



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

**PUBLIC NOTICE OF BOARD MEETING**

**Friday, December 13, 2019 10:00am**

**University of Nevada, Reno  
System Computing Services (SCS) Building, Room 47  
Building 133 - off 16<sup>th</sup> Street entrance to campus  
Reno, NV 89557**

**Some members of the Board may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous videoconference conducted at the following location:**

**Mojave Mental Health  
6375 W. Charleston Blvd., Suite A100  
Las Vegas, Nevada 89146**

Please Note: The Board of Examiners for Social Workers may address agenda items out of sequence, combine the agenda items, pull or remove the agenda items, in order to aid the efficiency or effectiveness of the meeting or to accommodate persons appearing before the Board. The Board may continue agenda items to the next meeting as needed. (NRS 241.020)

Public comment is welcomed by the Board and will be heard at the beginning of the Board meeting following the Call to Order and Roll and at the end of the agenda prior to the adjournment of the Board meeting. Public comment may be limited to three (3) minutes per person. The Board meeting Chair may allow additional time to be given a speaker as time allows and at his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See *NRS 233B.126*.

**AGENDA**

1. Call to Order and Roll.
2. Public Comment.  
*Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020). Public comment may be limited to three (3) minutes.*
3. Board Operations.
  - A. (For Possible Action) Review, Discussion and Possible Approval of Board Meeting Minutes for October 11, 2019.
  - B. (For Possible Action) Review, Discussion and Possible Approval of First Quarter Financials for Quarter Ending September 30, 2019
  - C. (For Possible Action) Review, Discussion and Possible Approval of Next Step in Administrative Rulemaking Process: Submit Approved Language to Interim Legislative Commission for Final Approval (NRS Chapter 233B)
  - D. Review, Discussion of Delegate Report from ASWB's 2019 Annual Meeting of the Delegate Assembly, Orlando, Florida by Vikki Erickson
  - E. Executive Director's Report:
    - i. Recent Meetings:

- a) Executive Branch Audit Committee
- b) Legislative Committee on Health Care
- c) AG's Training for Boards and Commissions
- d) Nevada E-Records Forum
- e) Draft Audit Submission to State of Nevada
- f) ASWB Conference Call (Lowery, Erickson, Oppenlander, ASWB staff)
- ii. 2020 Strategic Plan Update/ Handout
- iii. Next Board Meeting January 10, 2019
- iv. Future Agenda Item Ideas.
  - a) Reserves and Related Financial Policies
  - b) 2<sup>nd</sup> Quarter / Year-End Financials
  - c) 2<sup>nd</sup> Quarter/ Year-End Licensing Statistics
  - d) Compliance Unit Statistics, Trends
  - e) How to Fund Reserves
  - f) Extend Audit Contract for 2020
  - g) Leasing Contract
  - h) Adding Licensed Master's Social Work category to NRS 641B
  - i) Analysis of Data from Business/ Licensee Survey
  - j) Other Ideas.

4. Public Comment.

*Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020). Public comment will be limited to three (3) minutes.*

5. Closed Session.

- A. (For Possible Action) Review, Discussion and Possible Approval of Request for Reinstatement of License (LSW) as per G19-04 Consent Decree for Robyn Isaacson.

6. (For Possible Action) Adjournment.

Please contact Karen Oppenlander, LISW at (775) 688-2555 for supporting materials regarding the meeting. Supporting materials can be picked up at 4600 Kietzke Lane, Suite C-121, Reno, Nevada 89502.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Board of Examiners for Social Workers, 4600 Kietzke Lane, C121, Reno, Nevada 89502, or call (775) 688-2555, as soon as possible.

The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

This notice has been posted at the office of the Board of Examiners for Social Workers; the Board's Web Site [www.socwork.nv.gov](http://www.socwork.nv.gov); the State of Nevada's Public Notice Website <http://notice.nv.gov>; University of Nevada, Reno, System Computing Center, Mojave Adult Clinic, Las Vegas and the following locations:

- Washoe County Social Services, 350 S. Center Street, Reno, Nevada
- Clark County Social Services, 1600 Pinto Lane, Las Vegas, Nevada
- University of Nevada, Las Vegas, School of Social Work, Las Vegas, Nevada
- University of Nevada, Reno, School of Social Work, Anasari Business Building, Reno, Nevada.

3 A

minutes



STATE OF NEVADA

## BOARD OF EXAMINERS FOR SOCIAL WORKERS

4600 Kietzke Lane, Suite C121, Reno, Nevada 89502

### MINUTES OF BOARD MEETING

Friday, October 11, 2019

**MEETING CALLED TO ORDER:** The meeting of the Board of Examiners for Social Workers (BESW) was called to order by Vikki Erickson, Board President, at 9:20 a.m. The start time was delayed due to technical difficulties. The meeting was held at the University of Nevada, Reno (UNR) System Computing Services Building, Room 47, in Reno, Nevada, 89557. There was a simultaneous audioconference conducted at Mojave Mental Health, 6375 W. Charleston Blvd., Suite A100, Las Vegas, Nevada 89146. President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum.

**ROLL CALL:** Roll call was initiated by President Erickson, with the following individuals present:

Members Present:

Vikki Erickson, LCSW, President (**Erickson**)  
Monique Harris, LCSW, Board Member (**Harris**)  
Stefaine Maplethorpe, LCSW, Board Member (**Maplethorpe**)  
Susan Nielsen, Secretary / Treasurer (**Nielsen**)

Staff, Advisors Present:

Karen Oppenlander, Executive Director (**Oppenlander**)  
Justin Taruc, Esq., Board Counsel (**Taruc**)  
Miranda Hoover, Capitol Partners (**Hoover**)

Public Present:

Christie Ackmann, LCSW  
Linda Holland-Browne, LCSW, Monitor/Consultant  
Jeffrey Davis, LCSW

Board members and Board staff will be identified by the above bolded means *throughout the minutes*.

**Erickson** turned to Agenda Item 2, public comment.

**PUBLIC COMMENT:**

There was no public comment.

**REGULAR AGENDA:**

**Board Operations**

**Erickson turned to Agenda Item 3Ai (For Possible Action) Review, Discussion and Possible Approval of July 30, 2019 Board Workshop Minutes.**

**Maplethorpe made a motion to approve the Board Workshop Minutes for July 30, 2019; Nielsen seconded the motion. Ayes: Erickson, Maplethorpe, Harris and Nielsen. Passed unanimously.**

**Erickson turned to Agenda Item 3Aii (For Possible Action) Review, Discussion and Possible Approval of July 31, 2019 Board Workshop Minutes.**

**Maplethorpe made a motion to approve the Board Workshop Minutes for July 31, 2019; Nielsen seconded the motion. Ayes: Erickson, Maplethorpe, Harris and Nielsen. Passed unanimously.**

**Erickson proceeded to Agenda Item 3Aiii (For Possible Action) Review, Discussion and Possible Approval of August 9, 2019 Board Meeting Minutes.**

**Maplethorpe made a motion to approve the Board Meeting Minutes for August 9, 2019; Harris seconded the motion. Ayes: Erickson, Nielsen, Harris and Maplethorpe. Passed unanimously.**

**Erickson turned to Agenda Item 3Bi (For Possible Action) Review, Discussion and Possible Approval of Transcripts (in Lieu of Minutes) for the September 11, 2019 Public Workshop Transcript. Erickson attended the meeting and the other Board members were absent.**

**Maplethorpe made a motion to approve the Public Workshop Transcript for September 11, 2019; Nielsen seconded the motion. Ayes: Erickson, Nielsen, Maplethorpe and Harris. Passed unanimously.**

**Erickson moved on to Agenda Item 3Bii (For Possible Action) Review, Discussion and Possible Approval of Transcripts (in Lieu of Minutes) for the September 12, 2019 Public Workshop Transcript. Harris and Maplethorpe attended the meeting and the other Board members were absent.**

**Harris made a motion to approve the Public Workshop Transcript for September 12, 2019; Maplethorpe seconded the motion. Ayes: Erickson, Harris and Maplethorpe, with Nielsen abstaining. Passed by majority.**

**Taruc paused the meeting at 9:30 a.m. to research a procedural question. Hoover joined the meeting at 9:35 a.m. Erickson called the meeting back to order at 9:35 a.m.**

**Erickson turned to Agenda Item 3C (For Possible Action) Review, Discussion and Possible Approval of Request Re: Completion of the Monitor/Consultant Portion of G11-08 Consent Decree (JD).**

**Erickson asked if the public member has to step out of the room for the discussion. Oppenlander replied that this is a public meeting with signed waivers from the monitor**

consultant and from the person noted in the Consent Decree, so it is not necessary. She stated that the two year probationary period referred to in the Consent Decree will end somewhere in March of 2020. The Monitor/Consultant requested that the one year monitoring period be ended. **Oppenlander** turned to Linda Holland-Browne for her comments.

Holland-Browne stated that she has been a practicing social worker, first as LASW and then in 1994 as an LCSW. During that time I have supervised many clinical interns. She is currently in private practice, as an independent contractor with Healing Minds here in Reno. Holland-Browne has supervised other individuals who have required specific kinds of supervision to protect their licenses. She and Jeffrey Davis began meeting last September and have met every other week for two hours at a time at his practice in Carson City. Holland-Browne stated that she reviewed his consent decree carefully to ensure that they accomplished all that they needed to. She has submitted a letter to the Board noting the areas that were covered during their meetings. These areas included dual relationships, professional boundaries, and the complexity of avoiding dual relationships in rural communities. At the beginning of their meetings Davis had practices in Fernley and Carson City. He has since closed his practice in Fernley and is working exclusively in Carson City. During the process, we talked about power differentials, methods of treatment, how to create a safe environment for both the client and the clinician, and controversies in social work. Holland-Browne said she talked with **Oppenlander** and Sandra Lowery, the deputy director, to be sure that they had all of their bases covered. She feels that he met all the requirements of the consent decree for monitoring and supervision.

**Harris** asked what the specific violation was and about the process that lead to creation of the Consent Decree. **Oppenlander** explained that the Consent Decree was signed by the Board members on February 15, 2018. The current Board members are being asked to permit an end to the monitoring and consultant portion of the Consent Decree. The only condition left to be fulfilled is in March, 2020. When all the payments are paid in full, the licensee will come back in front of the Board to ask for this Consent Decree to be complete.

**Nielsen made a motion to approve Request Re: Completion of the Monitor/Consultant Portion of G11-08 Consent Decree. Harris seconded the motion. Ayes: Erickson, Nielsen, Maplethorpe, and Harris. Passed unanimously.**

**Erickson** moved forward to **Agenda Item 3D (For Possible Action) Review, Discussion and Possible Approval of Board Assignments for Strategic Plan Goals.**

**Oppenlander** stated that the strategic plan is one year old and it's a good solid plan. There are four Board members and the strategic plan has five sections, but within it there are eight goals. **Oppenlander** proceeded to summarize the goals. Goal 1., by 2023, the Board will have a 75% satisfaction rating from licensees. In goal 2.A. by 2021 we'll have online licensing and renewals. Goal 2.B., by 2023 BESW will have transferred all appropriate documents from paper to digital formats. In Goal 3., by 2022 BSW will have all policies and procedures in place. Goal 4.A., is that BESW will process new complaints against licensees per NRS and NAC. Goal 4.B., by 2019 BESW will clear 75% of backlog disciplinary cases prior to January 1, 2018. Goal 5.A., by 2019 BESW would convert to an accrual based accounting system. Goal 5.B., by 2023 BESW will have five months of operating funds in reserve. **Oppenlander** indicated that, on a day-to-day basis she doesn't know who to turn to without having everything that goes into the strategic plan turn into a meeting discussion. The Board only meets every other month. **Oppenlander** proposed that each Board member select areas of interest to them. Since there are four Board members, her suggestion is that before the meeting ends today, each Board member pick two

of these goals. That way, when she needs help sorting through something before the Board meeting to figure out how to put it on the agenda and so forth, that she can turn to one person. If one person is assigned to two goals, **Oppenlander** can call that person to discuss their two goals before the next Board meeting without tripping over an OML violation.

**Harris** offered to take Goal 3 and Goal 5.B. **Maplethorpe** selected Goal 1 and Goal 2.B **Erickson** periodically regarding the backlog of disciplinary cases, **Erickson** chose Goal 4.A. and Goal 4.B. And it was determined that Goal 2.B. and Goal 5.A. were a good fit for **Nielsen**.

**Harris made a motion to approve Board Assignments for Strategic Plan Goals:**

<b>Goal 1</b>	<b>Maplethorpe</b>
<b>Goal 2.A.</b>	<b>Maplethorpe</b>
<b>Goal 2.B.</b>	<b>Nielsen</b>
<b>Goal 3</b>	<b>Harris</b>
<b>Goal 4.A.</b>	<b>Erickson</b>
<b>Goal 4.B.</b>	<b>Erickson</b>
<b>Goal 5.A.</b>	<b>Nielsen</b>
<b>Goal 5.B.</b>	<b>Harris</b>

**Maplethorpe seconded the motion. Ayes: Erickson, Nielsen, Harris, and Maplethorpe. Passed unanimously.**

**Erickson** turned to **Agenda Item 3E (For Possible Action) Review, Discussion and Possible Approval of Reserve Policy Revisions**. **Oppenlander** stated that the policy summary provided to Board members today is the existing and currently adopted Board reserves policy as adopted on June 14th at the 2019 meeting. It is policy number F001 Board Reserves. The policy summary addresses the importance of maintaining organizational reserves. The summary is the first page of the Board members' packet. The following pages are some financial snapshots. **Oppenlander** indicated that at this point in time the Board's expenses are under income is over projections. **Oppenlander** pointed out that when the Bank of America statement was printed on October 1<sup>st</sup>, the checking account balance was \$72,907.00. In another secondary checking account, there is \$5,246.00 and there is \$25,000.00 in a fixed term CD. **Oppenlander** advised that there is some information about the CD on the next page of the Board packet.

**Oppenlander** went on to say that the utilization of reserves are all exactly as shown under agenda item 3E iii. She would like to discuss with someone after this meeting, the possibility of handling the three accounts differently while building reserves. The checking account is pretty obvious. Earlier discussion has occurred about creating an account not unlike the current account that has 5,246.00 in it for an emergency fund. The last thing on E iii is the CD.

**Oppenlander** said that she and Ms. Lowery refer to these three accounts internally as the checking account for paying monthly bills, the savings account for emergency savings, and the CD for the required reserves. The Board knows that we're mandated to come up with a minimum of five months reserves, possibly more, depending on who is chairing the Sunset Committee this interim session. The Board needs a place to manage the money.

**Oppenlander** went on to say that if it was up to her, (and she know it is not) she would recommend that the Board move money into the account that has \$5,246.00 in it, so that there would be \$10,000.00 available if we had an emergency in between Board meetings. She also said that if there is sufficient money over and above what we thought we would need to keep the doors open, she would make sure that the CD or CDs, contained at least one month of operating reserves. **Oppenlander** proposed that this discussion be continued at the December

Board meeting so that Board members are prepared for it. **Oppenlander** said she is happy that a Board member has been assigned in these areas so she has someone she can speak to. She would like to work through this reserve policy more satisfactorily and bring back a recommended amendment to the existing policy at a future meeting. She also wants to work on proposing ways to fund the reserve and possibly provide some recommendations about how to stagger some CDs so that some would always be maturing thus ensuring access to them without having to take a penalty fee. While penalty fees are minor, when cashing out a CD early, the Board won't want to pay if unnecessary. **Oppenlander** said these are matters she would like to discuss with someone outside of this meeting. **Harris** asked **Oppenlander** to summarize the three things that we'll bring back to a future Board meeting; she responded that the first thing is to amend the reserve policy appropriately because we've got an initial policy agreed to at the June meeting; two is to change item E iii b) into an emergency savings account and get a policy that goes with that for the minimum of \$10,000; last, that item E iii c) the CD begin to be referred to as our reserves and that we can begin to fund it with some of the cash that we have on hand in the checking account.

**Harris** asked, "What is the standard cost for monthly operations cost? **Oppenlander** responded that on average, rounding for simplified discussion, our operational costs are \$40,000.00 per month. **Harris** also about line items in the budget for LCB and TORT claim fund and learned that these are State of Nevada line items.

Next, **Erickson** moved on to **Agenda Item F. (For Possible Action) Review, Discussion and Possible Approval of NAC Submission Changes Made During Negotiation With Legislative Counsel Bureau**. **Oppenlander** stated that item F.i is an FYI, only. In negotiating with the Legislative Council Bureau (LCB) on our NAC changes, they determined that they would codify all of our changes for us right away. This doesn't include the 2019 changes, but everything up to 2019 including the R110-18 changes made. This is a great benefit to us and it's in process. We should have that codification available shortly so that when you go online into 641B, it would show all changes through 2018. Staff thinks that the LCB has been very kind in working with the Board.

In item F.ii we had the public workshops and what occurred there is evidenced through the transcripts. **Oppenlander** mentioned that after the September 11<sup>th</sup>, 12<sup>th</sup> public workshops, she went to the Department of Public and Behavioral Health Committee and propose our NAC changes on September 13<sup>th</sup>. They were well received and expressed that they are pleased with our Board's progress.

Following, **Oppenlander** presented a summary of some changes to item F made by the LCB. She directed the Board members attention to Section 641B.105.2(a). The outcome of this discussion is that the LCB advised that this NAC change would create a constitutional violation. What this section says is that we had two streams of people that were taking ASWB examinations with bachelors' and the masters' degrees for a single license category. As we discussed during the Board Workshop in July, ASWB has four categories of examinations. ASWB wants us to stream candidates with bachelor's degrees into their BSW level examination, and candidates with master's degrees into their MSW level examination. Nevada doesn't have four levels of licensure, we only have three. All candidates were streamed from the two different degrees into one level of licensure: licensed social workers (LSW). LCB caught that we wanted to require (instead of suggest this course of action) and said the Board cannot make this change. To do so would violate equal protection requirements in our language. There can't be two paths to the same license. It was understood that most potential licensees with a master's degree would prefer to take the MSW examination as it is more efficacious.



LCB and Board staff discussed how we could work to remedy this matter by making an NRS change to add a fourth level of licensure. More specifically, as mentioned to this Board by Kim Frakes before she left her position with the Board, we could add an LMSW category between the LSW category and the LISW and LCSW categories. This would be in concert with what ASWB, our examination body, wants us to do. We would have to do this in the next legislative session through NRS and NAC changes. It will be important for the Board to negotiate with ASWB as we may need to extend our ability to meet their requirements.

**Harris** asked for clarification on how the Board will be able to comply with ASWB requirements. **Oppenlander** replied that the Board will need to become compliant with ASWB, we will need to negotiate, that that we can agendaize this for a discussion in December.

For today, **Oppenlander** asked the Board members to turn to the next page in the packet, where there is the current status of the LCB approved language. What we need next in the administrative rulemaking process is to have a motion to move this forward as written so that we can continue the NAC process.

**Harris made a motion to approve NAC Changes Made during a Negotiation with the Legislative Counsel Bureau for R055-19 as Written. Maplethorpe seconded the motion. Ayes: Erickson, Nielsen, Harris, and Maplethorpe. Passed unanimously.**

**Erickson** turned to **Agenda Item 3G (For Possible Action) Review, Discussion of Surveys (Capitol Partners)**. **Hoover** began by stating that the Board decided to send out the impact survey to larger businesses along with small businesses. In addition, the survey was sent to licensees. She reported that as of today five businesses have replied to our survey, one small business and four large businesses. Out of the approximate 3,400 licensees that we have across the state, 739 responded. **Hoover** stated that we have had a pretty good success rate. When the Board does get the opportunity to finally go in front of the LCB, **Hoover** is very excited to show them that we have had a high response rate, share with them their responses, which for the most part, are very positive. **Hoover** said that everyone is very excited about the online renewals and being able to pay by credit card. **Harris** asked for clarification regarding the businesses that replied. **Hoover** stated that the surveys were performed electronically using SurveyMonkey. The Board also mailed surveys to over 300 small businesses in Nevada. Emails were sent to less than 300 businesses, because they were specifically addressed to people the Board knew would respond. **Oppenlander** commented that there was substantial discussion at the July 31<sup>st</sup> Board Workshop about incentivizing new licensees, particularly newly graduating students. As part of a collaborative commitment that was made between the universities and the Board, there is an interest in understanding what is currently happening in terms of incentivizing licensees by businesses that pay for continuing education units, license renewals and so on. We are excited about the information that is coming back from the surveys as it is creating a new baseline of data.

**Erickson** moved on to **Agenda Item 3H Review, Discussion of Veteran's Administration Changes and ASWB Feedback to the Veteran's Administration**. **Oppenlander** stated that all members of ASWB received a letter from Mary Jo Monahan on August 21<sup>st</sup> about changes that are being made by the Veterans Administration (VA). In the packet is a copy of this letter as well as the response to the VA by ASWB.

**Erickson** turned to **Agenda Item 3I, Executive Director's Report**. **Oppenlander** stated that the first item in the Board packets under letter I.i is a suggested 2020 Board calendar with meeting scheduled on the second Friday of every month at 9:00 a.m. As there weren't objections, **Oppenlander** said she'll make this official for 2020; she stated that the next Board meeting date is December 13<sup>th</sup>, 2019.

In item I.ii **Oppenlander** referred Board members to the online occupational licensing boards, quarterly licensing numbers. These are constantly growing. Currently our number of licensees is 3,343. 17 months ago when **Oppenlander** started, there were under 3,000. In item I.iii, The Board's contract with Albertsons consulting has been completed and signed. It is provided as an FYI only to the Board of examiners.

**Oppenlander** turned to item I.iv, an ASWB handout. She brought it to the Board members' attention as at the July Workshop, there was a discussion about how the Board could plan to get ASWB to come and talk to us about the Model Standards Practice Act and how to include that language into our NACs especially around ethics.

Then, she briefly discussed the audit process and the scope of work for bookkeeping services. She said that based on today's discussion, we're going to bring back the reserve policy. **Oppenlander** asked Board members if there any other things that they can think of right now that we want to plan for. Before closing this item, **Oppenlander and Taruc** had a short discussion about use of credit cards that were approved at a prior Board meeting. **Taruc** replied that since the Board has already approved this credit card matter, there's no need to agenzize as there is no action required.

**Erickson** moved on to **Agenda Item 4 Public Comment**. There was no public comment.

**Harris made a motion for Adjournment. Maplethorpe seconded the motion. Ayes: Erickson, Nielsen, Harris, and Maplethorpe. Passed unanimously.**

Meeting adjourned at 11:00 a.m.

Meeting Minutes Respectfully Submitted by Caroline Rhuys, Legal Secretary II.

3 B

*Financials*





3C.

Admin Rulemaking

# Administrative Rulemaking

State of Nevada, Office of the  
Attorney General, Boards and  
Commissions Training 2018

Rosalie Bordelove, Deputy Attorney General



## Administrative Rulemaking

- Administrative Rulemaking refers to the creation (drafting and approval) of regulations as outlined in NRS Chapter 233B.



## The Public Hearing (Adoption)

- At the time and place set for hearing on the proposed regulation, the agency must afford “*all interested parties . . . a reasonable opportunity to submit data, views or arguments upon a proposed regulation.*” NRS 233B.061(1).
- The agency must accept both oral comments at the public hearing and written comments.
  - The agency must set a deadline for receipt of written comments, keeping in mind the need for those acting on the proposed regulation to have time to consider all comments received prior to adoption.





## Adopting the Regulation with Changes

- Generally speaking, if the text of the proposed regulation changes substantively as a result of public comment that it must be again submitted to LCB for review prior to adoption.
- LCB will draft a “revised proposed” regulation and the Agency will have to post a notice and consider comments before adoption
- If the changes are not substantive, an agency may adopt the regulation with those changes.



## Adopting the Regulation with Changes

- Do not avoid making needed changes because the process may be extended.
  - The proposed regulations will eventually become law, and it is important that it meets the Agency's intent and the needs of the Agency and the public.
- To avoid problems, the Agency's attorney should be consulted regarding changes.



## Final Adoption

- Adopt the regulation and file the original with the LCB. Upon its filing with the Secretary of State by the LCB, file a conformed copy with the State Library and Archives Administrator.
  - Items to file with the LCB:
    - Original, final copy of the regulation,
    - Informational statement required by NRS 233B.066, which must include an explanation concerning the need for the regulation
    - Form for Filing Administrative Regulations, and
    - The form Notice of Adoption of Regulation (see Appendix F to Administrative Rulemaking Manual).



# Legislative Commission Approval

- Regulation will now be reviewed and approved by Legislative Commission or Subcommittee to Review Regulations.
- See NRS 233B.066 for information required in Informational Statement. See also Appendix G of Administrative Rulemaking Manual.



# Legislative Commission

- Legislative Commission will review regulation for conformity with legislative authority and intent after it has been adopted and approve the regulation before it becomes effective.
  - Regulation will be reviewed at the Legislative Commission's next scheduled meeting or be referred to Subcommittee to Review Regulations.
- For permanent regulations, affirmative action by the Legislative Commission or Subcommittee to Review Regulations is required to approve or object to a regulation.
  - If no action is taken by the Commission or Subcommittee, the regulation does not become effective.



# Legislative Objection to Regulation

- The majority of the time, issues are resolved prior to adoption through discussions with the LCB attorney reviewing the regulations.
- However, pursuant to NRS 233B.067(5) the Legislative Commission or Subcommittee to Review Regulations may object to a regulation on one of the following four grounds:
  - The regulation does not conform to statutory authority
  - The regulation does not carry out legislative intent
  - The small business impact statement is inaccurate or incomplete; or
  - The agency has not provided satisfactory explanation for the need for the regulation



# Legislative Objection to Regulation

- If there is an objection by the Legislative Commission or Subcommittee to Review Regulations on one of those four grounds, the agency must revise the regulation and return it to the LCB within 60 days.
- Regulation does not become effective until the Commission or Subcommittee approves the regulation and the LCB files the regulation with the Secretary of State. NRS 233B.0675.





## Effective Date

- A regulation usually becomes effective upon filing with the Secretary of State, unless a statute prescribes a specific time when the regulation becomes effective or a later date is specified in the regulation.





Questions?

3 E.

i. a.

EBAC

## Karen Oppenlander

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**From:** Mark J. Richards  
**Sent:** Tuesday, October 15, 2019 11:42 AM  
**To:** Adam Higginbotham; Agata Monika Gawronski; Andrew Helms; Antinette Maestas; Athletic Trainers; B.E.L.T.C.A.; Brett Kandt; Caren Jenkins; Cathy Dinauer; Charles Harvey; David Wuest; Debra Shaffer; Edward O. Cousineau; Executive Director; gary@nvcosmo.com; Jennifer Pedigo; Julie Strandberg; Karen Oppenlander; Kevin L. Ingram; Landscape Board; Loretta Ponton; Loretta Ponton; Loretta Ponton; Lynne Smith; Margi Grein; Monica Harrison; Morgan Gleich; Nevada Board of Dispensing Opticians; Nevada Funeral and Cemetery Services Board; NV ST Board of Podiatry; OM Board; Patty L. Mamola; Reporting; Rick Drake (rdrake@nvlpgasboard.com); Sandra Lowery; Sandra Reed; Sandy Anderson; Steve Nicholas; Viki Windfeldt  
**Cc:** Warren K. Lowman  
**Subject:** Boards1 Final Follow-up Report/EBAC Meeting Agenda  
**Attachments:** Boards1 (18-05) First Annual Follow-up Report\_EBAC Final.docx; DRAFT - Agenda Nov 2019.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Now

Greeting:

Attached is the signed annual follow-up report from our Boards1 audit for your reference. Also, attached is the draft agenda for the EBAC meeting to be held on 11/7/19 at 1:00pm.

The follow-up report for Boards1 is scheduled to be presented to EBAC under agenda item 6.A.

Thanks for all the assistance during our follow-up field work.

**Mark Richard Greetings, CPA**

*Executive Branch Auditor  
Governor's Finance Office  
209 E. Musser St., Suite 302  
Carson City, NV 89701  
(775) 687-0147  
[mrichards@finance.nv.gov](mailto:mrichards@finance.nv.gov)*



# Sisolak unveils probe into state pharmacy board

**James DeHaven**

Reno Gazette Journal USA TODAY NETWORK

Gov. Steve Sisolak says he'll conduct a comprehensive overview of all state licensing boards after an ongoing internal investigation uncovered "longstanding, alarming" issues with the vetting of drug distributors licensed by the Nevada Board of Pharmacy.

Sisolak on Tuesday announced the panel charged with regulating state pharmacies had routinely failed to carry out background checks on an untold number of distributors who deliver drugs to retail pharmacies such as Raley's, Walgreens and CVS.

Since 2005, state law has required the board to collect fingerprints from those seeking to become a state-licensed distributor before forwarding the prints for a state background check. The idea is to prevent potentially dangerous counterfeit drugs from winding up on store shelves.

But Sisolak said pharmacy board members regularly failed to submit applicants' fingerprints to the Department of Public Safety, even after pocketing background check fees from prospective drug distributors.

"Though it appears the lack of fingerprint submissions had been flagged multiple times over the years, the problem was never addressed or resolved," Sisolak told reporters during a press conference at the Capitol. "On the same day I learned of this matter, I sent a letter to the former chair of the board instituting an immediate moratorium on the board's issuance of wholesale pharmaceutical licenses.

'I'd be lying if I said I wasn't shocked,' the first-term Democrat added. 'Nevadans expect and deserve action when an issue of this gravity is identified.'

Sisolak said existing members of the pharmacy board will soon be replaced in order to encourage a 'fresh start' for the panel. He went on to pledge a sweeping survey of how other state licensing boards operate.

'The pharmacy board is not the only board that needs a review,' he said. 'My administration is aware of allegations related to other state

'boards and we share those concerns about a lack of oversight and accountability.'

The governor did not elaborate on which boards are facing allegations. He did not take questions after the press conference.

Sisolak said problems with pharmacy board oversight of wholesalers dates back to 2007, though he offered few additional details about how many distributors might have been improperly licensed.

A governor's office spokesman said he wasn't immediately sure if anyone with a criminal record might've received a license, nor if any injuries or deaths had been linked to such licensees.



Steve Sisolak  
Governor  
Chairman

Warren Lowman  
Administrator  
Division of Internal Audits  
Governor's Finance Office



## STATE OF NEVADA EXECUTIVE BRANCH AUDIT COMMITTEE

209 E. Musser Street, Room 302 | Carson City, NV 89701-4298  
Phone: (775) 684-0222 | <http://budget.nv.gov/IAudits/About/EBAC/EBAC/> | Fax: (775) 687-0145

**Members**  
Kate Marshall  
Lieutenant Governor  
Barbara K. Cegavske  
Secretary of State  
Zach Conine  
State Treasurer  
Catherine Byrne  
State Controller  
Aaron D. Ford  
Attorney General  
Trudy Dulong  
Public Member

### PUBLIC MEETING NOTICE AND AGENDA

**Date and Time:** November 7, 2019, 1:00 PM  
**Location:** Old Assembly Chambers of the Capitol Building  
101 N. Carson Street,  
Carson City, Nevada 89701  
**Video Conference Location:** Grant Sawyer State Office Building  
555 E. Washington Avenue, Ste. 5100  
Las Vegas, Nevada 89101

1. **Call Meeting To Order/ Roll Call/ Remarks**
2. **Public Comment** (The first public comment is limited to comments on items on the agenda. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Executive Branch Audit Committee will impose a time limit of three minutes.)
3. **Approval of the June 25, 2019 Minutes. (For Action)**
4. **Presentation of Audit Six-Month Follow – Up Status Reports Pursuant to NRS 353A.090. (Information Only)**
  - A. Nevada State Board of Dental Examiners – Board Operations (DIA 19-04); Warren Lowman, Administrator.
5. **Presentation of Audit Reports Pursuant to NRS 353A.085. (Information Only)**
  - A. Department of Taxation – Marijuana Licensing (DIA 20-01); Saranjeet Bains, Executive Branch Auditor; Michelle Isherwood, Executive Branch Audit Manager.
  - B. Department of Administration, State Public Works Division, Buildings and Grounds, Leasing Services – Commercial Leases (DIA 20-02); Jeff Landerfelt, Executive Branch Auditor; Michelle Isherwood, Executive Branch Audit Manager.



- C. Department of Administration, State Public Works Division, Buildings and Grounds – Contract Management (DIA 20-03); Craig Stevenson, Executive Branch Auditor; Vita Ozoude, Executive Branch Audit Manager.
- D. Department of Corrections – Mental Health Services (DIA 20-04); Ashwini Prasad, Executive Branch Auditor; Vita Ozoude, Executive Branch Audit Manager.

**6. Presentation of Annual Follow – Up Status Reports. (Information Only)**

- A. Nevada’s Independent Occupational and Professional Licensing Boards – Oversight of Salaries, Legal Framework, and Financial & Administrative Operations (DIA 18-05); Mark Richards, Executive Branch Auditor; Warren Lowman, Administrator.
- B. Department of Education – 2015 Education Initiatives, Recipient Monitoring (DIA 18-06); Mark Richards, Executive Branch Auditor; Warren Lowman, Administrator.
- C. Department of Corrections – Off-Site Medical Care (DIA 18-06A); Mark Richards, Executive Branch Auditor; Warren Lowman, Administrator.
- D. Department of Administration, Enterprise Information Technology Services – Information Technology Governance (DIA 18-08); Mark Richards, Executive Branch Auditor; Warren Lowman, Administrator.

**7. Status of Outstanding Audit Recommendations. (Information Only)**

**8. Estimated Benefits to Nevadans from Audit Recommendations. (Information Only)**

**9. Approval of the Division’s Annual Report Pursuant to NRS 353A.065. (For Action)**

**10. Revision of the Annual Audit Plan Pursuant to NRS 353A.038. (For Action / Possible Action)**

**11. Committee Members’ Comments**

**12. Public Comments** (This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Executive Branch Audit Committee will impose a time limit of three minutes.)

**13. Adjournment (For Action)**

NOTE: Items may be considered out of order. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body will limit public comments to three minutes per speaker and may place other reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint. We are pleased to make reasonable accommodations for

members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Dale Ann Luzzi at (775) 684-0223 as soon as possible and at least two days in advance of the meeting. If you wish, you may e-mail her at [daluzzi@finance.nv.gov](mailto:daluzzi@finance.nv.gov). Supporting materials for this meeting are available at: 209 E. Musser Street, Suite 200, Carson City, NV 89701 or by contacting Dale Ann Luzzi at (775) 684-0223 or by email at [daluzzi@finance.nv.gov](mailto:daluzzi@finance.nv.gov).

**Agenda Posted at the Following Locations:**

1. Blasdel Building, 209 E. Musser Street, Carson City, NV 89701
2. Capitol Building, 101 North Carson Street, Carson City, NV 89701
3. Legislative Building, 401 N. Carson Street, Carson City, NV 89701
4. Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701
5. Grant Sawyer Building, Capitol Police, 555 E. Washington, Las Vegas, NV 89101

Notice of this meeting was posted on the Internet: <http://budget.nv.gov/Meetings/> and <https://notice.nv.gov>



Steve Sisolak  
Governor



Susan Brown  
Director

Warren Lowman  
Administrator

**STATE OF NEVADA  
GOVERNOR'S FINANCE OFFICE  
Division of Internal Audits**

209 E. Musser Street, Suite 302 | Carson City, NV 89701-4298  
Phone: (775) 684-0222 | <http://iaudits.nv.gov> | Fax: (775) 687-0145

November 7, 2019

Members of the Executive Branch Audit Committee

The Honorable Steve Sisolak  
Governor, Chairman

The Honorable Kate Marshall  
Lieutenant Governor

The Honorable Barbara Cegavske  
Secretary of State

The Honorable Zach Conine  
State Treasurer

The Honorable Catherine Byrne  
State Controller

The Honorable Aaron Ford  
Attorney General

Trudy Dulong, CPA  
Member of the Public

This is the first annual follow-up report on the implementation status of DIA Report No. 18-05, Boards and Commissions, Occupational and Professional Licensing Boards. We have compiled the reported actions taken by the 34 independent licensing boards (Boards) to address the outstanding recommendation. The Boards reported the following progress implementing our recommendation:

Recommendations	Fully Implemented	Partially Implemented	No Action	Total
Anticipated implementation period more than six months	1	0	0	1

First Annual Follow-up: Audit Report No. 18-05  
November 7, 2019

Appendix A describes our follow-up assessment of the reported status for each outstanding recommendation. Exhibit I of Appendix A summarizes the reported salaries for each of the Boards' executive directors and other positions earning \$115,000 and over annually.<sup>1</sup>

We would like to thank the management of the Boards for their cooperation and assistance.

Sincerely,

Warren Lowman  
Administrator

cc: Boards  
Susan Brown, Director, Governor's Finance Office

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<sup>1</sup> The titles of the Boards' senior operating/administrative executives vary and include, executive director, executive officer, executive secretary, secretary/treasurer and chief inspector.

**Appendix A**  
**Division of Internal Audits**  
**Follow-up Assessment**

**Category 2:** Recommendations with an anticipated implementation period more than six months.

**Recommendation 1**

*Comply with statute and guidelines for salaries.*

Status – Fully Implemented

Board Actions – All 34 Boards report compliance with statute requiring that, "...the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of the Governor..."<sup>2</sup> As of July, 15, 2019, the salary for the office of the Governor is set at \$163,474 for employee/employer paid retirement (Pay Policy 30) and \$143,616 for employer paid retirement (Pay Policy 31). The resulting statutory limit for Board salaries is \$155,300 and \$135,485 for Pay Policies 30 and 31 respectively. We reviewed supporting documentation for Board reported salaries noting reported salaries were authorized by the Boards.<sup>3</sup>

Exhibit I lists the reported salaries of all Board staff with a salary of \$115,000 and over. The exhibit shows whether the salaries are based on an employee/employer retirement or an employer paid retirement along with the type of retirement plan in effect, if any. In addition, the exhibit shows the estimated benefits provided by the Boards for each position along with total compensation (salaries and wages plus benefits) and the percent of total benefits to salaries and wages.<sup>4</sup> Exhibit I(a) shows full-time staff and Exhibit 1(b) shows part-time staff.

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<sup>2</sup> NRS 281.123

<sup>3</sup> Supporting documentation includes; contracts, employment agreements, evaluations, meeting minutes.

<sup>4</sup> Benefits include; retirement contributions, group insurance, bonuses and allowances, and employer taxes.

**Exhibit I(a)**

**Salaries, Wages and Benefits: Full-Time Staff**

Board	Title	Salaries & Wages <sup>1</sup>		Retirement Plan <sup>4</sup>	Total Benefits <sup>5</sup>	Total Compensation	Benefit %
		Employer/Employee Paid	Employer Paid				
	<b>Governor<sup>2</sup></b>	<b>155,300</b>	<b>135,485</b>				
							(95 Percent of Governor's Salary)
Accountancy	Executive Director <sup>7</sup>	-	135,485	PERS	57,223	192,708	42%
Contractors	Executive Officer <sup>7</sup>	155,300	-	Other	38,618	193,918	25%
Cosmetology	Executive Director	155,300	-	PERS	35,497	190,797	23%
Medical	Executive Director <sup>7</sup>	-	135,485	PERS	57,281	192,766	42%
Pharmacy	Executive Secretary <sup>7,8</sup>	-	135,200	PERS	54,389	189,589	40%
Pharmacy	Deputy Executive Secretary	-	135,200	PERS	54,373	189,573	40%
Pharmacy	General Counsel	-	135,200	PERS	54,373	189,573	40%
Pharmacy	General Counsel	-	135,200	PERS	54,373	189,573	40%
Nursing	Board Counsel	-	135,000	PERS	51,999	186,999	39%
Nursing	Board Counsel	-	135,000	PERS	42,229	177,229	31%
Nursing	Executive Director <sup>8</sup>	-	135,000	PERS	51,999	186,999	39%
Pharmacy	Inspector	-	133,153	PERS	53,248	186,401	40%
Pharmacy	Inspector	-	133,080	PERS	53,223	186,303	40%
Dental	Executive Director	-	124,394	PERS	48,667	173,061	39%
Contractors	General Counsel	140,000	-	Other	53,400	193,400	38%
Engineers	Executive Director	140,000	-	Other	29,247	169,247	21%
Pharmacy	PMP Administrator	-	121,685	PERS	49,460	171,145	41%
Nursing	Director of Nurse Practice	-	120,515	PERS	48,005	168,520	40%
Pharmacy	Inspector	-	120,078	PERS	48,928	169,006	41%
Medical	Deputy Executive Director	-	119,305	PERS	50,656	169,961	42%
Nursing	Director of Nursing Education	-	117,744	PERS	50,683	168,427	43%
Contractors	Licensing Administrator	134,000	-	Other	41,758	175,758	31%
Contractors	Director of Investigations	134,000	-	Other	25,059	159,059	19%
Dental	General Counsel	-	115,000	PERS	45,784	160,784	40%
Osteopathic	Executive Director	-	110,600	PERS	43,665	154,265	39%
Cosmetology	Executive Director	117,074	-	PERS	29,166	146,240	25%
Physical Therapy	Executive Director	-	101,000	PERS	31,704	132,704	31%
Optometry	Executive Director	-	100,506	PERS	41,728	142,234	42%
Massage	Executive Director	-	98,061	PERS	41,956	140,017	43%
Investigators	Executive Director	-	97,154	PERS	42,246	139,400	43%
Alcohol, Drug	Executive Director	-	85,063	PERS	38,527	123,590	45%
Occupational	Executive Director <sup>8</sup>	97,238	-	Other	20,283	117,521	21%
Funeral	Executive Director	97,113	-	Other	32,834	129,947	34%
Petroleum	Chief Inspector	-	83,973	PERS	36,715	120,688	44%
Veterinary	Executive Director	-	81,034	PERS	37,348	118,382	46%
Architecture	Executive Director	84,460	-	PERS	22,843	107,303	27%
Chiropractic	Executive Director	83,666	-	PERS	28,013	111,679	33%
Marriage	Executive Director	80,000	-	PERS	13,979	93,979	17%
Social Workers	Executive Director	79,000	-	PERS	23,216	102,216	29%
Long-Term Care	Executive Director	74,344	-	SSA	11,145	85,489	15%
Psychological	Executive Director	63,725	-	PERS	14,146	77,871	22%
Opticians	Executive Director	57,002	-	PERS	16,291	73,293	29%

Source: Salaries, wages and benefits reported by Boards as of September 2019 for all Board employees with annual base compensation of \$115,000 and over.

Exhibit and Table Notes Continued on Next Page

**Exhibit I(b)**

**Salaries, Wages and Benefits: Part-Time Staff**

Board	Title	Salaries & Wages <sup>1</sup>				Retirement Plan <sup>4</sup>	Total Benefits <sup>5</sup>	Total Compensation	Benefit %
		Annual Salary		Hourly Rate <sup>3</sup>					
		Employer/Employee Paid	Employer Paid	Employer/Employee Paid	Employer Paid				
	<b>Governor<sup>2</sup></b>	<b>155,300</b>	<b>135,485</b>	-	-				<b>(95 Percent of Governor's Salary)</b>
Medical	Medical Reviewer	-	119,600	-	100.00	PERS	50,754	170,354	42%
Speech	Executive Director <sup>6</sup>	72,000	-	92.31	-	None	0	72,000	0%
Environmental	Executive Director <sup>6</sup>	24,000	-	92.31	-	None	0	24,000	0%
	<b>Governor<sup>2</sup></b>	<b>-</b>	<b>-</b>	<b>74.46</b>	<b>64.96</b>				<b>(95 Percent of Governor's Hourly Rate)</b>
Podiatry	Executive Director	23,400	-	30.00	-	None	0	23,400	0%
Landscape	Executive Director	37,000	-	28.46	-	SSA	3,348	40,348	9%
Court Reporters	Executive Secretary	49,140	-	26.00	-	SSA	9,974	59,114	20%
Athletic Trainers	Executive Secretary	20,000	-	25.64	-	SSA	1,783	21,783	9%
Homeopathic	Executive Director	24,000	-	23.08	-	None	0	24,000	0%
Oriental	Executive Director	20,400	-	23.08	-	None	0	20,400	0%
Barbers	Secretary/Treasurer	6,450	-	4.13	-	None	7,800	14,250	121%

**Source:** Salaries, wages and benefits reported by Boards as of September 2019 for all Board employees with annual base compensation of \$115,000 and over.

**Table Notes:**

- <sup>1</sup> Board reported salaries & wages classified according to Pay Policies approved by the Legislature for elected officials (Effective July 15, 2019): Pay Policy 30 for employee/employer paid retirement and Pay Policy 31 for employer paid retirement.
- <sup>2</sup> Governor's salary and rate represents 95% of the salary for the office of the Governor in accordance with NRS 281.123 as follows: (1) For Pay Policy 30 - 95% of \$163,474 and \$78.34; (2) For Pay Policy 31 - 95% of \$142,616 and \$68.38.
- <sup>3</sup> Hourly rates based on average hours worked as reported by Boards.
- <sup>4</sup> Retirement Plan: PERS = Public Employees Retirement System; SSA = Social Security Administration; Other = Nevada Deferred Compensation, Sep/IRA, or IRS 401(a) defined contribution plans where Boards make contributions to employee accounts based on a percent of compensation.
- <sup>5</sup> Benefits include employer contributions to retirement plans, group insurance, bonuses, expense allowances, and employer payroll taxes.
- <sup>6</sup> One executive director oversees three boards under a co-location and cost sharing arrangement. Executive director is an employee of the Occupational Therapy board and an independent contractor the other two boards. Combined salary and total compensation amount to \$193,238 and \$213,521 respectively. Contract with Speech board expires December 31, 2019 and will not be renewed.
- <sup>7</sup> Board positions noted as exceeding 95% of Governor's salary in original audit report (June 2018).
- <sup>8</sup> Statute requires the executive director of the Pharmacy board to have experience as a licensed pharmacist and the executive director of the Nursing board to be a licensed professional nurse.

3 E 6  
LC HC



This is the first meeting of the 2019-2020 Interim. Please see revised agenda for details.

📍 Room 4401 (Grant Sawyer) ▾

📄 View Archived Meeting

**PROPOSED REGULATION OF  
THE BOARD OF EXAMINERS FOR SOCIAL WORKERS**

**LCB File No. R055-19**

September 19, 2019

**EXPLANATION** - Matter in *italics* is new; matter in brackets omitted material is material to be omitted.

**AUTHORITY:** §§1-5, 13, 17-19 and 22, NRS 641B.160; §6, NRS 641B.160 and 641B.202; §7, NRS 641B.160 and 641B.200; §8, NRS 641B.160 and 641B.250; §§9 and 10, NRS 641B.160, 641B.280 and 641B.290; §11, NRS 641B.160 and 641B.275; §12, NRS 641B.160 and 641B.300; §14, NRS 641B.160, 641B.270 and 641B.271; §15, NRS 641B.160 and 641B.230; §16, NRS 641B.160 and 641B.240; §§20 and 21, NRS 641B.160 and 641B.280; §23, NRS 641B.160 and 641B.400.

A REGULATION relating to social workers; revising certain definitions; revising provisions governing the required display of a license or copy of a license; revising certain provisions regarding applications for initial licensure and applications for licensure by endorsement; removing requirements for an applicant for licensure to prove his or her citizenship or right to remain and work in the United States; revising how often certain applicants for licensure who have failed the required examination may retake the examination; revising the time period during which a person may apply for the restoration of an expired license; revising certain provisions governing provisional licenses; revising various fees imposed by the Board of Examiners for Social Workers; revising the types of payments that will be accepted by the Board; providing that payments regarding certain applications that have expired are nonrefundable; revising certain provisions relating to licensure by endorsement; revising certain provisions governing internship programs; increasing the number of interns who may be supervised by a supervisor without prior approval from the Board; revising provisions regarding continuing education requirements; revising provisions regarding certain responsibilities of a licensee to a client; revising provisions regarding unprofessional conduct; and providing other matters properly relating thereto.

3 i.i.



**New Board Assignments for Strategic Plan Goals Approved Friday, October 11, 2019**

- i. Goal 1. By 2023 BESW will achieve a 75% satisfaction rating from licensees – Stephanie Maplethorpe
- ii. Goal 2.A. By 2021 BESW will have online licensing and renewals – Stephanie Maplethorpe
- iii. Goal 2.B. By 2023 BESW will have transferred all appropriate documents from paper to digital formats – Susan Nielsen
- iv. Goal 3. By 2022 BESW will have all policies and procedures in place – Monique Harris
- v. Goal 4.A. By 2020 BESW will process new complaints against licensees per NRS and NAC – Vikki Erickson
- vi. Goal 4.B. By 2019 BESW will clear 75% of backlogged disciplinary cases prior to January 1, 2018 – Vikki Erickson
- vii. Goal 5.A. By 2019 BESW will convert to an accrual-based accounting system – Susan Nielsen
- viii. Goal 5.B. By 2023 BESW will have 5 months of operating funds in reserve – Monique Harris.



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

## **Strategic Plan Framework**

### **Communication and Public Relations**

**Critical Issue: BESW would like to improve its relationships with licensees, external partners, and other stakeholders, and be perceived as responsive, easy to work with, collaborative, and fair.**

**Goal 1. By 2023 BESW will achieve a 75% satisfaction rating from licensees.**

#### **Lead**

**Board Member: Stefaine Maplethorpe; Staff Member: Sandy Lowery**

Strategy 1.1: Conduct stakeholder engagement sessions with all constituencies regarding changes to BESW and 2019 Legislative Sessions

#### Action

- 1.1.1 Develop strategy to engage stakeholders in Southern and Rural Nevada.
- 1.1.2 Create feedback mechanisms to allow for two-way communication between BESW and SWs throughout the state.
- 1.1.3 Develop and adopt a scope of practice matrix for Nevada.
- 1.1.4 Update and implement the website as a communication option for effective communication.
- 1.1.5 BESW will work collaboratively with the Office of the Governor to ensure fundamental standards are understood and able to be implemented.

Strategy 1.2: Implement systems to create an effective feedback loop about complaints and satisfaction

#### Action

- 1.2.1 Engage with DPBH leadership to ensure a streamlined system exists with between the Behavioral Health Commission and BESW in regard to grievances.
- 1.2.2 Create workgroup to create satisfaction survey.
- 1.2.3 Execute online satisfaction surveys as part of the licensing process.
- 1.2.4 Establish baseline satisfaction rating from licensees.
- 1.2.5 Workgroup to review satisfaction rating results and make recommendations to the board.

## **Operations**

**Critical Issue: BESW operations need to be more streamlined, modernized, efficient, and user friendly.**

**Goal 2.A. By 2021 BESW will have online licensing and renewals.**

### **Lead**

**Board Member: Stefaine Maplethorpe; Staff Member: Sandy Lowery**

**Goal 2.B. By 2023 BESW will have transferred all appropriate documents from paper to digital formats.**

### **Lead**

**Board Member: Susan Nielsen; Staff Member: Sandy Lowery**

Strategy 2.1: Work through and archive all paper files as appropriate.

#### Action

2.1.1 Identify records that can archived or destroyed based on the State of Nevada record retention policy.

2.1.2 Archive records eligible as allowed by the record retention policy.

2.1.3 Destroy records eligible as allowed by the record retention policy.

Strategy 2.2: Move to computer-based systems as the baseline for documentation for BESW operations.

#### Action

2.2.1 Digitize any document that does not need to be maintained as paper as determined by the record retention policy.

Strategy 2.3: Implement technological solutions to promote data gathering, retention, and sharing.

#### Action

2.3.1 Beta test new online licensing records system.

2.3.2 Ensure accuracy of the online licensing records system.

2.3.3 Implement the online licensing records system.

**Goal 3. By 2022 BESW will have all policies and procedures in place.**

### **Lead**

**Board Member: Monique Harris; Staff Member: Karen Oppenlander**

Strategy 3.1: Implement a solution-oriented customer service approach throughout the office.

Action

3.1.1 Engage and encourage staff in identifying solutions.

3.1.2 Train and support staff in principles of solution-oriented customer service.

Strategy 3.2: Ensure up to date, accurate policies and procedures.

Action

3.2.1 Evaluate policies and procedures to address compensation and performance of board staff.

3.2.2 Review and revise human resource policies and procedures.

3.2.3 Review and revise financial policies and procedures.

3.2.4 Review and revise programmatic policies and procedures (CEUs, applications, renewals, internships, etc.)

Strategy 3.3: Develop policies and procedures for management of data.

Action

3.3.1 Develop policies and procedures.

3.3.2 Train staff on procedures.

3.3.3 Update policies as needed.

Strategy 3.4: Implement Board and staff training.

Action

3.4.1 Define and complete Board training as required by AB457.

3.4.2 Identify and schedule other trainings for the Board.

3.4.3 Contact the Department of Human Resource Management to identify training opportunities for the staff.

3.4.4 Identify and schedule training for the staff annually based on requirements and needs.

### **Disciplinary Function of the Board**

**Critical Issue: BESW will ensure appropriate, timely processing of complaints against licensees.**

**Goal 4.A. By 2020 BESW will process new complaints against licensees per NRS and NAC.**

**Lead**

**Board Member: Vikki Erickson; Staff Member: Karen Oppenlander**

**Goal 4.B. By 2019 BESW will clear 75% of backlogged disciplinary cases prior to January 1, 2018.**

**Lead**

**Board Member: Vikki Erickson; Staff Member: Karen Oppenlander**

Strategy 4.1: Ensure understanding in making the threshold determination for when an investigation will go forward.

Action

4.1.1 Work with the Office of the Attorney General to determine the process to dismiss disciplinary cases as appropriate.

Strategy 4.2: Ensure internal compliance with existing NRS and NAC related to disciplinary action.

Action

4.2.1 Determine resources needed to ensure internal compliance.

4.2.2 Secure resources to execute internal compliance.

4.2.3 Implement internal compliance practices.

Strategy 4.3: Evaluate NRS and NAC for changes to improve the disciplinary process.

Action

4.3.1 Work with the Office of the Attorney General to evaluate existing law and policies related to discipline and the ability to adopt a disciplinary statute of limitations.

4.3.2 Identify NAC changes needed related to the process to dismiss disciplinary cases as appropriate.

4.3.3 Research best practices for disciplinary action in other states.

4.3.4 Evaluate NRS and NAC to determine whether changes to requirements of DAG review are required for case dismissals.

**Financial Positioning**

**Critical Issue: BESW needs to strengthen accounting practices and ensure financial sustainability.**

**Goal 5.A. By 2019 BESW will convert to an accrual-based accounting system.**

**Lead**

**Board Member: Susan Nielsen; Staff Member: Sandy Lowery**

**Goal 5.B. By 2023 BESW will have 5 months of operating funds in reserve.**

**Lead**

**Board Member: Monique Harris; Staff Member: Karen Oppenlander**

Strategy 5.1: Set up an accrual-based system for accounting.

Action

5.1.1 Work with current auditor to transition existing accounting system to accrual-based system.

5.1.2 Generate quarterly cash flow reports to demonstrate accountability to internal and external stakeholders.

5.1.3 Transfer data from Quicken to QuickBooks to support accrual-based system of accounting.

5.1.4 Draft policies and procedures to reflect accrual-based accounting practices.

Strategy 5.2: Strengthen financial position of BESW.

Action

5.2.1 Evaluate opportunities for efficiencies in financial management and tracking.

5.2.2 Evaluate potential fee increases for licensing and renewal.

5.2.3 Evaluate other areas for potential fees (CEUs, changing internship sites, administrative.)

5.2.4 Implement collection practices for recovering costs for attorney and investigation expenses.

5.2.5 Review in-kind agreements and formalize if necessary.

Strategy 5.3: Ensure systems are in place for fiscal accountability.

Action

5.3.1 Establish finance/audit work group.

5.3.2 Utilize recommendations from finance/audit work group to manage risk.

5.3.3 Analyze opportunities to strengthen the financial position of BESW.



# COMMUNICATIONS AND PUBLIC RELATIONS



**BESW to improve its relationships with licensees, external partners, and other stakeholders, and be perceived as responsive, easy to work with, collaborative, and fair.**

	2019	2020	2021
<b>GOAL 1: BESW will achieve a 75% satisfaction rating from licensees (by 2023)</b>	3 Satisfaction Questions (Tallied by Capitol Partners) = 89%, 77%, 84%	Generate Data From Online System	Determine If Improvements, Enhancements Are Acceptable
<b>Strategy 1.1.: Conduct stakeholder engagement sessions with all constituencies regarding changes to BESW and 2019 Legislative Sessions</b>	Re: NAC Change – Held 2 Public Workshops, 1 Public Hearing as well as Business and Licensee Surveys	Update Website re: Changes	Update Strategy for 2021 Legislative Session
<b>Strategy 1.2: Implement systems to create an effective feedback loop about complaints and satisfaction</b>	Interested? Please Call Karen at 775-688-2555	Develop and Implement Data Gathering System in 2020	Determine if Data Gathering System is Appropriate



# OPERATIONS

BESW operations need to be more streamlined, modernized, efficient, and user friendly.



	2019	2020	2021
<b>Goal 2 A: BESW will have online licensing and renewals (by 2021)</b>	Renewals Were Online - February 2019	Continue ...	Licensing Applications Will Be Online by 2021
<b>Goal 2 B: BESW will have transferred all appropriate documents from paper to digital formats (by 2023)</b>	Executive Director, Legal Secretary II Attended State of Nevada Digital Retention Course in 2019	Deputy Director and Other Staff to Attend Nevada Digital Retention Course in 2020	Create Staff Plan to Transfer All Appropriate Documents from Paper to Digital Formats (By 2023)
<b>Strategy 2.1: Work through and archive all paper files as appropriate</b>	Executive Director Attended State Archives Workshop by 2019	Deputy Director and Other Staff to Attend State Archives Workshop in 2020	Remaining Staff to Attend State Archives Workshop in 2021



# OPERATIONS (Continued)

BESW operations need to be more streamlined, modernized, efficient, and user friendly.



	2019	2020	2021
<p><b>Strategy 2.2: Move to computer-based systems as the baseline for documentation for BESW operations</b></p>	<p>Installed Big Picture Software Platform in 2019</p>	<p>Plan to Add Modules to Big Picture Software Platform in 2020</p>	<p>Add Applications and Disciplinary Modules in 2021</p>
<p><b>Strategy 2.3: Implement technological solutions to promote data gathering, retention, and sharing</b></p>	<p>Enhanced Renewal Module for Data Gathering Opportunities in 2019</p>	<p>As Part of Plan (Above) Determine Enhancements Needed to Promote Data Gathering</p>	<p>As Modules are Added, Continue to Pursue Technological Solutions</p>
<p><b>Goal 3: BESW will have all policies and procedures in place (by 2022)</b></p>	<p>Began to Gather Policies and Procedures from Similar Entities</p>	<p>Reach Out to Business and Industry to Review Their Policies and Procedures</p>	<p>Implement Policies and Procedures that are in Alignment with Legislative Direction for Boards and Commissions</p>



# OPERATIONS (Continued)

BESW operations need to be more streamlined, modernized, efficient, and user friendly.



	2019	2020	2021
<b>Strategy 3.1: Implement a solution-oriented customer service approach throughout the office</b>	Engage And Encourage Staff To Identify Solutions	Build Staff Skills in Customer Service	Create a Plan to Positively Transform the Customer Experience
<b>Strategy 3.2: Ensure up to date, accurate policies and procedures</b>	Gather, Review Current Policies and Procedures	Make Current Policies and Procedures Available to All Concerned	Based on Potential 2021 Alignment with Business and Industry, Align Current Policies and Procedures with B&I Policies and Procedures
<b>Strategy 3.3: Develop policies and procedures for management of data</b>	Continue to Work in Concert with State of Nevada to Gather and Disseminate Required Data	Develop Written Data Policies and Procedures that Conform to State of Nevada Requirements	Determine if BESW Data Policies and Procedures are in Alignment with Business and Industry Oversight
<b>Strategy 3.4: Implement Board and staff training</b>	Board Training Complete; ED Trained 2018, 2019	Board Training To Be Online in 2020	Staff to Complete Online Training as Appropriate



# DISCIPLINARY FUNCTION OF THE BOARD

BESW will ensure appropriate, timely processing of complaints against licensee.



	2019	2020	2021
<b>Goal 4 A: BESW will process new complaints against licensees per NRS and NAC (by 2020)</b>	Worked with DAG to Review 641B; Developed a Board Approved Priority Process for Clearing Cases	Review 641B with New DAG and Evaluate Need for Changes; Director to Attend ASWB Conference on Regulatory Research	Based on 2020 ASWB Conference Sessions, Consider Improvements to BESW Processes
<b>Goal 4 B: BESW will clear 75% of backlogged disciplinary cases prior to Jan. 1, 2018 (by 2019)</b>	27 Cases (42%) Were Cleared of 62 Backlogged Cases	Clear 100% of Pre-2018 Cases by Dec. 31, 2020; Revise Goals	TBD
<b>Strategy 4.1: Ensure understanding in making threshold determination for when an investigation will go forward</b>	Compliance Unit is Verifying Cases as per Clarification of 641B NRS and NAC Combined	Continue to Verify Cases as Per 641B; Revise Goals	TBD



## DISCIPLINARY FUNCTION (CONTINUED)

BESW will ensure appropriate, timely processing of complaints against licensee.



	2019	2020	2021
<p><b>Strategy 4.2: Ensure internal compliance with existing NRS and NAC related to disciplinary action</b></p>	<p>Worked with DAG to Review 641B</p>	<p>Review 641B with New DAG</p>	<p>Continue to Ensure Compliance</p>
<p><b>Strategy 4.3: Evaluate NRS and NAC for changes to improve the disciplinary process</b></p>	<p>Introduced 641B NAC Changes in 2019 and Guided These Through Administrative Rulemaking Process</p>	<p>Make Recommendations for 641B NRS, NAC Changes in 2020</p>	<p>As Appropriate, Introduce 641B NRS, NAC Changes in 2021 Legislative Session</p>



# FINANCIAL POSITIONING

**BESW needs to strengthen accounting practices and ensure financial sustainability.**



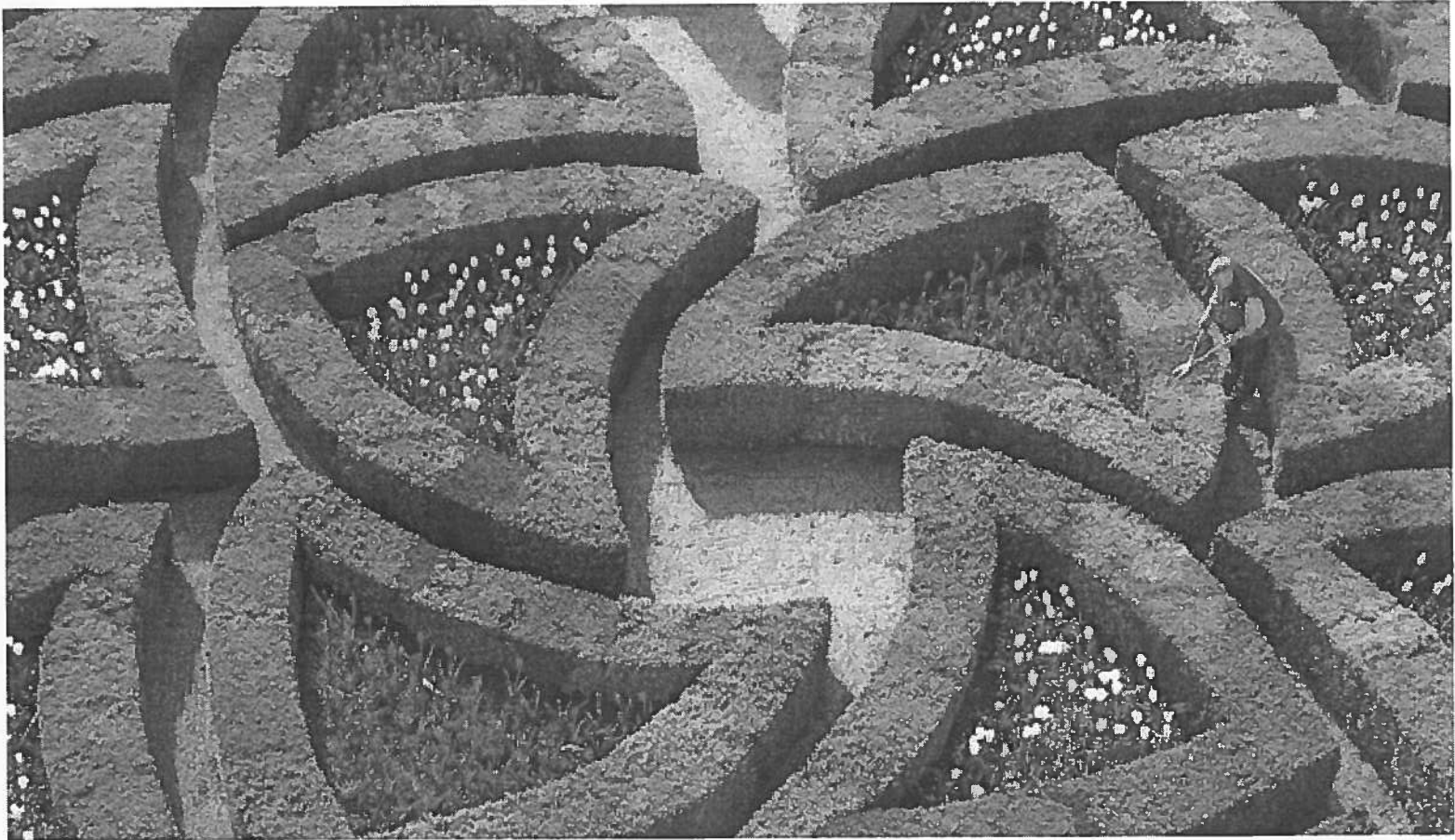
	2019	2020	2021
<b>Goal 5 A: By 2019 BESW will convert to an accrual-base accounting system</b>	Staff Worked with Executive Branch and Legislative Counsel Bureau Auditors to Convert to a Cash/ Accrual Based Accounting System and Financial Presentation	Revise Goal	TBD
<b>Goal 5 B: By 2023 BESW will have 5 months of operating funds in reserve</b>	Financial Projections Now Indicate that BESW Will Be Able to Achieve Goal Based 5 Months of \$40K of Operating Costs for a Total of \$200K	Board to Determine How to Fund Reserves to Achieve Goal	Continue to Monitor Progress
<b>Strategy 5.1: Set up an accrual-based system for accounting</b>	The Board Moved to a Hybrid System (Cash/ Accruals) Based System	Revise Goal	TBD
<b>Strategy 5.2: Strengthen financial position of BESW</b>	Introduced Legislation for Fee Increases and 641B NAC Changes; Guided NAC Changes Through Admin. Rulemaking Process	Implement Fee Increases	Monitor Progress
<b>Strategy 5.3: Ensure systems are in place for fiscal accountability</b>	BESW hired temp bookkeeper in 2019 to assist with fiscal accountability.	Will contract with Bookkeeper for 2020.	TBD

STRATEGIC PLANNING

# Strategic Plans Are Less Important than Strategic Planning

by Graham Kenny

June 21, 2016



Mention the word “plan” to most managers and the image that springs to their minds might well be a travel plan. Drawn up by travel agents, these lay out in clear and certain terms the sequence of your trip and what to expect when, specifying: where you’re going from, your destination, where you’ll stay en route and when, how you’ll travel, and so forth.

When they think of the kind of plans managers employ, often referred to as blueprints. The result is much the same as with travel: a specific beginning and end with precise steps along the way. Both plans are neat, prescribed, determined — and manageable. You figure out what to do and then do it.

But not all types of plans have that level of precision. In a fluid, unpredictable environment you need to have a very different understanding of plans and planning. A case in point is military strategy.

Helmuth Karl Bernhard Graf von Moltke, also known as Moltke the Elder, lived between 1800 and 1891. He was a German Field Marshal and is credited with creating a new approach to directing armies in the field. This entailed developing a series of options rather than simply a single plan. Moltke the Elder held the view that only the commencement of any military operation was plannable. He famously stated that “no plan of operations extends with certainty beyond the first encounter with the enemy’s main strength.” This has also been popularly interpreted as “no plan survives contact with the enemy.”

Much later Winston Churchill (1874 — 1965) came out with this pithy statement: “Plans are of little importance, but planning is essential.” As a graduate of Britain’s elite Royal Military College at Sandhurst he would certainly have read or heard about Moltke the Elder’s insights on plans and planning.

The U.S. General Dwight D. Eisenhower (1890 — 1969) had a similar take: “plans are worthless, but planning is everything.” This statement came from a speech to the National Defense Executive Reserve Conference in Washington, D.C. on November 14, 1957. He went on to explain: “There is a very great distinction because when you are planning for an emergency you must start with this one thing: the very definition of ‘emergency’ is that it is unexpected, therefore it is not going to happen the way you are planning.” Like Churchill, Eisenhower appears to be channelling Moltke the Elder.

Like military strategy, business strategy is developed and applied in a fluid, unpredictable environment, and the distinction that Moltke, Churchill, and Eisenhower draw between planning and the plan is very pertinent for senior executives charged with crafting a company



strategy. All too often, I find, executives seem to share the traveler's and manager's understanding of planning and the trick to helping them create a strategy that will actually work lies in getting them to rethink that view. What does that involve? Let me share with you a few principles I've learned from my more than 25 years of facilitating strategic planning sessions.

**Think of the plan as a guidance tool.** The problem for many managers is that their expectations are all skewed from what can be realistically achieved via a strategic plan. Their image is more of the house-plan type or travel itinerary. They anticipate that by doing the necessary analysis and writing down how their business will succeed the world will be converted from uncertain to certain. In their eyes the strategic plan becomes a device for *control* rather than one of *guidance*. They're not comfortable with the fluid and uncertain Moltke-the-Elder concept. This can manifest itself as "we've given up on strategic planning." This emanated from a CEO whose experience in writing "it" all down was that he got it all "wrong" as things changed rapidly. In other similar situations executive teams find themselves simply ignoring any document that is produced.

**Look for disagreements and toward the future.** Even though your plan is liable to become immediately irrelevant, you still need to invest in writing it up. Why? There are two reasons. The first is to surface disagreements that may otherwise remain hidden. You can have all the discussions you like with your fellow staff and think that your management team is in agreement, until you actually distill these discussions in a written document that people have to sign off on. It's in the crafting of your organization's position that you realize that, well no, we're not all on the same page. The second reason is that it provides a platform from which change can be leveraged. This line-in-the-sand concept may seem paradoxical but the very process of preparing the plan has you thinking about the future and assembling resources. Moltke the Elder wasn't advocating *not* having a plan to start with but that the plan itself and the planners needed to be flexible because it generates preparedness.

**Focus on the organization and key stakeholders, not individual actions.** A plan can't be "strategic" if it's simply about action by individuals. While action is fundamental to implementation and success, there's another level above that — the organization level. In my experience *most* managers, operating as they do inside their organization, aren't fully

organization of this important distinction. This can have them launching prematurely into who, what and when or, at the very least, unconsciously crisscrossing between the organization and individual levels. Business strategy operates at the corporate level while action functions at the individual level. Remain aware of this underlying logic and keep a firm focus on your organization and its relations with its key stakeholders. Develop business strategy for each stakeholder in turn but also acknowledge the causal link between them.

**Assume the plan is a work in progress.** A strategic plan is not a set-and-forget instrument. It's a living and breathing document that guides decision making and helps marshal resources. When managers talk about "giving up on strategic planning" I suggest that they haven't thought through how to keep their plan fresh. The fact that circumstances are changing rapidly is a very good reason to visit their plan regularly. How regularly? This varies by industry, of course, but my general recommendation to most clients is monthly. Your executive committee may meet more frequently, perhaps weekly, so put aside the first meeting of each month for a plan review. This allows you to not only update the document due to changed conditions but to also go through the actions that were scheduled for completion as part of the execution process. Make your agenda item "progress against strategic plan."

Moltke the Elder wasn't in business nor born in the modern era. Yet my guess is he'd have made an excellent keynote speaker at a conference on our modern obsession, "disruption." He understood that the world doesn't stand still while we plan. He also appreciated the importance of planning's role in preparing for change. Your strategic plan is an essential device in navigating disruption's headwinds.



**Graham Kenny** is managing director of Strategic Factors, a Sydney-based consultancy that specializes in strategic planning and performance measurement, and president of Reinvent Australia, an organization that focuses on the nation's future development.

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## **Board Meeting Dates for 2020**

Friday, January 10, 2020

Friday, March 13, 2020

Friday, May 8, 2020

Friday, July 10, 2020

Friday, September 11, 2020

Friday, November 13, 2020

