



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

October 18, 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 July 1, 2006 through September 30, 2006. On July 1, the Board records reflected twenty five (25) active allegation files. During the quarter the Board received two (2) new allegations and dismissed two (2) allegation files. In July the Board held one disciplinary hearing which resulted in action against Daniel O'Halloran, LSW(e). In September, the Board approved a consent decree which resulted in action against Kaye Neese, LCSW. On September 30, 2006, twenty-three (23) allegation files remained open. Copies of the Board orders in the two matters are included.

Please feel free to call me if you have any questions.

Sincerely,

NEVADA BOARD OF EXAMINERS
FOR SOCIAL WORKERS

A handwritten signature in cursive script, appearing to read "Rosalind Tuana", is written over the printed name and title.

Rosalind Tuana
Executive Director

Enclosures (2)

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

BOARD OF EXAMINERS
AUG 09 2006

3 * * *

4 | In the Matter of

5 | Daniel O'Halloran, L.S.W.
6 | License No. 02476-S (Expired)

7 Respondent.

FOR SOCIAL WORKERS
Case No. G02-32

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 July 14, 2006, in Las Vegas, Nevada. Providing
11 legal counsel for the Board was Aikaterine Vervilos, Deputy Attorney General.
12 Prosecuting for the Board was Henna Rasul, Deputy Attorney General, and Daniel
13 O'Halloran appeared in proper person. The Board reviewed the Amended Complaint
14 previously filed in this matter. Deputy Rasul and Mr. O'Halloran presented the
15 testimony of witnesses. Based upon the pleadings, and papers on file in this matter,
16 the testimony and evidence received at the hearing in this matter, and the arguments of
17 counsel and parties, the Board enters its Findings of Fact, Conclusions of Law, and
18 Order as follows:

19 **FINDINGS OF FACT**

20 1. DANIEL O'HALLORAN ("O'HALLORAN") was a duly licensed social
21 worker in the State of Nevada at all times relevant to this complaint.

22 2. O'HALLORAN was employed as a licensed social worker on or about
23 October 2, 1997 through January 31, 2004.

24 3. In approximately April 2000, while O'HALLORAN was a social worker for
25 the Clark County Family and Youth Services, O'HALLORAN was assigned as a social
26 worker to Client A.

27 4. While acting as Client A's social worker, O'HALLORAN began to develop
28 a friendship with and genuine concern for Client A and her children.

1 5. Shortly after case closure, O'HALLORAN was contacted by Client A by
2 phone, requesting him to come to her house. O'HALLORAN voluntarily elected to
3 personally go to Client A's home after business hours. O'HALLORAN did not have any
4 concerns about going to Client A's home after the case was closed. O'HALLORAN
5 went to Client A's home on at least one other prior occasion prior to October of 2000.
6 O'HALLORAN also met with Client A on at least one other sion at P.T. Pub in
7 approximately March of 2001. Further, he took Client A's children to the Child
8 Protective Services ("CPS") Stardust Party in December of 2001. Soon after this party,
9 Client A asked him what someone should do if they are taking drugs and pregnant.
10 Despite the potential concerns this question might raise, O'HALLORAN made the
11 decision to babysit for Client A on numerous occasions from December of 2001 through
12 April of 2002. On several occasions, he took Client A to dinner and paid for dinner after
13 babysitting her children. He also helped Client A sign her son up for daycare on
14 September 6, 2002. O'HALLORAN's name appears on the daycare paperwork as a
15 responsible party for the purpose of picking up her son.

16 6. On or about November 15, 2005, O'HALLORAN was mailed via certified
17 mail a copy of the Complaint and Notice of Hearing which indicated that he was
18 required to submit, within 30 days after receipt of the notification, a complete set of his
19 fingerprints and written permission authorizing the Nevada Repository of Nevada
20 Records of Criminal History for submission to the Federal Bureau of Investigation for its
21 report. O'HALLORAN signed for and received a copy of the Amended Complaint and
22 Third Notice of Hearing on June 19, 2006, and has since failed to provide his
23 fingerprints and written permission.

24 CONCLUSIONS OF LAW

25 1. The Board finds that it has jurisdiction over the matter.
26 2. The Board finds O'HALLORAN not guilty of using his relationship with a
27 client to further his own personal, religious, political, or business interest as is set forth
28 in the first cause of action.

3. The Board finds O'HALLORAN guilty of failing to maintain professional boundaries with each client as set forth in the second cause of action.

4. The Board finds O'HALLORAN not guilty of engaging in sexual activity with a client during the time that the client is receiving professional services and for 3 years after the termination of the services as set forth in the third cause of action.

5. The Board finds O'HALLORAN guilty of entering into a dual relationship with a client, if it is foreseeable that such a relationship would harm or exploit the client within 2 years after the termination of the professional relationship as set forth in the fourth cause of action.

6. The Board finds O'HALLORAN not guilty of influencing or attempting to influence a client in any manner which could reasonably be anticipated to result in the licensee deriving benefits of an unprofessional nature during the time that the client is receiving professional services and for 2 years after the termination of the services as is set forth in the fifth cause of action.

7. The Board finds O'HALLORAN guilty of failing to serve clients with professional skill and competence as is set forth in the sixth cause of action.

8. The Board finds O'HALLORAN guilty of failing to submit, within 30 days after receipt of the notification, a complete set of his 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 as is set forth in the seventh cause of action.

DECISION AND ORDER

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

Respondent O'HALLORAN's expired license number 02476-S shall be suspended. Further, if O'HALLORAN reapplies after the suspension period, he must 1) meet all licensing requirements in effect at the time he reapplies and this would include, but is not limited to successfully passing any test or tests that are required of all

1 | applicants; and 2) provide proof to the Board from a Board approved forensic
2 | psychiatrist or forensic psychologist that he is fit to act as a social worker.

3 | O'HALLORAN is to pay the attorneys fees and costs incurred by the Board in
4 | prosecuting the matter, the amount of which is not to exceed \$7,000.00. Costs have
5 | been determined to be \$5741.32. All fees must be paid within two (2) years from the
6 | date of this order. Further, should O'HALLORAN wish to reapply all fees must be paid
7 | prior to acceptance of an application.

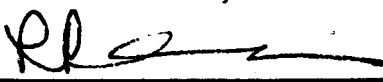
8 | O'HALLORAN must take 6 hours of Board approved classes specifically
9 | addressing boundary issues, and the hours must be completed two (2) years from the
10 | date of this order.

1 | O'HALLORAN is to pay a fine to the Board in the amount of \$100.00, the total
12 | amount of which must be paid two (2) years from the date of this order.

13 | This Findings of Fact, Conclusions of Law, and Order shall be reported to ASWB
14 | DARS reporting bank and any national data bank required by law.

15 | DATED this 9th day August, 2006.

16 | State of Nevada
17 | Board of Examiners for Social Workers

18 | By: 
19 | Randy Reinoso
20 | Presiding Officer
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**BEFORE THE NEVADA STATE BOARD OF
EXAMINERS FOR SOCIAL WORKERS**

IN THE MATTER OF)

KAYE R. NESSE)
LCSW NO. 2570-C)

CASE NO. G06-07

Respondent)
_____)

SEP 6

CONSENT DECREE

The State of Nevada Board of Examiners for Social Workers ("BOARD") having jurisdiction over licensee KAYE R. NESSE ("NESSE"), pursuant to NRS 641B.020; a self-reported based 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

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

NESSE has freely and voluntarily entered into this Consent Decree, and she is aware of her rights to contest the charges pending against her. These rights include representation by an attorney at her 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 her, the right to present evidence on her own behalf, the right to testify on her 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 NESSE in exchange for the BOARD'S acceptance of this Consent Decree.

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

JURISDICTION

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

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

PUBLICATION OF CONSENT DECREE

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

STIPULATED FACTS AND CONCLUSIONS OF LAW

NESSE understands the nature of the allegations under consideration by the BOARD. She acknowledges that the conduct described below constitutes violations of the Nevada Social Work Practice Act (NRS and NAC 641B). She acknowledges that if this matter were to be taken to a disciplinary hearing before the BOARD, the following allegations could be

proven by substantial evidence and that by acknowledging the same, she is subject to

disciplinary action by the BOARD:

1. NESSE was licensed as a Clinical Social Worker on or about April 24, 1998, through the present day.

2. Between June 1, 2003 and December 1, 2003, NESSE supervised a Licensed Social Worker who was practicing outside the scope of his license at Correction Corporation of America/Women's Prison.

3. On August 11, 2005, NESSE completed a Verification of Supervised Work Experience form for Charles Hare to submit to the Arizona Board of Behavioral Health Examiners certifying that Mr. Hare was engaged in supervised work experience in the practice of clinical social work. Mr. Hare was licensed as a Licensed Social Worker (LSW) at the time, and was not in a pre-approved Board internship program.

4. On or about June 10, 2006, NESSE submitted a letter to the BOARD self-reporting another incident and admitting to the acts alleged above. NESSE further indicated that she is not fit to practice social work.

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

6. This conduct also violated NAC 641B.200(13) which states that a licensee shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of social work.

7. This conduct also violated NAC 641B.200(17) which states that a licensee shall comply with all provisions of the statutes and regulations governing the practice of social work that are set forth in this chapter and chapter 641B of NRS. A licensee shall comply with any state or federal law or regulation that is relevant to the practice of social work.

8. This conduct also violated NAC 641B.200(18) which states that a licensee shall not allow a person under the supervision of the licensee to perform outside of the level of licensure, training, or experience of the person who is supervised or allow that person to hold himself out as having expertise in a field in which he is not qualified.

9. This conduct also violated NAC 641B.200(19) which states that a licensee shall not order or knowingly authorize a person under the supervision of the licensee to engage in any illegal or unethical act related to social work.

10. This conduct also violated NAC 641B.200(21) which states that a licensee shall not supervise any person who engages in the practice of social work if that person has not satisfied the appropriate requirements for licensure pursuant to this chapter and chapter 641B of NRS.

11. That the foregoing facts constitute grounds for initiating disciplinary action pursuant to NRS 641B.400.

12. 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 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

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

1. Within forty-five (45) days of the approval and execution of this Consent Decree, NESSE shall pay \$225.00 in legal and investigative fees.

2. The revocation shall commence upon execution of this Consent Decree by the presiding member of the BOARD. After the revocation has been in effect for a one-year time period, NESSE may apply for re-instatement to the BOARD. If NESSE re-applies for licensure, she agrees to:

a. Meet with the President of the BOARD or his/her designee, the Executive Director and BOARD counsel and prove compliance with the Consent Decree and fitness for licensure.

b. Provide proof to the BOARD from a BOARD approved forensic psychiatrist or forensic psychologist that she is competent to act as a social worker.

3. After her license is reinstated, NESSE stipulates that pursuant to the authority of NRS 641B.430(3)(a), the BOARD may impose a one (1) year period of probation upon her license to practice social work in the State of Nevada subject to the following terms and conditions:

a. NESSE meets monthly with a BOARD approved licensed clinical social worker who will consult with NESSE. During this period of consultation, NESSE will write, and the supervisor will sign quarterly reports that must be submitted to the BOARD regarding NESSE's counseling sessions. Issues to be discussed in the monthly meeting and addressed in the report to the Board must include:

(i) Boundaries and dual relationships;

(ii) Review of judgment skills and decision-making abilities;

(iii) Professional responsibilities to clients and colleagues; and

(iv) The obligations and risks associated with the provisions of social work services.

b. NESSE 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 NESSE to the BOARD in writing within seventy-two (72) hours.

c. NESSE is required to notify the BOARD in writing within seventy-two (72) hours after any change in social work employment, including self-employment, consulting or volunteering. Any notification of termination shall contain a full explanation of the circumstances surrounding it.

d. NESSE is required to notify the BOARD in writing within seventy-two (72) hours after any change in social work employment, including self-employment, consulting or volunteering. Any notification of termination shall contain a full explanation of the circumstances surrounding it.

e. NESSE shall receive credit toward service of her probation period only while employed as a Licensed Clinical Social Worker in the State of Nevada.

f. NESSE may not practice as an independent practitioner during the period of probation.

g. NESSE shall notify all current and potential employers of any term or condition of probation which will affect her employment. NESSE shall provide a copy of the consent decree to each employer during the length of probation. Such notification shall be signed by each employer. NESSE shall submit, upon request by the BOARD or its designee, satisfactory evidence of compliance with this term of probation

1 4. NESSE agrees that she will be financially responsible for all requirements of this
2 Consent Decree, including the cost of the Board approved forensic psychiatric evaluation and
3 any reasonable financial assessments by the Board for the Cost of monitoring her compliance
4 | or carrying out the provisions of this Consent Decree.

5 **VIOLATION OF TERMS OF CONSENT DECREE**

6 NESSE understands that the BOARD may, upon three days notice to NESSE.
7 convene a hearing for the limited purpose of establishing that she has, in fact, been a
8 violation of the terms of this Consent Decree. If such a hearing results in a finding of a
9 violation of this Consent Decree, the BOARD may impose any penalty upon NESSE
10 authorized by NRS 641B.430(3), and (4) including, but not limited to, revocation of her license
11 to practice social work in the State of Nevada.

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

22 **ACCEPTANCE BY THE BOARD**

23 This Consent Decree was presented and accepted by the BOARD with a
24 | 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 NESSE. It may not be altered, amended, or modified without the express written consent of the parties.

DATED this 17th day of July, 2006.


By:


KAYE R. NESSE, LCWS

DATED this 8th day of September, 2006.

STATE BOARD OF EXAMINERS
FOR SOCIAL WORKERS

By:



RANDY REINOSO
Presiding Officer

The foregoing Consent Decree between KAYE R. NESSE and the STATE OF NEVADA BOARD OF EXAMINERS FOR SOCIAL WORKERS in Case No. G06-07 is approved as to form and content.

DATED this 18th day of September, 2006.

GEORGE J. CHANOS
Attorney General

By:


HENNA RASUL
Deputy Attorney General
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Reno, Nevada 89511
(775) 688-1818

Counsel to the State of Nevada Board
of Examiners for Social Workers