



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

MINUTES OF BOARD MEETING
October 20, 2017

The meeting of the Board of Examiners for Social Workers was called to order by Vikki Ericson, Board President, at 9:22 a.m. The meeting was held at Kietzke Plaza, Mojave Mental Health, 745 W. Moana Lane, Suite 100, Reno, Nevada 89509. There was a simultaneous videoconference conducted at Mojave Adult Clinic, 4000 E. Charleston Blvd., Suite B-230, Las Vegas, Nevada.

President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum. Roll call was initiated by President Erickson, with the following individuals present:

Members Present:

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

Public Attendees

Karen Lindsay
Robert Peoples

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

PUBLIC COMMENT

Rasul stated that Board member should not answer questions from social workers or other outside parties, they should be referred to the Board. Board members should not discuss with other Board members Board materials they receive. Could become a serial communication which could be deemed a walking quorum.

Erickson asked if there are any members of the public who want to identify themselves. Karen Lindsay and Robert Peoples responded.

CONSENT AGENDA

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

A motion was made by **Ussher** to approve the Consent Agenda as submitted and **Maplethorpe** seconded. This motion was carried without objection.

Lowery drew Board members attention to licensing numbers presented.

New Licenses Issued: July - 39 (includes 7 Endorsed licenses - 6 LCSW / 1 LSW)
August - 46 (includes 7 Endorsed licenses - 4 LCSW / 3 LSW)
September – 32 (includes 13 Endorsed licenses - 10 LCSW / 3 LSW)

Denied License Applications: None
Provisional Approvals: Provisional "A": 11 - July - 4 / August - 6 / September - 1
Provisional "B": 1 - July - 0 / August - 1 / September - 0
Provisional "C": 9 - July - 4 / August - 5 / September - 0

Renewals: July - 201 / August - 200 / September - 230
Denied Renewals: August - 2 (failed to complete required CEUs)
Delinquent Renewals: July - 20 / August - 20

Restored Licenses: July - 0 / August - 0 / September - 0

Internship Applications: July - 8 / August - 19 / September - 9

Total Number of Open Internships: 207

REGULAR AGENDA

Lowery requested to change the order of the meeting to address agenda item 4C. **Erickson** agreed and agenda moved to items below.

DISCIPLINARY MATTERS

Review, Discussion and for Possible Action, Recommendation to Dismiss Disciplinary Case Numbers: G10-44, G10-45, G11-04, G12-24, G12-25, G12-35, G13-16, G14-03, G15-02, G15-05, G15-10, G15-11, G16-03, G17-09, G17-11, G17-15, G17-18, and G17-19. (Agenda Item 4A)

Erickson asked for a motion to dismiss the disciplinary cases as listed on the agenda Item 4A. **Maplethorpe** made a motion, **York** seconded. The motion passed unopposed.

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

Lowery stated that a request was made at the Board retreat that the disciplinary report be presented in three different ways. The first portion is by case number as it has been before. There was a request that it be presented by accusation rating. Currently there are 36 Level 1 accusations, we have now dismissed 8. There are currently 42 Level 2 accusations, we have dismissed 10, and there are currently 25 open Level 3 accusations. Those totals will be in the next report. The third one was sorting by individuals with multiple accusations. We started July 29 with 92, we added 9 and we have dismissed 18, so there are 83 open cases.

Ussher asked if multiple accusations against the same individual are counted as one case. **Lowery** stated that each accusation is counted as a separate case since they are separate accusations by different complainants against the same licensee. **Ussher** asked about the status of G11-05, G11-06, G15-17 (accusations against the same licensee). **Frakes** replied that all of the cases are under investigation.

Subpoenas have been issued and information received is being reviewed. **Ussher** asked if there was some way for the Board to know more detail regarding the progress of a case. **Rasul** replied that by law the information is confidential so that is not possible. **Lowery** stated that when a licensee has multiple accusations, all of the cases are investigated simultaneously and **Rasul** is provided with a package including all of the information obtained. **Ussher** asked if instead **Rasul** could be provided with information one case at a time. **Ussher** and **York** expressed concern that a licensee is allowed to practice even if multiple accusations have been made against the same licensee. **Frakes** said that combining information for all the cases can be an effective settlement negotiation tool. While dealing with attorneys, sometimes if they are aware that there is a pattern of behavior by a licensee they will be more likely to advise settlement rather than taking the matter to a lengthy hearing. **Lowery** said that the top priorities are a case with 2 complaints and a case with 7 complaints. One of the cases should be going to **Rasul** by next week, and hopefully the other will be completed by the end of November. They are working on clearing the remaining Level 1 cases by January 2018. **Frakes** stated that 129 cases have been dismissed since March.

York asked if C.J. Yao (**Yao**) has started working on any cases yet. **Frakes** replied that she will be meeting with **Yao** in Las Vegas on November 3rd to discuss the process and she will gradually start turning cases over to **Yao**.

York asked about the current number of cases. According to her notes there were 124 at the last Board meeting. **Lowery** confirmed that there were 124, and 35 were dismissed then. After the July Board meeting, 9 new complaints were received between the end of July and October. 18 cases were dismissed today. **York** commented that after the Level 1 cases are cleared by January, the number of open cases should be lower. **Lowery** replied that since new complaints are received periodically, the total will fluctuate. **Lowery** noted that of the 9 new complaints received, 3 have already been dismissed. New complaints are being processed within required deadlines, while older cases are worked on simultaneously.

Review, Discussion and for Possible Action, Modification of Board Approved Consent Decree on Karen Lindsay, LCSW, (G09-43). (*Agenda Item 4c*)

On November 19, 2010, the Board approved the Consent Decree pertaining to Karen Lindsay, LCSW, in the matter of Disciplinary Case G09-43.

- (i) Page 6, Item 4-d, required Ms. Lindsay to take, "...a six (6) hour BOARD approved continuing education course..." which pertained to, "...professional boundaries, dual relationships and power differential in therapeutic relationships.";
- (ii) The Board required Ms. Lindsay to complete a psychological evaluation and for her to, "...follow all recommendations of the psychological evaluation..." This was approved with the understanding that Ms. Lindsay would complete the evaluation following her reapplication for license after three (3) years;
- (iii) On or around July 2, 2014, Ms. Lindsay completed her evaluation with a Board approved psychologist. The psychologist recommended Lindsay complete two (2) additional items (see page 10 of the evaluation):
 - (a) She attend a graduate level course pertaining to professional ethics and pass with a "B" grade or better; and
 - (b) She complete a scholarly paper, of no less than twenty (20) pages of content, pertaining to, "sexual relationships with clients and former clients..." with this paper being reviewed by a social work professor..."

Ms. Lindsay completed a six (6.0) hour continuing education course on, "*Exploring Ethical Challenges in the Therapeutic Relationship...*" and submitted an impact report, she has not been able to find a social work graduate program that will accommodate her attendance as noted in the evaluation. Ms. Lindsay is currently working on her scholarly paper. **Following review and discussion, a recommended action would be**

for the Board to task the Board President, Board Executive Director, and any other Board member(s) or staff to review the scholarly paper and determine whether Ms. Lindsay would be required to complete any additional Board approved continuing education courses to fulfill her consent decree requirements.

Ms. Lindsay is grateful for the opportunity to work with Dr. Frederic Reamer. He has been reviewing her outlines and she has about 15 pages of her report completed. For the last 18 months she has been contacting a variety of social work schools and has not been able to locate the required class without registering as a full MSW student. For the last two years she has had monthly supervision by Rosalie Montoya and each month their focus has been around the idea of ethical decision making, dual relationships, self-care, what she has been lacking in the past and how she has formulated a more diligent approach to social work ethics, and her knowledge base has grown.

York asked if Ms. Lindsay's license will be reinstated as a LCSW. **Frakes** replied that after three years' suspension, Ms. Lindsay would reapply (keeping her hours) and pass the test. Ms. Lindsay is already fully licensed, and the Board must approve her paper and decide whether the ethics class she attended is approved.

Ussher expressed concern that the proposed modification to the stipulation would not require Ms. Lindsay to complete a graduate level social worker ethics course. Board members discussed various alternatives, including the possibility of broadening the stipulation to include completion of an ethics class approved by another mental health practitioner board.

Erickson asked for a motion to modify the Board approved consent degree of Karen Lindsay, LCSW on her case G09-43 to broaden the scope of the search for a graduate level social work ethics course to one that is a graduate level ethics course in a mental health related program other than social work. **Maplethorpe** made the motion and **Ussher** seconded. Motion carried.

Ms. Lindsay asked to whom she should send a class synopsis of a proposed course to for approval. Either **Frakes** or **Lowery**.

LICENSURE, INTERN AND APPLICATION ISSUES

Review, Discussion and for Possible Action, Review of license application submitted by Robert Peoples pursuant to NRS 641B.260 and NAC 641B.090. (Agenda Item 5)

Frakes welcomed Mr. Peoples to the meeting and summarized the information provided regarding his application for licensure. Mr. Peoples stated that he did not intend to mislead the Board, he misunderstood the type of arrests referenced on the application. He said he has learned from his past and wants to become a social worker in order to help people. **Erickson** congratulated Mr. Peoples on passing the masters exam and asked the Board members if they had any questions for him. **York** asked if Mr. Peoples thought of calling the Board to ask about the criminal history questions. Mr. Peoples said he did not think to call, and thought that since he was arrested but not convicted of a felony, he answered correctly. He noted that background checks report arrests without including information regarding disposition of the matter.

Erickson called for a motion to accept the license application submitted by Robert Peoples pursuant to NRS 641B.260 and NAC 641B.090.

Lowery requested that the next item be taken out of order, to address agenda item 8I. **Erickson** agreed and agenda moved to item 8I.

DEPUTY ATTORNEY GENERAL REPORT *(Agenda Item 6)*

Rasul indicated that she did not have anything to add to this Board meeting.

LEGISLATIVE AND REGULATORY ISSUES

Review, Discussion and for Possible Action, Review of changes made to NACs based on July 28, 2017 Board Retreat which have been submitted to LCB. *(Agenda Item 7A)*

Lowery reported that after review of the proposed changes the LCB had a problem with the endorsement language. When the Board changed the language, it was thought that the Board was covered under SB 69. SB 69 does not apply because the Board already had endorsement language. Per NAC 641.6 the five year stipulation for expedited endorsement is in the NRS and we can't change that. We thought that SB 69 allowed us to remove the five year stipulation because that was the only change to SB 69 versus SB 68 two years ago. That was not the case. SB 69 said unless you have a statute related to endorsement you would fall under SB 69. We don't fit because we already had language. What this means is that some of our changes become irrelevant because we don't fall under SB 69. In 2019 we will have to look at an NRS change to remove the five years from the expedited endorsement. In 2015, 14 boards were put in a position of doing expedited endorsement. 11 of them did not have a five year stipulation and three did, including this Board. **Rasul** helped determine a workaround. NRS 270 is general endorsement language so we should be okay. The one thing we might not be able to require is an exam until we can fix the NRS language in 2019. NRS 270 specifically refers to licensing an individual from another state without examination.

Fewer than 5% of the individuals seeking endorsement have been unlicensed. Usually they are old guard folks that were endorsed in their state 20 years ago and are seeking endorsement here. The number of people impacted may be only one endorsement out of 30. We probably won't be able to require an exam for the few exceptions. **Lowery** stated that she had an extensive conversation with the LCB on Wednesday regarding what we can do. We will be able to discard the 1000 and so many hours. Because of the way NRS 641.270 is written we may not be able to include "has passed the appropriate exam given by ASWB or another test administrator" in the endorsement until we can clean up the language in the 2019 legislative session. There are other safeguards in place, including requiring that an applicant have no disciplinary actions against their license. **Lowery** said that hopefully the LCB will return the NACs before the public workshop. All of the other requested changes were accepted by the LCB.

Review, discussion and for Possible Action, Update on next step(s) taken and to be taken in the regulation change process. *(Agenda Item 7B)*

Lowery stated that the proposed regulations changes have been uploaded to the Board's website. She also included a narrative explanation of the reasons for the changes. The notice of public workshop went out on the listserv. There are about 600 licensees who are not on the listserv and they were sent postcards. We have not received any comments from licensees even though **Lowery** provided her direct email address. **Ussher** said she has received comments. She was asked if they should "rally the troops." Her response was "not necessarily."

Maplethorpe and **Frakes** will be doing the public workshop in Las Vegas. **Susan** and **Lowery** will be doing the public workshop in Reno. The workshop is from 10:30 am to 1:30 pm and there will be a court reporter so Board members will be able to listen and answer questions. **Lowery** suggested attending Board members bring the narrative she did because it explains why they are making changes.

Lowery stated that the Board will use the Survey Monkey service to send the small business impact survey to businesses with fewer than 150 fulltime employees. She plans to send the survey out next week to Board

approved sites. **Ussher** asked about sending it to individual licensees who have businesses and **Lowery** replied that it is too difficult to determine who they are. These individuals have not been included in the past. **Ussher** asked if they can be included in the future. **Lowery** said that once the computer system is updated, it will be possible to track and include them. The questions on the survey are: name of business, the person submitting, the person completing the survey, is your agency for profit, how many employees, what are your licensure levels, and do you have any comments. In the past we have never received any replies. **Ussher** asked why we do this survey. **Rasul** replied that it is required by law. A Board member asked what the purpose of the survey is. **Lowery** explained that after licensing fees were raised a couple years ago it was felt that if an agency paid for several licensee's renewals it would have a fiscal impact on the business. **Ussher** said she thinks the individuals with their own business should be tracked once we are able to do so.

Review and Discussion, Update on Behavioral Commission meeting on September 15, 2017, and Interim Legislative Session. (Agenda Item 7C)

Lowery attended the meeting in Carson City and also met with Amy Roukie, the head of DHHS. The Psychology, Marriage and Family Therapy, and Drug and Alcohol board members attended the meeting site in Reno. During roll call they introduced themselves and **Lowery** just signed in. When AB 457 was discussed the other board members joined the discussion. **Lowery** observed that the Commission does not run its meetings in the same manner as the Social Work Board. Comments are not allowed except during the public comment section unless a person has been included in the agenda. **Lowery** said that the Commission didn't seem to know much about AB 457, they don't want to be involved with AB 457, and they don't know what they are supposed to receive from any of the boards. MFT and Drug and Alcohol board members were quite vocal. **Lowery** is having lunch with Amy and Paula on Monday to find out from Amy what the Commission needs from the Board. **Lowery** sent a copy of our regs to the Commission for its review. They don't get any of the surrounding regs, so there is no context.

Review, discussion and for Possible Action, Notification by the Governor's Finance Office of fiscal audit covering FY2014 through FY2017. (Agenda Item 7D)

Lowery mentioned that she received an email from Mark Richards, C.P.A. in the Governor's Finance Office requiring that a 16-point audit be conducted within 17 business days. 34 boards are included in the audit. She reported that the only items that are incomplete are the current job descriptions and the compensation and performance review policy (which is on today's agenda). Other than those items, it is done. The completed audit will be sent out next week. **Lowery** called the Finance Office to ask when we will receive the results of the audit. Steve Weinberg called her and said June 2018.

BOARD OPERATIONS

Review, Discussion and for Possible Action, Approval of the July 27, 2017, Board Meeting Minutes; Approval of the July 28, 2017, Board Retreat Minutes; (Agenda Item 8A)

Ussher provided **Lowery** with a correction on page 16 related to the media request policy. Nine lines down it says "the Board member felt unprepared." That has been corrected to reflect that "the Board member felt shocked by the way this was handled and thought it was inconsiderate of Board members." After **Lowery** stated that transcription of the Board Retreat Minutes took 13 hours, a Board member asked why the Minutes are not exactly the same as the recording. **Lowery** explained that she summarizes because the Minutes would be too long and much harder to read if they were transcribed verbatim.

On page 10 of the July 28 Minutes where **Ussher** discussed not feeling there was correlation between exam scores and competency, the next sentence will be rewritten to say "rather she discussed the idea of beginning of a lifelong process of learning process of ongoing competencies as starting right after graduation. She suggested that beginning CEUs immediately starts this lifelong learning process."

Ussher noticed that the pages of the Board Retreat Minutes are dated July 27 instead of July 28. **Lowery** said she will correct them.

Erickson called for a motion to approve the July 27, 2017 Board Meeting Minutes and the July 28, 2017 Board Retreat Minutes, pending amendment. **Ussher** made the motion and **Maplethorpe** seconded. Motion carried.

Review, Discussion and for Possible Action, Fiscal Reporting and budget figures for 1st quarter FY2017/2018. (Agenda Item 8B)

The budget includes the revision approved at the July 27 Board Meeting. **Lowery** will amend the contract services on the budget to be \$5,000.00 instead of \$4,500.00. **Lowery** noted that for year-to-date anything listed under income that is 25% is on target. We have been receiving many more applications by endorsement. The VA is having their licensees apply for endorsement even though they don't have to be licensed in Nevada. We are up 40% of anticipated income. **Ussher** commented that one of the reasons they are doing that is because they are looking at private practice. **Lowery** reported that income is at 26%, employer insurance is a little over budget because the number of pay periods varies, and we are a little ahead of budget for operating supplies. Most of the host fund for the year was spent at the Board Retreat. For most expenses we are running at 18% overall which is fine for a first quarter report.

Lowery stated that when Michael Coulson comes to the office for the audit (hopefully in December) he will conduct a training on understanding the budgeting and balance sheets, etc.

Erickson called for a motion to accept the Fiscal Report and budget figures for 1st quarter FY2017/2018; **Maplethorpe** made the motion and **York** seconded. Motion carried.

Review, Discussion and for Possible Action, Changes in individuals authorized to sign on the Board fiscal accounts. (Agenda Item 8C)

Lowery indicated that the Board always maintains two Board members and one office person that sign checks. Rod Smith was a signer and **Erickson** is a second signer. An additional signer in Northern Nevada is required. About twice a month this person would need to visit the Board's office in order to sign checks to pay bills and payroll. In addition, since **Frakes** has stepped out of the leadership role, she will be removed as a signer on the account and **Lowery** will take her place. **Ussher** or **Nielsen**. **Ussher** made a motion to approve changes in the signers for the Board accounts to reflect removing **Frakes** and Rod Smith and putting in Sandra Lowery and Susan Nielsen. **Maplethorpe** seconded. Motion carried.

Review, Discussion and for Possible Action, Data Reporting Activities. (Agenda Item 8D)

Lowery reported that during the third quarter the Board licensed 90 people, endorsed 27, and 20 were granted provisional status. The report has changed because provisional licenses weren't being counted. 115 days for applicants to take their exam, 22 was the shortest, and 325 was the longest. There weren't any licenses denied or restored. There were 14 LCSWs endorsed and 13 LSWs. Under the legislative parameters (60 days after receipt or 15 days after receipt of background check) two individuals fell out because of the licensees, not the Board. There are 169 open license applications and 27 individuals seeking endorsement for

a total of 196 open. The majority of delays are from people not taking exams or because required documents haven't been sent. When the regulation changes go through LCB and the regs are changed, the amount of time an application can remain open will be reduced to six months. There were 201 renewals granted in July, 200 in August, and 230 in September. Average processing time was about 5-6 days. Wallet cards are being sent out the week following receipt of renewal form. **Lowery** stated that she redid the last report for the whole year because provisional licenses weren't included. The report now includes the entire year-to-date – there were 205 licenses granted, 62 endorsed, and there were 41 provisional licenses granted. We weren't taking credit for 41 licenses. This report replaces the reports for prior quarters. Beginning in January, **Lowery** is going to use this report format, showing year-to-date numbers. Board members commented favorably on the new format.

Lowery said that we don't report some of the information requested by the LCB pursuant to SB 69. With respect to applications rejected as incomplete, this is something we don't do. All applications submitted are incomplete because (1) the Board requires that educational transcripts be submitted directly from the educational institution to the Board; (2) testing results must be submitted directly from the testing vendor; and (3) a license cannot be issued until the Board receives background reports based on fingerprint submission. Applications are "pending" until all documents are received. Since applications are not "rejected," resubmission doesn't occur. At the end of the quarter there are 2,868 active licensees in Nevada. We added 137 and lost 83.

Review, Discussion and for Possible Action, Review of previous board decision regarding screening questions on initial license applications based on ASWB training. (Agenda Item 8E)

Ussher attended the training. **Lowery** stated that removing the word "arrested" from language has caused problems. **Lowery** distributed examples of background reports received. Some of them showed whether a case had been dismissed and some did not show any resolution. The result is that Board staff is trying to figure out if there was actually a charge made, if it did not match an applicant's statement. **Lowery** said that on the old questions the first one was "Have you ever been convicted of a felony?" which is fine. The second one was "Have you ever been arrested or convicted or charged with..." **Lowery** would like to put "arrested" back in the question. **Ussher** is extremely concerned about applicants being required to disclose arrests even if they were dismissed. Board members discussed the issue and how omitting the word "arrests" would lengthen the application process for individuals who said "no" to the questions and whose background check disclosed an arrest for which the case was dismissed. **Ussher** asked how many individuals disclose legal issues on the application. **Lowery** replied that it is about 20% of applicants, and she estimated that about 30% of those have legal histories that don't match. She thinks two or three applications per month could be delayed due to extra time required to clarify the record. In the past if someone reported an arrest, they were required to provide an explanation of the situation and the disposition. Board members discussed the difference in questions between the initial application and renewals. **Ussher** suggesting revising the question to include pending cases. **Rasul** commented that the Funeral and Occupational Therapy Boards have some good pending language. She read a portion of the language and **Lowery** proposed adding as the third question: "Are there any pending legal actions, complaints, investigations, or hearings concerning you in progress?" **Erickson** asked for a motion to change the screening questions on the initial application, adding as question 3 "Are there any pending legal actions, complaints, investigations, or hearings concerning you in progress?" **Ussher** made the motion, with the amendment that item 3 is not being added, an additional question is being added. **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 8F)

Lowery stated that Board members reviewed the questions at the Board Retreat and agreed they need revision. The questions are connected to NAC 641B.200.21a through NAC 641B.200.21g. There were originally seven questions and now there are six. "...diagnosed, treated or hospitalized for a psychiatric or mental health condition..." and "...physical or medical condition..." were removed and replaced with "In the past year, have you developed any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, mental and/or medical condition) which currently affects your ability to deliver essential social work services?" These were revisions based on the changes made to NAC 641B.200. Board members reviewed the original renewal form and the suggestions made at the Board Retreat for revisions. **Ussher** objected to the words "charged with" remaining in the screening questions. **Lowery** replied that the renewal form includes "charged with" because under the NAC social workers are required to self-report if "The licensee is charged with or convicted..." **Rasul** commented that the revised language from the initial application is general enough to work in the renewal. **Lowery** said the screening questions will be changed to read: "In the last year, have you been convicted of a criminal offense...?" and "In the last year, have you been convicted of a civil offense?" The question "Are there any pending legal actions, complaints, investigations, or hearings concerning you in progress?" will be added. **Erickson** called for a motion to approve the license renewal screening questions including a question indicating that there are pending legal actions, complaints, investigations, or hearings concerning you in progress and removing the words "charged with" from screening questions 1 and 2. **Ussher** made a motion, **Maplethorpe** seconded. Motion carried.

Review, Discussion and for Possible Action, Policy O-002, Management of Media Requests. (Agenda Item 8G)

Board members reviewed and discussed the proposed contact with media policy (Policy O-002), including revisions by **Ussher** and **York**. For clarification **York** suggested changing the title underneath the Policy Summary from "Policy" to "Procedure." The third bullet point was revised to remove the words "Lobbyist" and "and possibly Board Members." **Rasul** explained that the original language is problematic because of open meeting laws. **Erickson** called for a motion approving the policy on contact with media as amended, changing the word "Policy" to "Procedure" and in the last bullet after "consultation with the Board President" removing the words "Lobbyist" and "and possibly Board Members." **Ussher** made a motion to approve as amended and specified. **Maplethorpe** seconded. Motion carried.

York asked if this policy applies to contact by other outside parties. **Lowery** answered that this policy is specific to media contacts. Policies regarding other outside contacts will be written during the policy making process.

Review, Discussion and for Possible Action, Policies on Licensing – L-001, Initial Licensing by Examination; L-002, Initial Licensing by Endorsement; L-003A, Initial Licensing by Provisional "A"; L-003B, Initial Licensing by Provisional "B"; L-004, Renewal – General; L-005, Renewal – Provisional "B"; L-006, Restoration of a License. (Agenda Item 8G)

Ussher commented that the procedures seem too lengthy and confusing. **Lowery** replied that the procedures describe exactly what happens when an application is received. **Ussher** asked **York** if she has any feedback (since she has experience writing policies). **York** said these procedures are a good start, and would be easier to follow if there was less detail. Some of the details could be recorded elsewhere for reference. **York** also commented that the creation of policies and procedures would be easier if the Board had prior policies to build upon. She is okay with approving these policies and procedures, since they can be changed in the future as necessary. **York** suggested using a format of "Purpose, Policy, and supporting documents" which would be easier to follow. **Ussher** suggested adding a decision tree as an attachment. **York** suggested a flowchart. **Erickson** expressed the Board members' appreciation for the work that went into producing the policies and procedures. **Rasul** mentioned that it is important to ensure that policies are in accordance with law and

licensees cannot be made to or prohibited from doing something or not doing something. Policies are meant to be about the internal operations of the office. **York** made a motion to approve the policies on Policies on Licensing, Initial Licensing by Examination, Initial Licensing by Endorsement, Initial Licensing by Provisional "A," Initial Licensing by Provisional "B," Renewal – General, Renewal – Provisional "B," and Restoration of a License. **Ussher** seconded. Motion carried.

Erickson paused the meeting for a ten minute break.

Review, Discussion and for Possible Action, Personnel Policies and Procedures – Manual. (*Agenda Item 8G*)

Lowery stated all of the policies for licensing, disciplinary, and internship were supposed to be done in time for this Board meeting but they couldn't be completed because the Board was required to provide policies and procedures for human resources during the audit. The Board office has been following the State HR manual since 1988 although it is not required to since the Board is self-funded. The new manual is based on the State HR manual but is specific to the Social Work Board. The two differences are that (1) the Board will allow employees to bank a maximum of 180 hours of vacation, instead of the State's limit of 240 hours, and (2) the Board stop paying employees for unused sick leave, due to the expense. Board members discussed various ways that banked hours are managed by other entities. **Ussher** asked at what point unused sick leave would not be paid anymore. **Lowery** responded that the new policies will be retroactive to July 1, 2017. Caroline Rhuy and any new hires will be subject to the new Board policies. **Ussher** said she thought the Board should consider having a cut-off date (e.g. December 31, 2017) for when unused sick leave won't be paid out any longer. **Lowery** responded that this would be difficult to change because of the precedent set by the prior two employees who retired and were paid for unused vacation and sick leave. Moinette LaBrie, Kim Frakes, and Leilani Weaver were all hired under the State HR manual. Board members discussed the number of hours that employees should be allowed to bank before cutting off accrual. **Lowery** said that not only is it expensive for the Board when employees accrue hours instead of taking time off, it is not healthy for them. **Ussher** made a motion to accept the Personnel Policies and Procedures Manual with the maximum accrual limit of vacation time limited to 200 hours with a retroactive effective date of July 1, 2017. **York** seconded. Motion carried.

Review, Discussion and for Possible Action, Board Member Orientation Process. Presentation from Michael Coulson, CPA regarding AB457 requirement for orientation "concerning managing the finances of the Board." (*Agenda Item 8H*)

Frakes reported that Mr. Coulson apologized since something urgent came up and he was unable to attend the meeting as planned. Mr. Coulson is happy to reschedule. **Ussher** asked if there is a time frame involved and **Lowery** said March 2018. This item was tabled until the next meeting.

Review, Discussion and for Possible Action, Contract for annual audits of finances of Board. (*Agenda Item 8I*)

Frakes stated that this item pertains to the contract for Mr. Coulson. He has been the Board's C.P.A. since **Frakes** joined the Board. This contract will be the third contract entered into with Mr. Coulson for a two year term at \$5,000.00 per year. After the first audit the Board may choose to look for another auditor. Sometimes that is recommended to make sure we are getting good rates. On the other hand, Mr. Coulson is very knowledgeable about the Board. If the contract is approved by the Board, **Frakes** will submit it to the State of Nevada Board of Examiners, Department of Administration for review. Since the amount is under \$25,000.00 it can go to the clerk for approval with a quick turnaround. If approved, Mr. Coulson will conduct the Board's audit for the previous fiscal year so it can be submitted to LCB by December 1st. **Frakes** noted

that the contract has not changed except for an increase in the fee. The budget will be amended to reflect the increase.

Erickson called for a motion to accept the Contract with Mr. Coulson for annual audits of finances of the Board. **Ussher** made the motion (including the budget amendment) and **Maplethorpe** seconded. Motion carried.

Review, Discussion and for Possible Action, Distribution of Mailing Lists to individuals requesting copies. (Agenda Item 8J)

Lowery said she has been asked if the Board distributes its email list. The Board does not currently and never has distributed its email list. The Board does distribute the licensee mailing list via email. If a party requests a mailing list, they are sent an Excel spreadsheet containing the mailing list or printed labels. The fee is commensurate with what other boards charge. They do not receive a list of email addresses. **Lowery** has received requests to use the listserv for sending information regarding workshops, etc. and the answer is always "no." The email list is for internal use by the Board only. **Lowery** checked with other boards and confirmed that our statutes allow this. **Ussher** noted that the charge for mailing labels is \$75.00 which she thought is too low. Board members agreed to discuss this at a future meeting.

Review, Discussion and for Possible Action, Board members supervising clinical interns. (Agenda Item 8K)

Lowery stated that it has been the Board's practice that Board members are not allowed to supervise clinical interns. When individuals apply to become a Board member the Governor's office does not ask whether or not they supervise interns. When **Maplethorpe** was appointed to the Board, she advised **Lowery** that she is an intern supervisor. **Lowery** consulted with **Rasul** as to whether this is permitted and she said there are no statutes or codes prohibiting a Board member from supervising interns. **Lowery** then consulted states on the national listserv regarding their practices. 17 states replied, and they all permit board members to supervise interns except in the event of disciplinary action, in which event the Board member recuses him/herself. In **Lowery's** opinion, Board members should be allowed to supervise interns if desired.

Board members held a lengthy discussion about instituting a policy allowing Board members to supervise interns. Possible conflicts of interest, the effect a complaint against an intern could have on the Board member/supervisor, and the effect such a policy would have on Board members whose employers require them to supervise interns were some of the concerns discussed. Possible policies included (1) allowing Board members to supervise interns if they wish; (2) allowing a new member on the Board to continue supervising any interns they have at that time, and not allowing them to take on additional interns during their term on the Board; (3) having a general policy against intern supervision that allows exceptions; (4) allowing only one Board member at a time to supervise interns; or (5) forbidding Board members from supervising interns while on the Board. Board members decided the matter requires additional discussion and tabled it until the next Board meeting.

Review, Discussion and for Possible Action, Job Description for Executive Director. (Agenda Item 8L)

Lowery reported that she used the Board's prior discussions to prepare a possible job description for the Executive Director position. She also prepared a draft of a recruitment notice. **Ussher** suggested changing the requirement of experience in a state or local governmental agency to a preference and adding the requirement that a candidate have knowledge of MS Office software.

Board members discussed the applicant screening process. Appointing a sub-committee and inviting non-board members were considered. **Rasul** said that rather than appointing a subcommittee, some boards act as a whole to review applicants. **Rasul** also stated that she is not aware of boards asking non-board members to join in the process, and she doesn't know if it is allowed. **Lowery** requested that **Rasul** research whether or not interview panels are prohibited from including community stakeholders.

Ussher made a motion to approve the specifications and recruitment notice for the Executive Director position, including changing the requirement of state or local governmental experience to a preference, and adding the requirement of knowledge of MS Office Suite software. **Maplethorpe** seconded. Motion carried.

Ussher suggested including a deadline for responses to the recruitment notice after it is posted on the ASWB website, Nevada State website, the Board's website, Indeed.com, and , and at least one additional employment vendor. **Maplethorpe** suggested posting on the National Council for Behavioral Health website.

Ussher made a motion to allow posting of the recruitment notice on the websites discussed with a 60 day deadline for responses. **Maplethorpe** seconded. Motion carried.

Review, Discussion and for Possible Action, Development of Sub-Committees involving licensees, Board Members and Office Staff. (Agenda Item 8M)

Board members discussed the purpose and procedure for forming subcommittees. **York** made a motion to establish a Technology subcommittee involving no more than two Board members and to invite community partners to address technology issues with members to be determined. The subcommittee will have a maximum of five members. **Ussher** seconded. Motion carried.

Review and Discussion, Training for Boards and Commission Members done by the Attorney General's office. (Agenda Item 8N)

Two Board members are attending the training in October. Board members discussed the need for more advance notice to enable all members to attend the training. **Lowery** will see about getting more notice in advance of trainings.

Interim Executive Director's Report. (Agenda Item 8O)

Lowery put in a request to the State's records retention department and received permission to reduce the time that the Board must hold applications from 30 years to five years. Board staff is in the process of pulling files to be sent out for shredding.

Erickson and **Frakes** will attend the ASWB meeting next month.

Susan Nielsen will attend the Board's public workshop next month in Reno, and **Maplethorpe** will be at the public workshop in Las Vegas.

Big Pictures is the software vendor under consideration for the online licensing. The OT Board had a contract with them which was completed within four months. The Director of the OT Board is very happy with their work. The OT Board gave Big Pictures a \$24,999.00 budget (so they could avoid the entire RFP process). **Lowery** will provide more information at the December Board meeting.

UNR has resumed doing licensure preparation with the Board. **Lowery** provided licensure preparation workshops for 11 years until UNR discontinued them. **Lowery** will also be providing workshops at UNLV.

The Attorney General's office sent out a Medicaid fraud announcement about a Medicaid provider business owner (not a social worker) who will be going to jail. **Lowery** proposed sending the fraud announcement out over the Board's listserv to heighten awareness by social workers that Medicaid is actively pursuing fraud among providers. **Lowery** received an eight page list of Medicaid sanctioned providers. She will provide Board members with the link to the list.

Lowery reported that the Reno location of Mojave Mental Health is closing as of December 31, 2017. She is researching alternate locations for future Board meetings so that they can continue to do video conferencing. UNR is helping Mojave employees to find new positions.

York asked why some of the license certificates signed by the Board have dates prior to 2017. **Lowery** explained that sometimes licensees request replacement certificates for various reasons.

PRESIDING OFFICER'S COMMENTS *(Agenda Item 9)*

Erickson thanked **Lowery** for representing the Board and all her work on the NACs and policies.

PUBLIC COMMENT

No public comment was offered at this time.

ADJOURNMENT

Erickson adjourned the Board meeting at 1:37 p.m.

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