



STATE OF NEVADA  
**BOARD OF EXAMINERS FOR SOCIAL WORKERS**  
4600 Kietzke Lane — C - 121  
Reno, Nevada 89502  
(775) 688-2555

April 20, 2006

Lorne J. Malkiewich, Director  
Legislative Counsel Bureau  
401 South Carson Street  
Carson City, NV 89701-4747


Dear Mr. Malkiewich:

Pursuant NRS 622.100, the Board of Examiners for Social Workers is submitting the required quarterly disciplinary report for the period of January 1, 2006 through March 31, 2006. On January 1, the Board records reflected nineteen (20) active allegation files. During the quarter the Board received three allegations and held one disciplinary hearing which result in action against Penny Kelly, LSW(e). A copy of the Findings of Fact and Conclusion of Law in Case #G02-28 against Penelope Kelly is included with this letter. On March 31, 2006, twenty-two (22) allegation files remained open.

Please feel free to call me if you have any questions

Sincerely,

NEVADA BOARD OF EXAMINERS  
FOR SOCIAL WORKERS

  
Rosalind Tuana  
Executive Director

Enclosure

1                                    **BEFORE THE STATE OF NEVADA**  
2                                    **BOARD OF EXAMINERS FOR SOCIAL WORKERS**

3                                    \* \* \*

4    In the Matter of                                    )  
5    Penelope Kelly, L.S.W.                                    )                                    Case No. G02-28  
6    License No. 03073-S (Expired)                                    )  
7                                    Respondent.                                    )

8                                    **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

9                                    This matter was heard at the State of Nevada Board of Examiners for Social  
10    Workers ("Board") regular meeting on March 3, 2006, in Las Vegas, Nevada. Providing  
11    legal counsel for the Board was Christine Guerri, Deputy Attorney General.  
12    Prosecuting for the Board was Henna Rasul, Deputy Attorney General, and Penelope  
13    Kelly failed to appear at the hearing. The Board reviewed the Amended Complaint  
14    previously filed in this matter. Deputy Rasul presented the testimony of witnesses  
15    Based upon the pleadings, and papers on file in this matter, the testimony and evidence  
16    received at the hearing in this matter, and the arguments of counsel and parties, the  
17    Board enters its Findings of Fact, Conclusions of Law, and Order as follows:

18                                    **FINDINGS OF FACT**

19                                    1.    PENELOPE KELLY (hereinafter "KELLY") was a duly licensed social  
20    worker in the State of Nevada from April 12, 2001 until November 30, 2002 and at all  
21    times relevant to this complaint. Her license is currently expired

22                                    2    KELLY was a duly licensed social worker while employed by Corrections  
23    Corporation of America and working at the North Las Vegas Women's Correction  
24    Center, 4370 Smiley Road, Las Vegas, Nevada, from January 2002 until May 2002,  
25    and at all times relevant to this Complaint.

26                                    3.    While a licensed social worker and employed at Corrections Corporation  
27    of America, North Las Vegas Women's Correction Center, KELLY developed  
28    friendships with several of the inmates who were also her clients    KELLY maintained

these relationships after her employment with Corrections Corporation of America North Las Vegas Women's Correction Center terminated. In a written letter of support to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your friendship", "I really do love you and like you", and "You are very special"

While a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY gave various gifts to inmates, including, but not limited to a ring to a mentally ill inmate.

After she terminated her employment with Corrections Corporation of America and no longer worked at the North Las Vegas Women's Correction Center as a licensed social worker, KELLY continued her professional relationships with inmates at the facility by providing services to some of the inmates through telephone and letter contact. In an undated letter to Ms. Jackie Crawford, Director with the Nevada Department of Corrections at the time, KELLY states, "... after leaving my employment continued to provide services to some of the inmates through telephone and letter contact. The inmates have been working with are nearing parole hearings and have chosen to assist them to prepare to reenter society."

While a licensed social worker and after her employment at Corrections Corporation of America, North Las Vegas Women's Correction Center had terminated, KELLY agreed, during a telephone call with an inmate, to send the inmate a picture of herself.

While a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, after the inmate told KELLY the facility psychiatrist wanted to put the inmate on Risperidol, KELLY stated to the inmate during a telephone call "Oh no, don't do that...you don't need that...Risperidol is for attention deficit."

On or about December 12, 2005, KELLY was mailed via certified mail a copy of the Complaint and Notice of Hearing which indicated that she was required to

1 submit, within 30 days after receipt of the notification, a complete set of her fingerprints  
2 and written permission authorizing the Nevada Repository of Nevada Records of  
3 Criminal History for submission to the Federal Bureau of Investigation for its report.  
4 KELLY signed for and received a copy of the Complaint and Notice of Hearing on  
5 December 13, 2005, and has since failed to provide her fingerprints and written  
6 permission.

#### 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

CONCLUSIONS OF LAW

- 1 The Board finds that it has jurisdiction over the matter.
- 2 The Board finds KELLY guilty of professional incompetence as is set forth in the first cause of action.
- 3 The Board finds KELLY guilty of failing to terminate services to a client as is set forth in the second cause of action.
- 4 The Board finds KELLY guilty of soliciting and/or entering into a dual relationship with a client as set forth in the third cause of action.
- 5 The Board finds KELLY guilty of failing to maintain professional boundaries with each client as set forth in the fourth cause of action.
- 6 The Board finds KELLY guilty of not basing her practice upon recognized knowledge relevant to social work as is set forth in the fifth cause of action.
- 7 The Board finds KELLY guilty of not practicing social work with professional skill and competence as is set forth in the sixth cause of action.
- 8 The Board finds KELLY guilty of misrepresenting her own professional qualifications, competency, affiliations and licenses as is set forth in the seventh cause of action.
- 9 The Board finds KELLY guilty of professional incompetence as is set forth in the eighth cause of action.
- 10 The Board finds KELLY guilty of failing to abide by the confidentiality policy as is set forth in the ninth cause of action.

1 11 The Board finds KELLY guilty of failing to submit, within 30 days after receipt of  
2 the notification, a complete set of her fingerprints and written permission authorizing the  
3 Nevada State Repository of Nevada Records of Criminal History for submission to the  
4 Federal Bureau of Investigation for its report as is set forth in the tenth cause of action

5 **DECISION AND ORDER**

6 Based upon the foregoing Findings of Fact and Conclusions of Law and good  
7 | cause appearing, IT IS HEREBY ORDERED by the Board as follows:

8 Respondent KELLY's expired license number 03073-S shall be revoked.

9 KELLY shall be administered a public reprimand.

10 KELLY is to pay the attorneys fees and costs incurred by the Board in  
1 prosecuting the matter. Costs have been determined to be \$7107.89.

12 KELLY is to pay a fine to the Board in the amount of \$1,000.00 per count up to  
13 the maximum fine of \$5000.00 allowed by statute.

14 This Findings of Fact, Conclusions of Law, and Order shall be reported to ASWB  
15 DARS reporting bank and any national data bank required by law, including, but not  
16 limited to the United Kingdom and Ireland

17 DATED this 20<sup>th</sup> day March, 2006.

18 State of Nevada  
19 Board of Examiners for Social Workers

20 By:   
21 Randy Reinoso  
22 Presiding Officer  
23  
24  
25  
26  
27  
28

BEFORE THE STATE OF NEVADA  
BOARD OF EXAMINERS FOR SOCIAL WORKERS


\* \* \*

In the Matter of )  
Penelope Kelly, L.S.W. ) Case No. G02-28  
License No. 03073-S (Expired) )  
Respondent. )

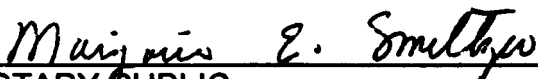
AFFIDAVIT RE: BOARD COSTS

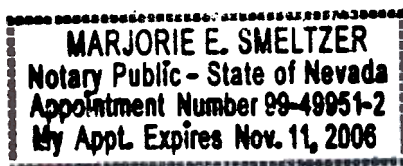
I, Rosalind Tuana, under penalty of perjury do declare and say as follows:

1. am the Executive Director for the Board of Examiners for Social Workers.
2. have examined all expenses that have been incurred, including but not limited to investigative, administrative, legal and board expenses.
3. have attached an itemized summary of the total Board costs to this affidavit.
4. Based upon the attached documents, the total costs to the Board for the investigation and prosecution of this action are \$ 7107.89.

  
Rosalind Tuana

SUBSCRIBED AND SWORN TO before me  
This 23<sup>rd</sup> day of March, 2006 by  
Rosalind Tuana

  
NOTARY PUBLIC





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

**CASE G02-28  
COSTS**

**PENELOPE KELLY**

Attorney fees	6234.29
Court Reporter	670.00
Travel	<u>230.60</u>
	7107.89

BEFORE THE STATE OF NEVADA  
BOARD OF EXAMINERS FOR SOCIAL WORKERS

\* \* \*

In the Matter of	)	Case No. G02-28
Penelope Kelly, L.S.W.	)	
License No. 03073-S (Expired)	)	<b>AMENDED COMPLAINT AND</b>
Respondent.	)	<b>NOTICE OF HEARING</b>

The State of Nevada Board of Examiners for Social Workers by and through its counsel, GEORGE J. CHANOS, Attorney General, and HENNA RASUL, Deputy Attorney General, hereby makes the following complaint and requests that Respondent's license to practice social work in the State of Nevada be disciplined by this Board.

IT IS HEREBY alleged and charged as follows:

1. PENELOPE KELLY ("KELLY") was a duly licensed social worker in the State of Nevada from April 12, 2001 until November 30, 2002, and at all times relevant to this complaint. Her license is currently expired.

2. KELLY was a duly licensed social worker while employed by Corrections Corporation of America and working at the North Las Vegas Women's Correction Center, 4370 Smiley Road, Las Vegas, Nevada, from January 2002 until May 2002, and at all times relevant to this Complaint.

3. While a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY developed friendships with several of the inmates who were also her clients. KELLY maintained these relationships after her employment with Corrections Corporation of America, North Las Vegas Women's Correction Center terminated. In a written letter of support to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your friendship", "I really do love you and like you", and "You are very special".



1           4.     While a licensed social worker and employed at Corrections Corporation  
2 of America, North Las Vegas Women's Correction Center, KELLY gave various gifts to  
3 inmates, including, but not limited to a ring to a mentally ill inmate.

4           5.     After she terminated her employment with Corrections Corporation of  
5 America and no longer worked at the North Las Vegas Women's Correction Center as a  
6 licensed social worker, KELLY continued her professional relationships with inmates at  
7 the facility by providing services to some of the inmates through telephone and letter  
8 contact. In an undated letter to Ms. Jackie Crawford, Director with the Nevada  
9 Department of Corrections at the time, KELLY states,     . . . after leaving my employment  
10 continued to provide services to some of the inmates through telephone and letter  
11 contact. The inmates have been working with are nearing parole hearings and have  
12 chosen to assist them to prepare to reenter society in ways which are available to me."

13           6.     While a licensed social worker and after her employment at Corrections  
14 Corporation of America, North Las Vegas Women's Correction Center had terminated,  
15 KELLY agreed, during a telephone call with an inmate, to send the inmate a picture of  
16 herself.

17           7.     While a licensed social worker and employed at Corrections Corporation  
18 of America, North Las Vegas Women's Correction Center, after the inmate told KELLY  
19 the facility psychiatrist wanted to put the inmate on Resperidol, KELLY stated to the  
20 inmate during a telephone call "Oh no, don't do that...you don't need that. Resperidol  
21 is for attention deficit."

22           8.     That pursuant to Nevada Revised Statute (NRS) 641B.430(3) and (4):

23                 If the Board finds the person guilty as charged in the  
24                 complaint it may by order:

25                 a) Place the person on probation for a specified period or  
26                 until further  
27                 order of the board.

28                 b) Administer to the person a public reprimand.

                  c) Limit the practice of the person to, or by exclusion of, one  
                  or more  
                  specified branches of social work.

                  d) Suspend the license of the person to practice social work  
                  for a specified period or until further order of the board.

- 1 e) Revoke the license of the person to practice social work.  
2 f) Impose a fine of not more than \$5000, which must be  
3 deposited with the state treasurer for credit to the state  
4 general fund.  
5 g) Require the person to pay all costs incurred by the board  
6 relating to  
7 the discipline of the person.

8 The order of the board may contain other terms, provisions  
9 or conditions, as the board deems proper and which are not  
10 inconsistent with law

## 11 COUNT I

### 12 (DISCIPLINARY ACTION)

13 9. The allegations contained in paragraphs 1 through 8 are hereby  
14 incorporated as if fully set forth herein.

15 10. That KELLY engaged in inappropriate relationships with inmates at the  
16 North Las Vegas Women's Correction Center while she was employed by Corrections  
17 Corporation of America as a licensed social worker and after she terminated her  
18 employment with Corrections Corporation of America

19 11 That, while a licensed social worker and employed at Corrections  
20 Corporation of America, North Las Vegas Women's Correction Center, KELLY gave  
21 various gifts to inmates, including, but not limited to a ring to a mentally ill inmate. And  
22 after her employment as a licensed social worker at the facility had terminated, KELLY  
23 agreed in a telephone call to send another inmate a picture of herself.

24 12 While a licensed social worker and employed at Corrections Corporation  
25 of America, North Las Vegas Women's Correction Center, KELLY developed  
26 friendships with several of the inmates who were also her clients KELLY maintained  
27 these relationships after her employment with Corrections Corporation of America,  
28 North Las Vegas Women's Correction Center terminated. In a written letter of support  
to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate  
referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your  
friendship", "I really do love you and like you", and "You are very special".

///

13. That after her employment with Corrections Corporation of America, North Vegas Women's Correction Center as a licensed social worker had terminated, Y continued her professional relationships with inmates at the facility by providing to some of the inmates through telephone and letter contact.
14. This conduct violates NRS 641B.400(5), professional incompetence is defined at NAC 641B.225 to mean a lack of knowledge, skill or ability in carrying a professional obligation and includes malpractice and gross negligence.
15. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400.

Las Vegas Women's Correction Center as a licensed social worker had terminated, KELLY continued her professional relationships with inmates at the facility by providing services to some of the inmates through telephone and letter contact.

14. This conduct violates NRS 641B.400(5), professional incompetence which is defined at NAC 641B.225 to mean a lack of knowledge, skill or ability in discharging a professional obligation and includes malpractice and gross negligence.

15. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400.

## COUNT

**(RESPONSIBILITY TO CLIENT)**

16. The allegations contained in paragraphs 1 through 15 are hereby incorporated as if fully set forth herein.

17. That KELLY engaged in inappropriate relationships with inmates at the North Las Vegas Women's Correction Center while she was employed by Corrections Corporation of America as a licensed social worker and after she terminated her employment with Corrections Corporation of America.

18. That, while a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY gave various gifts to inmates, including, but not limited to a ring to a mentally ill inmate. And after her employment as a licensed social worker at the facility had terminated, KELLY agreed in a telephone call to send another inmate a picture of herself.

19. While a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY developed friendships with several of the inmates who were also her clients. KELLY maintained these relationships after her employment with Corrections Corporation of America, North Las Vegas Women's Correction Center terminated. In a written letter of support to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate

1 referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your  
2 friendship", "I really do love you and like you", and "You are very special".

3 20. This conduct violates NAC 641B.205(8) which states that a licensee shall  
4 terminate services to a client when the service and relationship are no longer required  
5 or no longer serve the needs or interest of the client.

6 21. Therefore, KELLY is guilty of unprofessional conduct as defined at NAC  
7 641B.220 which states that a licensee who violates any of the provisions of NAC  
8 641B.200 to 641B.215, inclusive, is guilty of unprofessional conduct.

9 22. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400(1) for  
10 unprofessional conduct.

#### 11 COUNT

#### 12 (RESPONSIBILITY TO CLIENT)

13 23. The allegations contained in paragraphs 1 through 22 are hereby  
14 incorporated as if fully set forth herein.

15 24. That KELLY engaged in inappropriate relationships with inmates at the  
16 North Las Vegas Women's Correction Center while she was employed by Corrections  
17 Corporation of America as a licensed social worker and after she terminated her  
18 employment with Corrections Corporation of America.

19 25. That, while a licensed social worker and employed at Corrections  
20 Corporation of America, North Las Vegas Women's Correction Center, KELLY gave  
21 various gifts to inmates, including, but not limited to a ring to a mentally ill inmate. And  
22 after her employment as a licensed social worker at the facility had terminated, KELLY  
23 agreed in a telephone call to send another inmate a picture of herself.

24 26. That while a licensed social worker and employed at Corrections  
25 Corporation of America, North Las Vegas Women's Correction Center, KELLY  
26 diagnosed and attempted to treat an emotional and/or behavioral disorder of an inmate  
27 at the facility by discouraging the inmate from taking Risperidol. This was a drug that  
28 the facility psychiatrist wanted to prescribe the inmate.

27. While a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY developed friendships with several of the inmates who were also her clients. KELLY maintained these relationships after her employment with Corrections Corporation of America, North Las Vegas Women's Correction Center terminated. In a written letter of support to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your friendship", "I really do love you and like you", and "You are very special".

28. This conduct violates NAC 641B.205(13) which states that a licensee shall not solicit or enter into a dual relationship with a client, intern, or person who is supervised by the licensee during the time that the client is receiving professional services from the licensee for at least 2 years after the termination of the professional relationship.

29. Therefore, KELLY is guilty of unprofessional conduct as defined at NAC 641B.220 which states that a licensee who violates any of the provisions of NAC 641B.200 to 641B.215, inclusive, is guilty of unprofessional conduct.

30. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400(1) for unprofessional conduct.

#### COUNT IV

##### (PROFESSIONAL RESPONSIBILITY)

31. The allegations contained in paragraphs 1 through 30 are hereby incorporated as if fully set forth herein.

32. That KELLY engaged in inappropriate relationships with inmates at the North Las Vegas Women's Correction Center while she was employed by Corrections Corporation of America as a licensed social worker and after she terminated her employment with Corrections Corporation of America.

33. That, while a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY gave



1 various gifts to inmates, including, but not limited to a ring to a mentally ill inmate. And  
2 after her employment as a licensed social worker at the facility had terminated, KELLY  
3 agreed in a telephone call to send another inmate a picture of herself.

4 34. That after her employment with Corrections Corporation of America, North  
5 Las Vegas Women's Correction Center as a licensed social worker had terminated,  
6 KELLY continued her professional relationships with inmates at the facility by providing  
7 services to some of the inmates through telephone and letter contact.

8 35. While a licensed social worker and employed at Corrections Corporation  
9 of America, North Las Vegas Women's Correction Center, KELLY developed  
10 friendships with several of the inmates who were also her clients. KELLY maintained  
11 these relationships after her employment with Corrections Corporation of America,  
12 North Las Vegas Women's Correction Center terminated. In a written letter of support  
13 to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate  
14 referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your  
15 friendship", "I really do love you and like you", and "You are very special".

16 36. This conduct violates NAC 641B.200(6) which states that a licensee is  
17 responsible for setting and maintaining professional boundaries with (a) each client.

18 37. Therefore, KELLY is guilty of unprofessional conduct as defined at NAC  
19 641B.220 which states that a licensee who violates any of the provisions of NAC  
20 641B.200 to 641B.215, inclusive, is guilty of unprofessional conduct.

21 38. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400(1) for  
22 unprofessional conduct.

23 **COUNT V**

24 **(PROFESSIONAL RESPONSIBILITY)**

25 39. The allegations contained in paragraphs 1 through 38 are hereby  
26 incorporated as if fully set forth herein.

27 40. That KELLY engaged in inappropriate relationships with inmates at the  
28 North Las Vegas Women's Correction Center while she was employed by Corrections

1 Corporation of America as a licensed social worker and after she terminated her  
2 employment with Corrections Corporation of America.

3 41. That, while a licensed social worker and employed at Corrections  
4 Corporation of America, North Las Vegas Women's Correction Center, KELLY gave  
5 various gifts to inmates, including, but not limited to a ring to a mentally ill inmate. And  
6 after her employment as a licensed social worker at the facility had terminated, KELLY  
7 agreed in a telephone call to send another inmate a picture of herself.

8 42. That after her employment with Corrections Corporation of America, North  
9 Las Vegas Women's Correction Center as a licensed social worker had terminated  
10 KELLY continued her professional relationships with inmates at the facility by providing  
11 services to some of the inmates through telephone and letter contact.

12 43. That while a licensed social worker and employed at Corrections  
13 Corporation of America, North Las Vegas Women's Correction Center, KELLY  
14 diagnosed and attempted to treat an emotional and/or behavioral disorder of an inmate  
15 at the facility by discouraging the inmate from taking Risperidol. This was a drug that  
16 the facility psychiatrist wanted to prescribe the inmate.

17 44. This conduct violates NAC 641B.200(11) which states that a licensee shall  
18 base his practice upon recognized knowledge relevant to social work.

19 45. Therefore, KELLY is guilty of unprofessional conduct as defined at NAC  
20 641B.220 which states that a licensee who violates any of the provisions of NAC  
21 641B.200 to 641B.215, inclusive, is guilty of unprofessional conduct.

22 46. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400(1) for  
23 unprofessional conduct.

24 **COUNT VI**

25 **(RESPONSIBILITY TO CLIENT)**

26 47. The allegations contained in paragraphs 1 through 46 are hereby  
27 incorporated as if fully set forth herein.

28 *///*

1           48. That KELLY engaged in inappropriate relationships with inmates at the  
2 North Las Vegas Women's Correction Center while she was employed by Corrections  
3 Corporation of America as a licensed social worker and after she terminated her  
4 employment with Corrections Corporation of America.

5           49. That, while a licensed social worker and employed at Corrections  
6 Corporation of America, North Las Vegas Women's Correction Center, KELLY gave  
7 various gifts to inmates, including, but not limited to a ring to a mentally ill inmate. And  
8 after her employment as a licensed social worker at the facility had terminated, KELLY  
9 agreed in a telephone call to send another inmate a picture of herself.

10          50. That after her employment with Corrections Corporation of America, North  
11 Las Vegas Women's Correction Center as a licensed social worker had terminated,  
12 KELLY continued her professional relationships with inmates at the facility by providing  
13 services to some of the inmates through telephone and letter contact.

14          51. While a licensed social worker and employed at Corrections Corporation  
15 of America, North Las Vegas Women's Correction Center, KELLY developed  
16 friendships with several of the inmates who were also her clients. KELLY maintained  
17 these relationships after her employment with Corrections Corporation of America,  
18 North Las Vegas Women's Correction Center terminated. In a written letter of support  
19 to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate  
20 referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your  
21 friendship", "I really do love you and like you", and "You are very special".

22          52. That while a licensed social worker and employed at Corrections  
23 Corporation of America, North Las Vegas Women's Correction Center, KELLY  
24 diagnosed and attempted to treat an emotional and/or behavioral disorder of an inmate  
25 at the facility by discouraging the inmate from taking Risperidol. This was a drug that  
26 the facility psychiatrist wanted to prescribe the inmate.

27        ///  
28        ///



53. This conduct violates NAC 641B.205(1) which states that a licensee shall practice social work with professional ski and competence.

54. Therefore, KELLY is guilty of unprofessional conduct as defined at NAC 641B.220 which states that a licensee who violates any of the provisions of NAC 641B.200 to 641B.215, inclusive, is guilty of unprofessional conduct.

55. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400.

#### COUNT VII

#### (PROFESSIONAL RESPONSIBILITY)

56. The allegations contained in paragraphs 1 through 56 are hereby incorporated as if fully set forth herein.

57. That while a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY diagnosed and attempted to treat an emotional and/or behavioral disorder of an inmate at the facility.

58. NAC 641B.057 defines "psychotherapeutic methods and techniques" and states that these are methods of treatment that use a specialized, formal interaction between a licensed clinical social worker and a client in which a therapeutic relationship is established and maintained to understand unconscious processes and intrapersonal, interpersonal and psychosocial dynamics and to diagnose and treat mental, emotional and behavioral disorders, conditions and addictions.

59. That while a licensed social worker and employed at Corrections Corporations of America, North Las Vegas Women's Correction Center, KELLY, in a letter on her personal stationary dated April 28, 2002, to the Board of Pardons, concerning Client A, requested that Client A receive a hearing before the Board of Pardons. In this letter, KELLY states, "My interest in this matter is a professional one; am a forensic social worker/criminologist and family therapist and further indicates that "... [Client A] has been my client."

///

60. When KELLY told an inmate not to take Resperidol because Resperidol was for attention deficit, KELLY implicitly represented herself as a licensed clinical social worker to the inmate when, in fact, KELLY was only a licensed social worker.

61 This conduct violated NAC 641B200(2) which states that a licensee shall not misrepresent, directly or by implication, his own professional qualifications, competency, affiliations and licenses.

62. Therefore, KELLY is guilty of unprofessional conduct as defined at NAC 641B.220 which states that a licensee who violates any of the provisions of NAC 641B.200 to 641B.215, inclusive, is guilty of unprofessional conduct.

63. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400.

#### COUNT VII

#### (DISCIPLINARY ACTION)

64. The allegations contained in paragraphs 1 through 64 are hereby incorporated as if fully set forth herein.

65. That KELLY engaged in inappropriate relationships with inmates at the North Las Vegas Women's Correction Center while she was employed by Corrections Corporation of America as a licensed social worker and after she terminated her employment with Corrections Corporation of America

66. That, while a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY gave various gifts to inmates, including, but not limited to a ring to a mentally inmate. And after her employment as a licensed social worker at the facility had terminated, KELLY agreed in a telephone call to send another inmate a picture of herself.

67. That after her employment with Corrections Corporation of America, North Las Vegas Women's Correction Center as a licensed social worker had terminated, KELLY continued her professional relationships with inmates at the facility by providing services to some of the inmates through telephone and letter contact.

///

68. While a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY developed friendships with several of the inmates who were also her clients. KELLY maintained these relationships after her employment with Corrections Corporation of America, North Las Vegas Women's Correction Center terminated. In a written letter of support to KELLY after KELLY left the North Las Vegas Women's Correction Center, an inmate referred to KELLY as "Dearest Penny" and stated in the letter that "I'm grateful for your friendship", "I really do love you and like you", and "You are very special".

69. That while a licensed social worker and employed at Corrections Corporation of America, North Las Vegas Women's Correction Center, KELLY diagnosed and attempted to treat an emotional and/or behavioral disorder of an inmate at the facility by discouraging the inmate from taking Resperidol. This was a drug that the facility psychiatrist wanted to prescribe the inmate.

70. This conduct violates NRS 641B.400(5), professional incompetence, which is defined at NAC 641B.225 to mean a lack of knowledge, skill or ability in discharging a professional obligation and includes malpractice and gross negligence.

71. Therefore, KELLY is subject to discipline pursuant to NRS 641B.400.

#### COUNT IX

#### (CONFIDENTIALITY OF RECORDS)

72. The allegations contained in paragraphs 1 through 72 are hereby incorporated as if fully set forth herein.

73. That KELLY engaged in inappropriate communications at the North Las Vegas Women's Correction Center while she was employed by Corrections Corporation of America as a licensed social worker and after she terminated her employment with Corrections Corporation of America.

74. That, while working at the North Las Vegas Women's Correction Center as a licensed social worker, KELLY inappropriately discussed, in detail, one of her cases through the DCFS with an inmate.

COUNT X

78. On or about November 16, 2005, KELLY was mailed via certified mail a copy of the Complaint and Notice of Hearing, whereby she was required to submit, within 30 days after receipt of the notification, a complete set of her fingerprints and written permission authorizing the Nevada State Repository of Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. These documents were sent to the latest address KELLY provided to the undersigned during a conversation that occurred in November of 2005.

The figure consists of three horizontal bars. The top bar is labeled '1' and has a length of approximately 1.5 units. The middle bar is labeled '2' and has a length of approximately 1.5 units. The bottom bar is labeled '3' and has a length of approximately 1.5 units.

1 Records of Criminal History for submission to the Federal Bureau of Investigation for its  
2 report.

3 80. Whereas, on December 13, 2005, KELLY, signed for and received a copy  
4 of the Complaint and Notice Hearing.

5 81 Whereas, to date, KELLY has failed to submit, within 30 days after receipt  
6 of the notification, a complete set of her fingerprints and ~~written~~ permission authorizing  
7 the Nevada State Repository of Nevada Records of Criminal History for submission to  
8 the Federal Bureau of Investigation for its report.

9 82. This conduct violates amended Chapter 622 which ~~states~~ if a regulatory  
10 body initiates disciplinary ~~proceedings~~ against a licensee pursuant to Chapter 622, the  
11 licensee shall submit, within 30 days after receipt of the notification, a complete set of  
12 his fingerprints and written permission authorizing the Nevada State Repository of  
13 Nevada Records of Criminal History for submission to the Federal Bureau of  
14 Investigation for its report.

15 83. Therefore, KELLY is subject to discipline for willful failure to comply with  
16 the amended requirements of Chapter 622.

17 WHEREFORE, the Board hereby notifies KELLY that a disciplinary hearing in  
18 this matter will be held on Friday, March 3, 2006 at 9:00 a.m., Clark County Social  
19 Services, 3rd Floor Conference Room, 1600 W. Pinto Lane, Las Vegas, Nevada 89106  
20 The hearing will continue until 5:00 p.m. unless completed earlier. If the hearing is not  
21 completed by 5:00 p.m., the hearing will be continued to a date mutually convenient for  
22 all parties.

23 AS THE RESPONDENT, YOU ARE SPECIFICALLY INFORMED THAT YOU  
24 HAVE THE RIGHT TO APPEAR AND BE HEARD IN YOUR DEFENSE, TO PRESENT  
25 EVIDENCE, EITHER PERSONALLY OR THROUGH COUNSEL, AND TO CROSS-  
26 EXAMINE ANY AND ALL WITNESSES OFFERED AGAINST YOU.

27 SHOULD THE RESPONDENT FAIL TO APPEAR AT THE HEARING, A  
28 DECISION MAY STILL BE REACHED BY THE BOARD AS THE RESPONDENT,

1 YOU ARE FURTHER ADVISED THAT YOU MAY BE CHARGED WITH COSTS  
2 ASSOCIATED WITH THE HEARING PURSUANT TO NRS 641B.430.

3 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by  
4 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this  
5 case should be made through Henna Rasul, Deputy Attorney General, Counsel to the  
6 State of Nevada Board of Examiners for Social Workers.

7 DATED this 26 day January, 2006.

8 NEVADA STATE BOARD OF  
9 EXAMINERS FOR SOCIAL WORKERS

10  
11 By: 

Henna Rasul

12 Deputy Attorney General  
13 Counsel to the Board of Examiners  
14 For Social Workers  
15 Nevada Bar No. 7492  
16 5420 Kietzke, Suite 202  
17 Reno, Nevada, 89511  
18 (775) 688-1818  
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Office of the Attorney General  
5420 Kietzke Lane, Suite 202  
Reno, NV 89511

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CERTIFICATE OF MAILING

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 27<sup>th</sup> day of January, 2006, I deposited for mailing at Reno, Nevada, postage prepaid, certified, return receipt requested, a true and correct copy of the foregoing document addressed to the following:

Penelope Kelly  
P.O. Box 483  
Portage  
Manitoba R1N3J7  
Canada

  
\_\_\_\_\_  
Judy Giron