



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

MINUTES OF BOARD MEETING
February 15, 2018

The meeting of the Board of Examiners for Social Workers was called to order by Vikki Erickson, Board President, at 9:07am. The meeting was held at Kietzke Plaza, 4600 Kietzke Lane, Building B, Suite 111, in Reno, Nevada, 89502. This meeting was not videoconferenced to Las Vegas. 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, President (**Erickson**)
Jodi Ussher, LCSW, Board Member (**Ussher**)
Stefaine Maplethorpe, LCSW, Board Member (**Maplethorpe**)
Susan Nielsen, Board Member (**Nielsen**)

Staff Present

Sandy Lowery, LCSW, LCADC, Interim Executive Director (**Lowery**)
Kim Frakes, LCSW, Director of Social Work Practice (**Frakes**)
Henna Rasul, Esq., Senior Deputy Attorney General (**Rasul**)

Public Attendees

Holly Parker, Esq., Counsel for Jeffrey Davis
Susan Broili Kamesch
Jeffrey Davis, LCSW
Sarah Bradley, Esq., Senior Deputy Attorney General

*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.

REGULAR AGENDA

DISCIPLINARY MATTERS

Review, Discussion and for Possible Action, Amended Complaint and Notice of Hearing Regarding Jeffrey Davis, LCSW, #4835-C, Pertaining to Cases G10-17 and G11-08, or Consideration and Approval of Consent Decree. (Agenda Item 3A)

Erickson asked **Rasul** if there were any preliminary matters to be addressed. **Rasul** notified the Board that she and counsel for Mr. Davis had agreed upon a settlement agreement for review by the Board. Documents were passed out to Board members for review. Ms. Parker verified that the documents received by Board members were indeed the documents that have been agreed upon. Ms. Bradley, acting as counsel

to the Board sought clarification of the cases listed in the Consent Decree. **Rasul** reported that there were initially three cases, as a matter of public record, and that there was an agreement to dismiss one case. With the amended complaint, there were two remaining cases. The content of the two remaining cases was substantially similar and **Rasul** decided to dismiss one and pursue on the one remaining case.

Ms. Parker presented information to the Board, noting that Mr. Davis is 70 years old and has worked in the field of social work for over 40 years and wants to keep working for as long as he can as this is his livelihood. She noted allegations of his crossing personal boundaries with a client. The Consent Decree stipulates that there was a dual personal relationship and that he agrees to report to the Board, to take steps to complete a psychiatric evaluation to ensure that he is competent to continue working with patients. There will be a stayed revocation of his license for a period of two years. He is agreeing to provide the Board with evidence that he has completed a course on ethics and personal boundaries as well as engaging in supervision of his practice and will pay the costs. She noted that she and **Rasul** have gone back and forth regarding the content of the Consent Decree and they have achieved a solution that both protects the public but allows him to continue to work. She noted that her goal was to humanize the situation.

Ms. Bradley educated the Board member that they will accept or reject the document placed before them. She indicated that Board members can ask questions, but should stay within the information provided in the Consent Decree. She noted that the process looks at the facts, the concerns, whether a resolution can be developed that addresses the concerns and keeps the public safe. **Rasul** noted that complaint is merely allegations that does not take into account evidence that was received by the Board. The facts presented in the Consent Decree are the facts that both side agree to present to the Board. **Erickson** responded to the information presented by Ms. Parker, noting it is difficult to hear that Mr. Davis will not go out and hurt anyone when there are no assurances that this will be true. Ms. Parker noted that once Mr. Davis enters into this Consent Decree, he is subject to micro-management of his practice, that the stipulations will serve as safeguards of his practice for a period of one year. Board members asked a number of questions regarding the nature of the supervision that Mr. Davis will be under. **Frakes** clarified that his supervisor will be a Board approved individual. **Ussher** asked for clarification of stipulations that 50% of the supervision be conducted in his office. Mr. Davis practices in Fernley and Carson City. She sought clarification about whether this would be taken into account. **Frakes** assured her that it would, and that Mr. Davis would be reimbursing the supervisor for travel time, etc. **Ussher** also sought clarification of the length of time for the supervision meetings. Ms. Bradley noted that this was not specified in the settlement agreement. **Maplethorpe** discussed the level of supervision for CSW Interns as weekly supervision for at least one hour as well as observation of the practice of the intern and a accompanying documentation. **Ussher** sought clarification of stipulations regarding the time Mr. Davis is on probation versus the time his practice is under supervision. Ms. Bradley clarified that there is language that specifies that Mr. Davis and his supervisor will come before the Board to request to stop the supervision. **Ussher** requested clarification about language in the document that reads that facts are "stipulated" and whether it means that the wrong doings are admitted and that there is agreement that the information is true. Ms. Bradley reviewed the language and noted that Mr. Davis acknowledges that there are violations of law if they were found proven. Ms. Bradley agreed that there is not an admission of guilt. **Rasul** noted that this is standard language used in a settlement agreement and that the admission is not a requirement of a Consent Decree. Ms. Bradley noted that there are two options in a Consent Decree where an individually admits outright to violations and the more common incident in which they say that they essentially understand what is being charged against them, and if it went to a hearing, that there could be enough evidence proven that the Board would find me guilty and therefore they agree to enter into a Settlement Agreement. She likened it to a nolo plea in a criminal hearing. **Ussher** acknowledged the information and noted that the Agreement did not include an admission of guilt. **Ussher** sought clarification of the amount of money Mr. Davis will pay the Board. She asked whether this was the amount of money expended by the Board. **Rasul** noted that the \$13,000.00 specified was a

negotiated amount. She also noted that Board's rarely recover the total costs. **Ussher** asked for an approximate financial expenditure for this case. **Lowery** reported the amount was approximately \$20,000.00. Ms. Parker noted that in her experience with Boards, this financial amount is very high. She noted that Mr. Davis is 70 years old and does not have a lot of savings. The agreement specifies that he will pay \$3,000.00 initially and will make payments on the remaining \$10,000.00 so that he does not totally bankrupt himself. **Ussher** noted that this Board is self-funded. **Nielsen** asked whether the oversight built into this agreement will address anger management issues. Ms. Parker noted that this should be identified and will be addressed in the psychiatric assessment.

Ms. Bradley reviewed the options for the Board, to accept the agreement as written, the Board may recommend changes, or they can not accept the agreement which means that the issue is still pending and may proceed for a hearing. If the Board recommends changes, Mr. Davis and his counsel will have to agree to these changes before they would be incorporated. **Erickson** asked for discussion by the Board members. **Ussher** noted that she is a 65-year-old practicing social worker and she still knows the difference between right and wrong. She noted that even though she doesn't think it is possible, and understands that it is standard practice, that an admission of wrong doing would be appropriate, as a social worker. She noted that this point bothers her. **Erickson** stated that she would like to see more oversight than meeting once a month and Board members discussed weekly supervision for an hour, similar to clinical supervision. **Erickson** recommended changes to the language of the agreement, specifying that for the first year, Mr. Davis will meet weekly with a Board approved licensed clinical social worker who will consult with him and monitor his practice. She reiterated the importance of clinical supervision and the importance of clinical oversight as a protection for the public from social workers that may have issues in conducting ethical practice. **Maplethorpe** discussed the need for consultation with peers to ensure ethical practice, that private practice can be very isolating. She supported the recommendation from Erickson. Ms. Parker discussed options for the weekly supervision, whether there was an option to do some of the supervision via a technological (telephonic) means. **Erickson** asked for clarification regarding intern supervision. **Lowery** provided this and noted that the regulations that are at LCB allow for telecommunication technologies for three of the four weeks of supervision per month. **Erickson** accepted the suggestion that the supervision be done once per month in person and the remaining times per month via telecommunication technologies. Ms. Bradley sought to clarify the language in the agreement that specifies 50% being done during business hours. **Ussher** suggested that this be determined by the supervising social worker and that the 50% stipulation be removed. **Ussher** requested clarification of the psychologist and / or psychiatrist that is used for the evaluation. **Rasul** clarified that this is usually decided upon outside of the meeting. **Ussher** indicated that the Board should be a part of the decision making and this was supported by **Erickson**. **Frakes** discussed the fact that forensic evaluations are a specialized field and the number of qualified practitioners is fairly small. Currently, the Board has an individual identified in both northern and southern Nevada. Frakes identified the two practitioners currently used by the Board and Mr. Davis noted that he is not familiar with the practitioner in northern Nevada. **Nielsen** asked for clarification of what happens with the modest changes proposed by the Board. **Rasul** indicated that Mr. Davis and counsel need to review the proposed changes and if they agree, then it can be voted upon.

Board took a brief break for Mr. Davis to meet with his attorney.

Ms. Parker returned to the Board with clarification that the telecommunication method includes that the meeting be live conversation, not email, texting or chat. **Rasul** and Ms. Parker agreed on changes to the language of the settlement agreement. With these items agreed upon, **Erickson** asked for a motion to accept the consent decree on G11-08 as amended. **Nielsen** made the motion and **Maplethorpe** seconded. Vote was unanimous.

BOARD OPERATIONS

Review, Discussion and for Possible Action, Review of pool of applications submitted for the Executive Director position to determine who the Board would like to bring forward for an interview. Received OML waivers for each individual. (Agenda Item 4A)

- i. Karen Barsell
- ii. Susan Broli Kamesch
- iii. Dean Estes
- iv. Cynthia Freeman
- v. Deanna Menesses

Board decided to review each application and make a determination to move them forward for an interview. **Lowery** reminded the members that at the December 2017 meeting, the Board was not satisfied with the applicant pool and decided to leave the application open in hopes of receiving additional applications. There are now five candidates to be considered with two applications carried over from December – Estes and Menesses. **Nielsen** discussed feeling as though the new applicants were a better fit for the position.

Ussher suggested that Ms. Barsell and Ms. Kamesch be moved forward. She thought that although Mr. Estes has extensive experience in fiscal management, his experience is limited in terms of the scope of the position. **Maplethorpe** appreciated his business experience. **Lowery** reminded the Board that they had not viewed Mr. Estes in a very favorable light at the last meeting. **Erickson** was interested in interviewing Mr. Estes. **Rasul** suggested that each applicant be voted on separately.

- **Erikson** requested a motion to move Ms. Barsell forward for interview – **Ussher** made the motion, **Maplethorpe** seconded. Vote was unanimous.
- **Erikson** requested a motion to move Ms. Broli-Kamesch forward for interview – **Ussher** made the motion, **Maplethorpe** seconded. Vote was unanimous.
- **Erikson** requested a motion to move Mr. Estes forward for interview – **Maplethorpe** made the motion and **Erickson** seconded. Two voted “yes” and two voted “no” so the motion failed. **Erickson** requested a motion to not move Mr. Estes forward. **Ussher** made the motion, **Maplethorpe** seconded. Vote was unanimous.

Ussher discussed Ms. Freeman as having extensive experience in a variety of areas that would be helpful for this position. **Nielsen** supported this observation.

- **Erikson** requested a motion to move Ms. Freeman forward for interview – **Ussher** made the motion and **Maplethorpe** seconded. Vote was unanimous.

Lowery noted that Ms. Menesses is currently living in Texas. She questioned who would pay for the travel should the Board decide to interview her. **Ussher** noted that Ms. Menesses has a large number of employers with frequent moves between jobs. She expressed concern about this patten. **Nielsen** noted that her experience has been with membership societies and not specifically with boards and may have difficulties adjusting to the differing focuses. **Erickson** noted an extensive background in marketing and public relations.

- **Erikson** requested a motion to not move Ms. Menesses forward for interview – **Nielsen** made the motion and **Ussher** seconded. Vote was unanimous.

Lowery summarized the decision to move Ms. Barsell, Ms. Broili-Kamesch and Ms. Freeman forward for an interview at the next meeting on March 9, 2018. **Ussher** requested a follow-up on her request that there be community members involved in the interview process. **Lowery** reported that this had been addressed in the December 2017 meeting and that **Rasul** had indicated that this was not appropriate. **Rasul** indicated that the Executive Director is a hired by the Board, works for the Board and is paid from Board money. Rasul indicated that no Boards do this. **Ussher** sought further clarification, noting that this is the social workers Board. **Rasul** indicated that while there is an association, the Board has a public safety function and it is a

state Board. She indicated that the interviews will be done at a public meeting. **Ussher** asked if interested parties attended, could they ask questions, **Rasul** said "no." She reiterated that the Board is the employer, that they will be doing the interviewing. **Lowery** clarified that what **Ussher** was requesting was to use an interview panel, made up of Board members and licensees and Rasul is telling us "no." **Rasul** indicated that it is a Board member function.

Review, Discussion and for Possible Action, Identification of the pool of questions to be used in the interview for the Executive Director's position. (Agenda Item 4B)

Nielsen queried whether we could invite members of the community to contribute questions to the ones used by the Board. **Lowery** reiterated that that each applicant must be asked the same question. **Ussher** discussed where the question pool comes from and what can / can't be asked of an applicant. **Lowery** reviewed the types of questions that the Board will be interested in asking will be related to job duties and experience. **Lowery** indicated that she will reach out to the other behavioral boards, the nursing board and to the speech pathology board for any questions they have used in the past when hiring their executive directors. **Ussher** requested that these questions be reviewed by a HR professional. **Rasul** indicated that if the questions are coming from other boards, they will have been vetted. She noted that in truth, that questions don't need to be vetted, to use common sense and keep the questions to the scope of work and job duties. **Ussher** remained concerned about the legality of the questions the Board would be asking. **Lowery** indicated that if the Board can put together some basic questions, that she will then tap into the other boards to see what they have to share. These questions will then be sent out individually to each Board member for review, feedback and consideration. Additionally, the questions will be sent to Rasul as well. **Ussher** requested that **Lowery** discuss possible questions with several community partners.

Members identified topics to be addressed as testifying before the legislature, perception of job around disciplinary process, capacity to multitask and be a self-starter, operations experience in managing an office, technology experience, fiscal management, strategic planning, etc. **Rasul** suggested also addressing regulatory process, legislative process, public board meetings, application process, familiarity with board functions in general. **Lowery** will also contact the Board lobbyist for possible questions.

Board members discussed logistics about the interviews. **Lowery** will bring fiscal information to the next meeting and discussed the role that the Board will wish to maintain with Lowery. **Lowery** will work on **Erickson** in terms of the offer letter. Discussed orientation process for the new executive director. Using management of the internship program as an example as a duty that has not been managed by the executive director in many years. Will this be something that will return to the executive director. Discussed the important of orientation to the disciplinary process as something that **Frakes** will need to complete. Will develop a separate agenda item to address the fiscal parameters for the future and the role for Lowery. **Rasul** will also be involved in the orientation of the disciplinary process.

Review, Discussion and for Possible Action, Attendance at the ASWB 2018 Education Conference. (Agenda Item 4C)

The Education meeting for ASWB is being held Halifax, Nova Scotia. Two Board members have requested scholarships to attend the meeting. If the scholarships are granted, discussed whether the Board will fund the trips and accept the reimbursement from ASWB. Motion to fund Board members who attend the ASWB Educational Conference in Nova Scotia provided ASWB agrees to provide reimbursement for charges made by **Ussher**, second by **Maplethorpe**. **Erickson** and **Nielsen** abstained, motion carried by remaining Board.

Interim Executive Director's Report. *(Agenda Item 4D)*

Lowery provided an update on the following information.

- With the finalization of the regulation changes, **Lowery** is now shifting her focus to identifying a new vendor for the online licensing project. She is meeting with the Executive Director of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board who have engaged a new vendor for their online licensing process. To date, this Board is very happy with their new vendor. After the review of their process, **Lowery** will be contacting the vendor and is hoping to have a presentation prepared for the next Board meeting. **Lowery** discussed the importance of having movement towards the legislative mandate for online licensing by the time the Board meets with the Sunset Committee in May. **Lowery** also notified that Board that Tom Strahler, LCSW from Mojave in Las Vegas has reviewed the vendor and will continue to assist in this process.
- Regulation changes have moved through the final LCB review and we are now awaiting notification of the next Legislative Commission meeting where they will be reviewed. The Legislative Commission meeting is the final step for approval of the changes the Board has made to regulations. It is hoped that there will be a meeting in February or March.
- **Lowery** has conducted licensure preparation workshops at both UNR and UNLV. These have been well attended and it is hoped that this will help decrease the number of questions that arise with the licensure process.
- **Lowery** notified the Board of changes in leadership at the Division of Public and Behavioral Health with the resignation of Eddie Abelser and the termination of Amy Roukie. She noted that it is unclear what these changes will mean to the Board in regards to AB457. **Lowery** will continue to monitor meeting agendas and will attend if there is something related to the Social Work Board and / or AB457.
- **Lowery** is taking over the fiscal management of the Board from Moinette LaBrie. She has taken over running payroll and is familiarizing herself with the rhythm of bills and deposits. **Lowery** plans to become 100% responsible for the fiscal aspects of the Board by the end of March. Board members discussed the role that **Lowery** will have after a new Executive Director is hired and oriented. **Lowery** will present fiscal information at the next Board meeting regarding this.
- The Board has been notified that it will be presenting at the May, 2018 meeting. **Erickson** will attend this meeting with **Lowery**, as will Paula Berkley. **Lowery** is in the process of preparing the packet of information that must be submitted prior to the meeting.

PUBLIC COMMENT *(Agenda Item 5)*

No public comment was offered at this time.

ADJOURNMENT

President Erickson adjourned the Board meeting at 11:40am.

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