



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

October 18, 2002

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

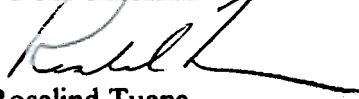
Dear Mr. Malkiewich:

Pursuant NRS 622.100, the Board of Examiners for Social Workers is submitting the required quarterly disciplinary report for the period of July 1, 2002 through September 30, 2002. On July 1, 2002 the Board records reflect forty (40) active allegation files. During the quarter the Board received an additional nine (9) allegations, dismissed sixteen (16) allegations, and approved two (2) consent decree in lieu of hearings. On September 30, 2002, thirty three (33) allegation files remained open.

Attached are copies of the two consent decrees entered into for the last quarter. Please feel free to call me if you have any questions or would prefer to receive this material in a different format.

Sincerely,

NEVADA BOARD OF EXAMINERS  
FOR SOCIAL WORKERS



Rosalind Tuana  
Executive Director

Enclosure

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

NV BOARD OF EXAMINERS

SEP 16 2002

FOR SOCIAL WORKERS

3 IN THE MATTER OF )

4 BARBARA CASPY, LCSW )  
5 NO. 01089-C )

CASE NO. G01-20

6 Respondent )  
7 \_\_\_\_\_ )

CONSENT DECREE

8 The State of Nevada Board of Examiners for Social Workers ("BOARD") having jurisdiction  
9 over licensee BARBARA CASPY ("CASPY"), pursuant to NRS 641B.020; an accusation against said  
10 licensee having been received alleging violations of the Nevada statutes and regulations controlling the  
11 practice of social work; and the parties being mutually desirous of settling the controversy between  
12 them relative to the pending accusation;

13 IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter  
14 shall be settled and resolved upon the following terms:

15 VOLUNTARY WAIVER OF RIGHTS

16 CASPY is aware of, understands, and has been advised of the effect of this Consent Decree.  
17 which she has carefully read and fully acknowledges. CASPY has had the opportunity to consult with  
18 her counsel, Clayton Brust, Esq.

19 CASPY has freely and voluntarily entered into this Consent Decree, and she is aware of her  
20 rights to contest the charges pending against her. These rights include representation by an attorney at  
21 her own expense, the right to file an answer in response to a formal complaint, the right to a public  
22 hearing on any charges or allegations formally filed, the right to confront and cross-examine witnesses  
23 called to testify against her, the right to present evidence on her own behalf, the right to testify on her  
24 own behalf, the right to receive written findings of fact and conclusions of law supporting the decision  
25 on the merits of the complaint, and the right to obtain judicial review of the decision. All of these rights  
26 are being voluntarily waived by CASPY in exchange for the BOARD'S acceptance of this Consent  
27 Decree.  
28

1 If the Consent Decree is not accepted by the BOARD, no member of the BOARD will be  
2 disqualified from further hearing of this matter, by reason of his or her consideration of the Consent  
3 Decree and CASPY hereby waives any claim of bias or prejudice based upon said consideration by any  
4 member of the BOARD in any subsequent disciplinary hearing conducted by the BOARD.

#### 5 JURISDICTION

6 CASPY acknowledges that the BOARD has jurisdiction over her and the conduct that has  
7 precipitated this Consent Decree. CASPY acknowledges that the BOARD has the legal power and  
8 authority to take disciplinary action, including, but not limited to, the revocation of her license to  
9 practice social work in Nevada.

10 CASPY acknowledges that the BOARD will retain jurisdiction over this matter until all terms  
11 and conditions set forth in this Consent Decree have been met to the satisfaction of the BOARD.

#### 12 PUBLICATION OF CONSENT DECREE

13 CASPY acknowledges that at the time this Consent Decree becomes effective, it also becomes a  
14 public document and will be reported to the Disciplinary Action Reporting System (DARS) of the  
15 Association of Social Work Boards (ASWB) or such other national databases as required by law. It is  
16 also understood that any meeting during which the BOARD considers and accepts or rejects this  
17 Consent Decree is open to the public and that the minutes of the BOARD meeting are a public  
18 document, available for inspection by any person so requesting.

#### 19 STIPULATED FACTS AND CONCLUSIONS OF LAW

20 CASPY understands the nature of the allegations under consideration by the BOARD. She  
21 acknowledges that the conduct described below constitutes violations of the Nevada Social Work  
22 Practice Act (NRS and NAC 641B). She acknowledges that if this matter were to be taken to a  
23 disciplinary hearing before the BOARD, the following allegations could be proven by substantial  
24 evidence and that by acknowledging the same, she is subject to disciplinary action by the BOARD:

25 On or about December 12, 2000, CASPY was employed as a clinical social worker by State  
26 of Nevada. Southern Nevada Adult Mental Health Services.

- 27 2. On or about December 12, 2000, Caspy met with her supervisor regarding Caspy's tardiness  
28 in documentation of progress notes.

3. On or about December 12, 2000, the supervisor and Caspy agreed on a corrective plan.
4. On or about March, 2001, the supervisor again met with Caspy regarding Caspy's failure to complete the documentation of progress notes.
5. Upon investigation it was discovered the total number of undocumented notes was over 2000.
6. This conduct violated NRS 641B.400(1) which states that a licensee who violates any provisions of NAC 641B.200 to 641B.215, inclusive, is guilty of unprofessional conduct.
7. This conduct also violated NAC 641B.200(13) which states that a licensee based upon recognized knowledge and standards of practice for social work, a licensee shall prepare and maintain in a timely manner a record regarding each of his clients which (a) sets forth his assessment of the problems of the client and his related course of treatment to that client.
8. That the foregoing facts constitute grounds for initiating disciplinary action pursuant to NRS 641B.400.
9. That pursuant to Nevada Revised Statute (NRS) 641B.430(3) and (4):  
  
If the Board finds the person guilty as charged in the complaint it may by order:
  - a) Place the person on probation for a specified period or until further order of the board.
  - b) Administer to the person a public or private 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.
  - e) Revoke the license of the person to practice social work.
  - f) Impose a fine of not more than \$5000, which must be deposited with the state treasurer for credit to the state general fund.
  - g) Require the person to pay all costs incurred by the board relating to the discipline of the person.

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

#### **STIPULATED ADJUDICATION**

CASPY stipulates that pursuant to the authority of NRS 641B.430(3) and (4), the BOARD may impose a minimum one (1) year period of probation upon her license to practice social work in the State of Nevada, effective upon acceptance by the Board, subject to the following terms and conditions:

///



1. Caspy must have a Board approved consultant / work monitor that meets a minimum of one hour weekly with Caspy for the first quarter and one hour monthly for the remainder of the probationary period. The Consultant/work monitor will discuss CASPY'S case load, evaluate her social work practice skills and the following and discuss her professional responsibilities as a social worker and documentation procedures. Caspy will write quarterly reports to the Board regarding the meetings and topics discussed, the supervisor's evaluation of her practice, and any homework, workshops or readings completed. This quarterly report must be agreed to and signed by the consultant / work monitor, and upon completion of the reports, the same will be sent to the Board within 15 days from the end of the quarter. Any change in the work monitor/consultant must receive Board prior approval.

2. CASPY will be financially responsible for all requirements of this Consent Decree, including the cost of the BOARD approved consultant/work monitor and any reasonable financial assessments by the BOARD for the cost of monitoring her compliance or carrying out the provisions of this Consent Decree.

3. CASPY shall notify the BOARD in writing of, and prior to, any change of address.

4. In the event new allegations are reported to the BOARD after the BOARD's acceptance of this Consent Decree, this Consent Decree may be used as evidence against CASPY for the purpose of proving additional violations of the Nevada Social Work Practice Act.

5. Within forty-five (45) days of the approval and execution of this Consent Decree, CASPY shall pay \$200.00 in legal and investigative fees.

6. The one-year period of probation shall commence upon execution of this Consent Decree by the presiding member of the BOARD. After the probation has been in effect for a minimum one-year time period, CASPY may apply for termination of probation to the BOARD. She shall meet with the President of the BOARD or his/her designee, the Executive Director and BOARD counsel for evaluation of her compliance with the Consent Decree and her fitness for unrestricted licensure.

7. CASPY shall obey all federal, state and local laws, insurance company policies or contracts and orders of the BOARD which are not inconsistent with this Consent Decree, pertaining to

the practice of social work in this state. Any and all violations shall be reported by CASPY to the  
2 BOARD within thirty-seven (37) hours.

CASPY is required to notify the BOARD in writing within thirty-seven (37) hours after  
4 any change in social work employment, including self-employment, consulting, or volunteering. Any  
notification of termination shall contain full details of the circumstances surrounding the termination.  
If CASPY changes her social work employment, a copy of this consent decree must be provided to her  
employer prior to the start of any social work. The employer must acknowledge to the  
Board that the work to consultation will have occurred prior to the new date for the  
purposes of the consent decree.

CASPY shall be credited to CE service for the period only while employed  
as a Licensed Clinical Social Worker in the State of Nevada.

### VIOLATION OF TERMS OF CONSENT DECREE

CASPY understands that the BOARD may upon three days notice to CASPY convene  
4 as a hearing for the limited purpose of establishing that the CASPY has in fact been in violation of the  
terms of this Consent Decree. If the hearing results in a finding of violation of this Consent Decree, the  
6 BOARD may impose any penalty upon CASPY authorized by NRS 64B.01 and (c) including, but  
not limited to, revocation of the license to practice social work in the State of Nevada.

In the event that a violation of the terms of the Consent Decree is alleged, CASPY agrees  
to surrender her license to the Board to the Board's request for a hearing from  
20 practicing social work until entry of a final order of the Board or a court of competent jurisdiction,  
if the violation occurs regardless of the date that CASPY agrees to her agreement.  
Substantive legal basis of the original disciplinary action which has resulted in this Consent Decree. In  
23 the event an alleged violation of the Consent Decree takes place and the facts which constitute  
the violation are determined by the Board, disciplinary action shall be taken by the BOARD  
the suspension is not ordered, the BOARD shall again be operational and full force and effect.

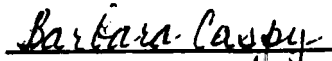
### ACCEPTANCE BY THE BOARD

This Consent Decree was presented and accepted by the BOARD with recommendation for  
18 approval from the Attorney General's Office. The date printed here is \_\_\_\_\_.

**COMPLETE CONSENT DECREE**

This Consent Decree embodies the entire agreement between the BOARD and CASPY. It may not be altered, amended, or modified without the express written consent of the parties.

DATED this 17 day of July, 2002


  
BARBARA CASPY, LCSW

DATED this 19<sup>th</sup> day of \_\_\_\_\_, 2002

  
CLAYTON BRUST, ESQ.

**STATE OF NEVADA BOARD OF EXAMINERS FOR SOCIAL WORKERS**

DATED this 16 day of September, 2002

  
DEAN PIERCE, Ph.D., LISW  
Presiding Officer

DATED this 16 day of July, 2002

  
FREDERICK OLMSTEAD, ESQ.  
Deputy Attorney General



BEFORE THE NEVADA STATE BOARD OF  
EXAMINERS FOR SOCIAL WORKERS

NV BOARD OF EXAMINERS  
SEP 16 2002  
FOR SOCIAL WORKERS

IN THE MATTER OF

JAMES T. POLK  
LCSW NO. 2882-C

Respondent

CASE NO. G02-12

CONSENT DECREE

The State of Nevada Board of Examiners for Social Workers ("BOARD") having jurisdiction over licensee JAMES T. POLK ("POLK"), pursuant to NRS 641B.020; an accusation against said licensee having been received alleging violations of the Nevada statutes and regulations controlling the practice of social work; and the parties being mutually desirous of settling the controversy between them relative to the pending accusation;

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms

VOLUNTARY WAIVER OF RIGHTS

POLK is aware of, understands, and has been advised of the effect of this Consent Decree, which he has carefully read and fully acknowledges. POLK has had the opportunity to consult with competent counsel of his choice.

POLK has freely and voluntarily entered into this Consent Decree, and he is aware of his rights to contest the charges pending against him. These rights include representation by an attorney at his own expense, the right to file an answer in response to a formal complaint, the right to a public hearing on any charges or allegations formally filed, the right to confront and cross-examine witnesses called to testify against him, the right to present evidence on his own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint, and the right to obtain judicial review of the decision. All of these rights are being voluntarily waived by POLK in exchange for the BOARD'S acceptance of this Consent Decree.



1 If the Consent Decree is not accepted by the BOARD, no member of the BOARD will be  
2 disqualified from further hearing of this matter, by reason of his or her consideration of the Consent  
3 Decree and POLK hereby waives any claim of bias or prejudice based upon said consideration by any  
4 member of the BOARD in any subsequent disciplinary hearing conducted by the BOARD.

#### 5 JURISDICTION

6 POLK acknowledges that the BOARD has jurisdiction over him and the conduct that has  
7 precipitated this Consent Decree. POLK acknowledges that the BOARD has the legal power and  
8 authority to take disciplinary action, including, but not limited to, the revocation of his license to  
9 practice social work in Nevada.

10 POLK acknowledges that the BOARD will retain jurisdiction over this matter until all terms and  
11 conditions set forth in this Consent Decree have been met to the satisfaction of the BOARD.

#### 12 PUBLICATION OF CONSENT DECREE

13 POLK acknowledges that at the time this Consent Decree becomes effective, it also becomes a  
14 public document and will be reported to the Disciplinary Action Reporting System (DARS) of the  
15 Association of Social Work Boards (ASWB) or such other national databases as required by law. It is  
16 also understood that the meeting in which the BOARD considers and accepts or rejects this Consent  
17 Decree is open to the public and that the minutes of the BOARD meeting are a public document,  
18 available for inspection by any person so requesting.

#### 19 STIPULATED FACTS AND CONCLUSIONS OF LAW

20 POLK understands the nature of the allegations under consideration by the BOARD. He  
21 acknowledges that the conduct described below constitutes violations of the Nevada Social Work  
22 Practice Act (NRS and NAC 641B). He acknowledges that if this matter were to be taken to a  
23 disciplinary hearing before the BOARD, the following allegations could be proven by substantial  
24 evidence and that by acknowledging the same, he is subject to disciplinary action by the BOARD:

- 25 1. POLK was employed as a licensed social worker on or about May 5, 2000 through the  
26 present day.
- 27 2. Until October 23, 2001, POLK was providing mental health counseling services to CLIENT  
28 A. a thirty six year old woman.

- 1 3. On April 13, 2002, POLK married his former client Client A and during said marriage,  
2 POLK engaged in sexual activity with his former client.
- 3 4. This conduct violated NAC 641B.205(12) which states that a licensee shall not engage in  
4 sexual activity with a client during the time that the client is receiving professional services  
5 and for 3 years after the termination of such services.
- 6 5. This conduct also violated NAC 641B.200(4) which states that a licensee shall not use his  
7 relationship with a client to further his own personal, religious political or business interests.
- 8 6. This conduct also violated NAC 641B.200(5) which states that a licensee is responsible for  
9 setting and maintaining professional boundaries with clients, interns, and persons supervised  
10 by the licensee.
- 1 7. That the foregoing facts constitute grounds for initiating disciplinary action pursuant to NRS  
12 641B.400.
- 13 8. That pursuant to Nevada Revised Statute (NRS) 641B.430(3) and (4):

14 If the Board finds the person guilty as charged in the complaint it may by  
15 order:

- 16 a) Place the person on probation for a specified period or until further  
17 order of the board.  
18 b) Administer to the person a public or private reprimand.  
19 c) Limit the practice of the person to, or by exclusion of, one or more  
20 specified branches of social work.  
21 d) Suspend the license of the person to practice social work for a  
22 specified period or until further order of the board.  
23 e) Revoke the license of the person to practice social work.  
24 f) Impose a fine of not more than \$5000, which must be deposited with  
25 the state treasurer for credit to the state general fund.  
26 g) Require the person to pay all costs incurred by the board relating to  
27 the discipline of the person.

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

### **STIPULATED ADJUDICATION**

24 POLK stipulates that pursuant to the authority of NRS 641B.430(3) and (4), the BOARD will  
25 impose a revocation of POLK's license by the voluntary surrender by POLK of his license to the  
26 BOARD. Upon the surrender of the license, POLK agrees to comply with the following conditions:

- 27 1 Within forty-five (45) days of the approval and execution of this Consent Decree, POLK  
28 shall pay \$200.00 in legal and investigative fees.

The location shall commence upon the execution of this Consent Decree by the president of the Board. After the date has been fixed for the minimum term of the POLK may apply for reinstatement to the Board if POLK applies for licensure. He agrees to submit his application and meet with the President of the Board, his/her designee, the Executive Director of the Board and proceed with the Consent Decree and fulfill his obligations.

After the revocation has been terminated and the license restored, POLK agrees that pursuant to the provisions of NRS 64 (3) the Board may impose a minimum term of two (2) years of probation upon his employment to practice his profession in the State of Nevada subject to the following terms and conditions:

POLK shall observe all federal and state laws and regulations and comply with all contracts and orders of the Board which are consistent with this Consent Decree pertaining to the practice of his profession in the State. Any violation of these terms shall be reported by POLK to the Board. This agreement shall be in full force and effect from the date of signing.

POLK shall comply with all requirements of the Board and shall maintain a minimum of twenty-two (22) hours of continuing education annually. POLK shall maintain a minimum of twenty-two (22) hours of continuing education annually. POLK shall maintain a minimum of twenty-two (22) hours of continuing education annually.

POLK shall meet monthly with the Board and shall provide a written report to the Board. POLK shall maintain a minimum of twenty-two (22) hours of continuing education annually.

POLK shall comply with all requirements of the Board and shall maintain a minimum of twenty-two (22) hours of continuing education annually. POLK shall maintain a minimum of twenty-two (22) hours of continuing education annually. POLK shall maintain a minimum of twenty-two (22) hours of continuing education annually.

POLK shall comply with all requirements of the Board and shall maintain a minimum of twenty-two (22) hours of continuing education annually. POLK shall maintain a minimum of twenty-two (22) hours of continuing education annually. POLK shall maintain a minimum of twenty-two (22) hours of continuing education annually.

### VIOLATION OF TERMS OF CONSENT DECREE

POLK understands that the Board has the authority to suspend or revoke the license of any licensee who violates the terms of this Consent Decree. If POLK violates any of the terms of this Consent Decree, the Board may take appropriate action.

impose any penalty upon POLK authorized by NRS 641B.430(3), and (4) including, but not limited to, revocation of him license to practice social work in the State of Nevada.

In the event that a violation of the terms of the Consent Decree is alleged, POLK agrees to surrender his license to the Executive Director, if the Executive Director so requests, and refrain from practicing social work until entry of a final order of the BOARD or a court of competent jurisdiction, whichever last occurs, regarding a potential violation. POLK agrees to waive his right to appeal the substantive legal basis of the original disciplinary action, which is the basis for this Consent Decree. In the event an alleged violation of the Consent Decree is taken to hearing and the facts which constitute the violation are determined to be not proven, no disciplinary action shall be taken by the BOARD and the suspension previously ordered by the BOARD shall again be operative and in full force and effect.

#### ACCEPTANCE BY THE BOARD

This Consent Decree was presented and accepted by the BOARD with a recommendation for approval from the Attorney General's Office at its next meeting.

#### COMPLETE CONSENT DECREE

This Consent Decree embodies the entire agreement between the BOARD and POLK. It may not be altered, amended, or modified without the express written consent of the parties.

DATED this 3rd day of Sept, 2002

By:

  
JAMES POLK, LSW

DATED this

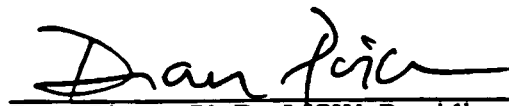
16

day of

September 2002

STATE OF NEVADA BOARD OF EXAMINERS FOR SOCIAL WORKERS

By:

  
Dean Pierce, Ph.D., LISW, Presiding Officer



1 The foregoing Consent Decree between JAMES POLK and the STATE OF NEVADA BOARD  
2 OF EXAMINERS FOR SOCIAL WORKERS in Case No. G02-12 is approved as to form and content.

3 FRANKIE SUE DEL PAPA  
4 Attorney General

5  
6 By:

  
7 FREDERICK R. OLMSTEAD

8 Deputy Attorney General  
9 1325 Airmotive Way, Suite 340  
10 Reno, Nevada 89502  
11 (775) 688-1815  
12 Counsel to the State of Nevada Board  
13 of Examiners for Social Workers  
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**CERTIFICATE OF SERVICE**

I certify that I am employee of the State of Nevada Board of Examiners for Social Workers and that on this 26nd day of September, 2002, I deposited for mailing at Reno, Nevada, postage prepaid, a true and correct copy of the foregoing CONSENT DECREE addressed to the following:

James Polk  
325 North Gibson Road  
Apt #1628  
Henderson, Nevada 89104



Rosalind Tuana