



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

MINUTES OF BOARD MEETING  
July 27, 2017

The meeting of the Board of Examiners for Social Workers was called to order by Rod Smith, Board President, at 5:38pm. The meeting was held at Kietzke Plaza, 4600 Kietzke Lane, Building I, Suite 204, in Reno, Nevada, 89502. This meeting was not videoconferenced to Las Vegas. 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:

Members Present:

Rod Smith, Board President (**Smith**)  
Vikki Erickson, LCSW, Secretary/Treasurer (**Erickson**)  
Jodi Ussher, LCSW, Board Member (**Ussher**)  
Colleen York, LSW, Board Member (**York**)  
Stefaine Maplethorpe, LCSW, Board Member (**Maplethorpe**)

Staff Present

Sandy Lowery, LCSW, LADC, Interim Executive Director (**Lowery**)  
Kim Frakes, LCSW, Director of Social Work Practice (**Frakes**)  
Henna Rasul, Senior Deputy Attorney General (**Rasul**)  
Paula Berkley, Lobbyist (**Berkley**)

Public Attendees

Annie Wilson, LSW, former Board member  
Susan Nielsen  
Moinette LaBrie

*Board members and Board staff will be identified by the above **bolded** means throughout the minutes.*

**PUBLIC COMMENT**

No public comment was offered at this time.

**CONSENT AGENDA**

**Review, Discussion and for Possible Action, Approval of the Consent Agenda** (*Agenda Item 3*)

A motion was made to approve the Consent Agenda as submitted by **Erickson**, seconded by **York**. This motion was carried without objection.

**Lowery** drew Board members attention to licensing numbers presented.

**New Licenses Issued:** May - 24 (includes 4 Endorsed licenses - 3 LCSWs / 1 LSW)  
June - 60 (includes 11 Endorsed licenses - 10 LCSWs / 1 LSW)

**Denied License Applications:** None

**Provisional Approvals:** Provisional "A": May - 2 / June - 1  
Provisional "B": May - 1 / June - 0

Provisional "C": May - 2 / June - 4

**Renewals:** May - 215 / June - 219

Delinquent Renewals: May - 21 / June - 18

Restored Licenses: May - 0 / June - 1

**Internship Applications:** May - 5 / June - 6

Total Number of Open Internships: 188

**Smith** asked if there was any information about why individuals did not renew their licenses. **Lowery** notified the Board that licensees are not required to identify why they have not renewed their licenses. Common reasons include retirement and moving out of state.

## **REGULAR AGENDA**

**Lowery** requested to change the order of the meeting to address several items in agenda item 7. **Smith** agreed and agenda moved to items below.

## **BOARD OPERATIONS**

**Review, Discussion and for Possible Action, Introduction of new Board Member, Stefanie Maplethorpe, LCSW – appointed 07-10-2017; and upcoming new Board Member, Susan Nielsen – appointment 09-01-2017 as public member. (Agenda Item 7A)**

**Lowery** introduced Stefaine Maplethorpe, LCSW as the newest member of the Board. She replaces Annie Wilson, LSW as one of the two members from Southern Nevada. Stefaine has been actively involved in Board activities in Las Vegas. **Lowery** also introduced our future new Public Member, Susan Nielsen. **Smith** will be resigning from the Board effective July 31, 2017 and Ms. Nielsen will step into the Public Member role as of 09/01/2017. **Lowery** gave a brief summary of Ms. Nielsen's resume, which includes her being a senior contract negotiator for the military in Europe, as well as a successful business owner. Ms. Nielsen was most recently an active citizen lobbyist at the 2017 Nevada Legislative Session. Ms. Nielsen agreed to participate in this meeting prior to her formal appointment as a member of the public.

**Frakes** presented Annie Wilson with a plaque noting appreciation for her service with the Board. She served on the Board from 05/02/2013 to 06/30/2017. Since there will not be a meeting in August, **Frakes** also presented **Smith** with a plaque noting appreciation for his service with the Board. **Smith** started his service with the Board in 12/05/11 and will finish on 08/31/2017.

## **DISCIPLINARY MATTERS**

**Review, Discussion and for Possible Action, Recommendation to Dismiss Disciplinary Case Numbers: G12-29, G12-34, G13-06, G13-11, G13-12, G13-17, G13-18, G13-19, G13-22, G14-07, G14-08, G14-10, G14-13, G14-14, G14-16, G14-17, G14-18, G14-19, G15-03, G15-06, G15-08, G15-15, G15-16, G15-18, G15-20, G16-14, G16-15, G16-16, G16-19, G16-20, G17-02, G17-03, G17-05, G17-06, and G17-07. (Agenda Item 4A)**

Several Board members identified that there were cases that they needed to recuse themselves from. **Ussher** recused from case G15-18 and **Erickson** recused herself from cases G16-14, G16-15 and G15-16. **Rasul** made a suggestion that a motion be made regarding the remaining 31 cases.

**Lowery** suggested that Board members review the Disciplinary Dismissal Table that provided information regarding the cases that **Frakes** is recommending dismissal.

**York** asked if there was any trending done regarding the types of things that are filed as complaints. **Lowery** noted that trending is done on the items that move forward to settlement or hearing but not on complaint topics in general.

Motion to dismiss cases G12-29, G12-34, G13-06, G13-11, G13-12, G13-17, G13-18, G13-19, G13-22, G14-07, G14-08, G14-10, G14-13, G14-14, G14-16, G14-17, G14-18, G14-19, G15-03, G15-06, G15-08, G15-15, G15-16, G15-20, G16-19, G16-20, G17-02, G17-03, G17-05, G17-06, and G17-07, excluding cases G15-18, G16-14, G16-15 and G16-16 made by **Ussher**, second by **York**. Motion carried without objection.

Motion to dismiss cases G16-14, G16-15 and G16-16 made by **Ussher**, seconded by **York**. **Erickson** recused herself from voting on this motion because she has personal knowledge of the cases. Motion was carried without objection.

Motion to dismiss case G15-18 was made by **Erickson**, seconded by **York**. **Ussher** recused herself from voting on this motion because she has personal knowledge of the case. Motion carried without objection.

#### **Review and Discussion, Redacted Disciplinary Report.** *(Agenda Item 4B)*

**Frakes** noted the cases dismissed were highlighted in yellow on the redacted disciplinary report. **Frakes** noted that there were 123 open cases from the last report, that four new cases had been added and that with the dismissal of the 35 cases today, the new total of open disciplinary cases is 92. She noted that the new cases has all been noticed of the complaints. **Lowery** explained that the redacted table was printed early in the week for the meeting and therefore did not reflect the fact that letters had already been sent to the last two social workers on the list.

**Frakes** discussed several large cases that are being moved forward for **Rasul** for final review and notification for settlement or hearing. She noted that a settlement will be offered to the licensees. She also noted the possibility of using a hearing officer, which would allow Board members to review the final recommendations of the hearing officer but not have to be tied up in what could be several days of hearings. This would represent a cost savings to the Board since there would not be the cost of flights, accommodations or food. **Rasul** notified the Board that the Attorney General's office has instituted a policy that if a hearing is in Las Vegas for a Board whose attorney is in the north, the AG's office will appoint an attorney to deal with the case from Las Vegas (and visa versa), thereby decreasing costs for their office as well.

**Ussher** noted that we now have letters sent out to all social workers with open disciplinary cases. **Lowery** noted that there is 100% compliance on any cases that have come in for 2017. **Smith** noted that with the changes in the Board office there has been a great improvement in managing the disciplinary cases. **Ussher** noted that for 2017 we have only had ten complaints filed. **Rasul** noted that there was a period in time in the past, where there was a huge influx of complaints filed, **Frakes** noted that starting in 2010 there was a national trend of increasing complaints with all licensing Boards. She also noted that with the downturn in the economy beginning in 2008, caseloads for social workers went up significantly when agencies did not hire new positions and this may have led to the increase in complaints.

**Berkley** noted that the layout of the report should be changed since there are currently columns that have no information in them. This lack of information could be interpreted by legislators as suggestive that the Board is hiding something. She also suggested that reports be run based on topic – all the cases dismissed, all the cases open, etc. She also made suggestions that the case column headers be more detailed and useful. She reiterated that presentation is important. **Lowery** discussed changing the layout of this report to reflect these suggestions at the next meeting. **York** acknowledged the changes and improvements in moving disciplinary cases through but was concerned about still seeing open cases going back to 2009. She believes that this undermines the progress made. **Ussher** requested a review of the “accusation ratings” used to triage the cases. **Frakes** noted that a “1” is considered the mildest and “3” is the most severe. This used to be noted on the redacted disciplinary report and **Lowery** indicated it will be on future reports. **Lowery** noted that cases that are shaded green on the report indicate multiple cases for a single licensee. She reminded members that at the last meeting there was a discussion of the number of licensees that had multiple cases against them. **York** suggested that in addition to the current layout (by date) that one by licensee which would highlight licensees with multiple cases would be a helpful way to see the data. **Lowery** noted that the plan presented in the next agenda item would show cases in which a licensee has multiple complaints against them. **Lowery** noted that all suggestions about the layout of this report will be implemented for the next meeting.

**Review, Discussion and for Possible Action, Plan to Address Remaining Open Disciplinary Cases.**  
(Agenda Item 4C)

**Lowery** discussed the plan proposed by Frakes to address the remaining backlog of cases. She noted that Frakes plans to address a minimum of 45 cases between now and the end of the year, with a special focus on the oldest cases. From January 1<sup>st</sup> through June 30<sup>th</sup> of 2018, Frakes will clear all the remaining open cases through 2016. In addition, she will be moving the 2017 cases along as well. **Ussher** asked for clarification on why it would take so long to clear cases that are triaged as level “1”. **Lowery** clarified that the plan did not include the triage ratings of each case. **Erickson** noted a typo on the plan which will be corrected. **Lowery** reviewed that the Board had asked that a specific plan be presented to the Board to clear the backlog of disciplinary cases so that at her planned retirement in June 2018, there were no longer any outstanding old cases. **Ussher** inquired why cases that were triaged as a “1” could not be cleared by the end of the year. **Lowery** indicated that this may well happen and **Ussher** noted that any cases that are level “1” should be cleared by the end of the year. **Ussher** reiterated that as the plan is being examined, the level “1” cases should be addressed by the end of the year. **Berkley** suggested that if a plan is created and then we do better than our plan, the Board looks better. We have a plan because we knew we had to start somewhere because we were in bad shape. This is our plan and this is how we “beat it.” Being able to demonstrate progress will help to overcome the fact that the Board had gotten so backlogged. Being proud of our accomplishments. **York** confirmed that our goal is to do better than this plan, to clear all the level “1” cases. **Lowery** reviewed that some of the cases in the first group include several licensees that present with very complicated and challenging cases. In putting them in the first group, the goal is to get them off the table first. **Ussher** noted that one of the cases on the list has been dismissed as of today.

Smith requested a motion to accept the plan as submitted. Motion made by **Erickson**, seconded by **York**. Votes in favor – 4; votes against – 1. Motion carried.

*Kim Frakes left the meeting after the disciplinary was concluded.*

**LEGISLATIVE AND REGULATOR ISSUES**

**Review and Discussion, Summary of the 79<sup>th</sup>/2017 State Legislative Session, as Provided by the Board’s Lobbyist.** (Agenda Item 5A)

**Berkley** reviewed the final report she submitted to the Board regarding the 79<sup>th</sup> / 2017 State Legislative Session. The bill summary shows the bills that she tracked through the legislative session and discusses the changes that will be required based on the various bills. It will be the Executive Director's job to make sure the details of the various bills are implemented. She notified that Board that they will be blamed if the Executive Director does not take care of everything. The summary serves as a reference point for Board Members as we move forward. She educated the Board that everything associated with a bill is available through the legislative website and that it takes several weeks after the session for all the final information to be available.

- **AB 19** - Revises reporting requirements for certain information relating to Veterans. Two changes of note – frequency of reporting has changed to every other year; second change involves tracking not only how many licensees are veterans, but also how many veterans applied, how many were issued a license and how many renewed their license. This information goes to the Veteran's Council. Berkley suggested contacting the Veteran's Council and asking for guidance about how they would like this information reported and to request notification when this is determined. Effective 07/01/17. **Lowery** commented that there is no interest in tracking the family members of veterans and noted that the office is already gathering this information.
- **AB 105** – Was a continuation of the bill introduced by T. Benitez-Thompson last session about suicide prevention. Berkley requested that he remove social work from this bill as another bill addressing suicide prevention was already introduced. These efforts were unsuccessful. Bill language did expand the topic to "evidenced based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the board and which the Board has determined to be effective and appropriate." There was conflicting language between the two bills so Berkley did request an AG opinion on this bill and the second bill related to suicide prevention in terms of which would be the final for the Board to operate from. Our DAG was not available at the time and it was referred to Bret Kent (AGs office). His response "that the bill with the latest effective date ruled" did not answer the question posed. She approached another attorney familiar with Boards and Commissions and asked for feedback. **Berkley** recommended that during the legislative session that we consider contracting with an attorney since the DAGs have many responsibilities and are not always able to respond within 24 hours. **Maplethorpe** queried whether the Legislative Counsel Bureau (LCB) could have been a resource. **Berkley** clarified that this is not the role of the LCB.
- **AB127** – Addressed emergencies in schools. Focus on this bill was related to the sponsor T. Benitez-Thompson's hope to secure additional money for social workers and mental health professionals in the schools. The bill did not get any additional funds. The Department of Education is hoping to qualify some social workers to provide services that could be funded by Medicaid which might generate some additional funds. **Lowery** updated the Board about renewed efforts to develop a clinical internship program through the schools. Efforts previously failed when the school districts shifted their drive to getting social workers hired into open positions and the focus on internships was lost. Ms. Wilson noted that in southern Nevada the schools are losing a lot of social workers due to poor pay (180-day contract) and a lack of benefits. **Lowery** noted a recent issue with an individual that was offered a job in the Clark County School District and was given less than 35 days to secure her license. Getting the reports back on finger prints alone is typically a three-week process itself. Efforts to collaborate with the Department of Education to address reasonable timelines and options to verify that an application was in process, etc. were unable to impact the expectations of Clark County and they withdrew the job offer. **Smith** noted that there continue to be difficulties in integrating social workers into the schools and his belief that the districts are still unsure about what a social worker can and should be doing. **Berkley** noted that the positions are being opened up to other professionals as well. **Maplethorpe** noted the challenges inherent in not hiring mental health professionals and therefore don't have to have a background in mental health. She noted that concerns that these individuals may not have the skill sets that are necessary to provide the services that the districts are hoping can be done.

- **AB179** – Reported that the Massage Therapy has expanded its scope of practice to include reflexology and structural integration. **Berkley** followed this bill because of the inherent risks in expanding one's scope of practice but noted that law enforcement endorsement allowed this bill to pass easily.
- **AB328** – This bill took a number of turns before the final version. It was partly focused on fiscal auditing of Boards and they raised the revenue limits for the purpose of determining whether a balance sheet or audit was required. **Lowery** noted that our board does a full financial audit each year and noted that the auditors have never had concerns about how money at the Board is handled. This audit provides transparency about how monies are spent. **Berkley** noted that the bill also noted that an attorney is prohibited from being employed by more than one Board. The key term is "employed" as attorneys can be "contracted" for services. It stipulates that Board Executive Directors must be residents of Nevada. The bill also requires that the "Department of Administration adopt regulations that establish standards for the financial operation and administration of regulatory bodies." **Berkley** suggested that we contact the Department of Administration, noting that they are going to be tasked with developing fiscal regulations and requesting to be notified when they are being developed so that the Board could attend, etc. She noted that the Department of Administration has no working knowledge of Boards and Commissions and will be at risk for developing unrealistic regulations. She noted the language prohibiting an attorney who is employed by the Board to also prosecute a case before the Board. It also prohibits an attorney who is employed or retained by the Board to prosecute a contested case. **Rasul** noted that her understanding that this is typically how most Board's function and it was her understanding that this has been addressed. She will follow up with this. This bill will likely go into effect in October 2017
- **AB387** – is the bill sponsored by T. Benitez-Thompson that will amend 641B to allow social workers to report their CEUs for suicide prevention and awareness every two years, matching our CEU collection period instead of annually with license renewal. It goes into effect July 1, 2018. **Lowery** pointed out that it will take some time to sort out exactly how this will play out for licensees since many people are either on odd year or even year collection cycles. She also noted that this change will only be in effect from 2018 until 2026 when it will go back to annual reporting. The bill did not have a sunset clause. She noted that this is not an immediate focus since it does not go into effect until next year. She will be drafting documentation to be sent out on the listserv and posted on the website when the details are ironed out. Ussher requested that information be put up on the website notifying licensees that changes in the suicide prevention requirements will be changing.
- **AB403** – Deals with separation of powers. Contextually, this empowers the legislative bodies to suspend or nullify regulations adopted by executive agencies on the basis that the regulations exceed the statutory authority of the agencies and/or are inconsistent with legislative intent. This bill allows expands the authority of the Legislative Commission to include regulations that are no longer being administered or interpreted in a manner that is consistent with the agency's stated intention during the review and approval of the regulation by the Legislative Commission. In summary, the LCB has the power to nullify regulations without any previous notification or input by the effected agencies. The bill requires the Legislative Commission provide at least 30 days' notice before the meeting regarding the effected agency. It will allow the agency time to prepare a response to the intended action of the Legislative Commission. **Lowery** reported that the Board will be engaging with this group as we begin the process of changing our regulations. She is establishing a relationship with several people in the agency.
- **AB413** – Although not addressing anything specifically related to social work. This bill was focusing on electronic signatures which will likely be something the Board will have to address in the future. Unfortunately, the way in which the bill progress did not provide any useful suggestions / ideas for our Board. **Maplethorpe** noted that she had to do an electronic signature for documents that were submitted to the Governor's office.
- **AB425** – This bill talks about inactive licenses. They have started the ability to initiate citations. It is for black and white issues that do not warrant a disciplinary process. **Berkley** suggests we consider

this when we look at changes in our statutes in 2019. **Lowery** explained that the Board does not have a list of sanctionable items, e.g. not displaying one's license, and accompanying fees that would be changed. It will be something to consider for the future.

- **AB429** – Psychology has been able to pass an interstate compact. Berkley discussed that it is a very complicated process. She explained that each state involved in a compact has to come to the table and agree on exactly what the qualifications for each level of licensing will be. Breaches then go before a Commission and the individual state gives up a lot of authority. It is very complicated and expensive process. **Ussher** noted that in gaining authority to do so, the Psychology Board would likely look less appealing in an effort to consolidate the behavioral boards in the future. Berkley noted that the Nursing Board also attempted to get this type of legislation through and failed. **Maplethorpe** suggested that this might be related to telehealth practices and a discussion ensued about whether Nevada licensees can provide services via telehealth across state lines. **Berkley** thought that existing laws allow this and **Lowery** noted that to date the Board has not interpreted it that way. She will check on this and report back to the Board.
- **AB457** – This is the bill that started out as an effort to eliminate the four behavioral Boards and consolidate under the Board of Health. Our Lobbyist was instrumental in developing the final outcome. After many iterations, the final result was that the four behavioral Boards remain intact. New reporting requirements have been developed. On February 1<sup>st</sup>, each Board will report the number of complaints received, completed, and settled. The number of applications for licensure and renewal, the number of applications which the Board conducted additional review. **Berkley** suggested contacting the Chair of the Interim Health Committee to review the format for reports to be submitted so that the manner in which the Board submits information is already approved before the first formal report. This committee will move from the Assembly to the Senate for the interim session and Berkley believes that the chair may be Senator Spearman. The Board will also have to ensure that each new Board member receive a formalized orientation within 60 days of appointment. The remaining Board members will have received orientation by March 2018. **Ussher** brought up the Boards and Commissions Training offered by the Attorney General's Office that is only available once year. Berkley suggested making this mandatory for Board members. **Rasul** indicated that the only training required by the AGs office is related to contracts. **Lowery** reported that contracts training was not required for Board members, rather it is something that the Executive Director is required to attend. **Rasul** indicated that the AGs office is in a phase of great change and training availability is unclear. She noted that the AGs office has a Boards and Commission Manual that is available to Board members. **Lowery** noted that each of the Board members has now been issued a resource manual that has information that will be a part of the orientation process. Discussed how to get as much covered as possible through the assistance of state agencies / entities responsible for areas. **Ussher** noted the lack of training that has historically been given to Board members, other than the national ASWB training. **Berkley** noted that the bill specifies that a Board may enter into an agreement for assistance in processing applications / renewals, or for technical assistance. **Lowery** noted that the original bill stipulated that Boards "shall" enter into these agreements with the Department of Health and Human Services (DHHS). There was great concern about making information about our licensees open to DHHS as it meant that the Board no longer controlled the information and that DHHS could "data mine" for anything they wanted, while under the guise of assisting the Boards. **Berkley** remarked that the language in the bill allowed for opportunities to collaborate with DHHS and that the Board should find ways to do so effectively. Also noted that DHHS could potentially charge for services that they provide. Discussed involving them in the RFP process that will be starting as the Board looks for vendors for the online licensing process. **Lowery** noted that there has been a leadership change at DHHS, that Cody Phinney has left this agency and is now at Nevada Medicaid. Cody Phinney has been replaced with Amy Rouke, a former colleague of Lowery's. She will be reaching out to Ms. Rouke in the future. **Maplethorpe** described this as being able to consider DHHS as a natural resource. **Berkley** noted that when the bill was introduced, DHHS represented that none of the behavioral Boards asked for help and therefore that

was why the Boards were doing things so poorly. The final stipulation of this bill is that the Board's shall prescribe forms for applying for the issuance / renewal of a license. These forms must be available to be completed on the internet website maintained by the Board. The licensee must receive immediate, automatic feedback to the application regarding submission of all necessary documents and the website automatically stores the data submitted by the applicant upon completion of the application. Berkley noted that we need to have a plan that is reviewed with the Legislative Commission. The Board is to establish policies concerning compensation and reviewing the performance of the staff. Berkley noted that the Legislature believed that the Executive Director was not being paid appropriately and there was no way to understand how compensation was being managed. The bill was the ability of an applicant or licensee to appeal a decision made by the Board. The Commission on Behavioral Health (made up of ten individual) will step into the position of a district court judge and will evaluate whether the Board made a correct decision. **Ussher** request information on the makeup of the Commission and was referred to the website. The bill did upgrade the level of licensure from a LSW to a LCSW. The Commission can render a decision on appeal only if the action of the Board violates constitutional or statutory provisions, exceeds the statutory authority of the agency, was made upon unlawful procedure, is affected by other error of law, is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or is arbitrary or capricious or characterized by abuse of discretion. **Berkley** reported that her only success was to create a sunset clause of 12/31/19 on this part of the bill. She noted that the Commission is not trained to do this and does not have attorneys that can adequately address this. She believes that if they begin to address disciplinary cases, they will be outside of their scope of experience and expertise. She anticipates that it will take the Commission some time to even be able to step up and address these new duties. **Lowery** discussed the fact that when the Board takes a case to a settlement or hearing, **Frakes** has done an extensive investigation and **Rasul** feels very confident in the evidence presented. **Lowery** stated that she does not believe that any case that moves into a settlement or hearing would be open to action based on the items listed in the bill. **Lowery** also noted that the Board does not typically deny applications and in the rare instance when it does, it is because the individual does not have a degree in social work. She noted that if an applicant has a legal history it would result in a secondary review and approval by the Board President. On a few occasions, an applicant has been asked to come before the Board to address an extensive legal history, but in her nine years as a Board member and subsequent employment with the Board, no applicant has been denied for their legal history. **Berkley** noted that the individuals pushing this part of the bill were describing the board as mean, unfair, arbitrary, inconsistent, etc. She indicated that these individuals will be lining up to present information to the Commission. She noted that the Board has enemies in the community. **Ussher** noted that the Board is attempting to be approachable and accessible. **Berkley** noted that individuals are afraid to come to the Board and that rather than coming to the Board, they will likely go to the commission. Ms. Neilsen noted that with the two year sunset clause, the Legislature will be looking to see if anything surfaces. The bill also requires that when the Board is making changes to their administrative code that these changes be forwarded on to the Commission so that they can provide suggestions. We will notify the Commission when we are having our public hearings, etc. There are no time requirements. So long as the Board submits this to the Commission in a timely way, we will have met the requirements of the bill. Clarified that the Commission has been in place for a long time. **Ussher** queried who the social worker was on this Commission. Berkley continued to review the stipulations of this bill, including the fact that by January 1, 2018 the Board has to complete an analysis of the costs of the Board and whether the fees charged by the Board are necessary and sufficient to pay those costs. **Lowery** indicated that this will provide a mechanism to justify increasing the ceilings allowed for fees per licensure category. **Smith** noted that this will be an important focus for the Board. **Berkley** noted that the Board has not increased it ceilings since 1986. **Lowery** explained that this related to the failed attempt to increase fee ceilings in the 2015 legislative session. She noted that the Board bore significant responsibility in not notifying licensees of the intent to increase the ceilings before the bill



was introduced. This coupled with lobbying efforts conducted by a state employee who sent out incomplete and inaccurate information to a large listserv of licensees in the state resulted in the language in the bill being removed.

- **SB27** – Changed the definition of mental illness. Discussed whether this might be worth putting up on the website.
- **SB50** – Provided for advanced directives governing the provision of psychiatric care and provides specific language to accomplish this.
- **SB69** – Deals with endorsement and was the compilation of several other bills. It gives the power to issue a license by endorsement to any person who holds a corresponding valid and unrestricted license in another state, possesses qualifications that are substantially similar to our qualifications and who satisfies other standard licensure requirement. **Lowery** noted that the only substantive changes were the lifting of the five year mark for expedited endorsement versus having to prove substantially equivalent documentation. The remainder of the information about this bill would be discussed in the Board Retreat on 07/28/2017.
- **SB137** – Clarified language regarding veterans that is to be placed in regulatory Board application language.
- **SB160** – Addresses notifications related to temporary or permanent regulations. So in addition to the existing notification requirements, 3 days prior to a public workshop, the exact language of the proposed changes in the regulations must be posted on the website.
- **SB256** – Addresses changes in the Dental Board that Berkley anticipates may be directed to the Social Work Board at the next legislative session. It relates to fiscal management of expenses related to investigations, site visits, etc.
- **SB286** – Creates a Board of Applied Behavioral Analysis. These individuals have been removed from the Psychology Board. This Board will be under Aging and Disabilities under the jurisdiction of Eddie Ableser. These individuals typically deal with autistic clients.
- **SB437** – Addresses changes related to Physical Therapy. **Berkley** referenced this because it provided clarification of supervision to include immediate supervision, direct supervision and indirect supervision. She thought that this might be useful for us to consider as we talk about internship on the 28<sup>th</sup>. She discussed issues that arose in the legislature this year with several competing bills that were also dealing with scope of practice. The bill generated a lot of emotion and resulted in the legislators being flooded with emails from the opposing sides. Berkley cautioned the Board about opening discussion around scope of practice because of the inherent vulnerability of that action. Things that come out at a national level do not often translate effectively to statute. Regulation becomes the arena to address these topics.
- **SB466** – Addressed the Oriental Medicine bill and addressed term limits and bias issues that appeared to be related to ethnicity. Several Board members were dismissed and this bill allowed the Governor to do this and to expand the Board. Many Boards do not have statutes written that allow the Governor to remove members.
- **Berkley** addressed several bills that died in committee. **AB194** was providing certification for behavioral healthcare peer recovery support specialists. The original bill stipulated that these individuals could be supervised by social workers and Berkley was able to get that language removed. The bill was opposed in the senate because it was perceived that it would negatively affect volunteers in this field and the bill died. **SB55** addressed the ability for licenses to be pulled immediately if they were issued in error. There was not much support for this and it died. Finally, **SB186** address regulatory bodies to create online resources for immigrants that provided information on how to obtain a license to practice in each occupation / profession regulated. It also died.

**Berkley** provided a number of recommendations to the Board based on her experiences in this legislative session. She noted that if the Board had not taken the following actions throughout the session, she believes the Board would have been eliminate. She listed that fact that the Board voted to secure a vendor for the

online licensing process, reorganized the staff roles, did temporary regulations that expedited licensure, got internship sites up on the webpage, updated the webpage, and revised licensing application forms, hired a lobbyist, and provided data on key areas of concern to the lobbyist, added staff, and attended a lot of meetings with the four behavioral boards and DHHS, streamlined the CEU approval process, presented alternatives regarding AB457 and took a very active stance with the legislature.

She suggests the following – (1) to maintain a list of the things that the Board is accomplishing. Being able to show progress is critical. We will forget what we have done unless we document it and include the dates we cannot provide it to legislators. She suggests putting into the Board packet at each meeting. Showing effort and consistent progress is critical. She suggested sending this information to the Health Interim Committee, the Behavioral Health Commission and the Behavioral Health Agencies. She has recommended that every interaction with the Department of Education be documented, including the topics, dates agreed upon, etc., since this group testified repeatedly against the Board. She suggested that this also include UNR. (2) Hiring a new Executive Director is important and the Board should anticipate having to offer a higher salary. She suggested that this be a business position and that hiring a social worker should not be the first priority. Should be looking for someone that has experience in fiscal management, policy development, contracts, etc. She recommends a national search. She recommends that this person be hired within the next 6 months. (3) Discussed the need to follow through on securing the vendor that will do the online licensing. **Lowery** indicated that several of the Boards have moved to a new vendor. Ussher reports that she knows a LCSW in the community that will be willing to help with the process of choosing a vendor and contracting. **Berkley** discussed having the resources to move this forward quickly. **Lowery** noted the plan to involve individuals in the community in the RFP process. She has already anticipated asking for assistance from DHHS. (4) **Berkley** continued with a discussion of the TV coverage on the old disciplinary case. She provided information to T. Benitez-Thompson so that we were ahead of the story. She also suggested that we keep licensees informed of changes that are being proposed. (5) When the Behavioral Health Commission starts hearing the appeals, she suggests that our attorney attend any meetings since the Commission attorney will not necessarily be skilled in the laws / regulations associated with boards. (6) The Sunset Committee may become involved with the Board. Senator Bustamante-Adams announced that she was going to send a letter to the Sunset Committee asking them to review the four behavioral boards. Berkley fought hard against this as it appeared to be more than was reasonable given the content of AB457. She was unsuccessful. She recommends paying attention to the first meetings the Committee holds to determine if the Boards will be reviewed. She briefly explained the role of the Sunset Committee and the things that we might reasonably be asked to produce.

#### **DEPUTY ATTORNEY GENERAL REPORT** *(Agenda Item 6)*

**Rasul** indicated that she did not have anything to add to this Board meeting. **Berkley** suggested that at each meeting the Board ask for recommendations / feedback regarding the disciplinary process. **Rasul** reported that DAGs have been told that they are to give legal advice only and should not participate in Board functions. **Berkley** indicated that perhaps **Rasul** could advise how legally, the Board could do their disciplinary process more effectively. **Rasul** responded that this was not really about legal issues, rather was about the process of managing disciplinary cases. **Berkley** suggested that the stance the DAGs office is taking be put in writing because the Legislature believes that DAGs are much more involved in Board functions. **Lowery** reported that she has been talking with the Executive Directors and is considering attending other Board meeting so see what can be learned from them.

*Board took a break at 8:06pm*

*Board called back to order at 8:20pm*

## **BOARD OPERATIONS**

### **Review, Discussion and for Possible , Election of New Board Positions Effective 07/28/2017.** *(Agenda Item 7B)*

With **Smith's** resignation at the end of July and Annie Wilson being replaced on the Board, **Lowery** requested that the Board nominate and elect new officers. **Lowery** explained the role of the President and Vice President. She explained that the President runs meetings and is also the contact person for the office when a decision needs to be made around a variety of issues. The Vice President steps in when the President is not available. **Ussher** nominated **Erickson** as Board President as she is the senior Board member. Secretary / Treasurer is the third layer of leadership should it be needed. In general, the Secretary/Treasurer does not play an active role in the day to day operations of the Board. **Smith** noted that the Board President does not need to be in the North. **Ussher** made a motion to elect **Erickson** as Board President, second made by **Maplethorpe**. **Erickson** recused herself from this vote. Motion carried. **Erickson** made a motion to elect **Ussher** as Vice President, second made by **York**. **Ussher** recused herself from this vote. Motion carried. **Erickson** nominated **York** as Secretary/Treasurer, second by **Ussher**, **York** recused herself from this vote. Motion carried. New Board officers have been elected and will take effect on Friday, July 28, 2017.

### **Review, Discussion and for Possible Action, Approval of the May 19, 2017 Meeting Minutes.** *(Agenda Item 7C)*

Board members reviewed the minutes from previous meeting. Corrections were made to the minutes. **Erickson** made a motion to approve May 19, 2017 meeting minutes as amended, **Ussher** seconded. **Maplethorpe** recused herself from the vote as she was not a member at the time of the meeting. Motion carried.

### **Review, Discussion and for Possible Action, Fiscal Report and Budget Figures for 4<sup>th</sup> Quarter.** *(Agenda Item 7D)*

Reviewed report including figures that were 100% or more as on target with the budget. Income in general was 101% of budget. Reviewed salaries, which came in at 85%. Instate travel was higher because **Lowery** was down in Las Vegas several times doing trainings. Liability insurance was over budget because the cost of the policy increased. Printing and copying was also above budget. **Lowery** reported that with the listserv we will see a decrease in postage and copying as the listserv will become the primary mechanism for communication with licensees. In addition, the Board conducted more Board meetings because of the legislative session, which increased copying charges. We did not spend the money set aside for computer software and support so our expenses in total came in at 78%. End of year banking balances is \$194,827.000. Motion to accept 4<sup>th</sup> quarter budget made by **Ussher**, second by **Erickson**, motion carried.

### **Review, Discussion and for Possible Action, Fiscal Budget for FY2017/2018.** *(Agenda Item 7E)* and **Review, Discussion and for Possible Action, Hiring Caroline Rhuys into a full-time position as a Legal Secretary I, effective August 1, 2017.** *(Agenda Item 7F)*

Started discussion with review of salaries. Both Moinette LaBrie and Kim Frakes will be retiring 06/30/2018. This will result in payouts of vacation and sick time. These amounts must be included in the salary budget. Office salaries are divided into first six months and second six months because of the retirements. Additionally, the State of Nevada approved a 2.00% cost of living adjustment (COLA) and a 1.00% optional addition raise for FY2017/2018 and an additional 2.00% cost of living raise and a 1.00% optional addition raise for FY2018/2019. The Board does not receive funds from the state (general funds) and are therefore exempt from having to implement these raises. **Lowery** discussed the fact that the Board cannot afford these raises. **Ussher** clarified that our employees are not technically state employees. **Lowery** indicated that the Board falls under the PERS system for retirement and benefits but not salaries. **Ussher** asked whether Board employees have receive prior COLA raises. **Lowery** reported that they have never received COLA raises. In addition, the Board employees were not given merit raises during the years in which state employees were

also not given merit raises. 2015 was the first time that Board employees were given merit raises since 2009. **Lowery** noted that the Board cannot afford 6% raises and suggested that they be given a 2.00% COLR raise and will then be followed with earned merit raises. York asked why a proposed COLA was being considered. **Lowery** reported that for the most part the Board employees are underpaid and that this was one of the things that came out in the legislative session. The Board uses the steps/grades system of the state.

In the FY2017/2018 budget, the Board will be facing paying out sick / vacation time for the staff that will be retiring. **Lowery** discussed the fact that the Board does not, technically, have to pay out sick and vacation time in the same manner that the State of Nevada does. She noted that there is no Board policy regarding paying out hours at end of employment. What is present is a precedence that the last two full time employees of the Board were paid out their vacation and sick time per the State formula. **Lowery** recommends that the Board write a policy regarding its stance on paying out earned time for future employees. She recommended that the two employees that will be retiring be paid out in the same manner as the former employees. Discussed the cost to the Board for these two payouts of approximately \$32,500.00 and will not be a factor until the second half of the fiscal budget. **York** queried if this stance is typical of Boards and **Berkley** noted that most Board typically don't pay out the sick time. **Lowery** noted that since the lack of policies for the Board is one of the major deficiencies she will be addressing in the future. **York** discussed this as a substantial amount of money noted that it was concerning that the Board kept doing things related to this without any policy. **Lowery** agreed and indicated that these are projections of the maximum amount likely to be paid. In addition, Loni Weaver was also hired with the information that she would also be paid out of vacation and sick time per the State formula. Any hires from this point forward will not be handled this way. The COLR will be given to Moinette LaBrie, Kim Frakes, and Loni Weaver. Sandy Lowery, Wayne Springmeyer, CJ Yao, Judy Knox and the future Executive Director will not be eligible for the COLA. With Loni Weaver, the recommendation was for the 2.00% COLR and an additional raise to bring her salary up to an appropriate level. The salary figures have been divided into the first two quarters and the second two quarter. There is no salary costs associated with the new Executive Director until the third quarter and there is a reduction and perhaps removal of hours for Sandy Lowery in the second half of the fiscal year. **Ussher** queried whether Lowery will be orienting the new Executive Director. **Lowery** reported that she will but her hours may be reduced and therefore she will no longer be eligible for PERS and medical benefits. This will be a budgetary savings for the Board. **Lowery** discussed the proposed salary and benefit package for the new Executive Director. Combined salary and benefit would be \$94,197.00 per year. **Berkley** suggested calling and asking the Executive Directors of comparably sized Boards to see if the salary and benefit package is in line. Some discussion that we may have to pay more in salary costs. **Lowery** discussed the fact that the former director of the Nursing Board was paid well over \$120,000.00 in salary plus benefits but had a pool of licenses over 35,000 while the Social Work Board oversees approximately 2500 licenses. **Ussher** noted that the budget reflects payment of two director level salaries. **Lowery** clarified that the first half of the year will include 1.50 FTE of director level salaries and 2.50 FTE for the second half of the year. After July 1, 2018 this will drop to 1.00 FTE for the Executive Director and how every many hours the Board wishes to keep Lowery working. She further discussed that this fiscal year will be very cost intensive in salaries. Moinette LaBrie will also be retiring and the plan is to replace her with an employee that will make significantly less money. These changes will be reflected in the FY2018/2019 budget. **Ussher** suggests that the starting salary for the position be \$80,000.00 plus the benefit package.

Referring back to the actual budget proposal, **Lowery** noted that the income budget has been increase by 5% and that this number is derived from monitoring previous years of growth. Salary figures are as previously discussed. Expenses will decrease in several areas. Use of the listserv to communicate with licensees should allow us to reduce our postage expenses by at least 40%. Our budget for legal representation has been increased in anticipation of several very difficult disciplinary cases that may go to hearing. The budget continues to allow for \$75,000.00 for software/hardware to go into online licensing. This will take the reserves the Board has maintained down to just under \$10,000.00. Lowery noted that there will be a one year hit in

salaries and that with the retirement of two employees the FTE will drop from approximately 4.70 FTEs to between 3.50 and 3.75 FTEs. The coming FY is the only year to have such a high FTEs. **Ussher** asked if there was a need to tap into the reserves as they are projected, would monies be available to move from the computer budget. **Lowery** confirmed that. One of the other Boards who has just left their existing online vendor and is essentially starting from scratch has been able to get the first part of their build done for significantly less than our Board anticipated with GL Suites. It is very possible that we will not need to use the full \$75,000.00 set aside. **Ussher** suggested rearranging some of the budget numbers to allow for more legal costs. **Rasul** noted that approximately 90% of disciplinary cases are managed through a consent decree and noted that very few go to hearing. **Smith** noted that there has been one case in the seven years he has been on the Board. **Rasul** further noted that if the cases are proven, that the Board can recover the costs of legal fees from the complainant. **Lowery** noted that in 2016/2017 budget, the Board recovered \$4400.00 in disciplinary cost recovery. **Lowery** commented that the Board has a lot of latitude in what is spend in the coming fiscal year related to the online licensing project. Susan Nielsen queried how the cash flow works for the Board. Lowery reported that renewals are done monthly and that generates a stable income. The Board typically processes between 200 and 250 renewals per month. Additionally, there are significant increases in new license applications in the months of March through July which is what the office describes as "licensing season" with the graduation of students at UNR and UNLV in May. In addition, with the final changes in the statutes regarding endorsement, **Lowery** is hopeful that more of the social workers in the VAMC system will opt for Nevada licensure. These individuals are required to be licensed in a state, not necessarily the state that they work in. **Berkley** indicated that the reserve amounts for this budget may be alarming to the legislature. They are requiring the Board to do all these things without providing any funding. Annie Wilson noted that perhaps the Board could reallocate money from the computer line item to the reserve. **Lowery** commented that if the Board did nothing with the computer project in the coming FY, the Board would have \$85,000.00 in reserve. The amount that is actually spent on the online project is the variable. Susan Nielsen asked if there was an option to move the whole project to the next FY budget. **Lowery** clarified that the Board is under direction from both this session and the previous session to develop online licensure processes and further delays will not be accepted. **Lowery** further noted that none of the Boards are doing online applications for initial licensure. They are, at best, doing online renewals. Our Board is starting with building the database, renewals, real time licensure verifications and she believes that there will be money left over. The second phase of the project is initial applications. She noted that if all the other Boards were already doing initial applications online, then the pressure to comply with this would be much greater. So breaking it into the two phases is reasonable. **Ussher** suggested moving some additional money into the legal costs item, increasing it to \$40,000.00 and reducing the computer budget to \$70,000.00. An additional \$1,000.00 would be put in the reserves. She identified this as a perception issue. **Berkley** noted that these are onetime fees to develop the online system that will not continue as such a cost. Susan Nielsen asked if once the Board have moved to online license processing whether the number of Board staff can be adjusted. **Lowery** confirmed that this will definitely be the case.

Motion to approve the budget as amended was made by **Ussher**, second **Maplethorpe**, motion carried.  
Motion to approve 2.00 % COLA for LaBrie, Frakes, and Weaver, consistent with what the State has legislated, as a part of the FY2017/2018 budget made by **Erickson**, second **Ussher**. Motion carried.

Final discussion on hiring Caroline Rhuyts as a FT employee. Lowery noted that she has worked for the Board in a temporary position since February 2017. She has worked with Frakes on disciplinary cases and has a background working in a legal office. She brings a lot of office management skills and experience. **Lowery** requested that she be brought on as a Legal Secretary I at \$17.30/hr. starting August 1, 2018. She will go from being employed through a temporary agency to being a fulltime employee of the Board. Lowery then addressed the transition plan for Moinette LaBrie's position since she will be retiring. Discussed some of the job duties being moved to Loni, part to Caroline and part to the new Executive Director. The next six months will be used to transition Moinette's duties completely and the final six months will involve Moinette writing the

office policy manual and working with the software vendor on the build of the new online system. Reviewed Moinette's current duties and those currently managed by Caroline and Loni. The office manages an average of 40 calls per day with increased numbers on Mondays and Fridays. During "licensing season" the call volume increases dramatically. The office staff has already started to shift duties. Discussed possibly having the new Executive Director taking over the fiscal duties. The financial duties will be the last thing to shift over.

Motion to hire Caroline Rhuys in to a FT position as a Legal Secretary I at \$17.30/hr. effective August 1, 2017 made by **Ussher**, seconded by **Maplethorpe**. Motion carried.

**Review and Discussion and for Possible Action, April 1, 2017 through June 30, 2017 Board Licensure Statistics.** (*Agenda Item, 7G*)

**Lowery** presented the licensure statistics for the second quarter as provided in the Board Packet. **Lowery** provided some background information for new Board members. The Board had no data collection prior to 2016. Starting mid-2016, at the request of the Health Interim Committee, our licensure data was reviewed and statistics generated. We have continued to gather information and it will be a part of our reporting for AB457. Summarizing the information on the table. **Initial Licenses** - in the 2<sup>nd</sup> quarter we issued 94 initial licenses and 24 licenses by endorsement. Discussed the amount of time initial applicants have to take their exam (one year) and the amount of time applications are open by the board (one year). This will be topic item tomorrow in the Board Retreat. The Board loses control of the licensing process once the applicant is given their exam approval packet. The average amount of time it took for licensing in April was 119 days. The Board only took 2 days once we received the exam scores. It was 103 days in May and 88 days in June. The legislature does not understand this delay. **Endorsed Licenses** – in the 2<sup>nd</sup> quarter the Board licensed 6 LSWs and 18 LCSWs. The remaining information on the table will change as the legislature has changed how endorsements are to be handled. Of the 24 licensed, 8 met criteria for expedited endorsement and 16 had to provide substantially equivalent information. The Board has been given specific timeframes in which endorsements should be processed. Three fell out of the timeframes and the delays were licensee driven, not Board driven. The Board has deal with the issues that led to Board delinquencies and new processes are in place to ensure that we are not delinquent. **Berkley** recommended having a year's worth of data. **Lowery** clarified that she has that information but that reporting to the legislature will be quarterly. **Open Applications** – There are applications that remain open from 2016 so that there are currently 215 open applications. The fact that we keep applications open for so long leaves us with so many open files. 13 applicants have taken and failed the exam and 84 have not taken the exam at all. Clarified that these are initial applications, not those individuals in a post-graduate clinical internship. 118 applicants still had document missing in their application. **Renewals** – We granted 591 renewals in the 2<sup>nd</sup> quarter. Licenses are delinquent for 60 days and then their license expires. In that 60 day window they can restore their licenses. Motion to accept licensure statistics for the 2<sup>nd</sup> quarter for initial licenses, endorsements, renewals and open applications made by **Ussher**, second by **Maplethorpe**. Motion carried.

York asked if the Board know why people don't renew their licenses. Lowery reported that when someone dies, the Board office is often contacted. Otherwise, we don't typically know why someone does not renew.

**Review, Discussion and for Possible Action, Review of previous board decision regarding screening questions on initial license applications based on information presented at ASWB training.** (*Agenda Item 7H*)

After attending the ASWB New Board Member Training, Ussher reported a conversation with Dale Atkinson, the ASWB Counsel, where she asked about the screening questions we ask. Lowery reviewed the original questions asked and the amended questions that the Board approved at a previous meeting. Lowery noted that we previously asked about "arrests and convictions related to criminal or civil offenses." Changing the language to remove the word "arrests" is complicating the application review process. Information from DPS and the FBI will show arrests. Sometimes the documentation does not show if the charges were dropped or

some other outcome other than conviction. We are now trying to sort out what it means when the background check doesn't match because it shows an arrest that was not reported on the application but may or may not have led to a conviction. **Rasul** noted that the only thing the Board is interested in is the convictions and that arrests don't necessarily lead to an actionable issue. **Lowery** clarified that a number of other Boards also ask for "arrests" information. She reminded members that the first thing the office is looking for is that the information provided by the applicant match the information on the background report. The next step is a review of the explanation provided by the licensee. This has now become a much more difficult process and is slowing down the licensure process. **Erickson** discussed how information from an arrest alone might impact the processing of a license and **Rasul** responded that the only thing that the Board can consider is convictions. **Lowery** discussed having to determine whether an applicant falsified an application if they do not report an incident that showed up on an background check as an arrest. Sometimes the information given by DPS and the FBI is not complete. **Lowery** reported that a discrepancy between the application and the report does not mean that a applicant is not ultimately licensed, it just slows the process down because now the staff have to request information about the fact that there is a discrepancy between the report and the application. **York** queried whether there had ever been an issue before we changed these questions. **Ussher** reminded members that this all came about because of a complaint regarding question seven. She requested that we bring some examples of background check reports to the next meeting to review. She further requested that the item be tabled until the next meeting where more information can be presented. **Ussher** made a motion to table this item until the next meeting. **Maplethorpe** seconded, motion carried.

**Review, Discussion and for Possible Action, Review of current screening questions on license renewals for LSW and LCSW/LISW regarding fitness for licensure. (Agenda Item 7I)**

**Lowery** has also been reviewing the screening questions on the renewal applications. Given the concern about the screening question on the initial application, the questions on the renewal might be considered even more intrusive. The difference with the renewal questions is that these are directly tied to our NACs. **Lowery** suggested that this item be tabled and returned to the next meeting based on what is discussed with our NACs in the retreat on July 28, 2017. **Ussher** made a motion to table this item to the next meeting, **Maplethorpe** seconded, motion carried.

**Review, Discussion and for Possible Action, Attendance at the ASWB Delegate Assembly meeting on November 16-18, 2017, in Atlanta, Georgia. ASWB fully funds the attendance of one delegate from each member jurisdiction. (Agenda Item 7J)**

Discussed attendance by a Board member or Board staff to the fall ASWB Delegate Assembly. **Lowery** reminded members that ASWB puts on two meetings a year, one an educational forum and the second a business meeting. ASWB pays for one individual to attend this meeting. Looking to identify an individual who would be interested in attending this meeting. **Ussher** thought this might be a good opportunity to send out feelers for a new executive director. **Lowery** reported that once the job description is revised and finalized, that she will post the position on the ASWB Listserv. **Erickson** has identified an interest in attending and all other members agreed with this. Not motion required for this item.

**Review, Discussion and for Possible Action, Policy O-002, Management of Media Requests. (Agenda Item 7K)**

**Lowery** introduced the events that prompted a need to develop a clear management of media requests policy. Board was contacted by Joe Hart from Channel 4 TV. He had been sought out by a complainant regarding a disciplinary case. This individual has also contacted previous Board members, in the past, directly regarding his complaint. The President, at that time, received the letter and once she opened it and determined the nature of the communication, she returned the letter to the envelope and contacted **Frakes**, the Executive Director, at the time. **Frakes** contacted the four remaining Board members and notified them about the communication and told them not to open the letter. She then communicated to the complainant about the inappropriateness of communicating with Board members directly. **Ussher** reported that the issue, as

addressed to Joe Hart, was that this disciplinary case had been open six years and was still not handled. She validated the nature of the complainant's concerns and agreed that that time lapse is inappropriate. **Lowery** was out of the country when this happened so her level of involvement was very minimal and **Smith** noted that he was on vacation during part of this. **Frakes** collaborated with **Smith** and **Rasul** regarding how and what we could share. **Frakes** drafted a letter that was approved by **Smith** and **Rasul** and sent to Mr. Hart. Mr. Hart came to the Board office and interviewed **Frakes** on camera. The problem lay in the fact that once this happened, **Frakes** did not take any other action. Although **Lowery** was notified, no other steps were taken to notify the Board members. One Board member was approached by coworkers at her job asking about the report and she didn't know what the coworker was talking about. The Board member felt shocked by the way this was handled and thought it was very inconsiderate of Board members. Upon her return, **Lowery** spoke to **Frakes**, **Smith** and **Rasul** to discuss why contact was not made to the Board members individually. None of the individuals had even considered the need to notify the Board members. The breakdown in communication was the responsibility of the three individuals directly involved and the IED. **Rasul** disagreed, noting that the DAG had no responsibility in media notification, specifying that the DAG only serves to provide counsel as to the steps the Board should take. She further noted appearing in the news is not unusual for Boards and stated that in her experience, no Board members got upset because their Board was in the news. **Ussher** clarified the concern as being about failure to keep the Board members notified so that they could respond appropriately if approached in public. She also indicated that the interview itself gave the impression that there were huge number of complaints against social workers. The "spin" was very negative. **York** agreed with how negatively the media piece cast the Board. **Lowery** validated that the concerns about how this information was presented in the media. The Board member who had been approached by a coworker then notified the other Board members about the TV segment. **Lowery** determined the need to establish a policy to address this so that it does not happen again in the future. She presented the draft policy language for consideration and clarified that the Board frequently receives requests for information covered in the Freedom of Information Act (FOIA). These requests are not passed on to Board members as they are routine. Discussion of the language of the policy. **Ussher** expressed interest in working on the wording of the policy and it will be brought back to the next meeting for final review. **Ussher** made a motion to table this item until the next meeting, **Maplethorpe** seconded, motion carried.

**Review, Discussion and for Possible Action, New Board Member Orientation Process.** (*Agenda Item 7L*)

**Lowery** presented this item. The Board has not had a formal orientation process and since it is now a stipulation of AB457, **Lowery** has developed a proposed checklist of orientation areas. She reviewed these items with **Ussher**, the last new member. She also presented each Board member with a binder that has most relevant NRS / NAC statutes. This binder includes NRS 241 - public meeting law, NRS / NAC 281 – ethics in government; the Legislative Counsel Bureau administrative rulemaking guide, and NRS / NAC 641B – social work statutes. Board member added some items to the list of areas to review and a motion to approve the orientation form as amended was made by **Ussher**, **Maplethorpe** made a second, motion carried.

**Interim Executive Director's Report.** (*Agenda Item 7M*)

**Lowery** reviewed the time of the Retreat and notified members that bagels and coffee would be available and that lunch would be catered.

**PRESIDING OFFICER'S COMMENTS** (*Agenda Item 8*)

**Smith** acknowledged his experience as a Board member, noting that he valued the opportunity to work with people dedicated to the field of social work.

**PUBLIC COMMENT** (*Agenda Item 9*)

No public comment was offered at this time.



**ADJOURNMENT**

President Smith adjourned the Board meeting at 10:16 pm

Meeting Minutes Respectfully Submitted,  
Sandy Lowery, LCSW, LADC, Interim Executive Director