information.

Each Board member's Board meeting packet contained:

1. A redacted copy of the Board's September 24, 2015 letter to Ms. Ricker outlining the reasons why she did not appear eligible for licensure via endorsement, based upon submitted information;
2. A redacted copy of Ms. Ricker's application to be licensed as a clinical social worker via endorsement;
3. A copy of Ms. Ricker's New York clinical social work license verification (public copy);
4. A copy of the, "Endorsement Check List", reviewing Ms. Ricker's submitted clinical information in order to determine whether her accrued hours met the Board's substantially equivalent standards; and
5. A copy of applicable NAC'S pertaining to endorsement.

Separate from the Board member's packet, additional copies of the following documents were provided at each Board meeting location. Given the volume contained in the additional document noted below, Ms. Frakes recommended that Board members share this additional document:

1. Verification of postgraduate, supervised hours submitted by various supervisors to the State of NY, State Department of Education (licensing board).

**In addition, Ms. Ricker has provided her own set of documentation to be reviewed during the Board meeting, as part of her possible presentation to the Board.**

President Smith opened the meeting to discussion. Ms. Ricker indicated her belief that the Board should consider the postgraduate, supervised hours from New York accrued in a private practice setting and the additional hours accrued under a licensed psychologist. Ms. Frakes indicated that the Board is currently undergoing changes to their regulations, which may possibly benefit her in the future as it pertains to postgraduate, supervised hours conducted by a licensed psychologist. Ms. Ricker's was reminded by Ms. Frakes that postgraduate supervision of hours must be conducted in an agency setting, which is established by regulation. Accordingly, this regulation is not under revision. C. J. Yao asked Ms. Frakes what options would be currently available to Ms. Ricker. Ms. Frakes indicated that Ms. Ricker could apply for an LSW and enter into a Board approved internship program. After completing 1,000 supervised clinical hours and successfully passing the clinical exam, Ms. Ricker could request the Board to consider some of her postgraduate, supervised hours from New York which could be applied towards her Nevada internship.



Following review and discussion of this agenda item, a motion was made by Annie Wilson and seconded by C. J. Yao to uphold the decision by Board staff to deny Ms. Ricker's postgraduate hours accrued in New York and its application towards her clinical social worker application in Nevada. This motion was carried without objection.

**Review, Discussion and for Possible Action, Reconsideration of Board Approval During the August 21, 2015 Board Meeting to Modify Supervision of Clinical Social Work Interns, Pursuant to NAC 641B.150, NSC 641B.155 and NAC 641B.160, as it Pertains to a Recently Submitted Internship Program Site Application, Following Additional Information Regarding this Agency's Plan of Supervision.**

Kim Frakes presented this agenda item to the Board. This item was originally placed on the Board's August 21, 2015 Board meeting agenda, at the request of Sandra Lowery, LCSW, who was Board President at the time. Ms. Frakes provided a brief historical overview pertaining to this agenda item. Prior to the August 21, 2015 Board meeting, Ms. Lowery had approved the Internship Program Site application for Nevada Behavioral Solutions (Agency). It was then that the Agency informed Ms. Lowery of a potential clinical intern who was interested at the Agency's other location in Elko. There appeared to be an issue since this particular site did not have an onsite, licensed mental health practitioner. Ms. Lowery was informed by the Agency's Clinical Director that the potential intern had a Board approved LCSW supervisor in the immediate community who appeared willing to provide supervision to this intern as needed. Based upon this arrangement, the Board took action to approve this supervision arrangement, with specific stipulations in place.

Given the unusual nature of the supervision arrangement as well as the stipulations specified by the Board during the August 21, 2015 Board meeting, the Board's Executive Director contacted the identified LCSW supervisor. The LCSW supervisor denied having ever been contacted by anyone from the Agency and followed up by submitting a written letter, dated September 16, 2015. The LCSW's letter further iterated that he had not agreed to provide supervision to the identified intern. Because the Board had taken action during the August 21, 2015 Board meeting to allow for a variance pertaining to the supervision plan and since it appears that the assumptions pertaining the LCSW supervisor's willingness and ability to provide supervision was non-existent, this matter has been brought back to the Board.

Ms. Frakes indicated that following review and discussion, the Board may take action to either approve a new plan of supervision or table the matter to approve this agency's Elko site until they are able to prove, to the Board's satisfaction, that they have an onsite, licensed mental health practitioner. Each Board member's Board meeting packet contained a redacted copy of a letter provided by, the referenced LCSW, and a redacted copy of the letter from the identified intern. The intern's letter apologized for the confusion and admitted that she should have asked the LCSW regarding his ability to provide supervision versus assuming that he would be willing to do so. Justin Smith, the Clinical Director indicated that he understood the Board's concerns pertaining to this matter, but wanted to assure the Board that his intentions were not to deceive the Board. Justin Smith further added that if the Board would approve the Agency's locations in Las Vegas and immediate vicinity, he would be satisfied. Following review and discussion pertaining to this agenda item, a motion was made by C. J. Yao and seconded by Annie Wilson to approve Nevada Behavioral Solutions as a Board approved internship program site at the locations in Las Vegas and immediate vicinity. This motion was carried without objection.

**DISCIPLINARY MATTERS—CONTINUED**

**Review and Discussion, Redacted Disciplinary Report.**

Kim Frakes presented this agenda item to the Board. A copy of the redacted Disciplinary Report was included in each Board member's Board meeting packet. Ms. Frakes acknowledged that the number of disciplinary cases continues to grow and is a concern. In addition to attempting to hire experienced investigators, Ms. Frakes indicated that once the contract with Sandy Lowery is submitted and approved, that she could also assist in the process of reviewing and investigating these open disciplinary cases. Annie Wilson encouraged Ms. Frakes to continue her efforts at hiring Board investigators and possibly contracting with Ms. Lowery, if approved under Agenda Item 11C.

## **LEGISLATIVE AND REGULATORY ISSUES**

### **Review, Discussion and for Possible Action, Final Draft of Proposed Regulation Changes, Approved by the Board During the October 16, 2015 Board Retreat, Including Approval for the Executive Director to Approve any Subsequent Recommendations to the Proposed Regulation Changes Made by the Legislative Counsel Bureau (LCB). The Final Proposed Draft Reflects:**

1. \* *(For Possible Action)* Proposed Language Modifications to Regulation Changes Already Approved by the Board During the October 16, 2015 Board Retreat;
2. \* *(For Possible Action)* Proposed Formatted Changes Pursuant to State Legislative Counsel Bureau (LCB) Requirements; and
3. \* *(For Possible Action)* Any Additional Changes to the Proposed Regulations, Not Presently Reflected in the Draft, Prior to Submission to LCB.

Kim Frakes presented this agenda item to the Board. During the October 21, 2015 Board retreat, the Board approved certain proposed regulation changes and provided the Board's Executive Director with recommendations for certain revisions. The Board agreed that the Board's Executive Director would bring the revised proposed regulation changes to the November 20, 2015 Board meeting for a final review and approval. This may include any last minute proposed changes not previously agreed upon during the October 21, 2015 Board retreat.

A final draft of the proposed regulation changes which included the Board's proposed revisions during the October 21, 2015 Board retreat were included in each Board member's Board meeting packet. Also included, was a revision to include a definition of "Dual Relationship" to be added to the Board's list of definitions contained in NAC 641B.005 through 070. Following a review of the proposed regulation changes, motions were made as follows:

1. \* *(For Possible Action)* Proposed Language Modifications to Regulation Changes Already Approved by the Board During the October 16, 2015 Board Retreat;

A motion was made by C. J. Yao and seconded by Annie Wilson, to approve the proposed changes as submitted. This motion was carried without objection.

2. \* *(For Possible Action)* Proposed Formatted Changes Pursuant to State Legislative Counsel Bureau (LCB) Requirements; and

A motion was made by Annie Wilson and seconded by C. J. Yao for Ms. Frakes to proceed on formatting the proposed regulation changes in accordance with LCB'S (Legislative Counsel Bureau's) required formatting. Ms. Frakes would work with the LCB drafter to make any modifications to the formatted regulations as deemed necessary in order to prepare these regulations for the public workshop and public hearing process. Should there be any recommendations which substantially changed the regulations Ms. Frakes would discuss this with the Board President and if necessary, bring the drafted regulations back to the Board for another review. This motion was carried without objection.

3. \* *(For Possible Action)* Any Additional Changes to the Proposed Regulations, Not Presently Reflected in the Draft, Prior to Submission to LCB.

A motion was made by C. J. Yao and seconded by Annie Wilson, to approve adding the definition of "dual relationship" to the Board's list of definitions contained in NAC 641B0005 through NAC 641B.070. This motion was carried without objection.

**Review, Discussion and for Possible Action, Logistical Planning Pertaining to the Board's Compliance and Implementation of Assembly Bill (AB) 93, Passed During the 78<sup>th</sup>/ 2015 Legislative Session, Mandating Evidence-Based Suicide Prevention and Awareness Training as a Requirement for Licensure Renewal.**

Kim Frakes presented this agenda item to the Board. The Board engaged in extensive discussion on how to best implement AB 93, also reflected throughout the Board's proposed regulation changes. Following discussion, the Board determined that unless otherwise specified, the date this would become effective would be on July 1, 2016. Ms. Frakes suggested that she could discuss this matter with the LCB drafter, since the drafter is also an attorney and may be familiar with how to best implement regulations when they may run contrary or in conflict with recent legislation. Following review and discussion on this agenda item, the Board did not take any further action.

*(Following review, discussion and action on this agenda item, the Board took a break from 12:10 until 12:20).*

**BOARD OPERATIONS**

*(This agenda item was taken out of sequence, per the request of President Smith, in order to aid in the efficacy of this Board meeting).*

**Review, Discussion and for Possible Action, Approval to Enter Into Contract Negotiations with Sandra (Sandy) Lowery, LCSW, Former Board President, Regarding:**

1. \* Specific Contracted Consultation Services to the Board; and
2. \* Review, Discussion and Possible Approval of the Finalized Contract at a Subsequent Board Meeting Prior to the Contract's Submission to the State Department of Administration, Budget Division.

Kim Frakes presented this agenda item to the Board. Sandy Lowery, LCSW, had served on the Board from July 1, 2006 until November 4, 2015. During her length of service, Ms. Lowery provided numerous services to the Board on a pro bono basis. Ms. Lowery's conclusion as a Board member provided an opportunity to contract with her in order to provide continuity to the services she has provided the Board since 2006 (almost ten years) and also to provide assistance in training new Board members regarding these services in an effort to provide the Board with continuity of leadership.

Following review and discussion pertaining this agenda item, the Board could take action for Ms. Frakes and an identified Board member, to enter into contract negotiations with Ms. Lowery for specific consultation services to the Board. Henna Rasul, Sr. DAG, would provide these identified individuals with any needed assistance and oversight. Following a finalized contract, this matter would be brought to a subsequent Board meeting for the purposed of reviewing and approving the contract prior to the contract's submission to the State's Department of Administration, Budget Division.

Following review and discussion of this agenda item, a motion was made by C. J. Yao and seconded by Annie Wilson for Ms. Frakes and President Smith to begin contract negotiations with Sandy Lowery, for services specified in the contract. The contract would be brought back to a subsequent Board meeting for approval prior to the contract's submission to the Clerk of the Board of Examiners. This motion was carried without objection.

**Review, Discussion and Possible Approval, Based Upon Board Staff Detachment From the State's Department of Personnel Pay Grade and Step Increases in 2009:**

1. \* Approval of a 1% to 1.5% Salary Increase for Board Staff, (Excluding the Board's Executive Director), Contingent Upon Satisfactory Job Performance Evaluations Conducted by the Executive Director and Board President;
2. \* Approval of a 1% to 1.5% Salary Increase for the Board's Executive Director, Contingent Upon Satisfactory Job Performance Evaluations Conducted by the Board President and any Additional Person(s) Familiar with the Day-to-Day Operations of the Board Office and Expectations Pertaining the Executive Director's Job Performance;
3. \* January 1, 2016, Effective Date of Salary Increase for Board Staff, Excluding the Board's Executive Director, or at a Different Date Determined by the Board; and
4. \* Effective Date of a Possible 1% to 1.5% Salary Increase for the Board's Executive Director to be Determined at a Subsequent Regularly Scheduled Board Meeting and Contingent Upon the Board's Review and Discussion of her Job Performance Evaluation.

Kim Frakes presented this agenda item to the Board. During the May 8, 2009 Board meeting, the Board approved to detach Board employees from the State Classification system (Agenda Item 9D-2a). Since this date, aside from pay increases related to job reclassification for two (2) Board staff members, Board staff have not received an increase in pay since this date.

A memo from Director of the State's Department of Administration sent June 16, 2015, indicated:

- (a) Merit Step Increases (MSI) were reinstated during the 2013 Legislative session, effective July 1, 2014. Employees not at the top of their pay grade would be eligible to receive a MSI after a standard or better annual evaluation;
- (b) The 2015 Legislative session, following the passage of AB 489 approved to give qualifying State employees a 1% cost-of-living increase, effective July 1, 2015, and an additional 2% cost-of-living increase, effective July 1, 2016.

Given the fact that Board staff are no longer attached to the State's Classification system, the above information reflected on the Department of Administration's Director serves as a guideline for the Board in determining whether to approve Agenda Items D-1 and D-3. It is noted that none of the Board staff were at the top of their State MSI when the Board detached from the pay grade system.

On August 13, 2010, the Board reviewed and approved a job performance evaluation (evaluation) conducted on Kim Frakes (Agenda Item 9E). The evaluation was conducted by then Board President, Randy Reinoso, LSW, with input and assistance from then Board Vice-President, Sandy Lowery, LCSW. The evaluation noted that Ms. Frakes was meeting job performance expectations and approved the evaluation. Since there was a freeze on salary increases during this time, Ms. Frakes did not receive an increase following her evaluation.

Agenda Items D-2 and D-4 provides the Board an opportunity to approve moving forward with a job performance evaluation for Ms. Frakes to be conducted as noted in both agenda items.

Each Board member's Board meeting packet included:

1. The State's Grade and Step which reflects the current salaries for the three (3) full-time Board staff;
2. The June 16, 2015 memo from the State's Department of Administration, Director, pertaining to salary increases;
3. Copy of the May 8, 2009 Board meeting agenda and page 12 from the Board meeting minutes, reflecting the Board's approval for Board staff to detach from the State's pay grade and step system;
4. Copy of the evaluation conducted on Ms. Frakes, August 13, 2010; and

5. Copy of the August 13, 2010 Board meeting agenda and pages 8 and 9 of the Board meeting minutes, reflecting the Board's approval of the job performance evaluation conducted on Kim Frakes, Board Executive Director.

Following review and discussion of this agenda item, the Board opted to combine the numbered items in this agenda item and voted accordingly as noted:

1. \* Approval of a 1% to 1.5% Salary Increase for Board Staff, (Excluding the Board's Executive Director), Contingent Upon Satisfactory Job Performance Evaluations Conducted by the Executive Director and Board President; (*combined with*)
3. \* January 1, 2016, Effective Date of Salary Increase for Board Staff, Excluding the Board's Executive Director, or at a Different Date Determined by the Board.

A motion was made by Annie Wilson and seconded by C. J. Yao, to approve a 1.5% pay increase for Board staff, with the exception of Kim Frakes, contingent upon a satisfactory or better job performance evaluation conducted by Ms. Frakes and President Smith. This increase would become effective January 1, 2015, with the contingencies noted regarding a satisfactory or better job performance evaluation. This motion was carried without objection.

2. \* Approval of a 1% to 1.5% salary increase for the Board's Executive Director, Contingent Upon Satisfactory Job Performance Evaluations Conducted by the Board President and any Additional Person(s) Familiar with the Day-to-Day Operations of the Board Office and Expectations Pertaining the Executive Director's Job Performance; (*combined with*)
4. \* Effective Date of a Possible 1% to 1.5% Salary Increase for the Board's Executive Director to be Determined at a Subsequent Regularly Scheduled Board Meeting and Contingent Upon the Board's Review and Discussion of her Job Performance Evaluation.

A motion was made by Annie Wilson and seconded by C. J. Yao, to approve a 1.5% salary increase for Kim Frakes, contingent upon a satisfactory job performance evaluation conducted by President Smith, with input from Sandy Lowery, former Board President. The job performance evaluation would be brought to a subsequent Board meeting for final Board approval and to approve the date the increase would become effective, contingent upon a satisfactory job performance review. This motion was carried without objection.

### **ASSOCIATION of SOCIAL WORK BOARDS (ASWB)**

#### **Review and Discussion, Update Pertaining to the 2015 Annual Meeting of the Delegate Assembly, November 5 through 7, 2015, in Ft. Lauderdale, Florida.**

Kim Frakes presented this agenda item to the Board. The ASWB 2015 Annual Meeting of the Delegate Assembly was conducted November 5 through 7, 2015, in Ft. Lauderdale, Florida. Ms. Frakes was the selected Board delegate and provided an update regarding her attendance at the conference. She indicated that the conference was highly informative and she was able to introduce herself to the Executive Director of the California Board of Behavioral Sciences (CA BBS). This was the first time anyone from the CA BBS had attended an ASWB meeting in several years. CA BBS had recently rejoined ASWB and Ms. Frakes indicated that she looked forward to possible future collaborations and networking with them. Following presentation of this agenda item, no action was taken on this discussion item.

### **DEPUTY ATTORNEY GENERAL REPORT**

#### **Review and Discussion, Recent Article Provided by the Senior Deputy Attorney General to the Board's Executive Director, Regarding, "FTC Staff Guidance on Active Supervision of State**

**Regulatory Boards Controlled by Market Participants”, as it Pertains to the N.C. State Board of Dental Examiners v. FTC, 135 S. Ct. 1101 (2015)**

Henna Rasul presented this agenda item to the Board. This above-mentioned article was recently emailed to Kim Frakes by Sr. DAG, Henna Rasul. As noted in the footnote of this article, this document sets out the views of the Staff of the Bureau of Competition (FTC) and attempts to provide some general guidelines pertaining to, “Active Supervision”, of state regulatory boards which are controlled by market participants. Copies of this article was made available by Ms. Frakes at each Board meeting location. Following review of the article, the Board thanked Ms. Rasul for keeping them informed on this landmark case.

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

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

**PRESIDING OFFICER’S COMMENTS**

**Review and Discussion, Presiding Officer’s Comments.**

President Smith indicated that it was great to have a fully appointed Board. He looked forward to the work this current Board would accomplish in the future. In addition, President Smith also offered his sincere appreciation to former Board members, James Bertone and Sandy Lowery.

**BOARD OPERATIONS--CONTINUED**

**Review, Discussion and for Possible Approval, Minutes from the October 16, 2015 Board Meeting and Retreat.**

Kim Frakes presented this agenda item to the Board. Following review of the attached minutes from the October 16, 2015 Board Meeting and Retreat, a motion was made by President Smith and Annie Wilson, to approve the minutes as submitted. It was noted that Vikki Erickson and Colleen York abstained from voting as neither were appointed to the Board during this period. This motion was carried without objection.

**Review, Discussion and for Possible Action, the Board’s Year-to-Date 2015-2016 Fiscal Year Budget Summary, July 1, 2015 through September 30, 2015 (1<sup>st</sup> Fiscal Year Quarter) in Comparison to the Board’s Approved 2015/2016, Fiscal Year Budget.**

Kim Frakes presented this agenda item to the Board. The Year-to-Date, 2015-2016 Fiscal Year began on July 1,, 2015. The current Year-to-Date budget information will cover all of the 1<sup>st</sup> quarter of this Fiscal Year (i.e. July 1, 2015 through September 30, 2015). Items at or near 25% will be considered as being on target. Following review and discussion on the presented year-to-date budget, the Board may take action on approving the year-to-date budget as submitted and also propose recommendations pertaining to the remainder of the 2015/2016 fiscal year budget. A copy of the 2015-2016 Year-to-Date budget (1<sup>st</sup> quarter) in comparison to the Board approved 2015-2016 Fiscal Year budget was included in each Board member’s Board meeting packet. Following review of the Year-to-Date, 2015 Fiscal Year Budget Summary, a motion was made by Annie Wilson and seconded by Vikki Erickson to accept this budget as submitted. This motion was carried without objection.

**Review, Discussion and for Possible Action, the Board’s Third (3<sup>rd</sup>) Quarter (July, August and September) Licensure Report (Report), with Portions of Information from the Report Reflected in the Nevada Legislative, Reports 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. This agenda item served as an informative item, informing the Board about the number of individuals licensed by the Board quarterly, via new, renewing and restoration. The information also provides information to the Board regarding the numbers of individuals licensed and at which levels of licensure. Finally, Board staff have been tracking the number of licenses offered via endorsement, which is included in this document. As noted above, the Board staff also submits much of the above statistics onto the Nevada Legislative website. A copy of the Board's Licensure Statistics for the 3<sup>rd</sup>/2015 Quarter were included in each Board member's Board meeting packet for review. Following review of this agenda item, the Board thanked Ms. Frakes for this information. No action was taken on this agenda item.

**Review, Discussion and for Possible Action, Ratification of a Two (2) Year Contract for Board Audit Services with Coulson and Associates, Ltd., Solicitation of Contract Approved by the Board on March 20, 2015, with Contract Approved by the Governor's Finance Office, Budget Division on November 10, 2015 (CETS # 17240).**

Kim Frakes presented this agenda item to the Board. As noted, the Board approved a solicitation of a contract between the Board and Coulson and Associates, Ltd., to conduct the Board's annual audit. This agenda item was for the purpose of the Board ratifying this contract. A copy of finalized contract was made available by Ms. Frakes at each meeting location. Following review and discussion of this agenda item, a motion was made by Annie Wilson and seconded by Vikki Erickson to ratify the contract as submitted. This motion was carried without objection.

**EXECUTIVE DIRECTOR'S REPORT.**

Kim Frakes utilized this opportunity to formally and officially thank James Bertone and Sandra Lowery for their years of service to the Board. Ms. Frakes acknowledged that their service was invaluable to the ongoing success of the Board. Following this, Ms. Frakes indicated that she did not have anything further to add to the Board meeting.

**PUBLIC COMMENT**

None of the public attendees in Reno had anything to add to the Board meeting. There was not any public attendees in Las Vegas.

**ADJOURNMENT**

President Smith adjourned the Board meeting at 1:02 p.m.

Respectfully Submitted,  
Kim Frakes