



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

MINUTES OF BOARD MEETING
April 15, 2016

The meeting of the Board of Examiners for Social Workers was called to order by Rod Smith, Board member at 9:03 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. President Smith noted that the meeting had been properly posted and that the Board members present constituted a quorum. Roll call was initiated by President Smith, with the following individuals present at the following location(s):

Members Present:

Rod Smith, Board President, Las Vegas
Annie Wilson, LSW, Vice President, Las Vegas
Colleen York, LSW, Board Member, Las Vegas
C. J. Yao, LCSW, Board Member, Las Vegas
Vikki Erickson, LCSW, Secretary/Treasurer, Reno

Staff Present

Kim Frakes, LCSW, Executive Director, Las Vegas
Sandy Lowery, LCSW, Reno
Henna Rasul, Senior Deputy Attorney General, Reno

Public Attendees

Stephanie White, Las Vegas
Edward White, Las Vegas
Lyndsey Brennan Garcia, LCSW, Las Vegas
Lea Cartwright, J. K. Belz and Associates, Reno
Carol Broersma, LSW, Reno
Amber Reid, LSW, Reno

PUBLIC COMMENT

No public comment was offered at this time.

AGENDA

Review, Discussion and for Possible Action, Approval of Agenda

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

CONSENT AGENDA

A motion was made by Annie Wilson 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: Disciplinary Case Number G16-01 AND Review and Discussion, Redacted Disciplinary Report.

(This agenda item was tabled in order to aid in the efficacy of the meeting and to accommodate persons appearing before the Board).

LICENSURE, INTERN AND APPLICATION ISSUES

Review, Discussion and for Possible Action, Approval of Clinical Social Work Application via Endorsement for Stephanie White, Based Upon Board Action Taken During the September 19, 2014, Board Meeting to:

- 1. Deny and Close Ms. White's First Application (Received May 27, 2014) due to an Open Disciplinary Action and Incomplete Compliance with Sanctions Placed Upon her Provisional Clinical Social Worker License by the Florida State Social Work Board;**
- 2. Reconsider any Future Applications Following Proof of Compliance with the Florida State Social Work Board's Sanctions Pertaining to this Disciplinary Matter; and**
- 3. Require Proof of Compliance and Successful Closure of this Matter Being Sent Directly to the Board by the Florida State Social Work Board.**

Kim Frakes presented this agenda item to the Board. On or around May 27, 2014, Ms. White submitted her first application for endorsement of her clinical social worker licenses from several states. Ms. White had disclosed that she had been sanctioned by the Florida Department of Health (Florida board) related to her then, provisional clinical social worker license. It appears that during the course of investigation by the Florida board, Ms. White had applied for licensure in a neighboring state. It further appears that while under investigation by the Florida board, Ms. White was eligible and granted a regular clinical social work license by the Florida board. Ms. White eventually settled this matter with the Florida board via a settlement and paid related costs and fees. As part of her settlement, Ms. White was stipulated to complete certain items for the Florida board. However, following her settlement, Ms. White moved out of Florida, allowing her licenses to lapse. Her stipulated terms and conditions pertaining to her Florida board settlement remained incomplete when she applied for clinical social work licensure with the Nevada Social Work Board. As noted above, the Board took action to deny and close Ms. White's application, with the understanding that a new application would be considered after she had completed the items stipulated in her settlement, to the satisfaction of the Florida board and that they considered the matter closed or settled. The Florida board would then send a written verification of the completed and closed and/or settled disciplinary action, to the satisfaction of the Board.

On or around December 7, 2015, the Board received a second application for endorsement of her clinical social worker licenses from several states. The Board also received a separate notification directly from the Florida board by their Program Administrator, indicating that, "All obligations have been met..." regarding her disciplinary case. Pursuant to SB (Senate Bill) 68, Ms. White, who has an open and active licenses in several states, would (contingent upon Board agreement pertaining to her disciplinary sanction by the Florida board), be eligible for licensure.

Following review and discussion, the Board may take action to:

- a) Approve Ms. White's application for unrestricted licensure via endorsement of her out-of-state licenses;
- b) Deny Ms. White's application, pursuant to NRS 641B.260
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](#))

- c) Approve Ms. White's application and either:
- i. Immediately issue Ms. White a clinical social worker license, via endorsement, and place limitations and/or sanctions upon her license, via disciplinary action; or
 - ii. Immediately issue Ms. White a clinical social worker license, via endorsement, and bring her to a subsequent Board meeting for possible disciplinary action.

Each Board member's Board meeting packet contained:

1. A redacted copy of Ms. White's first clinical social worker application, received May 27, 2014, including her statement pertaining to the sanction by the Florida board ;
2. A copy of Ms. White's licensure verification of her Florida, LCSW license, # SW6787, which at the time of receipt, was "CLEAR, ACTIVE", without any sanctions;
3. A copy of Ms. White's licensure verification of her Florida, Provisional Clinical Social Worker license, # PSW541, which show an agency action. **A copy of the agency action is attached;**
4. A redacted copy of the Board's August 15, 2014 letter, requesting information still pending from her first application and notifying her about the State's Open Meeting Law as it pertained to her application being placed on the September 19, 2014 Board meeting, rationale and referenced NRS 641B;
5. Copy of the Board's September 19, 2014 Board meeting agenda and corresponding excerpts from the Board meeting minutes pertaining to this matter (pgs. 5—12);
6. A redacted copy of Ms. White's second clinical social worker application, received December 7, 2015, including her response to screening questions 3 and 4; and
7. A copy of the letter from the Florida board (dated December 3, 2015), sent directly to the Board's Executive Director, indicating that, "all obligations", pertaining to Ms. White's sanction, taken by the Florida board pertaining to case number 2002-12812, have been met and that her case was, "satisfactorily closed".

Ms. White submitted timely, a 3-page letter for each Board member and staff, as part of her statement to the Board pertaining to this matter. It is the Board Executive Director's understanding that Ms. White will be present during the Board meeting in order to respond to questions from Board members and staff pertaining to this matter.

Following review and discussion pertaining to this agenda item, a motion was made by Vikki Erickson and seconded by C. J. Yao, to approve Ms. White's application, via endorsement of her various clinical social work licenses (including Florida) without any restrictions. This motion was carried without objection.

Following approval of Ms. White's application, she thanked the Board for their time in considering her application. She indicated that she had learned a lot from this process.

Review, Discussion and for Possible Action, Requirement by the State Division of Public and Behavioral Health, Rural Community Health Services (Rural Community Health), that (Licensed Social Workers) LSW'S, as a Condition of Employment for their Clinical Internship:

- 1. (For Possible Action) File an Official Business License with the Nevada Secretary of State Office and Enter Into a Contractual Business Agreement to Provide Contract Services as an LSW Under their Business License;**
- 2. (For Possible Action) Whether this Contractual Business Agreement is Considered, "Independent Practice", and a Possible Violation of Chapter 641B of the Nevada Revised Statute, Specifically, NRS 641B.230, NRS 641B.240 and NRS 641B.505; and**
- 3. (For Possible Action) Recommendation, if Applicable, Pertaining to the Board's Response to this Matter.**
- 4. Background Information:**

Kim Frakes presented this agenda item to the Board. Legislative requirements mandate State occupational and licensing boards to ask all renewing licensees to indicate whether they have a business. If the renewing applicant responds, "YES" to the screening questions on their renewing application, the licensee is required to provide the Board with a separate form (Attachment A) in which the name and license number of the licensee is completed, along with the licensee's business name and business license number. Recently, it has come to the attention of Board staff, following receipt of an Attachment A form from a particular LSW renewing his license that he had filed for a NV Secretary of State business entity license under a fictitious business name. On his license renewal form, the LSW licensee reports himself as being, "self-employed" under his "business" and that he provided "Internship (Clinical)" duties, under his title as a, "Clinical Social Worker I". When Board staff contacted the LSW regarding his apparent self-employment, he indicated that in order to be hired as a "contracted" worker through State Rural Community Health, filing a business license was a condition of employment. The Board's Executive Director will seek input from administrators at State Rural Community Health for clarification and to ensure that licensees hired under these conditions are practicing within the specifications of the referenced NRS below, including NRS 641B.505:

NRS 641B.230 Independent social worker: Qualifications; practice.

1. The Board shall grant a license to engage in social work as an independent social worker to any applicant who possesses the preliminary qualifications set forth in [NRS 641B.200](#) and who:
 - (a) Possesses a master's or doctoral degree in social work from a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation.
 - (b) Completes 3,000 hours of supervised, postgraduate social work approved by the Board.
 - (c) Passes an examination prescribed by the Board.
2. A person licensed as an independent social worker may:
 - (a) Engage in social work independently or within an agency; and
 - (b) Supervise other persons engaging in the practice of social work.(Added to NRS by [1987, 1118](#))

NRS 641B.240 Clinical social worker: Qualifications; practice.

1. The Board shall grant a license to engage in social work as a clinical social worker to any applicant who possesses the preliminary qualifications set forth in [NRS 641B.200](#) and who:
 - (a) Possesses a master's or doctoral degree in social work from a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation.
 - (b) Completes 3,000 hours of supervised, postgraduate, clinical social work approved by the Board.
 - (c) Passes an examination prescribed by the Board.
2. A person licensed as a clinical social worker may:
 - (a) Engage in social work independently or within an agency; and
 - (b) Supervise other persons engaging in the practice of social work.

(Added to NRS by [1987, 1118](#))

NRS 641B.505 Independent and clinical practice of social work without license.

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

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

Each Board member’s Board meeting packet contained copies of the above noted NRS and NAC. A copy of the above referenced Attachment A form and a proposal to revise the license renewal form to include, “Contract Employee”, under list A, “Employment Status.”

Carol Broesma, who works with the State Rural Clinics indicated that this procedure has already been reviewed by their agency’s DAG (Deputy Attorney General), who found this process to be within the confines of State law. The Board believed that this matter required further clarification, especially when considering possible legal consequences should an LSW be considered as engaging in an independent practice situation. Following review and discussion of this agenda item, the following motions were made: (1) A motion was made by C. J. Yao and seconded by Annie Wilson, to table this matter; (2) A motion was made by C. J. Yao and seconded by Annie Wilson to submit a written request to the State Office of the Attorney General for an official Opinion regarding this matter; (3) While waiting for the Opinion, send a letter to any future LSW’S engaged in the above-noted conditions of employment for the State regarding the pending Opinion and notification that they may be required to cease practice in the event the Opinion determines that the LSW is engaged in “independent” practice and in violation of the above posted NRS. These motions were carried without objection. Ms. Frakes indicated that in the interim, she would have any of the identified LSW’S sign an affidavit indicating that their business license is a condition of employment as an clinical intern for the State and that he/she is under supervision and will not engage in any form of independent social work practice.

Review, Discussion and for Possible Action, Approval of the Newly Developed Clinical Social Work Internship Program, Specifically Developed by the Vested Partners with Assistance from the Board’s Clinical Internship Program Coordinator, in Response to Senate Bill 515, the Placement of Mental Health Workers into Nevada Schools.

http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB515_EN.pdf

Kim Frakes presented this agenda item to the Board. During the August 21, 2015 Board meeting, the Board took action in allowing for the development of clinical internship programs for school settings, as a pilot project, with provisions for flexibility, where allowable pursuant to NRS and NAC 641B. Following the Board’s August 21, 2015 Board meeting, Sandra Lowery, LCSW, (Board President at the time) and current Board Internship Program Coordinator (Coordinator), has continued to make herself available to vested parties pertaining to this matter. This agenda item serves to update the Board regarding progress in this area.

Although the Board’s Executive Director did not have any documents pertaining to this agenda item, Carol Broesma and Amber Reid, two licensees who have worked collaboratively with Sandy Lowery had submitted prior to the Board meeting, documentation which provided an overview of their proposed clinical internship process within the school setting. At the conclusion of the presentation of this agenda item, Ms. Broesma and Ms. Reid indicated that the development of an internship program within the school setting is a work in progress. Sandy Lowery asked that the Board approve the remaining portions in the development of the school clinical internship be continued and to move forward in the implementation of this internship program

once it is finalized. Ms. Lowery, Ms. Broesma and Ms. Reid indicated that they would keep the Board informed, including President Smith and Ms. Frakes. A motion was made by C. J. Yao and seconded by Colleen York, to approve the school clinical internship program as submitted, with the understanding that Ms. Lowery, Ms. Broesma and Ms. Reid would continue with the development and implementation of this program. An update would be brought before the Board during a subsequent Board meeting. This motion was carried without objection.

Following approval of this agenda item, C. J. Yao inquired how services would be provided to students and how parental consent would be obtained. Ms. Reid indicated that this was an area that is presently being explored by the Washoe County School District's legal team.

DISCIPLINARY MATTERS—CONTINUED

Review, Discussion and for Possible Action, Recommendation to Dismiss: Disciplinary Case Number G16-01.

Kim Frakes presented this agenda item to the Board. Disciplinary Case Number G16-01 had been reviewed by both Ms. Frakes and Henna Rasul. Based upon the redacted investigative findings presented to the Board, a motion was made by Annie Wilson and seconded by C. J. Yao, to accept the recommendation to dismiss Disciplinary Case Number, G12-11. This motion was carried without objection.

Review and Discussion, Redacted Disciplinary Report.

Kim Frakes presented this agenda item to the Board. A redacted Disciplinary Report, current as of April 11, 2016, was presented to the Board. Ms. Frakes noted that she has been working with the Board investigator for the past few weeks. He appears to be catching on quickly. Ms. Frakes anticipates being able to be in a better position to move forward with the disciplinary cases within the next few months.

Review, Discussion and for Possible Action, Clarification of Board Policy, Pertaining to Board Approval of Agencies as Part of a Board Approved Internship Program as it Pertains to:

- 1. * (For Possible Action) The Requirement for an Agency to Provide and Bill for Mental Health Services a Minimum of One Year Prior to Accepting an Application for Possible Internship Site Approval; and**
- 2. * (For Possible Action) Good Cause Exemptions for the Above, "One-Year Rule", to Include Agencies Which Appear to be Well-Established Statewide and/or Nationwide and Meet Criteria as Specified in NAC 641B.**

Kim Frakes presented this agenda item to the Board. Pursuant to NAC 641B.140 and NAC 641B.150, (Internship required for licensure), there are specifics regarding Board approval for agencies seeking to become a Board approved internship site. However, the requirement pertaining to the Board's current criteria that agencies must be in existence for a minimum of one year, which includes providing and billing for mental health services, is a policy. The purpose of this policy is to ensure that a new agency applying for Internship site approval has demonstrated a reasonable sustainability, is able to provide an Intern the minimum number of clinical hours required to complete an internship within the 3-year period and is an established clinical program which is not reliant upon the Intern to develop his or her own client base. There are instances where well-established agencies or programs may be seeking to expand. This agenda item serves to invite Board discussion pertaining to the feasibility of this policy and whether there may be good cause exemptions for agencies which appear to be, "well-established", to the satisfaction of the Board.

Although there were not any documents provided, copies of the following NAC'S were available in each Board member's Board meeting packet and are also noted below:

NAC 641B.140 Licensed independent social worker: Internship required for licensure. ([NRS 641B.160](#), [641B.230](#))

1. Except as otherwise provided in subsection 2 of [NAC 641B.126](#), an applicant for licensure as a licensed independent social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate social work. Except as otherwise provided in subsections 2 and 3, 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:

- (1) An examination, if deemed necessary by the Board;
- (2) An appropriate setting, as determined by the Board;
- (3) Supervision of the applicant by a supervisor who has been approved by the Board; and
- (4) A plan of supervision that has been approved by the Board.

(b) Completed not earlier than 2 years or later than 3 years after the Board approves the program. For good cause, the Board will grant a specific extension of this period.

(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.

2. Upon application to the Board by an applicant who is currently a licensed social worker or a licensed associate in social work, the Board will approve and accept for licensure supervised postgraduate hours completed in an agency that provides social work services if the applicant:

- (a) Has been continually licensed as a social worker for the immediately preceding 10 years; and
- (b) Provides evidence satisfactory to the Board of continuous supervision by a licensed social worker for at least 5 of the immediately preceding 10 years.

3. An applicant who has completed 3,000 hours of supervised, postgraduate social work in another state may submit evidence of the satisfactory completion of that work to the Board for its consideration. The Board will approve that work and accept it for licensure if the Board determines that the experience of the applicant is substantially equivalent to the current standards established by the Board for those applicants who complete their work in this State.

4. The following activities do not qualify as supervised, postgraduate social work:

- (a) Instruction in techniques or procedures through classes, workshops or seminars.
- (b) Orientational programs.
- (c) Practice which is not under the supervision of an agency. The Board will consider a person to be under the supervision of an agency if:
 - (1) Each client who is served by the intern is a client of the agency and that fact is clearly set forth on each contract, release, agreement for financial reimbursement and billing statement which relates to that client;
 - (2) All records regarding clients belong to the agency and the agency has provided for their confidentiality and safekeeping;
 - (3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;
 - (4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;
 - (5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the intern; and
 - (6) Any compensation for the services of the intern is provided directly by the agency.
- (d) Any other activity that the Board determines is not within the scope of the practice of social work.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 5-15-92; 10-25-93; R113-98, 1-13-99; R079-02, 1-9-2003; R142-08, 2-11-2009)

NAC 641B.150 Licensed clinical social worker: Internship required for licensure. ([NRS 641B.160, 641B.240](#))

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, 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:

- (1) An examination, if deemed necessary by the Board;
- (2) An appropriate setting, as determined by the Board;
- (3) Supervision of the applicant by a supervisor who has been approved by the Board; and
- (4) A plan of supervision that has been approved by the Board.

(b) Completed not earlier than 2 years or later than 3 years after the Board approves the program. For good cause, the Board will grant a specific extension of this period.

(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.

2. At least 2,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be in the area of psychotherapeutic methods and techniques to persons, families and groups to help in the diagnosis and treatment of mental and emotional conditions. Unless otherwise approved by the Board, an average of 25 hours per week, not to exceed 325 hours in each quarter, of postgraduate hours in the use of psychotherapeutic methods and techniques will be accepted toward satisfying this requirement. The remaining hours required by subsection 1 may be completed in other areas of clinical social work.

3. An applicant who has completed 3,000 hours of supervised, postgraduate clinical social work in another state within the immediately preceding 10 years may submit to the Board for its consideration evidence of the satisfactory completion of that work and documentation that his or her supervisor was a clinical social worker and was qualified to supervise in that state. The Board will approve that work and accept it for licensure if the Board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board for those applicants who complete their work in this State.

4. The following activities do not qualify as supervised, postgraduate clinical social work:

- (a) Instruction in techniques or procedures through classes, workshops or seminars.
- (b) Orientational programs.
- (c) Role-playing as a substitute for actual social work.
- (d) Psychotherapy of the intern himself or herself.
- (e) Except as otherwise provided in subsection 5, practice which is not under the supervision of an agency.

The Board will consider a person to be under the supervision of an agency if:

- (1) Each client who is served by the intern is a client of the agency and that fact is clearly set forth on each contract, release, agreement for financial reimbursement and billing statement which relates to that client;
- (2) All records regarding clients belong to the agency and the agency has provided for their confidentiality and safekeeping;
- (3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;
- (4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;
- (5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the applicant; and

(6) Any compensation for the services of the intern is provided directly by the agency.

(f) Any other activity that the Board determines is not within the scope of the practice of clinical social work.

5. Any supervised, postgraduate clinical social work completed before January 1, 1990, by an applicant who holds an equivalent license from another state that is in good standing to engage in the practice of clinical social work as described in this chapter and [chapter 641B](#) of NRS is not required to be completed under the supervision of an agency if the Board determines that:

(a) There is good cause for waiving the requirement that the practice be under the supervision of an agency; and

(b) The experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board.

The Board noted that the "one-year" requirement for an agency's existence prior to being considered for approval as an Internship Program site was a policy. The Board determined that overall, this was a sound policy as one-year appeared to be a general rule of thumb in determining the general stability of an agency. The Board noted, however, that in certain instances of well-established agencies/programs, there could be some flexibility in the one-year rule. Following review and discussion of this agenda item, a motion was made by Annie Wilson and seconded by Vikki Erikson, to continue using the one-year rule for most agencies. There could be "good cause" exemptions for certain well-established agencies, with case by case determined by the Board's Executive Director, Internship Program Coordinator and Board President. This motion was carried without objection.

Review, Discussion and for Possible Action, Approval of Updated, Online, "Fillable," Internship Documents Constructed by the Board's Internship Program Coordinator as Posted on the Board's Website, www.socwork.nv.gov.

Kim Frakes presented this agenda item to the Board. The Board's Internship Program Coordinator, Sandy Lowery, had updated the forms used for both the clinical and independent internship programs. As time allows, the Board's Executive Director had been posting these forms on the Board's website. Following review of the updated forms, the Board was welcome to make any recommendations and may take action to approved these forms as submitted.

Each Board member's Board meeting packet contained copies of the following forms, which are "fillable" online:

1. Internship Program checklist;
2. Application for Independent or Clinical Social Work license;
3. Quarterly Progress Report—Clinical Intern;
4. Termination of Supervision—Clinical Intern;
5. Quarterly Progress Report—Independent Intern; and
6. Termination of Supervision—Independent Intern.

Following review and discussion of the above forms, the Board determined that this was an "informational item" only which did not require any action. The Board thanked Ms. Lowery for creating these forms.

Review and Discussion, Summary of the Board's 1st/2016 Quarterly Statistics, as Posted on the Board's Website at: <http://socwork.nv.gov/uploadedFiles/socworknvgov/content/about/2016-1st-Quarter-Licensure-Statistics.pdf> and Information from this Summary Also Posted on the State Legislature's Website at: <https://www.leg.state.nv.us/App/OL/A/>

Kim Frakes presented this agenda item to the Board. On a quarterly basis, the Board's Executive Director has been inputting licensure statistical information onto the State Legislature's Website. Over the past year-and-a-half, she has also been posting on the Board's website, a breakdown of this statistical information. This served as a discussion item only for the Board and deemed as being possibly helpful in noting any significant licensure trends.

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

1. A copy of the 1st Quarter, 2016, licensure statistics, broken down by levels of licensure and monthly; and
2. A copy of the, "Reports of Occupational Licensing Boards," from the Legislative website, <https://www.leg.state.nv.us/App/OL/A>. The Board's Executive Director has included handwritten information pertaining to the number of increased licensees over the past four (4) quarters.

Following review and discussion of this agenda item, the Board determined that this was an "informational item" only, which did not require Board action.

(Following presentation of this agenda item, the Board took a brief 10 minute break).

LEGISLATIVE AND REGULATORY ISSUES

Review, Discussion and for Possible Action, Approval of Drafted Regulation Changes Contained in LCB (Legislative Counsel Bureau) File No. R018-16, Including Any Noted Corrections, Which do not Alter the Meaning of the Regulation Changes.

Kim Frakes presented this agenda item to the Board. The first draft of LCB File No. R018-16 was provided to the Board's Executive Director on or around March 16, 2016. Following this date, this document was posted on our website, <http://socwork.nv.gov/uploadedFiles/socworknv.gov/content/about/R018-16LCB.pdf>. The Board recently received notification from the Executive Director of the, "Nevada Osteopathic Medical Association", (Osteopathic Director), pertaining to proposed regulation changes. Her notification referenced several sections of the proposed regulation changes which would expand the list of licensed mental health professionals who would be allowed to provide postgraduate supervision to clinical social work interns, following completion of the intern's initial 1,000 clinical hours. According to the Osteopathic Director, the proposed language, "*certified by the American Board of Psychiatric and Neurology, Inc.*" would not include another group of fully licensed physicians, namely, osteopathic physicians who receive a D.O. degree. The Board Executive Director conducted a cursory literature online review regarding the difference between an "M.D." and a "D.O.". This cursory literature online review appears to support that both the M.D. and D.O. are, "virtually indistinguishable", in terms of medial training. This online review in its entirety may be located at, https://en.wikipedia.org/wiki/Comparison_of_MD_and_DO_in_the_United_States. Given the numerous timelines and time constraints during the course of the regulation change process, the Board has already given the Board's Executive Director discretion to work with the LCB drafter as needed, including revisions to the proposed regulation changes which did not significantly alter the meaning or intent of the change. Accordingly, the Board Executive Director will be in contact with the LCB drafter to have the changes recommended by the Osteopathic Director: "*...a board recognized by the American Board of Medical Specialties or the American Osteopathic Association...*"

Following review and discussion of this agenda item, the Board was invited to take action to approve the drafted changes contained in LCB File No. R018-16 and the revision noted above to include osteopathic physicians.

Each Board member's Board meeting packet contained the following documents:

1. A copy of LCB File No. R018-16, with recommended revisions noted on pgs. 6, 14 and 17. Three (3) copies will be provided at each Board meeting location;
2. A copy of the above referenced letter, dated April 12, 2016, from the Executive Director, Nevada Osteopathic Medical Association; and
3. An excerpt from the above-referenced online research entity.

Following review and discussion of this agenda item, a motion was made by Colleen York and seconded by Annie Wilson, to approve LCB File No. R018-16 as submitted. This motion was carried without objection.

Review, Discussion and for Possible Action, Update Pertaining to the State's Regulation Change Process Pursuant to NRS Chapter 233B as it Pertains to:

1. * ***(For Possible Action)*** The April 15, 2016 Public Workshop, Scheduled From 12:30 p.m. until 3:30 p.m.; and
2. * ***(For Possible Action)*** The Scheduling of a Public Hearing and Notification to Adopt the Proposed Regulations (Tentatively Scheduled on May 20, 2016), Following the Board's Review and Consideration of Received Public Input During the April 15, 2016 Public Workshop Pertaining to LCB File No. R018-16.

Kim Frakes presented this agenda item to the Board. This agenda item serves to remind the Board that following today's Board meeting, scheduled 9:00 a.m. until 12:30 p.m., the Board will conduct the Public Workshop, scheduled from 12:30 p.m. until 3:30 p.m. Pursuant to NRS 233B, the Workshop was properly noticed within the fifteen days and is scheduled for the purpose of receiving public input regarding the regulation changes proposed in LCB File No. R018-16. The minutes from this Workshop must be available for public inspection within thirty (30) days following adjournment. Furthermore, following receipt and consideration of public comment received following today's Workshop, a subsequent Public Hearing and Notification to Adopt the Proposed Regulations must be noticed no less than thirty (30) days prior to the scheduled hearing. Accordingly, the Board's Executive Director is recommending that the Public Hearing be scheduled on Friday, May 20, 2016, at 9:00 a.m.

Following review and discussion of this agenda item, the Board may take action to ratify today's scheduled Public Workshop and/or approve to schedule the Public Hearing and Notification to Adopt the Proposed Regulations on May 20, 2016, 9:00 a.m. The Board's Executive Director will email copies of the Workshop minutes from both the Reno and Las Vegas locations once they are available.

There were not any additional documentation provided for this agenda item. Following review and discussion of this agenda item, the Board viewed this matter as an, "information only" item and did not take any action.

Review, Discussion and for Possible Action, Overview of the Temporary Regulation Process, Pursuant to NRS 233B and Approval of Proposed Temporary Regulations, Including any Board Recommended Revisions, as it Pertains to:

1. * ***(For Possible Action)*** Senate Bill (SB) 7, (Inadvertently Omitted During the Final Drafting of LCB File R018-16), Passed During the 78th/2015 Legislative Session, Pertaining to Board Licensed Clinical Social Workers, Becoming Authorized to Complete the Certification Portion of the Newly Revised L2K2 Form, (Formerly Known as a Legal 2000 Form); and http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB7_EN.pdf ;
2. * ***(For Possible Action)*** The Addition of a New, One (1) Year Provisional License, Which Will Afford an Out-of-State Applicant for Licensure Endorsement, the Ability to Practice, Contingent Upon the Receipt of Specified Preliminary Information from the

Applicant and Completion of the Remainder of the Application Endorsement Process Within the One (1) Year of Provisional Licensure.

Kim Frakes presented this agenda item to the Board. During the regulation drafting process with LCB, the Board's proposed regulation change pertaining to **SB 7** which expanded the list of licensed mental health professionals to complete the certification section in an L2K2, to include licensed clinical social workers with experience and training deemed appropriate by the Board, was inadvertently omitted. Ms. Frakes also noted that in a separate issue, it has been reported by the Nevada Department of Education (NV DOE), Office for a Safe and Respectful Learning Environment (OSRLE), that (OSRLE) awarded funding for "164" FTE social workers in 123 schools. The funding was awarded in January, 2016. A breakdown of the number of social workers currently hired appears to be at, "75.5" FTE'S, out of the anticipated 164 FTE'S awarded. In addition to working with vested parties regarding clinical social work internships in the school setting, there are concerns pertaining to how to fill the remaining **88.5** FTE'S. On or around February 5, 2016, the NV DOE announced an "emergency" regulation which afforded them the ability to hire, "hundreds" of teachers immediately. Based upon information provided by OSRLE, it appears that a "temporary" provisional license may be sufficient in order to afford the various school districts the ability to recruit and fill the remaining FTE'S.

Pursuant to NRS Chapter 233B, Nevada Administrative Procedure Act, NRS 233B.033 defines an "Emergency Regulation" as a regulation adopted pursuant to NRS 233B.0613. NRS 233B.385 defines a, "Temporary regulation" to mean:

1. A regulation adopted pursuant to subsection 3 of NRS 233b.063; or
2. Any other regulation which is effective for 120 days or less and which is not an emergency regulation.

Copies of the referenced NRS 233B will be provided at each location. As part of the Board's discussion, the Board should determine whether item #1 (SB 7) and item # 2 (SB 515) would best be served by submitting either an "Emergency" or a "Temporary" regulation change, if at all. If regulation changes are submitted, the Board should also determine whether it would want to adopt either regulation change to become a permanent change or to take a, "wait and see", approach regarding the outcome of the regulation change. As noted in NRS 233B.063(3), any regulation change adopted after August 1, 2016 and July 1, 2017, would automatically expire by limitation on November 1, 2017. Some benefits in adopting a regulation change, especially as it pertains to a provisional license (SB 515) would be the benefit of seeing whether a temporary regulation appropriately satisfies the needs of fulfilling SB 515 and whether this provides an additional benefit to Board staff who will be processing these applications.

If the Board approved to move forward with temporary regulations as noted, the Board could also take action for the Board's Executive Director to work with appointed Board staff and/or Board members to draft the proposed regulation changes and either submit them in accordance to NRS 233B and bring them back to the Board during the next schedule Board meeting on May 20, 2016, for ratification, or bring the drafted regulation change to the Board meeting for a Board action for approval.

Each Board member's Board meeting packet contained the following documentation:

1. Presentation by the Director of OSRLE during the March 23, 2016, Legislative Committee on Health Care. This document contains the statistical information noted above;
2. NV DOE news release (located on their website, www.doe.nv.gov, regarding their Emergency Regulation;

Copies of NRS 233B. Three (3) copies will be provided at each location.

Following review and discussion of this agenda item, a motion was made by C. J. Yao, and seconded by Annie Wilson, for Ms. Frakes to work on drafting temporary regulations as it pertained to SB 7 and also a temporary provisional, one-year license, as discussed. This motion was carried without objection.

Review, Discussion and for Possible Action, Ratification of Proposed Bill Draft Pertaining to an Increase in the Amount of Fees the Board May Collect Pursuant to NRS 641B.300, Submitted by the Board's Executive Director into the Nevada Executive Budget System (NEBS) by April 15, 2016, in Accordance with the Governor's Finance Office All Agency Memo #2016-06.

Kim Frakes presented this agenda item to the Board. The Governor's Finance Office requested all State agencies to submit a summary of their proposed bill draft for the 79th/2017 Legislative Session to be entered into NEBS. The only known change to the NRS 641B pertained to the Board's request to increase the fees that Board may charge, as set forth in regulations (i.e. fee ceiling). Each Board member's Board meeting packet contained a copy of the referenced Agency Memo, #2016-06 and a copy of the proposed change to NRS 641B.300, Fees, which was submitted on or around April 14, 2016. The deadline for the Governor's approval or denial of agency submitted bill drafts will be on (or around) May 6, 2016.

Following review and discussion of this agenda item, a motion was made by Annie Wilson and seconded by Colleen York, to ratify the proposed bill draft, as noted. This motion was carried without objection.

Update Pertaining to the Board's Ongoing Notification of Licensees Pertaining to Continuing Education Requirements Contained in Assembly Bill (AB) 93, Passed During the 78th/2015 Legislative Session and any Recommendations by the Board Pertaining to this Agenda Item
http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB93_EN.pdf.

Kim Frakes presented this agenda item to the Board. Due to recently learning from the Legislative Counsel Bureau that the continuing education requirement in AB 93, pertaining to suicide awareness and prevention, is contingent upon the renewal of a license, which for our Board is annually, Ms. Frakes and Board staff have worked diligently to provide ample notification to all of our licensees regarding this matter. The notifications (which also contain information pertaining to SB 7) have been prioritized by the month the licensee renews (i.e. by birth month, pursuant to NAC 641B.110. Since AB 93 becomes effective on July 1, 2016, the July renewals were sent out first. This occurred on March 10, 2016, with the November renewals being notified by the end of the week. Furthermore, the notifications were sent to all licensees when they were also notified regarding the April 15, 2016 Public Workshop. A third, brief reminder will be sent with each licensee's renewal application, beginning with the July license renewals. This will occur around the second week of June. A referenced link to suggested online courses have also been included with this notification. A copy of the referenced notification was enclosed in each Board member's Board meeting packet for review. Following review and discussion of this agenda item, the Board determined that this was a, "information only", item which did not require a Board action.

ASSOCIATION OF SOCIAL WORK BOARD (ASWB) AND NATIONAL ASSOCIATION OF SOCIAL WORKERS (NASW), NEVADA CHAPTER

Review and Discussion, Spring Education Conference, April 28th through 30th, 2016, Conducted in Jersey City, New Jersey.

Ms. Frakes presented this agenda item to the Board. The ASWB Spring Education Conference will be held April 28th through 30th, 2016, in Jersey City, New Jersey. Unlike the annual conferences conducted by ASWB in the fall, this conference is non-funded by ASWB. Since Ms. Frakes has been nominated and elected to serve as Chair of the Administrator's Forum, she will be attending the conference as a funded participant. This agenda item served to remind the Board that she will be out of the office Wednesday, April 27th through Monday, May 2nd. Ms. Frakes indicated that she would be returning to the office on Tuesday, May 3rd.

Review and Discussion, the 2015 Pass/Fail Examination Rates as it Pertains to:

- 1. Examination Rates for UNR (University of Nevada, Reno) and UNLV (University of Nevada, Las Vegas);**
- 2. Summary of the 2015 Examination Rates Statewide (UNR and UNLV) Compared to North American (United States and Canada) 2015 Examination Rates.**

Kim Frakes presented this agenda item to the Board. Annually, ASWB sends each of its member boards a copy of the pass/fail rates for graduates of each social work education program within the member's jurisdiction for 2015. Accordingly, the Board received a copy of the examination scores for UNLV and UNR, with the scores broken down by examinations, the percentage of pass versus fail for both first-time and repeat exam takers, and finally, how each social work program did when compared by those taking the same level of exam for all of the member boards (i.e. the United States and Canada—North America). The second item compares the member jurisdiction's scores for each exam (i.e. Nevada overall) when compared to the scores for all member boards (i.e. the United States and Canada—North America). The Board found the comparisons of examination scores highly informative, noting that as a State, Nevada continues to fare quite well when it comes to passing the ASWB licensure examinations.

Review, Discussion and For Possible Action, Ratification of Board Funding, Pertaining to the 2016 NASW NV Chapter, 2nd Annual Black Tie Awards Gala and Attendance by:

- 1. * (For Possible Action) Sandra Lowery, LCSW, Former Board President, Nomination and Recipient of the Lifetime Achievement Award;**
- 2. * (For Possible Action) Utilizing this Event as a State-wide Networking Opportunity Between the Board and Licensed Social Workers;**
- 3. * (For Possible Action) Related Costs to Have Sandra Lowery and Rod Smith, Board President Attend this Event; and**
- 4. * (For Possible Action) Report to the Board from Ms. Lowery and President Smith Pertaining to their Attendance at this Event.**

Kim Frakes presented this agenda item to the Board. On or around February 22, 2016, the Board's Executive Director was informed that former Board President, Sandra Lowery, LCSW, was nominated to receive the "Lifetime Achievement" award during the 2016 NASW Nevada Chapter's Black Tie Gala (Gala). Following discussion with President Smith, it was decided that since the Board had the funding, Ms. Lowery would be flown down to the Gala, along with President Smith. The Board's Executive Director believed this would be a nice way to thank Ms. Lowery for all of her tireless efforts during her many years of service, on a pro-bono basis, to the Board. The Board's Executive Director also believed that President Smith would be able to provide Board representation to the licensees in Southern Nevada, as well as serve as the presenter of the award to Ms. Lowery. An unnamed source indicated that they would reimburse the Board to have Ms. Lowery's spouse also attend the Gala and would be present when the award was given to Ms. Lowery. The attached document shows that the total expense to the Board was, **\$1,947.38**, but will be reimbursed **\$499.96** for the cost of the airline ticket for Sandy's spouse. This brings the actual, total cost to, **\$1,447.42**. Following review and discussion of this agenda item, the Board may wish to approve/ratify the total cost of \$1,447.42, to have both Ms. Lowery and President Smith attend this Gala. A summary of costs pertaining to the Board's expenses for this Gala. Following review and discussion of this agenda item, a motion was made by Colleen York and seconded by Annie Wilson, to approved the expenses as noted in numbers 1 through 4 above, as submitted and explained by Ms. Frakes. This motion was carried without objection.

DEPUTY ATTORNEY GENERAL REPORT

Review and Discussion, Senior Deputy Attorney General Report.

(This agenda item was tabled in order to aid in the efficacy of the meeting and to accommodate persons appearing before the Board).

BOARD OPERATIONS

Review, Discussion and for Possible Approval of the February 19, 2016 Board Meeting Minutes.

Kim Frakes presented this agenda item to the Board. A copy of the minutes for the February 19, 2016 Board meeting minutes were enclosed in each Board member’s Board meeting packet. Following review of the minutes from the February 19, 2016 Board Meeting, a motion was made by Annie Wilson and seconded by Colleen York to approve the February 19, 2016 Board meeting minutes as submitted. C. j. Yao wished to go on record that she was abstaining from voting on this matter as she was not present during the February 19, 2016 Board meeting. This motion was carried without objection.

Review, Discussion and for Possible Action, the Hiring of Sandra Lowery, LCSW, Former Board Member, as a Per Diem, “Internship Program Coordinator,” Effective April 1, 2016, in Lieu of Contract Employment, under the Terms as Noted Below:

1. * *(For Possible Action)* Thirty Dollars (\$30.00) per hour, Not to Exceed Eleven (11) Hours per Pay Period; with
2. * *(For Possible Action)* Possible Increase of Hours per Pay Period, Contingent Upon the Board Availability of Future Funding.

Kim Frakes presented this agenda item to the Board. During the February 19, 2016 Board meeting, the Board voted to table a drafted contract, requesting Ms. Frakes to submit a finalized contract which would, following Board approval, be submitted to the State’s Department of Administration, Budget Division for final approval. During the interim, the Executive Director noticed that the Board’s ongoing, daily operations beginning to increase significantly. This is attributed to licensees’ responses to a variety of factors, including, but not limited to, continuing education requirements, pursuant to AB 93, inquiries pertaining to the hiring of social workers within the schools, pursuant to SB 515, and preparation for the regulation change process. Since Ms. Lowery’s assistance was required sooner than the contract process would allow, Ms. Frakes spoke with President Smith pertaining to hiring Ms. Lowery as a per-diem employee. A summary of the costs to hire Ms. Lowery as a per-diem employee, versus the contracted amount are as follows:

**Summary of Costs
 Sandra Lowery, LCSW
 Per-Diem versus Contract**

Per-Diem	Contract
\$30.00 per hour, not to exceed 11.0 hrs. per pay period (24 pay periods per yr.)	\$7,500 per year, with 2 yrs. possible
\$7,920 per yr.	\$7,550 per yr.
An increase of \$420.00 per yr.	---

Bringing Ms. Lowery on as a per-diem employee affords the Board’s Executive Director the benefit of not having to negotiate and submit a contract. A copy of the Internship Program Coordinator, per-diem job description was enclosed in each Board member’s Board meeting packet. Following the Board review and discussion pertaining to this agenda item, a motion was made by Annie Wilson and seconded by C. J. Yao, to hire Sandy Lowery as a per diem Internship Program Coordinator, under the terms noted in the job description and for the amount, as noted in the table above. This motion was carried without objection.

Review, Discussion and for Possible Action, the Hiring of Wayne Springmeyer, as a Part-Time, “Board Investigator,” at Thirty Dollars (\$30.00) per Hour, not to Exceed Twelve (12) Hours per Week, Effective April 5, 2016.

Kim Frakes presented this agenda item to the Board. Although the Board had approved the Board’s Executive Director to hire an Investigator to address the mounting disciplinary caseload, the recruitment and hiring selection took longer than anticipated. The hiring of the Board Investigator, however, is now complete. Although there were two (2) excellent applicants, the Board’s Executive Director and President eventually selected Wayne Springmeyer as the part-time investigator. He began on April 5, 2016 and appears eager to address the list of disciplinary investigations. A copy of the Board Investigator, part-time job description was included in each Board member’s Board meeting packet. Following review and discussion of this agenda item, a motion was made by Annie Wilson and seconded by Colleen York, to approve the hiring of Mr. Springmeyer, as the part-time Board Investigator, under the terms and conditions noted in the job description. This motion was carried without objection.

Review and Discussion, Executive Director’s Report.

This agenda item was presented by Kim Frakes. Ms. Frakes noted that this agenda item had been taken out-of-order for the purpose of accommodating C. J. Yao, who needed to leave the Board meeting around noon. Ms. Frakes indicated that Ms. Yao had recently informed her that she would not be seeking Board reappointment once her term concludes on June 30, 2016. Ms. Yao indicated that she had decided to pursue her doctorate degree and needed to have time to devote to her studies. She stated that she would remain on the Board, however, until the Governor appointed a replacement. The Board thanked Ms. Yao for her time and dedication to the Board.

(Following presentation of this agenda item, Ms. Yao left the Board meeting around 11:42).

Review, Discussion and for Possible Action, the Year-to-Date Board Cash Flow Statement, Covering July 1, 2015 through March 31, 2016, in Comparison to the 2015/2016 Fiscal 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 3rd quarter of this Fiscal Year (i.e. July 1, 2015 through March 31, 2016). Items at or near 75% will be considered as being on target. A copy of the 2015-2016 Year-to-Date budget (3rd quarter) in comparison to the Board approved 2015-2016 Fiscal Year budget, was provided in each Board member’s Board meeting packet. It was noted by Ms. Frakes that the Board appears to be on target as it pertains to revenue and expenses. Following review and discussion on the presented year-to-date budget, a motion was made by Colleen York and seconded by Annie Wilson to approve the year-to-date Board cash flow statement. This motion was carried without objection.

SENIOR DEPUTY ATTORNEY GENERAL--CONTINUED

Review and Discussion, Senior Deputy Attorney General Report.

Henna Rasul presented this agenda item to the Board. Ms. Rasul reminded the Board pertaining to the State’s Open Meeting Laws, including being mindful about posting agendas timely. She indicated that the Board is very good about this, but wanted to remind the Board to remain cognizant about this matter. The Board expressed concerns about being recently approached by a director from a State agency who wished to meet with each one of them individually. Based upon his actions, it appeared that he was attempting to lobby the Board for a decision in lieu of coming to a Board meeting. Ms. Rasul indicated that it is up to each Board

member about meeting with individuals from the public but that all decisions must be made in a public, Board meeting.

PRESIDING OFFICER'S COMMENTS

Rod Smith indicated that he did not have anything to add to the meeting.

PUBLIC COMMENT

There was not any comment from the public at either the Las Vegas or Reno location.

ADJOURNMENT

President Smith adjourned the Board meeting at 11:49 a.m.

Respectfully Submitted,

Kim Frakes