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**STATE OF NEVADA
BOARD OF EXAMINERS
FOR
ALCOHOL AND DRUG ABUSE COUNSELORS
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MEMORANDUM

TO: Lorne J. Malkiewich, Director
FROM: Sharon Atkinson, Executive Director
RE: Required Report
DATE: April 12, 2002

As required per SB 420 the following details the disciplinary actions taken by the Board since January 1, 2002 through March 31, 2002. Please see the attached settlement agreement in disciplinary action and the draft copy of the minutes from the March 15, 2002 board meeting.

However, the Board is in the process of handling twenty-three complaints. The outcomes will be reported as required upon completion of any hearings.

Should you have any questions please contact me.

STATE OF NEVADA
BOARD OF EXAMINERS FOR
ALCOHOL AND DRUG ABUSE COUNSELORS

IN THE MATTER OF

PATRICIA HAMES, Licensed Counselor,
License No. 281-L

Respondent

SETTLEMENT AGREEMENT IN
DISCIPLINARY ACTION

1. PARTIES. This Settlement Agreement is entered into between the Respondent and the Board of Examiners for Alcohol and Drug Abuse Counselors.

2. ALLEGED OFFENSES. The Board received a complaint against Respondent alleging that she had acted in violation of the regulations of the Board in that on certain occasions she failed to observe boundaries with clients and made certain inappropriate comments to clients regarding staff of the program at which she was employed, all of which, if proven, are violations of applicable sections of Chapter 641C of the Nevada Revised Statutes and Chapter 641C of the Nevada Administrative Code.

3. SETTLEMENT. The Board is prepared to commence formal disciplinary proceedings regarding the complaint, and the Respondent is prepared to defend against the allegations. However, the parties desire to compromise and settle the matter upon the following terms and conditions;

a) Within 90 days of the effective date of this agreement Respondent shall attend and complete a continuing education course in ethics. If the course has an examination, Respondent must pass the examination. The course may be counted toward Respondent's continuing education requirements. If the course has not already been approved by the Board for continuing education, the course must be approved by the Board. A course taken after November 14, 2001, shall apply to satisfy this paragraph.

b) Within 60 days of completion of the ethics course Respondent shall submit to the Board a written report on the content of the course and how it relates to this disciplinary action. The report must be a minimum of 3 pages, double-spaced, 12 font. Upon review by the Board, the Board

1 may require a supplemental report if the Board is not satisfied with the content of the report.

2 c) If Respondent fails to perform as agreed, her license shall be automatically
3 suspended and shall remain suspended indefinitely until the performance is completed. Such automatic
4 suspension occurs without any affirmative act by the Board. If the license is suspended for
5 nonperformance, Respondent further agrees to pay \$300 to the Board to defray the costs of the
6 investigation and of this settlement;

7 d) In addition to the suspension, the Board may initiate collection proceedings for
8 failure to pay these costs, and the Board may initiate disciplinary proceedings regarding the allegations
9 if the Board determines that it should consider the question of whether the suspension is adequate
10 discipline in this matter; and

11 e) Respondent may not supervise interns for six months from the date of this
12 agreement or for any period thereafter during which her license is suspended.

13 4. CONSENT.

14 a) Respondent has read all of the provisions of this agreement and agrees with them
15 in their entirety;

16 b) Respondent has reviewed this agreement with her attorney, Michelle Duke, who
17 has explained all of the provisions contained in this agreement to Respondent;

18 c) Respondent acknowledges that by entering into this agreement she is waiving
19 certain valuable due process rights contained in but not limited to, NRS 641C, NAC 641C, NRS 233B
20 and NAC 233B;

21 d) Respondent acknowledges that by entering into this agreement she is waiving all
22 rights to seek judicial review, to otherwise challenge or contest the validity of the provisions contained
23 in this agreement, or to present her defense to a Board that has had no prior familiarity with this matter.
24 Respondent acknowledges and agrees that the Board members who review this agreement may be the
25 same members who may ultimately hear the complaint if this agreement is either not approved by the
26 Board or is not timely performed by the Respondent.

27 e) Respondent acknowledges that she is consenting to this agreement voluntarily,
28 without coercion or duress and in the exercise of her own free will;

1 f) Respondent acknowledges that no other promises in reference to this agreement
2 have been made by any agent, employee, counsel or any person affiliated with the Board; and

3 g) Respondent acknowledges that the provisions of this agreement contain the entire
4 agreement between the Respondent and the Board and that the provisions of this agreement can be
5 modified, in writing, only with Board approval.

6 5. EFFECTIVE DATE. The date on which this agreement goes into effect, and the date
7 from which the time periods will be measured, is the date of the signature of the President of the Board
8 below. This agreement shall be considered the final disposition of a contested case and will become a
9 public record.

10 DATED this 14 day of March 2002.

11 Patricia L. Hames
12 PATRICIA HAMES, Respondent

13 DATED this 15 day of March 2002.

14 Dorothy North
15 By: DOROTHY NORTH, President
16 Board of Examiners for Alcohol and Drug Abuse Counselors

17
18 Approved as to Form and Content

19 By: George Campbell
20 GEORGE CAMPBELL
21 Deputy Attorney General
22 Attorney for the Board of Examiners for Alcohol
23 and Drug Abuse Counselors

24 Approved as to Form and Content

25 By: Michelle L. Duke
26 MICHELLE DUKE
27 Attorney for Patricia Hames
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