



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, October 11, 2019 at 9:00am

**University of Nevada, Reno
System Computing Services (SCS) Building, Room 47
Building 133 - off 16th 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 Meeting Minutes
 - i. July 30, 2019 Board Workshop Minutes
 - ii. July 31, 2019 Board Workshop Minutes
 - iii. August 9, 2019 Board Meeting Minutes.
 - B. (For Possible Action) Review, Discussion and Possible Approval of Transcripts (in Lieu of Minutes)
 - i. September 11, 2019 Public Workshop Transcript
 - ii. September 12, 2019 Public Workshop Transcript.
 - C. (For Possible Action) Review, Discussion and Possible Approval of Request Re: Completion of the Monitor/ Consultant Portion of G11-08 Consent Decree (JD).

- D. (For Possible Action) Review, Discussion and Possible Approval of Board Assignments for Strategic Plan Goals
 - i. Goal 1. By 2023 BESW will achieve a 75% satisfaction rating from licensees
 - ii. Goal 2.A. By 2021 BESW will have online licensing and renewals
 - iii. Goal 2.B. By 2023 BESW will have transferred all appropriate documents from paper to digital formats
 - iv. Goal 3. By 2022 BESW will have all policies and procedures in place
 - v. Goal 4.A. By 2020 BESW will process new complaints against licensees per NRS and NAC
 - vi. Goal 4.B. By 2019 BESW will clear 75% of backlogged disciplinary cases prior to January 1, 2018
 - vii. Goal 5.A. By 2019 BESW will convert to an accrual-based accounting system
 - viii. Goal 5.B. By 2023 BESW will have 5 months of operating funds in reserve.
- E. (For Possible Action) Review, Discussion and Possible Approval of Reserve Policy Revisions
 - i. Reserve Policy Handout (Board Approved 6/14/2019)
 - ii. Review of Financials
 - a) Snapshot of Income and Expenses for July and August 2019
 - b) Review of Financials for Month Ending July 31, 2019
 - c) Review of Financials for Month Ending August 31, 2019
 - d) Review of Bank of America Accounts Overview - October 1, 2019
 - e) Review of Fixed Term CD Activity - October 1, 2019
 - iii. Utilization of Existing Accounts (Board Staff Differentiation)
 - a) Checking
 - b) Savings (aka Emergency Savings)
 - c) CD (aka Reserves)
- F. (For Possible Action) Review, Discussion and Possible Approval of NAC Submission Changes Made During Negotiation With Legislative Counsel Bureau
 - i. FYI Only – LCB to Codify NACs
 - ii. NAC Changes Have Been Reviewed in Public Workshops (September 11 and September 12) and the Dept. of Public and Behavioral Health (September 13)
 - iii. One Page Summary of Modifications to Board Approved NAC Changes
 - iv. LCB Approved Language (R055-19) as Written
- G. (For Possible Action) Review, Discussion of Surveys (Capitol Partners)
 - i. Small Business Impact Survey
 - ii. Licensee Survey
- H. Review, Discussion of Veteran's Administration Changes and ASWB Feedback to the Veteran's Administration
- I. Executive Director's Report:
 - i. 2020 Board Calendar
 - ii. Reports of Occupational Licensing Boards (Quarterly Licensing Numbers)
 - iii. October 8 2019 – FYI to Board of Examiners Review of Albertson Consulting Contract for Maintenance of Online Renewals Software and Additional Software Patches
 - iv. ASWB Handout re: Inclusion of NASW NACs in Regulations
 - v. Next Board Meeting December 13, 2019
 - vi. Future Agenda Item Ideas
 - a) Contract for Bookkeeping Services.

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. (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; 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

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Board Minutes
July 30, 2019 Minutes



STATE OF NEVADA

BOARD OF EXAMINERS FOR SOCIAL WORKERS

4600 Kietzke Lane, Suite C121, Reno, Nevada 89502

MINUTES OF BOARD WORKSHOP JULY 30, 2019

MEETING CALLED TO ORDER and ROLL CALL:

The workshop of the Board of Examiners for Social Workers (BESW) was called to order by Vikki Erickson, Board President, at 9:07 a.m., July 30, 2019. The workshop was held at Kietzke Plaza Professional Offices, Conference Room G-160, 4600 Kietzke Lane, Reno, NV 89502. President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum.

The roll call was initiated by President Erickson with the following individuals present:

Members Present:

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

Staff, Advisors Present

Michael Detmer, Esq., Board Counsel (**Detmer**)
Miranda Hoover, Capital Partners (**Hoover**)
Sandra Lowery, LCSW, LCADC, Deputy Director (**Lowery**)
Karen Oppenlander, LISW, Executive Director (**Oppenlander**)

Guests

Dr. Kathleen Bergquist, LCSW, University of Nevada, Las Vegas
Dr. Shadi Martin, University of Nevada, Reno
Rota Rosachi, LSW, Nevada Public Health Foundation

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

PUBLIC COMMENT:

Rota Rosachi: I just wanted the Board to know that I've been a social worker for 44 years and I've been practicing social work long before licensure, when anyone with a degree from any college could call themselves a social worker. During 1987, the legislature established educational and training standards with the ultimate objective of requiring a bachelor's degree in social work. The licensing law was sought to help professionalize the field of social work and to set standards by which social work ethics and code of conduct could be measured and evaluated.

The legislature recognized many individuals who were practicing as social workers in Nevada but did not meet the educational standard. To prevent any unfairness, they enacted a grandfather clause: the Licensed Associate in Social Work, LASW. The employers had to certify the individuals held themselves out to the public as a social worker and engaged in the "application of method, principal and techniques of case work, group work, community organization, administration, planning, consultation and/ or research to assist persons, groups and/ or communities to enhance or restore their ability to function physically, socially and economically, which comes directly from 641B.030(2) which defines social work." In cases where the LASW was granted, the Board determined the positions, duties that constituted the practice of social work. The key was not what the individual position was called but the duties performed and whether a reasonable member of the public believed the individual was a social worker.

The social work licensing law went into effect July 1st, 1988. I applied for my social work license shortly thereafter and now carry a licensed social worker license (LSW) number 0185-S. I'm here today to represent LSWs. I brought up the history of the LASW as 31 years after licensing, it is noted that public agencies and others are short licensed social workers and are now once again using non-social-workers to do what the field identifies as social work. The Association of Social Work Board's "Model Social Work Practice Act" (Act), states that social work is a learned profession affecting public health and welfare.

The Act provides the definition of what baccalaureate social work means on page four of the Act. Under Article III, Section 306, it states a BSW is authorized to engage in independent practice (defined in Article I, Section 108 (q) after completing two years of full time supervised practice.

NAC 641B.044 conflicts with the Act: to engage in the practice of social work as a social worker under the supervision of an agency.

NRS 641B.220 grants social work and LASW licenses and it doesn't give permission on independent work but it also doesn't prohibit.

Page nine of the Act defines independent practice meaning practice of social work outside of an organized setting such as a social, medical or governmental agency in which the social worker assumes responsibility and accountability for services provided.

I've tried to represent this independent practice at prior social work Board meetings/ hearings. There are a couple of other reasons why I represent the LSW license e.g. the cost of a license. We are the lowest paid of all of the social work licenses and there's limited opportunities for us to increase our employment. Also, I'm here because there's a failure rate of social workers when taking the national social work license exam; we need to work together to help with test taking and the cost of the examination itself. And I've been hearing social workers who are leaving the State of Nevada because of their lack of ability to pass the test; or, they are not being able to be licensed at all.

I wanted to be a part of the solution, not part of the problem. I read every page of the handouts to prepare for this meeting. I also believe that the organization that I work for could apply for NAC 641B.191(2) as an approved provider of continuing education. My organization is a 501(c)(3) educational institute designated by the IRS. We possess the

ability to provide professional quality programs of continuing education as demonstrated by the years of CEU applications to the Board; it is led by a social worker with at least three years of experience. I believe this will help reduce the number of people and the time it takes for the Board to approve CEU requests.

Thank You.

Asking for further public comment and there being none, **Erickson** moved to **Agenda Item 3: Board Retreat: Review of 2018-2023 BESW Strategic Planning Process**. She referred the planning process item to **Oppenlander** who reminded the Board that almost one year ago, the BESW organization came up with its first strategic plan. To set the framework for the day, she prepared everyone by stating that we would be working in small time increments and to be efficient we would be putting a lot of things on a “parking lot”; and, we would be coming back to those items throughout the retreat or after the retreat. To be the most effective, she introduced some “ground rules” and the group also added others. The ground rules included laughter, being respectful of each other and our different opinions (any opinion is a good opinion), listening, and don’t speak when someone else is speaking. She went on to give the group a sense of the timeframe for the retreat with each day beginning at 9 a.m. with some refreshments. Today, she’d start with an educational session re: Board strategy, **Detmer** would give an overview of the NAC change process, **Erickson** would talk about the ASWB Model Practice Act, and **Harris** would discuss public feedback around fee increases. Also, that the group would be taking a one hour break for lunch.

Oppenlander reviewed how the Board came up with its strategic plan last year. She reminded Board members that they had hired Kelly Marshall from Social Entrepreneurs to create a strategic planning process to look at all the things that the organization could do to achieve its mission and then get focused on what it should do. Kelly utilized a clinical planning process that would work for a clinician to strategize (make plans) with a client. Using this process, the Board was able to equate the clinical process with the Board’s strategic planning process e.g. identifying long term goals (patient goals), what strategies would help the patient (or in the Board’s case: the organization) to move closer to their goals, how would you measure progress as a patient (or how would we measure the Board’s progress?), and what interventions are needed. To come up with this approach, Kelly first drew from an assessment that the Board completed prior to the 2018 Board Retreat to help identify its most critical areas.

Oppenlander suggested some of the things that BESW ought to consider moving forward. On the first page of the strategic plan, it states that “by 2023, BESW would achieve at a 75% satisfaction rating from licensees”. As the Board member leading this goal just retired from the Board, we don’t have a “leader” for this section now. And in general, this would be a good time to split up the four remaining Board members so that only one member is responsible for each goal. She asked Board members to consider which goals they would like to be the leader for. **Detmer** agreed and explained why it would no longer be a good idea to assign two members to a goal as anytime we create a subcommittee with two members, we’re going to be subject to the open meeting laws. This means that every time the members would meet, it would require BESW to basically conduct it like any other standard public meeting, with clear and concise statements on the agenda, and also record and publish the minutes.

Next, **Oppenlander** moved to **3B: Factors to Consider in Updating the Strategic Plan (i) June 2019 Recommendation from State of Nevada Executive Branch Audit Committee**.

She covered the first area where an outside recommendation will likely affect BESW future strategic planning. There is a recommendation is coming from the executive branch of government audit committee (EBAC). In the Board packet in section three, there's a Boards and Commissions, Independent Occupational Professional License Boards, Governor Audit Report that was issued on June 25th of 2019. She went on to summarize from the minutes of that meeting.

Mark Richards (from EBAC) reported that the EBAC audit was conducted last year and focused on state governance and regulatory practices of the 34 independent licensing Boards. It was recommended by EBAC that the Boards be established under the Department of Business and Industry. The Office of the Attorney General determined that the Boards, even though fee funded, were subject to oversight by both the executive and legislative branches. Oversight of the Boards has been an ongoing discussion for many years. In 1992, a study of Nevada's state government structure determined that the proliferation of Boards diluted responsibility and accountability such that the Governor may not have been able to coordinate and ensure the appropriateness of Board policies and actions. The study recommended that a liaison state department provide executive oversight of the Boards. According to the 2019 EBAC report, the findings of the 1992 study are still relevant today. Each Board through its enacting legislation is granted the authority to oversee its own practices. Board members, generally appointed for their knowledge of the profession, are solely responsible for the oversight of the Board activities.

There is no executive branch agency or officials with responsibility for the coordination of oversight of all Boards. Existing oversight is exercised primarily by the legislature through the Legislative Commission Sunset Committee. Sunset's mandate is to review a minimum of 10 Boards at during each interim session.

The report went on to say: Of the executive branch departments, Business and Industry is uniquely positioned to fulfill the state liaison role contemplated by the 1992 study. In that role, Business and Industry (B&I) could ensure the coordination and appropriateness of Board practices as well as provide the benefit of support and shared services for some Boards. B&I is currently organized, staffed, and experienced in providing oversight and support for a diverse group of 23 regulatory bodies. So on page 37 of the report, there is a picture in of an umbrella; that is how B&I looks and where we would be placed under that umbrella.

While future B&I oversight structures are currently undetermined, a semi-autonomous structure may be best for balancing executive oversight with the existing autonomous structure favored by the Boards. So, as you know, you fought to stay an autonomous Board during the prior legislative session. Under a semi-autonomous structure, Boards could potentially retain their independent authority to license and establish standards for the professions and would also benefit from B&I oversight and support as appropriate. B&I oversight could also benefit the Legislature's Sunset Committee by providing coordinated information and analysis of the Boards as a group.

Also, B&I could function as a state supervisor to mitigate exposure to antitrust liability as per statements made by the Federal Trade Commission. (See page 37 re: Board members as active marketplace participants that regulate themselves).

Furthermore, B&I could be given authority to establish standards for BESW policy and procedure manuals in the future. In the BESW strategic plan, there is currently a goal to create

BESW policies and procedures. If the intent is to move BESW to B&I oversight effective in January 2022, then it makes sense to fulfill this goal in alignment with B&I's standards. In the same way, unregulated Boards are not subject to certain statutes. In the future, we would likely be subject to other changes e.g. the personnel act, budget act, and state internal controls and procedures.

B&I Director Michael Brown was at the EBAC meeting in Carson City when this report was introduced along with the Lieutenant Governor, the State Treasurer and Secretary of State. In Las Vegas was the Attorney General and Governor Sisolak. Brown was asked to speak about this proposition that was being made to his organization. Would B&I like to be the umbrella organization for all of this? Brown noted that this was initially proposed in 1963 by Governor Sawyer in attempt to bring regulatory coherence. His department was expanded in 1993 to what is shown in the umbrella picture illustrating that B&I provides accounting, purchasing and administrative services through the Director's office. The shared services effectively removed agencies from having to deal with that on an individual basis and it has yielded some economies of scale from bringing agencies on a horizontal basis. Brown has been looking at how this idea was proposed in other states. He has focused especially on Utah and Colorado models as they are both growing, western states that are approximately equal in size to Nevada with prosperous economies and having an equivalent to B&I in their states. The Deputy Director of B&I spoke about how they did not insert B&I itself into policy decisions with each of the Boards and Commissions under its current purview; but, it provides administrative review, procedural consistency that allows the Boards and Commissions to handle their day to day business in their specific areas. It also brings consistency to the open meeting laws, administrative processes within the state. The Director of B&I stated that the draft EBAC audit report on Nevada's licensing Boards identifies the many governance gaps in organizations that function within state government. He said that the current patchwork of Boards is inefficient and creates substantial financial data security, human resources and reputational risk; that they lack standardized financial, human resource and other administrative controls. There was concurrence between the EBAC recommendation, the Director of B&I's assessment of the situation and a statement by the Governor who intends to move forward with this recommendation during the next legislative session.

Dr. Kathleen Bergquist asked if this approach may be laying the groundwork for consolidating behavioral Boards. Having heard similar comments, **Oppenlander** had heard about this when the 2018 Legislative Sunset Committee was discussing this approach. During the last interim session, Sunset decided to not merge the four behavioral Boards in 2018. This newer 2019 solution is different as it is being offered by the executive branch.

Erickson agreed and hearing about this different type of option to let the Board do what the Board does best and take the burden of a lot of the other issues off the table. She asked about the structure and **Oppenlander** answered that the Colorado and Utah models referred to by Director Brown are shown on page 37 of the handout.

Nielsen said: Having worked for the federal government, we had a lot of stages, approvals, and briefings when we were doing something like this; I think of the middleman in the process. **Harris** wondered about how this would all be paid for. **Oppenlander** stated that the report suggests that B&I would be able to access general fund monies to do some of the oversight required. This oversight would include various tasks including: smaller Boards would have to go to B&I to get their budget reviewed before the Board approved them; that executive directors

would have job descriptions provided by B&I; that B&I would assist the Boards with the executive director interview process; would help the Boards with leases, etc. **Oppenlander** stated that if this recommendation is legislated, the plan is to put this in place in January 2022.

Harris asked if this is a good time to talk about fee increases with such uncertainty. **Oppenlander** stated that we have to consider fee increases now as we have mandates that we can't meet without fee increases.

Nielsen aired her concerns about statements made in the document saying that the Federal Trade Commission suggested that active supervision would be provided by the executive branch administrator agency or by an official that oversees regulatory Boards; also, that oversight would be given for making personnel decisions as a hiring agency for the Boards. **Maplethorpe** mentioned that the Board hired the executive director and did the interviewing; and in the future, B&I would be involved in the process. **Oppenlander** agreed that B&I could be part of the process to help with vetting for needed experience, helping to create job descriptions that are appropriate for running licensing Boards and so on.

Hoover: Regarding this process and this issue, I have been in contact with Director Brown and his office. Because of a bill that passed during the last legislative session our Board already has a seat at the table in this discussion. We are very active with the Governor's office and the person in charge of Boards and Commissions and others. They have reached out multiple times to ask us about where the BESW weighs in on various issues. And while BESW didn't necessarily take a stance, we continue to participate and have a seat at the table. I think that B&I, the Governor's office and the rest of the executive branch will want to give the state and the Boards at least a full year to figure out how to implement these measures and make certain that the transition is as smooth as possible. **Oppenlander:** She closed this portion of the presentation by referring the group to page 37 where there is a timeframe established by the executive branch. Also, regarding the BESW strategic plan, we have a solid strategic plan, but external things continue to happen after you put your plan on the table. So we will need to weave these external matters into our plan.

Oppenlander moved forward to Item 3B (ii): **June 2019 – Senate Concurrent Resolution 6 (SCR6) Assigned to Legislative Counsel Bureau for Oversight during the Interim Session.** 2019 SCR6 directs the Sunset Subcommittee of the Legislative Commission to conduct an interim study concerning professional and occupational licensing Boards. During the last interim, Sunset Committee legislators identified problems in twelve significant areas. In a summary of the areas of concern, we see that not all Board members and staff (referring to all Boards) participated in the training being offered by the attorney general; that operating reserves vary widely among Boards and many had no policy regarding reasonable reserves; that some Board practices allow funds to be retained, creating a potential conflict of interest; that fee structures among Boards are not uniform; that many Boards utilize outside counsel instead of the Office of Attorney General; that Boards hire lobbyists leading to increased expenditures; that not all Boards provide electronic access to documents, payments and fees; with no centralized coordination there are duplications in providing support for compensation, information technology, legal fees, lobbying expenses, office overhead, etc.; there were several instances of embezzlement and/ or financial irregularities reviewed.

The identification of these issues led to the passage of SCR6. I wanted to bring this to your attention because we are (along with other Boards) going to continue to be subject to additional

scrutiny as part of the Sunset Committee process during the interim. The information gathered will be taken to the next legislative session.

Next, **3B (iii), Review of Initial Goals, Accountability Framework and Accomplishments for 2018-2019**. After tying these outside factors back to the Board's strategic plan, we will also need to include ideas that may come from the results that Hoover will bring to us from our satisfaction survey results. Other strategic plan updates will include successful implementation of our online renewal process; projections of when the online applications will be available as well as disciplinary software online. Also, after **Oppenlander** attended the state archives and retention workshop in April 2019, she realized that BESW will need to handle digital documents differently and that our staff is going to need to attend this training too.

She continued stating that there is a goal to reduce 75% of the backlog disciplinary cases in those that were on the books prior to January 1st, 2018. Of these 62 backlogged cases, 31 of them were cleared by June, 2019. So to hit our goal by the end of the year, we have to clear a minimum of 16 more backlogged cases. **Detmer** stated that as far as discharging cases, it is no small task. It's a very involved process that requires a lot of document review and thought.

Maplethorpe: It's very tedious work and getting rid of the backlog is incredible. **Nielsen** stated that this really gets to be the "guts" of our protection responsibilities and deserves a lot of attention. She was concerned when she read the B&I report as it did discuss the possibility of the disciplinary actions being taken from the Boards; she added that this is something we want to keep an eye on because the practice situations and scopes are so unique. **Oppenlander** agreed and she is not inclined to want to wordsmith the NACs when this proposed B&I recommendation is being considered. If B&I could try to standardize the backend of the disciplinary processes, there might be some wordsmithing that's done across all Boards by B&I to get them more uniform. That does not necessarily mean that we'd be handing over disciplinary activities to somebody else although she admitted that she wasn't sure how that would work. She added that the Board's protection responsibilities must be addressed as we have 92 cases open right now. We have backlogged cases since 2009 and that is not okay. So when we discuss fee increases, we need to pay for a full time investigator and we need enough money to pay for the attorney fees to complete these cases.

Dr. Kathleen Bergquist: Is there a possibility that the Board can share information, historical information regarding licensing problems, the complaints that come to the Board (statistically)? This would be helpful as the universities prepare the students. She teaches the legal and ethical class for the UNLV School of Social Work. **Lowery** responded that there are different types of complaints and described the general nature of the complaints the Board receives. There are the complaints that come in that we refer to as "he said, she said" or the complaints e.g. "I don't like the social worker because she didn't get me housing". And there is another type of complaint that rises to the level of warranting an investigation. There is another type of data that would come after the investigation e.g. complaints that are resolved by a consent decree, etc. And I think we could figure out a way to capture that generally, anecdotally. **Detmer** commented that the Board has a fairly broad confidentiality statute as far as what can and cannot be released to the public. Any efforts that would be made for some kind of a data distribution would have to keep the statute in mind for any kind of dissemination. **Detmer** stated the he will have to review the statute carefully before anything gets disseminated, but I thought there might be something that can be worked out. **Lowery** added that the Board has historically looked at the biggest trends we're seeing and given out the top five categories without a lot of specificity. Dr. Kathleen Bergquist added that it can be really valuable in schools of social work as we look at curriculum and how we address some of these issues. Dr. Shadi Martin agreed with Bergquist, stating that the schools

of social work need to know the nature of complaints and use this to learn how to do well in the in the classrooms, do our job better. Hopefully it would mean that the Board would receive fewer complaints if we can get ahead of it and in that way address a lot of those issues. But not knowing what complaints are coming in creates a sort of a deficit in our knowledge in terms of what things need be in the curriculum. She stated that there's a lot that could be done and that it will be mutually beneficial; so, any information that could be provided would be very helpful. **Maplethorpe** added that she was grateful to have both schools of social work represented at the table.

Next, **Oppenlander** discussed the strategic plan's financial positioning about how BESW converted to a hybrid reporting system. After much discussion with both the executive and legislative branches of government, BESW moved from cash based budgeting to a hybrid cash/accruals based budget. At this point, we have created a Board presentation of our financials that is clear and easy-to-understand. As an aside, **Oppenlander** mentioned that the Board ended up the year (June 30 2019) with approximately \$90,000 and that this amount could help to create a starting place for its mandated operating reserves. For the group's general knowledge, she stated that earlier this year, the BESW bank balance was close to the razors edge and we were deemed at one point to be bankrupt. The Board formulated its strategic plan last year with an intent to have 5 months of operating reserves set aside by 2023. During the 2019 legislative session, the senator chairing the Labor and Commerce committee, stated that the Board should have eight to 12 months in reserves. Besides reserves, the Board will need to increase its fees so that it can meet various legislative mandates. Beyond the already discussed items of backlogged cases; online software applications, we also need to obtain Windows 10 compatible computers.

To wrap up this portion of the agenda, **3B (iv) Executive Director Recommendations for 2019-2020**, **Oppenlander** asked Board members to review the sections of the strategic plan and choose a section to each wants to assume the leadership of during this fiscal year.

In Item **3B (v) Discussion, Questions and Next Steps**, Board members agreed to think about these next steps.

After the group took a fifteen minute break, **Erickson** introduced Agenda Item **C: Legal Nuts and Bolts: Potpourri, Roadmap of Process for NAC Changes (Administrative Rulemaking)** turning the item over to **Detmer**. He began by asking, "What does a government agency do"? **Maplethorpe** answered: regulate and add safety. Another person answered: policies and procedures. **Detmer** added: issues licenses, denies licenses, administrative hearings for contested cases. These are all things that an administrative agency does that a private company can't necessarily do within the authority of the law. So the answer to the question is: It protects the public through administering regulations in its jurisdiction. One of the core thing we do is the creation of regulations and any enforcement of those regulations. A regulation is basically a rule of general applicability that facilitates the effect of execution of our government. We create the regulations through the administrative rule making process. **Detmer** referred the group to review the flow chart within the Board packet.

The administrative rule making process starts with a discussion to better serve the public through the creation, adoption, the amendment of regulations. Once you have an idea of what kind of regulations you want to create, the next step is going to be the small business impact analysis. This stage of the process is a concerted effort to determine whether or not there is going to be a significant economic burden or restriction on the formation, expansion, operation

of small businesses under 50 employees. If it is determined that there will be a burden or restriction, as precluded by statute, there's going to need to be more of an analysis. This analysis will involve consulting with those affected, analyzing the potential impact, and trying to discern methods of mitigation to prevent that impact. All of this would go into what's called a small business impact statement which can be fairly involved. If it is determined that small businesses are not impacted adversely, then this statement is much less involved and it's largely just the declaration of the manner and method in which you come to that conclusion.

Along with the small business impact survey are public workshops. The workshops are an opportunity for interested parties to have discussion with the agency about these regulations. That input is to be considered and incorporated as appropriate.

Next in the process is that we go to the Legislative Counsel Bureau (LCB). The LCB is going to make sure that the regulations that are proposed are clear, concise, and suitable for incorporation into the NACs – the Nevada Administrative Code. If it's not suitable, they will suggest changes to make. The important thing is that when BESW gets the regulations back from LCB that they still meet the intent of the draft regulation when it was submitted to the LCB.

Detmer continued with additional steps in administrative rulemaking: When the regulation goes to the legislative commission, it also goes through the subcommittee that reviews regulations. What they do is make certain that the regulations are suitable, viable, and that the administrative rulemaking process has been observed throughout. If they object, we will have to go through some more modifications, rewrites. And then we have notice requirements. There is notice of 15 days for a workshop; it's 30 days for the notice of intent of the adoption, etc. We have some additional requirements when it comes to regulations with notices to the Department of Behavioral Health and the Legislative Council on Health Care. Both can make objections and this can slow down the process. It's not an easy process and it's not a hard process either. It is an involved process and we wouldn't expect this to happen fast as it is a serious and important matter. **Maplethorpe** said that her first experience with posted notices was with the suicide prevention CEU requirements; it was interesting to learn about the process of the workshop e.g. how many people will show up to give public comment in the north vs the south.

Detmer continued saying that the draft as proposed would become effective once it's filed with the Secretary of State. But if the regulations aren't approved, then they won't be effective until everything is done correctly in accordance with the statutes.

For clarification, **Oppenlander** asked **Detmer** to describe the difference between NACs and the NRS. **Detmer** stated that the regulations are a way to facilitate the institution of our chapter's Nevada Revised Statute NRS 641B. Regulations are pursuant to the statute; so there can be not be a regulation that is not backed up by statute. When I looked at what is being suggested for NAC changes, they are amendments to existing regulations; and these are going to reference at least one, possibly two statutes that's enabling the creation and enforcement of that regulation.

Oppenlander asked what we are we going to do within the Roadmap for Administrative Rulemaking when we find there isn't a statute for the recommended NAC change? How do we manage that? Will we need to parking lot every NRS change that we will need to be making in 2021? **Detmer** responded that the Board's enabling statute 641B.160(a) states that the Board shall adopt such regulations as are necessary or desirable to enable it to carry out the provisions on this chapter. Provided that the regulation fits within that definition, we may be

able to enact the regulation based on that particular subsection of that particular statute. Or if there is not another statute that authorizes it, then we may have to do a statute change.

After a brief discussion about summary suspension, **Lowery** commented that part of what comes out of the NAC change process may be a list of potential NRS changes to bring forward during the next legislative session.

Detmer then discussed the process to get the regulation posted (codified) and our need to be patient as we proceed. **Lowery** added that codification means that all of the changes are contained in one document; that this process can sometimes take several years. **Detmer** also answered a question from **Harris** re: AB457 and stated that our Board needs to add several steps to the rulemaking process. **Lowery** added that AB457 started as a bill to merge the four Nevada behavioral boards. It ended up with a requirement for regulation changes to go through additional layers of review.

Next, **Erickson** stated that the workshop go into a lunch recess at 11:40 p.m. with an intent to return at about 1 p.m.

Erickson called the meeting back to order at 1:11 p.m. and turned to Item **3D: Review of Model Social Work Practice Act (Model)**. For several years, **Erickson** stated that she was on the Regulations and Standards Committee for the Association of Social Work Boards (ASWB). This ASWB committee was made of people from around the country and Canada who review the practice act sections together. Then the group potentially overhauls the sections if appropriate.

For example, each state has its own licensure process. Reciprocity is big topic so that a licensee can go from state to state. To work through the differences among the jurisdictions, ASWB gathers examples. There is a Model in your retreat binder for you to refer to. The Model is helpful if a jurisdiction wants to redesign how it might run its board as the Model gives an outline of how to do it. Then you can insert your own state and nuance into it, if you will. There's an attorney involved in the ASWB committee process. So it is similar to going through a NAC change process.

ASWB helps the boards in North America collaborate and work together through training.

Maplethorpe added that ASWB governs the national exam for licensees. **Erickson** agreed that ASWB oversees the items that go into the exams. They make an effort to bring representation from all over the US and Canada to standardize the process for writing questions as much as possible.

Erickson moved into **3D (i) Importance of Terminology in our NACs** stating that ASWB goes through a similar process to what the Board is doing with the NAC change process that was outlined this morning. We work with the verbiage, making sure that it gets drafted/ amended, is reviewed again, and then we verify that it ends up saying what we wanted it to say. Then the amendment goes to the delegate assembly for a vote in November. The delegates from each state and from the provinces in Canada vote on whether or not to accept the amended Model. The delegate assembly has opportunities to ask questions and sometimes the amendments are sent back to committee to be restructured.

Dr. Shadi Martin asked about the ASWB exam process on behalf of a student that spoke English as a second language. **Erickson** spoke about the committee process for writing exam

questions. **Lowery** added that every eight to 10 years ASWB does a national survey of licensing categories of individuals at two years post the level of licensing: two years post bachelors; two years post masters; two years post clinical. The survey covers every U.S. state, as well as the District of Columbia, the U.S. Virgin Islands, and the Canadian provinces of Alberta, British Columbia, and Manitoba. They use this information to inform the KSAs: the discrete knowledge components for each exam (knowledge, skills and abilities). The committee develops the questions. Those questions have to be supported with evidence based information. Those questions are then put into a vetting process, reliability and validity testing process. So out of 170 questions that are actually being used, only 150 are graded, the other 20 are being tested for validity and reliability. A question is only accepted once it passes all of those benchmarks. **Maplethorpe** let the group know about a current lawsuit in Nevada about study materials that mimic ASWB study materials.

Dr. Shadi Martin said that it would be important to make sure that our website is providing students with information about where they should go and what things they should avoid. **Nielsen** added that there was an education bill in the last session that acknowledged that children who have learned English as a second language (even when they communicate in English) are getting lower scores because they really can't translate in same way to take examinations.

At this juncture, **Detmer** asked to confirm that the group was continuing to be on the agenda and was speaking about the Social Work Model Practices Act. To continue with the discussion about the Model, **Erickson** said that the practice act is an outline of a method that could potentially be utilized as we go through NAC changes and suggested that the group review the Model as it is relatively easy to decipher. **Erickson** continued by describing the format of the Model that has language with suggested regulations, rules, and bylaws. The Model provides standardized language that some boards consider.

Dr. Kathleen Bergquist asked questions about investigations and the issue of oversight that was raised earlier in the morning. There was a brief discussion about how other states and provinces complete their investigations with some jurisdictions using the board members to handle their caseloads.

Moving to Item **3D (ii) Title Protection and Practice Protection in NRS and NACs**, **Erickson** went on to briefly discuss Title Protection and Practice Protection. Simply stated Title Protection means that you can only call yourself a social worker in Nevada if you have a social work license in this state. Practice Protection refers to when a board has the legal authority to determine whether a specific position is engaged in social work and therefore must be licensed. In Nevada we have built some exceptions into NRS 641B.040 which would require legislative changes during a future session if we were to have both Title Protection and Practice Protection for social workers. We find that it would be best to have both.

For example, the Board was contacted by the Las Vegas press about a situation that happened earlier this year when an "alleged social worker was accused of inappropriate contact with students". The media questioned why BESW did not have jurisdiction over this person. As a result, we went to ASWB to try to better understand Title and Practice Protection. Media was reporting that the alleged attacker had been hired by the Clark County School District as a "school social worker". This person was contracted by the school district and was going through an online MSW program out of California. The school district had stated that the alleged crime

was committed by a social worker working to be a licensed school social worker. Later, a retraction from the school district was printed by one of the numerous media sources in which it said that the person hired by the school district was a "Safe School Professional". By then the damage to the reputation of social workers in Nevada was already done. **Oppenlander** referred to this situation so that the Board would better understand why it would want to remove exceptions from NRS 641B.040; and as a result the Board might want to begin to plan for 641B NRS changes in addition to 641B NAC changes it would be making during the retreat. As in this example, various situations can arise when the public is confused about what it means (title and practice) to be a social worker. That's why ASWB recommends that we look at this as a Board. Perhaps during a future retreat, we can invite ASWB to join the Board to guide us through this discussion.

Lowery added further clarification by stating that you cannot call yourself a social worker in the State of Nevada unless you are licensed to do so. But what we don't have is any ability to go after individuals that are representing themselves as social workers that aren't. And that's an NRS change by adding practice protection. This would tighten down some of the job components; the components that we see as unique to social work. We all know that statewide, there aren't enough social workers. What agencies do is they change the title of the individual, keep the job descriptions the same, and then hire people who don't use the title of social worker. When we can have both title protection and practice protection together, we may then have a greater ability to deal with those who are skirting around the edges of regulatory authority.

Erickson added that we have to be careful about saying that social workers are the only professional that can do something e.g. case management.

Dr. Kathleen Bergquist asked a clarifying question about agency workers. **Lowery** responded and informed the group about 'social workers' (those working in professions that were referred to them as social workers before there was licensing in Nevada) that were grandfathered in initially between 1988 and 1995. There are currently 65 in the State of Nevada. Many of the LASWs went on to become LSWs. Bergquist suggested that if the press wants to call individuals social workers, we may need to respond with a different narrative to address these inaccuracies.

A short discussion ensued about title and practice protection. Rota Rosachi pointed out that public agencies and some of the nonprofits are letting us know loud and clear that they don't have enough licensed social workers in the State of Nevada to meet their needs. So, they are skirting around us in order to get their needs met. We need to balance those staffing needs in many areas e.g. school social workers, child welfare, aging services and so forth. **Maplethorpe** added that money is also an issue. The different agencies are hiring people that cost less to do the work when they are not licensed. **Erickson** wrapped up this part of the workshop and moved forward to the next section.

Next, **Harris** moved to Item **3E Brief Review of Community Feedback Received During Passage of SB502 re: Fee Ceiling Increases and Fee Increases**. She discussed a review of the community feedback that BESW has received during the passage of Senate Bill 502 regarding fee ceiling increases and fee increases. Overall, we know that our role in the community is public safety and oversight. To accomplish this, we support the three E's: Education, Experience and Examination. As we are now moving into the NAC change process, this section is specifically listed under "Licensing and Supervision". As you know, we went

through the process of making changes to our fee ceilings for licensees, which was passed into law. I'd like to thank everyone involved during the session very much.

Harris continued: At this point we're looking at How do we proceed?; How do we move forward with making that happen?; because, fee increases are something that we know is inevitable. We have to increase our fees in order for us to remain solvent. With that being said, there was a lot of discussion that occurred during the legislative session, a lot of pushback. From going through that process, most of the pushback came from a lack of understanding. From my experience in communicating with the National Association of Social Workers (both NASW national and the Nevada Chapter) and speaking with the Nevada Chapter of Association off Black Social Workers (ABSW), our challenge is to explain what we mean when we say that we are increasing fees. She went on to state that she is pleased that both of the universities are represented and can help with this discussion. We know that speaking with the students and getting the students on board, as well as other associations, will be very important to move this forward. We want to make sure that we communicate this and unroll this properly in the community so that students understand how, what this process looks like.

Based on her understanding of today's presentation about administrative rulemaking guidelines, it will be continue to be a process, a process that will occur in stages. To summarize, most of the feedback we've received to date has been about what people don't want i.e. they don't want fee increases at all. Or, if they are not against fee increases, they want to make sure that we put caps on how we roll out those fee increases. Also, there have been discussions about how to raise fees e.g. \$25 or 25% per category. **Harris** indicated that the discussion moving forward needs to be how do we want to proceed given the feedback? What is the best course of action for the Board so that we can make sure that we fair and empathetic to students as well as professionals as we make these types of changes.

A discussion followed about the fee ceilings and how they came about during the legislative discussions. **Oppenlander** said there was expressed fear that the Board might choose to immediately utilize the entire new fee cap rather than move incrementally towards the new fee cap over a number of years. As a result, legislators decided to reduce the Board's suggestions for fee ceilings. Also, one group of students tried to convince the bill sponsor to rewrite our bill and legislate their suggested limitations. The bill sponsor disagreed with putting their language into statute. However, Board staff ran the numbers and found their suggestion to choose a limit of a 25% increase in each category to be a palatable solution. As the Board was not able to make ends meet at 10%, 15%, or 20% we discovered that we could meet our unfunded mandates by 2023 if we chose the 25% recommendation. She openly pondered: How do we go public?; How do we make sure it's going to be palatable?; How do we get this public conversation to happen in the time we needed it to happen so that fee increases are instituted?

Dr. Shadi Martin spoke about reservations from the students about the Board so that there is mutual understanding. Social work students take on a disproportionate burden of student debt for a couple of reasons. One, because the majority are women and they go into the job market making less, much less money. Therefore it takes them much longer to pay their student debt. Many of them are women of color, they make less money. Therefore they take on a disproportionate debt. Also, they go into the profession of social work where they don't make a lot of money. So, women take on two thirds of the student loans when looking at all the loans nationally. It's very upsetting. We are one of the few professions where when we go into our field practicums, we pay to work. In engineering and medicine, many of them are paid to do their

field practicums but social workers actually pay because they're paying for the credits to go and then work. So again, they are taking a disproportionate burden just to become helpers. She continued saying she understands the argument from the Board's viewpoint as it's been made very well. The Board needs the money, the funding; as it can't do all of the mandates without the fee increases. There is a perceived disconnect for the students. There is a need for the investigations and all of the good work of this Board; but, the students are taking on so much already. So, that when they show up to advocate for themselves, they're basically trying to say that they cannot give any more. They just don't have any more to give so that they can simply to go out there and help other people. If they drowning in debt themselves, how do we expect them to be helping suicidal teenagers? She went on to say that we need to look more closely at why they so upset about every little fee. It's because they really do have it hard. So the Board needs to think more creatively. In Canada, students are having a huge movement in favor of paid internships. And why shouldn't they be paid to do an internship? Maybe the least we could do is have the internship sites pay for their license. Maybe there are other creative ways to pass on the expense somewhere else rather than just put it back on them.

Hoover made a comment about how the Clark County Public Defender's office pays for their social worker's renewal fees. She had met with stakeholders that came to the table in opposition to SB502 – in this case -- the lobbyist for the county public defender's office. During the discussion, he believed that they were the only county that was doing this. **Lowery** added that Washoe County and Clark County Protective Services pay their licensees' fees. **Maplethorpe** added that some other places also do this. For her, as a clinical supervisor, she teaches students that this is part of the negotiation for their salaries and other things that agencies give them. Going back to what **Erickson** was saying, you have to have title protection. You have to have an actual protection to do your job. Nurses have the exact same thing and take on a lot of liability. So how do social workers come together as a collective group? I think that's why we're all here. How do we figure this out? How do we get social work students into that paid field practicum and also be able to negotiate a paid internship?

Dr. Shadi Martin asked how to streamline, simplify licensing so that students can actually see the benefits. I don't think we've done a good job. **Maplethorpe** suggested that university students come to Board meetings be part of collectively coming up with the great ideas, be part of that. **Oppenlander** let the group know that we will be expecting a student (field practicum) to join us this meeting tomorrow morning. When she spoke with the student, she asked if students are getting paid for their field practicum as part of the MSW concentration year; the student agreed to ask around and she'd let us know.

Dr. Kathleen Bergquist detailed that there are two ways that students get connected to policy: through their classes which is evidenced by the fact that professionals brought them in and coached them through their process; or, through student organizations. She said she could go back to her faculty and look at curriculum and build this in as part of the requirement. Students could engage with the Board as all of the students are taking policy classes. And when they're analyzing policy, they can be looking at making recommendations. The university also has smart classrooms so they could always connect by video as it's an important educational experience for our students.

Harris added that one of the things that stands out through this discussion is the educational aspect of teaching our students the business aspect of being a business. So we promote

frequently that this is a helping profession and we're supposed to be poor or we're supposed to expect not to ever have it. But that's not true. If we promote advocacy for self, and advocacy for the profession, then when they go to those sites they can negotiate. As a former executive director in a nonprofit, we had money or could build in money to be able to support those things. Teaching the students that you can advocate for yourself, you can ask those things. When you go to work for large companies, you can make sure you that you incorporate that in your package. As those discussions are not taking place, when they get into the community, they're fearful of not being able to make ends meet. And so I'm wondering if there's opportunity for us to move forward in all of these directions at the same time because for us to be out there working as social workers and not have a Board to support us, back us up to protect the community, we're shooting ourselves in the foot. How can we support what the student's concerns are?; and support what the student's challenges are? She said that she hopes that the Board and the universities can move forward along with the associations to address all of these issues, especially with people of color.

Dr. Shadi Martin agreed and thought that if the students feel this group is fighting the same battle, then they won't feel like they're coming up against something. We have to show them that we are fighting for them as well.

Harris: Because we want to support students, social workers while the Board also needs to remain solvent, how do we move that communication forward so that it is understood that we are all working together? Dr. Shadi Martin said that the university can do better. One of her commitments is that we will do better.

Hoover asked if the university goes over the social work statutes. Dr. Kathleen Bergquist responded that she teaches legal and ethical social work, so her students have the NRS and the NAC printed out and they have to know where to go to find regulations. It is part of a required course at the master's level.

Detmer added that in the rulemaking process, students would have an opportunity to provide their input at workshops, at adoption hearings. They will have that opportunity to participate when the regulations are being drafted and ultimately adopted. When a question came up about student representation on the Board, **Detmer** stated that the statute actually designates who is allowed to be part of the Board. If they meet requirements and they are appointed by the Governor then yes, they could be on the Board. **Lowery** added more information: One thing is that the student would have to be a licensee. The terms are three years and they are not likely to be students for the entire three year of appointment. Right now the Legislature has dictated that the makeup of the Board is a mixture of licensees and one public member. Where **Lowery** sees a lot of the student involvement is with NASW because they've got student representatives both from the north and the south. But to be on our Board you have to be licensed, which means you have to have graduated.

Dr. Kathleen Bergquist: Students are saying they're too busy but she also doesn't see any professionals here. And that is -in general- a problem, not just in our field. She went on to suggest that one of the things that we can do as universities is teach our students how to pay it forward to their interns and to their social work students. She lets her students know that she's a clinical supervisor and always an outside supervisor as she doesn't work at an agency. And she tells them that she will not take a student unless the agency agrees to pay her fees because

she will not burden students with those fees. So it's important to model the behavior that we want and expect out of the field. That is a type of paying it forward and really modeling what should be part of our culture. Soon, when they are going to be hiring and supervising, they can remember what was like as a student.

Maplethorpe agreed stating that she is a clinical supervisor and never takes money from the individual and only contracts with the agency. Similarly, that's what was given to her and that what she's given back.

Erickson reflected on her experience at the Legislature. She had expressed that she too is a social worker when she met with students. As she mentioned to the students, when there is a fee increase that she has to pay too. She encouraged the students she met with to consider coming to Board meetings and to consider looking into their own professional organizations as well. She also realized that they were set on getting their goals met and that they were pressed for time. They were graduating and so there's that sense of urgency. When I could step away from it and debrief a little bit, we discussed that it was good for them to advocate for something that they're passionate about. This is an excellent learning experience and again, a learning experience for us too, so that we can do better job communicating as well. And she hopes that it is known that we do try to consider all circumstances; that we protect the public and we don't want to hurt anybody and that includes our profession that we license and regulate. Our goal is not to put anybody over a financial edge. We have to remember in all aspects of our life is that we need to communicate. Hopefully we are better able to build a relationship with the schools and that students do not necessarily fear the Board; that we can have respect for each other. And that we do value new social workers coming into the field because we need them so desperately.

After a short break, the group began again at 3:50 p.m. **Erickson** turned to **Oppenlander** to provide **Item 3F: A Brief Review of Regulations in Social Work**. **Oppenlander** referred to the presentation slides. At the end of 2018, there were over a half million (533,491) regulated social workers in North America. On the BESW brochure, you can see the upward trend line in the total number of regulated social workers in Nevada over the past 10 years and this mirrors the upwards trend line of the total number of regulated social workers in North America.

Earlier, we talked about what the Board (government) does: Government creates rules so that everyone has to comply with them. And now we ask, "Why is government involved in the regulation of social work?" And that answer is: Because it provides consumers with an assurance of the qualifications of licensees along with a means of enforcement for the benefit of the public. So, this is about regulated social work: title protection (who can call themselves what); and, scope of practice (who can do what); and, their requirements to obtain and maintain a license; and, the exemptions we were talking about earlier; and, then overlapping scopes of practice with other professions.

Next, **Oppenlander** moved forward to **Item 3G: Sections of 641B NACs to be Reviewed**. There are five sections in 641B NACs: General Provisions, Licensing and Supervision, Continuing Education, Standards of Practice, and Practice Before the Board of Examiners for Social Workers (Disciplinary). If you were online, you would be looking at the NACs as of 2015. You are looking at a manually updated version that was created for you by **Lowery** and **Detmer** that includes the 2017 NAC changes as well as approved changes that took place in 2018. At this point, **Lowery** showed a marked copy of the NACs to the group to give everyone a sense of

how much red/ blue lining there is to work through during the retreat. She explained that staff and Board members individually reviewed select sections of the NACs and then recommended various changes. **Lowery** has captured all of that feedback received. Now we have a document that has all of the recommended changes as a place for the group to start. In her opinion, 85% of the changes are simple housekeeping changes e.g. changing the word "in" to "on" and so forth. After a brief discussion, it was decided that the group would take a preview look at the NAC changes in general to see everything that will have to be completed during the two day workshop. Then, we would go through all of the NAC changes as a group, potentially get a vote from the Board about everything including fee increases, and then we would go forward with public meetings and the rest of the process that was covered earlier. The group went through a brief exercise while copies of the NACs changes were being made and distributed.

Lowery showed the group the first section of 641B NACs which is General Provisions. When you see something highlighted in yellow, that means that there was a suggestion for a change in that particular NAC. In the first section are most of our definitions. Next, in Licensing and Supervision are the provisions that cover licensing, renewals, endorsements, fees, internships, and supervision. It also deals with expired licenses and restoring a license. The third section is Continuing Education i.e. what counts for CEUs or doesn't count, what providers have to do in terms of maintaining records, including the requirements for each level of licensure. The fourth section is Standards of Practice which is essentially the code of ethics. We chose to incorporate the NASW code of ethics and have placed them into this section. The last section is what we broadly call disciplinary and it covers how we do hearings and other items related to compliance.

Oppenlander requested that everyone would agree to continue to look at a general overview of the changes that are being proposed with intent to come back and tackle each item individually.

The group reviewed many of the proposed changes including:

First, **Lowery** went to page six and discussed two NACs that are highlighted in green. She explained that those are a part of the discussion about title protection in anticipation that we might want to revise the NRS in this area in 2021.

Next, she covered some possible changes on page 9 where it was suggested that we keep an application open for six months instead of one year. On page 10, we're are looking at a change to the acceptable time to keep applications for endorsement open.

At this time, there was a brief discussion re: certified legal holds. There are 17 LCSWs in the State of Nevada that have been willing to take this on.

Lowery let the group know that ASWB has stated that it will no longer be supporting a master's level person being able to take the bachelors level exam. So, BESW is planning to make the same change in our NACs to reflect their decision about the examination. If the changes are approved, an MSW will not have the ability to take the bachelors level exam; they would have to take the masters level exam.

Next, **Lowery** covered a recommendation to change the restoration of licenses downwards to two years.

Following, she discussed changes to NACs for the two kinds of provisional licenses. Provisional B is the license that can be obtained by an individual who is in their master's

program and has a degree in a related field. The policy was that we told people they had to wait a year into the master's program. These people are not in advanced standing. These are people in a two to three year program. The BESW policy was they had to complete their first year, have some social work classes completed before applying for a provisional B license. So, we have a policy but we didn't have language in our NACs to actually enforce it. The recommendation is that they have to complete their first 30 units and then they can get their Provisional B license and then that license expires on the date of graduation. There's a mechanism for the student to pass their exam while they are still in school so that they can actually go from a Provisional B license right into a regular license. During this period, you are an LSW-P. If they pass their exam and they graduate, the LSW-P becomes an LSW. At this point, the group asked **Lowery** a number of questions about how to go about getting licensed in the most cost effective way. Then, **Lowery** spoke about the Provisional A license that only permits 75 days to take the exam which is not recommended as it is difficult to get a seat at a Pearson examination testing center.

The next section that will be a significant discussion for the group (as **Harris** referred to earlier) is the need to determine the amount for a fees increase.

Another recommended change is for the Board to get out of the business of accepting coin or currency as most of the larger licensing boards do not accept cash.

Next, we took out language in the area of licensure by endorsement re: proof of good moral character as we don't know how to define that, let alone measure it.

With internships where people will start their hours in one state and then come to Nevada to complete their hours, there was once a time when we would evaluate those hours coming from another state. The recommendation is to accept hours that another state has already verified.

We're also looking at changing the number of interns a supervisor can carry from three to four.

And we're looking at making reporting changes from quarterly reports to making them due twice a year. We will come up with a mechanism for the timing of those so that they are staggered. This recommendation is based on an ASWB national survey. Some states require no report and six states (including Nevada) currently require a quarterly report. Dr. Kathleen Bergquist suggested that the Board use the intern's birth date to stagger the reports.

The next area is intended to clarify that a retired social worker would be able to keep their license and be exempted from continuing education units except for suicide prevention. As this is a State of Nevada requirement, the Board has no ability to change this.

Lowery discussed 641B.205 (11),(12), calling out an example of where the 641B NACs are different than the NASW Code of Ethics. This area of the NACs can be opened for discussion but there currently are no recommendations at this time to change the language about dual relationships.

Detmer explained a recommendation to add a paragraph stating that: The Board has the discretion to use as a disciplinary action, a violation of a state or federal law.

On a related topic, **Hoover** let the Board know about a legislative question has been worked on now for the last three sessions where if you have someone that's interested in becoming a social worker, they can apply to the Board before they ever even start education or apply for the license. The Board will let the individual know whether or not they're eligible to actually get their license approved based on criminal convictions.

PUBLIC COMMENT:

To close, **Erickson** asked for Item 4: **Public Comment**. No Public Comment.

ADJOURNMENT:

Erickson then asked for a motion for **Item 5: Adjournment**.

Maplethorpe made a motion for adjournment, Nielsen seconded. Maplethorpe, Nielsen, Harris, and Erickson voted aye. The meeting was adjourned at 4:47 p.m.

Meeting Minutes Respectfully Submitted by Karen Oppenlander, LISW, Executive Director.

B, a. ii.

July 31, 2019 - Board Workshop
Minutes



STATE OF NEVADA

BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502

MINUTES OF BOARD WORKSHOP
JULY 31, 2019

MEETING CALLED TO ORDER and ROLL CALL:

The workshop of the Board of Examiners for Social Workers (BESW) was called to order by Vikki Erickson, Board President, at 9:13 a.m., July 31, 2019. The workshop was held at Kietzke Plaza Professional Offices, Conference Room G-160, 4600 Kietzke Lane, Reno, NV 89502. President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum.

The roll call was initiated by President Erickson with the following individuals present:

Members Present:

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

Staff, Advisors Present

Michael Detmer, Esq., Board Counsel (**Detmer**)
Mendy Elliott, Capital Partners (**Elliott**) -- *joined meeting at 9:30 a.m.*
Miranda Hoover, Capital Partners (**Hoover**)
Sandra Lowery, LCSW, LCADC, Deputy Director (**Lowery**)
Karen Oppenlander, LISW, Executive Director (**Oppenlander**)

Guests

Dr. Kathleen Bergquist, LCSW, University of Nevada, Las Vegas
Megan Jones, UNR Student, School of Social Work
Dr. Shadi Martin, University of Nevada, Reno
Rota Rosachi, LSW, Nevada Public Health Foundation

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

PUBLIC COMMENT: No Public Comment.

Erickson moved to Item 3 **Board Retreat: 3A Brief Review of Regulations in Social Work** (continued from 7/30/19) and **3B Sections of 641B NACs to be Reviewed** (continued from 7/30/19). She turned the discussion over to **Oppenlander**. Following up on the prior day's workshop discussion, she recapped that the 641B NACs (Nevada Administrative Code) are divided in five sections: General Provisions, Licensing and Supervision, Continuing Education, Standards of Practice, and Practice Before the Board of Examiners for Social Workers. **Lowery** explained the color coding being utilized on the working document for today's workshop. Yellow

highlighting indicates that there is a proposed change in this area. Green highlighting means that the area is flagged for discussion however there are currently no proposed changes. Red indicates language to be removed and blue indicates potential replacement language suggested.

The group co-determined that it would work through the document together from the beginning of the document. First, **Oppenlander** asked if anyone had new areas to add that weren't covered in yesterday's workshop discussion. **Harris** let the group know about several areas that she is interested in focusing on and would re-introduce these items as they came up. **Detmer** thought that the regulations are geared specifically to licensees but was considering other ways to enhance our NACs in certain situations. Dr. Kathleen Bergquist thought that the Board might consider ways to address issues of moral character during the licensing process. Following along this concept, **Maplethorpe** discussed that during hearings the Board has added sanctions because of licensee violations e.g. stipulating additional education. **Detmer** added that the way the Board's licensing statutes are drafted means that it should be able to take those facts into consideration e.g. criminal history, bad moral character.

As the group was ready to start from the top, **Oppenlander** introduced **Elliott** who had joined the workshop. Next, **Lowery** brought forward the first item NAC 641B.025 "Complainant" "Complainant" means any person who complains to the Board of any act of another person. defined. "Complainant" means any person who complains to the Board of any act of *(remove)* **another person** *(add)* **any person practicing as a social worker**. A discussion ensued about this amendment as it pertains to those that call themselves a social worker without being licensed. As Nevada has title protection, it inherently means that a social worker has a license. Various group members cited instances where people get degrees and do not necessarily go on to get licensed; but, they consider themselves social workers because their degrees are in social work. If the Board receives a complaint that someone that is not licensed and is calling themselves a social worker, **Erickson** asked if this was something that we can change i.e. prosecute the person? **Detmer** stated that the regulation currently exists; but without the amendment that we discussed to make this work, the Board may want to consider this as an option. **Harris** asked for additional clarification. **Detmer** discussed amending the regulations to allow for the disciplinary prosecution of individuals who are not licensed, that are holding themselves out as licensees. As it exists now, the regulations don't allow for it. The statute allows for criminal prosecution but that that would be handled by a law enforcement agency but not by the Board. So, if we make a revision that would include the prosecution of unlicensed individuals, then we would have to go back to the prior language: **another person**.

Oppenlander explained how the Board is currently proceeding with complaints. By simply looking at NAC 641B.025, we receive complaints and verify if the complaint is against a licensed social worker. If a complaint against a licensee is verified and it's appropriate for an investigative process we will work to determine if the social worker needs disciplinary action taken against them. Today, we brought this item forward as a wordsmithing or housekeeping issue to change the language from **another person** to **any person practicing as a social worker** as we really only have jurisdiction over social workers (meaning licensed social workers); but, we don't have jurisdiction over other unlicensed people that call themselves social workers. Right now, if someone files a complaint against somebody that isn't licensed, we send them back a letter that says thank you for being an interested person, we appreciate the information provided; however, the person you complained about is not a licensee and is not

under our jurisdiction. So right now, we don't and we can't do anything with these types of complaints.

Harris: Understanding where we are at the present time, she wants to address the non-licensed individuals that refer to themselves as social workers -- either in the future or right now. **Detmer** replied and said that if the Board wants to consider new regulations, that's a conversation we can have when we get to that section. At this point, he was trying to figure out if the Board can do that, and if it can, the best way to do it given the way the statute is written. He went on to say that we can decide to keep this NAC the way it is right now, and by the time we get to the later section that we're referring to (which is at the very end of the regulations), hopefully he'll have an answer. **Lowery** suggested that we flag this NAC and then come back to it.

Dr. Shadi Martin: If you're not sanctioning, then there are people who are practicing without being licensed. If that's the case, then to say that "social worker" is equal to saying "licensed social worker" (title protection) -- is essentially not accurate. There are people out there saying that they are social workers that don't have a license because they are not being sanctioned. So, we do need to look at that. I also want to say as someone who has been in the profession (as the Dean of the School of Social Work), the only time I hear that you can only call yourself a social worker is if you are licensed is when I'm in this company. That's a problem because if people outside of these walls don't see it that way, then we're talking amongst yourselves in a language that does not resonate with anybody. **Detmer** clarified that if someone misrepresents themselves as a social worker when they're not, it's a crime. He had referred to giving BESW its own authority for holding an administrative hearing as that isn't allowed right now. It is a crime but it isn't necessarily an administrative action.

Next, the group moved forward to look at NAC 641B.041 "Licensed associate in social work" defined. (NRS 641B.160) "Licensed associate in social work" means a person licensed by the Board pursuant to **NRS 641B.210** to engage in the practice of social work **under the supervision of an agency as an associate in social work**; and **NAC 641B.044 "Licensed social worker" defined. (NRS 641B.160)** "Licensed social worker" means a person licensed by the Board pursuant to **NRS 641B.220** to engage in the practice of social work as a social worker **under the supervision of an agency**.

As both NACs are similar, it was decided to work through NAC 641B.044 as it would then easily apply to NAC 641B.41. NAC 641B.41 applies to LASWs that were the initial cohort that started with BESW. The LASW license was no longer available in 1995 and now there are only about 75 LASWs remaining. Looking at 641B.44, the Board made a change in the former language and added **under the supervision of an agency**. The addition of this language, while well-intended had unintended consequences creating a ripple effect.

Lowery displayed the original language prior to the change. **Erickson** stated that the original language is consistent with the ASWB Model Social Work Practice Act (Model). The Model identifies the practice of baccalaureate social work but it doesn't specify agency or contract. **Rota Rosachi** agreed. Along these lines, **Oppenlander** referred the group to handouts created after the prior day's discussion about the Social Work Model Practices Act (Model). She had downloaded and circulated 2 documents to retreat attendees from ASWB related to the Model that comprised an Analysis of the Practice of Social Work, 2017 (Analysis). The Analysis details the description of each of the ASWB levels of examinations for licensure. It pertains to the

current discussion as the Analysis clearly describes the bachelor's in social work exam that allows somebody to be a licensed social worker (LSW). So, it turns out that what we had before we added the language "under the supervision of an agency" was consistent with the ASWB exam description. So why did we add the "under the supervision of an agency" language?

About the NAC changes in 2017, **Detmer** asked, "Was the intention that the agency would be a government entity?" Then, **Erickson** asked, "Is this a housekeeping issue or is this something that we need to change from last legislative session?"; because to be consistent, perhaps we should go back to the Model and consider that language. **Elliott** wondered why can't this end right after "to engage in the practice of social work as a social worker". From a layman's point of view, why do you need the rest? If they're a licensed person, the Board has jurisdiction over them no matter where they are.

Lowery provided some background about when the Board (around 2016) became aware that the rural clinics for the State of Nevada were seeking to use a lot of interns (LSWs); and that they were seeking to have the LSWs be contracted versus having them be employees for lots of fiscal reasons. But the stipulation was that each of those individuals had to have their own business license. To the Board, this seemed to be referring to independent practice that was defined by law to be something that LISWs and LCSWs could do. LASWs were considered agency based licenses only. The LSW was not perceived by the Board (at the time) to be a license that was able to engage in independent practice.

The Board took a 20 minute break and **Erickson** reconvened the meeting at 10:22 a.m. Continuing, the group had an extended discussion to be certain that any NAC changes made would be in concert with statute. **Harris** shared a concern about removing the current language. She went on to say that someone might start a behavioral health program within their business without the social work know-how to run that program. **Lowery** said that this situation been identified in a related issue through clinical social worker internships. It comes up when a business/ agency seeks to become a site for CSW internships and we learn that they don't have an LCSW on site; then they realize that they can't supervise anyone. **Detmer** referred the group to the statutes where the different categories of social workers are defined. **Rota Rosachi** gave an illustrative example of a business model that an LSW could establish expertly within the criteria of the existing 641B statutes, regulations. **Oppenlander** agreed and said that this was a good example of why the former NACs worked well for BESW in these types of situations. And that by adding the language that we did in 2017, we created unintended consequences. The ASWB Model takes us back to the basics that worked for us before in Nevada as well as around the country. The conversation was robust and thoroughly looked at both sides of the coin especially pertaining to parameters for social workers in the community to function as business owners. The discussion also touched on the disciplinary/ complaint process. **Rota Rosachi** said, "If I step outside of my boundaries, somebody can complain". She went on to say that the Board could then take action for practicing outside of the scope of the LSW license. **Dr. Shadi Martin** said, "I don't like hearing this notion of we are going to limit the social worker's ability to work within the guidelines that are allowed out of the fear that they may behave unethically." She went on to speak about the need for social workers and stated that if they're unethical, then they're held accountable.

In due course, the group formed a consensus to roll the language back in NAC 641B.041 and NAC 641B.044 to what was in place before the changes were made in 2017.

Moving forward through NAC changes, the group skipped through the housekeeping changes and moved to **NAC 641B.080 Display of license. (NRS 641B.160)** A licensee shall display prominently:

1. At **the primary all** places of employment or practice of the licensee, the license issued to him or her by the Board.
2. **At all other places of employment or practice of the licensee, a copy of the license issued to him or her by the Board that has been certified as a true copy by a notary public.**

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A by R113-98, 1-13-99; R112-00, 1-17-2001)

After a short group discussion about the posting of their licenses in multiple sites, the group agreed with using the word "all" and moved to the next NAC change.

In NAC 641B.090 there was a housekeeping change that the staff would discuss with LCB. The following significant change that defines when applications closed, was discussed in **NAC 641B.090**, numbers 9 and 10:

9. An application for initial licensure shall remain open for a period of 9 months after the initial exam approval is granted. The Board will not refund any monies related to an application.

10. An application for endorsement shall remain open for a period of 6 months from the date the application is received by the Board. The Board will not refund any monies related to an application.

Lowery stated that we have two layers of applications: endorsement applications; and, initial applications. Endorsements will close six months after receipt of the application. Initial applications will close six months after the exam approval date. This language reflects what the Board is currently doing. **Harris** asked to further examine the NAC language from multiple perspectives. **Lowery** then worked with questions and statements from **Harris** and **Maplethorpe** in order to tease out different scenarios for group understanding, attendant costs, etc. The scenarios explored helped the group to learn about most efficient and economical ways to get licensed based on each individual's timing issues (e.g. graduation, receipt of transcripts, ability to get a seat for the examination, etc.). **Lowery** also discussed how the Board notifies applicants about the time periods involved for completing the application and exam processes. She also told the group about the licensure exam process course that she teaches. Additionally, the group began to talk about repeat examination timing for those that fail the ASWB exam twice or more. This item would come up in a succeeding NAC, so the group put this item aside until then so that the intersection of the NACs would be fully understood by the Board.

The next NAC change was in the area of certification and decertification of civil commitments and was a housekeeping/ grammar change.

The following NAC change was about communicating that the Board wants certified copies and not original birth certificates, passports, etc. As a result of the discussion, the group determined that it wanted to red line "his or her" as well as "baptismal certificate".

The next NAC change was being proposed to that the Board would be able to concur with the ASWB determination that they will no longer approve the bachelor's test for a master's applicant. And in (b), changing our NAC to reflect the correct name of the ASWB examination: Advanced Generalist Examination: **NAC 641B.105 Examinations. (NRS 641B.160, 641B.250)**

1. Except as otherwise provided in NAC 641B.090 and 641B.126, an applicant for licensure as a licensed social worker, licensed independent social worker or licensed clinical social worker must pass the appropriate examination as described in subsection 2, given by the Association of Social Work Boards or other testing administrator that has been approved by the board.
2. An applicant for licensure as: 12 (a) A licensed social worker must pass the Bachelors Examination of the Association of Social Work Boards if the applicant holds a baccalaureate degree in social work as described in **NRS 641B.220**. If the applicant holds a master's degree in social work as described in **NRS 641B.220**, the applicant must pass **the Bachelors Examination or Masters Examination** of the Association of Social Work Boards. (b) A licensed independent social worker must pass the Advanced Generalist Examination of the Association of Social Work Boards.

Next, **Lowery** moved the group to **NAC 641B.105 Examinations 6**: A failed examination: (a) For initial licensure as a licensed social worker may be retaken **once every** 90 days after the failed examination **until the application closes**. (b) By a licensee in an internship pursuant to NAC 641B.140 or 641B.150 may be retaken every 90 days after the failed examination **and thereafter, one examination may be taken every 6 months**. At this point, the group resumed an earlier discussion about retesting after failed examinations and how this relates to the length of time an application remains open. The group discussed a variety of options to remove barriers to being able to take the examinations. The group asked Board Counsel to help them by wordsmithing their recommendation while the group moved on to the next set of substantial NAC changes within NAC 641B.110 and NAC 641B.111.

NAC 641B.110 Expiration and renewal of license and provisional license. (NRS 641B.160, 641B.280, 641B.290)

5. A person whose license has expired may, within **3 2** years after the date on which the license expired, regain the right to practice social work at the same level of licensure by applying for restoration pursuant to **NAC 641B.111**. A person whose license has expired and who, more than **3 2** years after the date on which it expired, wishes to regain the right to practice social work at the same level of licensure must apply for a license pursuant to **NAC 641B.090 to 641B.105**, inclusive.

NAC 641B.111 Restoration of expired license: Required submissions; notification of owed debt; extension for completion of continuing education; hearing for restoration under certain circumstances. (NRS 641B.160, 641B.280, 641B.290)

1. An application for restoration of an expired license must be completed on a form supplied by the Board and submitted to the Board within **3 2** years after the date on which the license expired.

The suggestion was to take restoration of licenses from three years back to two years as it is less of a hardship. For example, if they let their license expire, they can't start over if it is within three years. They are required by our law to go through a restoration process that includes doing all of the CEUs that would have been due during that period which could be 56 for and LISW/ LCSW and 45 for an LSW. As the group agreed with this suggestion, **Lowery** moved forward to the next NAC changes in Provisional Licenses A and B.

NAC 641B.112 Provisional license: Eligibility; validity; disciplinary action; reinstatement or restoration; supervision of holder. (NRS 641B.160, 641B.275)

1. For purposes of paragraph (b) of subsection 1 of NRS 641B.275:

(a) An applicant must cause the college or university to forward directly to the Board the evidence of enrollment.

(b) The evidence of enrollment must include evidence, that is satisfactory to the Board, of formal admission to the program of study and of satisfactory **completion of 30 units toward their master's degree progress toward the degree, indicating and indication from the college or university** that the applicant will be able to obtain the **master's** degree in social work within 3 years.

2. A provisional license issued pursuant to paragraph (b) of subsection 1 of NRS 641B.275 is no longer valid:

(a) If, upon request of the Board, the licensee fails to cause the college or university to forward directly to the Board evidence of enrollment that complies with subsection 1.

(b) If the licensee fails to renew his or her provisional license by:

(1) Submitting to the Board the application for renewal on a form supplied by the Board and the appropriate fee; and

(2) Causing the college or university to forward directly to the Board evidence of enrollment that complies with subsection 1.

(c) Three years after:

(1) The initial issuance of the license; or

(2) The licensee graduates from a program of study leading to a degree in social work, whichever occurs first.

3. A person is not eligible for the issuance of a provisional license pursuant to paragraph (a) of subsection 1 of NRS 641B.275 if he or she has failed the prescribed examination within 5 years immediately preceding the date on which he or she submits his or her application.

4. A provisional license issued pursuant to paragraph (a) of subsection 1 of NRS 641B.275 is no longer valid if:

(a) The licensee fails the prescribed examination **within 75 days of exam approval**; or

(b) The provisional licensing period of **9 months 90 days** expires, whichever occurs first.

5. The holder of a provisional license may be subject to disciplinary action pursuant to NRS 641B.400, including, without limitation, the revocation of his or her license.

6. A provisional license that has been invalidated or revoked may not be reinstated or restored.

A person who has obtained a provisional license is not eligible for a second provisional license.

7. The holder of a provisional license to engage in social work, **to engage in social work as a licensed independent social worker or to engage in social work as a licensed clinical social worker** shall practice under the supervision of a licensed social worker who is:

(a) Licensed pursuant to **chapter 641B** of NRS; and

(b) Authorized pursuant to the provisions of **chapter 641B** of NRS to practice in the setting in which the holder of the provisional license intends to practice.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 10-25-93; A by R113-98, 1-13-99; R112-00, 1-17-2001; R079-02, 1-9-2003; R122-06, 7-14-2006) 15

The recommendation was to require a completed a year of school before they can apply for Provisional B. And in the Provisional A, we would like to expand it so that they've got 75 days to get exam approval.

As lunch was delivered at 12:02 p.m., **Erickson** asked for a brief recess so that the group could pick up their lunches in the kitchen and come back for a working lunch. At 12:30 p.m., **Hoover**

took the group through a stretch exercise to help everyone to get back to the task at hand. After the exercise, **Erickson** called the meeting back to order at 12:47 p.m.

Lowery helped everyone to reconnect to where we left off. Everyone was oriented back to the Provisional Licensing NAC changes. In Provisional A, they have to have their degree; it is a 90 day temporary license; then they have 75 days to pass the examination. In Provisional B, they are in school, we are recommending that they have completed one year or 30 credits; this is good for up to three years; if they pass the exam, they are rolled over to be a regular LSW. If they fail the exam, it expires at 90 days so they are longer licensed. This one is good for up to three years and will expire the day they have their degree or at three years, whichever comes first. They are expected to take their exam in that last semester because it expires when they get their degree. The group agreed with these changes.

Next, the group began a discussion about fees: **NAC 641B.115 Fees. (NRS 641B.160, 641B.300)**. **Harris** wanted clarification about the action that would be taken by this group today. **Detmer** reminded the group that today is not an adoption hearing. Today's recommendation will be preliminary, rough draft. **Oppenlander** reminded everyone that there are several steps after today which we went into in depth yesterday when Board Counsel **Detmer** taught us about the whole administrative rule making process as outlined on the flow chart. We know that we're embarking on a months-long process with the public and with a number of bodies of government that have purview over whatever we decide to do today i.e. there's still a lot of negotiating. The negotiated NAC changes will come back to the Board and then go back out to the public and then will be going through other steps before they become codified. However, we have to have a starting place to begin to talk to the public. And so today is about making a recommendation based on all the feedback that we have collected since January 2019.

Harris chose a starting point for the discussion of 25% per category or \$25 per category. **Lowery** set up a form on the screen for the group to compare the fee amounts. **Nielsen** explained that it's more about perception than anything. Fairness is really important and fairness is 25%. \$25 is a bigger proportion to the lower license category. **Dr. Kathleen Bergquist** asked if there is an intent to have incremental increases over time towards the cap (fee ceilings)? She also wondered if this is the case, could there be a period for people that are newly licensed to have lower fees? **Oppenlander** responded: The last time we got a fee ceiling increase was 1995. We asked for pretty large cap raise this time so that we could incrementally move to the cap without having to testify during session again and ask legislators for their time and energy. We never intended to go to the amount listed in the cap, although many people gave us feedback as though we were intending to go to the cap amount. The feedback that **Harris** summarized for you yesterday was feedback based on fears that we were moving to the fee ceilings right away.

In reality, we were trying to figure out how to make a modest fee increase and meet legislative mandates. At \$25 or 25%, we can't meet some of the mandates until 2023. These numbers, both 25% increases per category or \$25 per category, were used in discussions during the session. In terms of feedback about fee increases, the suggestion for 25% came from a group of students. Also, we had considerable feedback pertaining to each category. Another angle would be to go for \$50 or 50% increases right now and meet the unfunded mandates sooner.

However, with a more modest increase, I feel that I can explain to legislators why we're not doing the unfunded mandates immediately and yet be faithful to the public that we serve and not

overburden them. For example, can we defend that we will need to wait until 2023 to reduce our backlog of disciplinary cases?

Rota Rosachi spoke from the licensee's perspective: We don't understand why an increase is needed. So it's the education piece that needs to happen because that's why we are fighting against any kind of an increase. We need to understand the costs; have to have a better understanding of why you're asking for the increase.

Oppenlander explained that first we had to have that discussion (fight) at the Board level and we have had the fight at the Board level level. We've had to understand how much it costs to get the online application software, how much it costs to maintain it, how much is a month of reserves. Three months ago the Board had a half a month of reserves ... period. If anything happened at all, our doors would close. And we are required to have reserves. Depending on who is in charge in the legislative or executive branches, we have been told that we need to have somewhere in between five to twelve months reserves.

Rota Rosachi said that the public may or may not understand that the fees are what actually funds the operations of the Board; that there is not money coming to the Board from the general fund. They don't understand that the Board doesn't get access to State of Nevada general funds to help supplement the budget. The difference between the Boards and other state agencies is oftentimes state agencies go in to the legislature and say: if you are asking us to handle unfunded mandates, we need to ask for money from the State of Nevada to implement the mandates. You have to somehow demonstrate your costs so that they can see that it's our obligation as part of our licenses to help you so that you can help to protect the public. That you are not going to automatically increase fees in year one by 25%, and then 25% more, and then another 25% unless there are more mandates that make this necessary.

Elliott stated that part of the responsibility of the Board that has various members that are appointed by the Governor, representing various organizations, is so that communications between the Board and whoever you're representing takes place. And Karen and the staff have a responsibility to provide the tools to help with communications. As a voice for the Board, the communication has to go back your membership base.

Rota Rosachi appreciated **Elliott's** statement and inserted that there is no BSW representation on the Board and we need to balance all of this. I'm sitting here trying to help to get the message out to the public because I am the public; I am a licensee.

Hoover: We already know that the communication that has happened in the past hasn't been always as successful and we're here to fix that going forward. This will be a multi-step process.

Maplethorpe: We have to access the people that are out in the community that have the leverage so that we can get them the education that they need. **Harris:** First, we have to agree to a number so that we can communicate this to the public. Rota Rosachi: It's good that you're going to make a choice between \$25 and 25% and what budget numbers will drive that decision.

Dr. Shadi Martin wanted to know the answer to a question that had been asked. How soon did we think that there would be another increase? We are trying to understand where our constituents are going to be. I worry a lot about these students who are just graduating and

struggling financially. This is what went out to the public and that was frightening to people because they saw the cap; there was not enough narrative to explain the cap. No one told them that we will only increase this much and not again for five years. It wasn't explained. \$25 would have been digested very differently than this was. So I think this has to be dealt with first of all. Secondly, as dean of school of social work, I have huge budgetary constraints. If I was to just keep adding tuition to my students, they'll stop coming. Just to think that they are having to meet the need to make the mandates of this Board and that you have to keep passing it on to them -- That's where my issue is. We need to think more creatively. Again, going back to the agencies, finding other ways, and assuring the students (the people who will have to pay this), that we are really looking for alternative ways because this is concerning to me. Many of them are graduating, don't have money, and have huge debt. If we want to increase the number of licenses, this is actually hurting us because more of them may say, I can't afford it and I'm just not going to get licensed.

Oppenlander said that based on the budget models that have been presented to the Board, **Lowery** has projected out 4 years using both \$25 and 25% categorical fee increases. She continued, stating that the Board has learned that within 4 years it will meet all current unfunded mandates. Therefore, we have made a 4 year assumption that we will be on target without any additional fee increases besides this one. Also, the Board could conceivably be able to decrease fees in 4 years. So, depending on the situation four years from now, we will be on target with this one modest increase; and I am willing to explain this to legislators. It might not be what they want to hear as I understand that the Sunset Committee prefers that we have would have handled everything by now. Dr. Katherine Bergquist was curious about the possibility of making an offer to new graduates that would protect them from a fee increase for three years.

Oppenlander shared a point of view that came about through the legislative process. What we learned is that there were a number of suggestions related to each fee category. Each fee category had an advocate with a compelling story about why the Board could offer a fair deal to a particular group; why this idea was fair vs this one or that one. So there were advocates for each category for a different reason, with a different story. And then, along came a surprising presentation that was made to us about the Board choosing a 25% increase. And frankly, none of us dreamt that one up. They were selling us on why 25% was the "right number" and how it brought parity. Suddenly there was a solution that was easy to go out and talk about. It was fascinating to me that the group that introduced this idea were soon-to-be graduating baccalaureate students from UNR.

Elliott discussed the initial issuance of a license. If you left that at \$100 just to take the burden off when they're potentially not employed, then the annual renewal the license would have to increase to \$150. I don't know the run rate, but then the argument will be that the people that are renewing their license are we having to provide support to the initial people. **Oppenlander:** And, if you look at how much time it takes to take an applicant through the process, it actually takes the most staffing time.

Erickson asked if this is the direction that we think we're going to go – with either the \$25 or the 25% increase. At this point in the conversation, **Nielsen** reiterated that \$25 increments will put a heavier burden on new applicants at \$65 vs. a 25% increase to \$50.

Dr. Kathleen Bergquist wanted to introduce a concept about creating a culture or a commitment to supporting and mentoring new social work professionals in different ways. It could be reflected in fees or in other ways. This could really say a lot about professional identity. Dr. Shadi Martin agreed saying that she like this idea and things that maybe we should give them an incentive. **Maplethorpe** spoke about how her fees were handled and how she learned to negotiate on the front end. There was general agreement with a variety of creative ideas generated to incentivize new graduates to get a license within a shorter timeframe. **Maplethorpe** used the idea that if you're carrying malpractice insurance as a student, you pay very little and then when you become licensed they initially continue to give you a break. The conversation then switched to a concern for the Board's problem of insolvency; if we don't charge enough for the first license then those fees are going to have to go to somebody else. The group put the idea to incentivize students on a parking lot for future discussion.

Erickson clarified that the group agreed to a 25% increase in all fee categories. There was agreement.

Moving forward, **Lowery** reminded the group of yesterday's discussion about NAC 641B.120 - a recommendation to only accept credit cards, debit cards, checks and money orders (not cash). Also, that the Board will not refund any money related to an application that has closed.

NAC 641B.120 Payment and handling of fees and remittances; lapse of applications. (NRS 641B.160) 16 1. Fees and remittances to the Board must be made by a **credit or debit card**, money order, bank draft or check payable to the Board. **The Board does not accept currency or coin as payment. Remittances in currency or coin are made wholly at the risk of the remitter, and the Board assumes no responsibility for a loss thereof.**

2. Payment in full of all required fees must accompany each application for licensure or renewal.

3. The Board will establish bank accounts necessary for handling of fees and remittances. The accounts will require for the transaction of business the signature of:

(a) Two members of the Board; or

(b) Any member of the Board and the Executive Director of the Board.

4. **An application for licensure on which no action has been taken by the applicant for 6 months after its receipt by the Board will be considered by the Board to have lapsed. The Board will not refund any fee related to an application which has lapsed. The Board will not refund any monies related to an application that has closed.**

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 5-15-92; R113-98, 1-13-99)

With the group's agreement, Lowery then moved to changes in NAC 641B.126.

NAC 641B.126 Licensure by endorsement. (NRS 641B.160, 641B.270)

1. An applicant for licensure as a social worker, independent social worker or clinical social worker who holds, in the District of Columbia or any state or territory of the United States, a **corresponding and valid** license that is in good standing to engage in the practice of social work as described in this chapter and **chapter 641B** of NRS and who satisfies the requirements of **NRS 641B.200** and **NRS 641B.220, 641B.230 or 641B.240**, as applicable, may be licensed by endorsement by the Board to engage in the practice of social work as a social worker, independent social worker or clinical social worker in this State by the Board.

2. An applicant for licensure by endorsement pursuant to this section must submit to the Board:

(a) **A written An application on in** a form prescribed the Board;

(b) The applicable fee;

(c) Except as otherwise provided in subsection 3, proof that the license issued by the District of Columbia or the other state or territory or any other license or credential issued to the applicant by the District of Columbia or another state:

(1) Is currently valid and in good standing; and

(2) Has never been suspended, revoked or otherwise restricted for any reason; and

(d) Proof that the applicant is of good moral character as it relates to the practice of social work.

While most of the changes are housekeeping, the one substantial change is to remove the requirement that an application prove good moral character. As the discussion continued, **Detmer** asked the group to determine if it is appropriate to remove "good moral character". If it's decided to remove this statement, it should be done for the right reasons. There was a discussion with a strong recommendation to incorporate all key areas of the NASW Code of Ethics and/ or the ethics guidelines as well as the ASWB Model Practice Act into the NACs. It was agreed to parking lot this project for a future NAC change.

The suggestion to change NAC 641B.126 has been made to remove clause (d) is that we do not require an LSW to provide proof of good moral character for an initial license. However, this says that we are requiring this for an endorsement. **Erickson** asked the Board for agreement on this change. Hearing agreement, **Lowery** moved to the next NAC change, NAC 641B.140.

NAC 641B.140 Licensed independent social worker: Internship required for licensure; requirement may include additional settings under certain circumstances; approval of postgraduate hours completed in agency; approval of postgraduate hours in different state. (NRS 641B.160, 641B.230)

2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.

The Board members and the group agreed with this recommendation. **Lowery** moved to the next NAC change suggestions in NAC 641B.150.

NAC 641B.150 Licensed clinical social worker: Internship required for licensure; requirement may include additional settings under certain circumstances; approval of postgraduate hours completed in agency; approval of postgraduate hours in different state. (NRS 641B.160, 641B.240)

2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.

3. At least 2,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be in the area of psychotherapeutic methods and techniques to persons, families and groups to help in the diagnosis and treatment of mental and emotional conditions. Unless otherwise approved by the Board, an average of 32 hours per week, not to exceed 416 hours in each quarter, of postgraduate hours in the use of psychotherapeutic methods and

techniques will be accepted toward satisfying this requirement. The remaining hours required by subsection 1 may be completed in other areas of clinical social work.

4. At least 1,000 hours of the supervised, postgraduate clinical social work required by subsection 1 may be supervised by a **Board approved** licensed clinical social worker. The remaining hours required in subsection 1 may be supervised by a licensed clinical social worker, a licensed clinical psychologist or a psychiatrist who is licensed to practice medicine and certified by a board that is recognized by the American Board of Medical Specialties or the American Osteopathic Association, or a successor organization, or that is approved by the Board.

5. An applicant who is not licensed as a clinical social worker but has performed supervised, postgraduate clinical social work in the District of Columbia or another state or territory of the United States within the immediately preceding 3 years may submit to the Board, for its consideration as part of a program approved by the Board, evidence of the satisfactory completion of that work **and documentation that his or her supervisor was a clinical social worker, a licensed clinical psychologist or a psychiatrist who is licensed to practice medicine and certified by a board that is recognized by the American Board of Medical Specialties or the American Osteopathic Association and was qualified to supervise in the District of Columbia or the other state or territory. After the applicant has completed not less than 1,000 hours of supervised, postgraduate clinical social work and has passed an examination required, if applicable, pursuant to subparagraph (1) of paragraph (a) of subsection 1 pursuant to a program approved by the Board, the Board will approve that work and accept it towards the hours of supervision that are required for licensure pursuant to subsection 1** if:

(a) A licensing board that accepted the supervised, postgraduate clinical social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and

(b) The Board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board for those applicants who complete their supervised, postgraduate clinical social work in this State.

6. The following activities do not qualify as supervised, postgraduate clinical social work:

(a) Instruction in techniques or procedures through classes, workshops or seminars.

(b) Orientational programs.

(c) Role-playing as a substitute for actual social work. 20 (d) Psychotherapy of the intern himself or herself.

(e) Practice which is not under the supervision of an agency **approved by the Board**.

With agreement to the suggested changes in language, the group move forward to NAC 641B.155.

NAC 641B.155 Supervisors of interns: Generally. (NRS 641B.160)

3. A supervisor shall not:

(a) Reside with the intern, have an intimate personal relationship with the intern or be related to the intern by blood or marriage;

(b) Have had the intern as a client;

(c) Have had the intern as a supervisor; or

(d) Supervise more than **three four** interns at one time without prior approval from the Board.

4. The Board will maintain a list of persons who have been approved by the Board to supervise interns and will **provide, upon request, a copy of the list make this list available** to any person who is applying to become an intern.

The group agreed with the suggestions and moved on to the following NAC changes in NAC 641B.160.

NAC 641B.160 Supervisors of interns: Duties; additional internship hours if required; withdrawal of approval to supervise; disallowance of credit; reapplication for approval. (NRS 641B.160)

3. A supervisor of an intern shall:

(c) Prepare and submit to the Board **quarterly every six months, progress** reports and a final report, unless the Board specifically directs a different schedule or frequency for the reports, on forms provided by the Board, concerning the progress of the intern in his or her practice; and

7. The Board may refuse to accept a **quarterly progress report** or final report submitted by a supervisor of an intern as required pursuant to paragraph (c) of subsection 3 if the report:

(a) Does not satisfy the reporting requirements for the forms provided by the Board;

(b) Does not include such additional information concerning the internship as requested by the Board; or

(c) Is received by the Board after the date on which the report is due.

8. If the Board refuses to accept a **quarterly progress report** or final report pursuant to subsection 7, the Board will disallow credit for all hours of internship as reported on the report.

Lowery discussed the recommended changes. She also let the group know that she will be leaning into intern supervisors to get suggestions on how to operationalize these changes. The group agreed and moved forward to NAC 641B.165.

NAC 641B.165 Supervisors of interns: Requirements for provision or continuation of supervision. (NRS 641B.160) A supervisor of an intern may agree to provide or continue the supervision of an intern only if he or she believes that the intern:

1. Will qualify for licensure pursuant to **chapter 641B** of NRS;

2. Is achieving the competence necessary to practice in social work or clinical social work; and

3. **If licensed**, will uphold the professional and ethical standards of the practice of social work.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A by R142-08, 2-11-2009)

As all interns are licensed as LSWs, the phrase "If licensed" is not necessary. The group agreed and moved to Continuing Education – changes in NAC 641B.187 and language that relates to this NACs in Sec. 5 of LCB File No. R110-17 [Licensee reporting period, reporting deadlines.]

NAC 641B.187 Prerequisites and requirements for renewal of license; grounds for disciplinary action. (NRS 641B.160, 641B.280)

1. Except as otherwise provided in subsection 3, during each reporting period:

(a) A licensee who is a licensed associate in social work or a licensed social worker must complete at least 30 continuing education hours, of which:

(1) Four hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality, dual relationships, documentation, billing, fraud, telehealth, supervision, social media, sexual harassment, exploitation of clients, managing job stress, social work laws and regulations, cultural competency and racial biases,

risk management, mandated reporting, certifications for an emergency admission, release from an emergency admission or involuntary court-ordered admission described in NRS 433A.170, 433A.195 and 433A.200, as amended by section 1 of Assembly Bill No. 440, chapter 482, Statutes of Nevada 2017, at page 3004, scope of practice, professional conduct, standards of care and / or impaired professionals;

(3) Unless otherwise approved by the Board, 10 hours must be in the field of practice of the licensee; and

(b) A licensee who is a licensed clinical social worker or a licensed independent social worker must complete at least 36 continuing education hours every 2 years, of which:

(1) Four hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality, dual relationships, documentation, billing, fraud, telehealth, supervision, social media, sexual harassment, exploitation of clients, managing job stress, social work laws and regulations, cultural competency and racial biases, risk management, mandated reporting, certifications for an emergency admission, release from an emergency admission or involuntary court-ordered admission described in NRS 433A.170, 433A.195 and 433A.200 as amended by section 1 of Assembly Bill No. 440, chapter 482, Statutes of Nevada 2017, at page 3004, scope of practice, professional conduct, standards of care, and / or impaired professionals;

3. Except as otherwise provided in subsection 7:

(a) Upon the request of the licensee, the Board may waive the continuing education requirements of this section, **except those related to suicide prevention**, for a licensee who is at least 65 years of age and is retired from the practice of social work.

4. If the Board waives the continuing education requirements for a reporting period pursuant to paragraph (b) of subsection 3, it may require the licensee to complete, during the reporting period immediately following that period renewal of the license, additional continuing education hours not exceeding the number of hours that reporting period, additional continuing education hours not exceeding the number of hours that the licensee would have otherwise been required to complete pursuant to subsection 1 during the reporting period for which continuing education requirements were waived.

There was a discussion about the recommended changes. There was also a discussion about the fact that this change would be more understandable if the NACs and the language from No. R110-17 were already codified. **Detmer** and **Lowery** agreed that this matter would be handled during the upcoming discussion that would take place with LCB. The group agreed to the proposed changes and move to the next recommendations.

NAC 641B.190 Approval: General requirements. (NRS 641B.160, 641B.280)

3. The subject matter of a course or program which addresses one or more of the following areas:

- (a) Theories or concepts of human behavior and the social environment;
- (b) Social work methods of intervention and delivery of services;
- (c) Social work research, including, without limitation, the evaluation of programs or practices;
- (d) Management, administration or social policy;
- (e) Social work ethics **and professional behavior**;
- (f) Services that are culturally and linguistically appropriate;
- (g) Social work theories or concepts of addictions in the social environment;
- (h) Evidence-based suicide prevention and awareness; or

(i) **Advanced human rights and social, economic, and environmental justice, or** (j)
Other areas directly related to the field of practice of the licensee, shall be deemed to reflect “current and relevant educational material concerning social work” and be “applicable to the practice of social work,” as those terms are used in subsection 1.

This area was approved. And, Dr. Kathleen Bergquist agreed to review this area for alignment with the contemporary language being used at the university. Next, the group looked at NAC 641B.200.

STANDARDS OF PRACTICE

NAC 641B.200 Professional responsibility.

10. A licensee shall not attempt to diagnose, prescribe for, treat or advise on any problem outside his or her field of competence. Except as otherwise provided in this subsection, a licensee shall not assume duties and responsibilities within the practice of social work if he or she cannot perform the services competently. A licensee may assume duties and responsibilities within the practice of social work, **except for the duties and responsibilities described in section 6 of this regulation**, for which he or she cannot currently perform the services competently if he or she prepares a reasonable written plan demonstrating the manner in which he or she will acquire the competence necessary to perform the services competently. Such a plan must be completed under the supervision of or with the consultation of a professionally qualified person who can demonstrate competency in the area of study. A copy of a plan prepared pursuant to this subsection must be provided to the Board upon request by the Board.

There was a discussion about the recommended changes similar to the earlier discussion about when LCB No. R110-17 is codified. The group agreed to the proposed change and move on to the next recommendations.

NAC 641B.205 Responsibility to client. (NRS 641B.160)

15. A licensed independent social worker or licensed clinical social worker who is in the independent practice of social work shall establish and maintain a professional will which must specify the person who will serve as a professional executor for the licensed independent social worker **or licensed clinical social worker**. The executor must oversee the client records, billing and financial records, appointment book and client contact information, passwords and access codes and notify the clients of the licensed independent social worker **or licensed clinical social worker** in the event that he or she becomes incapacitated and unable to provide social work services, or upon his or her unexpected death.

The group approved of this recommended change as it was a housekeeping matter and was ready to move to the next NAC change recommendation.

NOTE: The group had a substantial discussion about NAC 641B.205 as it pertains to alignment with the National Association of Social Workers Code of Ethics and alignment to the Association of Social Workers Model Social Workers Practice Act. It was generally seen that this NAC needs extensive review. It was determined that the Board will discuss how to proceed.

NAC 641B.220 Unprofessional conduct. (NRS 641B.160, 641B.400)

1. A licensee who violates any of the provisions of NAC 641B.200 to 641B.215, inclusive, or commits any act that constitutes a basis for refusal by the Board to issue a license pursuant to subsection 2 of NRS 641B.260 is guilty of unprofessional conduct.

2. If the Board ascertains during an investigation of a violation of this chapter or NRS chapter 641B that a licensee has violated the laws of Nevada or the United States, except minor traffic violations, such a violation may be grounds for disciplinary action against the licensee by the Board for unprofessional conduct. The Board may determine that a licensee has violated the laws of Nevada or the United States, whether or not the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to such a violation.

Detmer clarified the language that was used in this recommendation (subsection 2) that was discussed earlier. If the Board was to approve this language, it should be clear that an administrative complaint for a violation means that the Board would be holding a hearing/ trial on the underlying violation. Restated, if we're going to say that they have violated the Board's regulations by violating a law, we would have to hold a hearing on the violation of law. The violation of law would not be proven beyond a reasonable doubt (criminal law) but would be proven by preponderance of evidence (administrative law). The point made was that the Board would need to have a hearing on the underlying criminal violation; you can't assume that they violated the law. We have to have a hearing unless they have made a settlement agreement with the Board. But if it goes to a hearing, in using an example of a DUI, then we'd have to bring in the police officer and we'd have to present some form of proof that the DUI was committed. We would not have to find them criminally culpable but administratively liable. This is your disciplinary statute for commissions of unprofessional conduct. This amendment says that the violation of the laws of Nevada or of the United States, except for minor traffic violations, is grounds for disciplinary action against the licensee for unprofessional conduct. We're not saying they committed the crime. We're saying they committed unprofessional conduct. The mechanism for finding unprofessional conduct is the Board's finding that they committed a violation of law, but not by a criminal standard. Using the DUI example; we would put forth the DUI case; at the conclusion of which, if you find that the proof that we put forward would constitute a violation of law under this particular standard, then that can constitute unprofessional conduct.

In answer to questions about the Board's current process, **Lowery** stated that a licensee has to let the Board know within 30 days if action has been taken against the license, if a licensee is charged or convicted of a criminal offense. In other words, if they've been arrested, or charged of, or charged with, or convicted of.

Detmer said that the only time that this new subsection would be applicable is if they haven't been charged which does happen all the time. There are times when something gets investigated and no formal action has ever taken place because they can't meet a criminal burden of proof or that the criminal case wouldn't succeed. So they don't file the complaint.

Dr Kathleen Bergquist asked a question about adopting the language and the creation of an extra burden for the Board. **Detmer** responded that this subsection is discretionary. There was substantial discussion about hearings, consent decrees, administrative rules of evidence being different than they are for criminal, wordsmithing the subsection, public protection, etc. Ultimately, there was general agreement about the subsection moving forward. The Board members (remaining in quorum) moved the subsection forward as recommended.

Dr. Kathleen Bergquist suggested a wordsmithing change for **NAC 641B.025 "Complainant" defined. (NRS 641B.160)** "Complainant" means any person who complains to the Board of any act of any *person practicing as a social worker*. This change was agreed to.

Harris asked for clarification on NAC 641B.200.

NAC 641B.200 Professional responsibility. (7). Except as otherwise provided by law, a licensee shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally rendered. If a licensee is supervising the work of an intern or employee, any billing or documentation of the work must clearly show that the licensee supervised the work and did not personally render services.

Maplethorpe and **Lowery** indicated that this happens all the time. **Lowery** emphasized that it says that if a licensee is supervising the work of an intern, any billing must show that the licensee did not render the services. **Maplethorpe** gave an example of a partial hospitalization program where you can't double bill when they have an individual session and then they have a group session later in the afternoon. You can't bill for both of those. You have to do it either/ or. And then if they have a group therapy session and not everybody shows up, you can't turn that into an individual session and bill for it. **Lowery** continued stating that Medicaid allows internship NPIs to be used for billing while third party vendors do not allow this; it is illegal and it's called fraud.

Next, the group revisited NAC 641B.090. After returning to this item (as agreed earlier), the group more decisively changed this NAC from 6 months to 9 months in order to give an applicant three chances to pass the exam. **NAC 641B.090 Application for licensure or renewal; conditions for waiver of examination.**

9. An application for initial licensure shall remain open for a period of 9 months after the initial exam approval is granted. The Board will not refund any monies related to an application.

At this point, 3:24 p.m., Erickson turned the meeting over to **Oppenlander** for a brief wrap up of the "Parking Lot" items from the two day workshops that include:

- Update the NAC process flow chart.
- BESW wants to have a seat at the table during the Business and Industry process.
- BESW wants to collaborate with other groups (associations, universities, etc.) to look at how we can incentivize students.
- Get help from ASWB to: (1) better understand the examination process; (2) consider looking at creating a fourth licensing category (LMSW) in the NRS to match the ASWB examination categories; (3) help the Board align the Model Social Work Practice Act ethics with NACs.
- Provide up-to-date training sources for examinations with unbroken links on the website and elsewhere.
- Update the information on the website for UNR School of Social Work working with Dr. Martin)

Then, **Erickson** resumed the Agenda at Board Operations.

Board Operations.

- 4. A. Modifications to be (For Possible Action) Review, Discussion and Possible Approval of 641B NAC Moved Forward through the Administrative Rulemaking Process.** Detmer wanted to make certain that this motion is not viewed as an adoption hearing. These NAC change recommendations are not being adopted at this time and will be subject to future changes.

Maplethorpe made a motion to: Approve the 641B NAC Changes Be Moved Forward through the Administrative Rulemaking Process, seconded by Harris. Ayes: Harris, Maplethorpe, Erickson, Nelson. Passed unanimously.

- 5. Public Comment.**

Rota Rosachi: I want to thank you for inviting us. I thank you for listening. I want to thank you for negotiating and doing all the right things so that I feel good about the outcomes.

Dr. Kathleen Bergquist: I appreciate your willingness to invite the University ... I appreciate that you are open to hearing our input.

Dr. Shadi Martin: I want to say that I came in with a hope for collaboration ... really helping our students and the professionals and the communities we serve. And I think we made huge progress in this last two days.

- 6. (For Possible Action) Adjournment.**

Maplethorpe made a motion for Adjournment at 3:34 p.m., seconded by Harris. Ayes: Harris, Maplethorpe, Erickson, Nelson. Passed unanimously.

Meeting Minutes Respectfully Submitted by Karen Oppenlander, LISW, Executive Director.

3. A. iii.

August 9, 2019
Board Meeting
Minutes



STATE OF NEVADA

BOARD OF EXAMINERS FOR SOCIAL WORKERS

4600 Kietzke Lane, Suite C121, Reno, Nevada 89502

MINUTES OF BOARD MEETING

Friday, August 9, 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 9:05 a.m. 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**)
Michael Detmer, Esq., Board Counsel (**Detmer**)
Miranda Hoover, Board Lobbyist (**Hoover**) *joined meeting at 9:12 a.m.*

*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:

A guest in attendance was welcomed and she introduced herself as Kathy Wild, LCSW. Ms. Wild stated that she renewed her license in June. She said it was easy and smooth on the new website. She commented that website has come so far and her colleagues and peers are all giving the same feedback. Ms. Wild said it is well done and much appreciated. At that time, there was no additional public comment.

REGULAR AGENDA:

Board Operations

Erickson turned to **Agenda Item 3A (For Possible Action) Review, Discussion and Possible Approval of June 14, 2019 Board Meeting Minutes.**

Maplethorpe made a motion to approve the Board minutes for June 14, 2019; **Nielsen** seconded the motion. Ayes: **Erickson, Maplethorpe, Harris and Nielsen.** Passed unanimously.

Erickson turned to **Agenda item 3B (For Possible Action) Review, Discussion and Possible Approval of Application for Licensure Pursuant to NRS 641B 220.3 for the Licensing of Applicant, C.T.** **Oppenlander** stated that Board members have been provided with sealed manila envelopes containing an application, information from the California Board of Behavioral Sciences, a letter from Cinda Tejeras (the applicant), and several reference letters regarding licensure as an LSW for Cinda. Ms. Tejeras signed a waiver before appearing. **Erickson** paused the meeting for several minutes so that Board members could review the information.

Erickson asked Cinda if she wanted to address the Board about her application. Cinda said that the letter she wrote explained a lot of what she went through and that she loves working as a social worker. She worked as a LCSW for several years after the incident with no complaints. She stated that she has learned from this experience immensely. **Erickson** mentioned that previously Ms. Tejeras was a LCSW in California and she is now applying for licensure as an LSW in Nevada. She asked if Board members had any questions or comments.

Harris asked why Cinda is applying for LSW instead of LCSW. Cinda explained the difficulties she had in California to reinstate her LCSW license. When she relocated to Nevada she decided to apply for an LSW license. **Oppenlander** commented that, considering Cinda's circumstances, going through the LSW doorway makes the most sense for her now.

Nielsen asked about the CEUs Cinda has been obtaining since she surrendered her license. Cinda replied that while she was an LCSW, she became certified in suicide prevention.

Nielsen asked how was the question of the balance of monies owed to California was resolved. Cinda stated that they informed me that as long as I rescinded my license, I would not have to pay that. If I were to go back to California and want to get back into becoming licensed in California, then I would have to pay that.

Harris asked about the circumstances where Cinda was accused of negligence. Cinda replied that she was given no direct formal process as to how to talk to inmates and the process of asking questions to find out where they were in that moment, as to whether or not they were suicidal. If they had intent, what their plan of action was. All of that was discussed with the inmate and there was no intent or plan or desire to, to kill self. He just wanted to go into the hospital because he was tired of not getting any sleep because of another inmate. Cinda stated that she did not do the actual written documentation immediately and that was where she was in error.

Harris asked if suicide risk was why Cinda went to see the inmate. What was the purpose? Cinda responded that he wanted to go to the department of health services to inpatient care, because he was tired of not getting sleep and he wanted to go and get some rest. He was in a two person cell in the general population area. **Harris** asked when Cinda found out about the inmate's previous suicidal and homicidal activities; was it during the interview or after? Cinda stated that the inmate had no previous history of suicide. He had a previous psychiatric history, he was schizophrenic and in prison for murder. He was not medicated. She spent the whole hour interview gathering this information, finding out whether or not he needed more services, and he was scheduled to see his psychiatrist, the next day. **Harris** asked if Cinda didn't know about those things in order to document. Cinda replied that she knew he had no previous history of suicide as she was talking to him. He said he did not feel suicidal and he had no plan of action to commit suicide.

Erickson asked if Board members wanted her to read three reference letters for the record. She then did so.

Harris noticed that the timeline in which the incident occurred, it looked like it was before Cinda received her LCSW. Is that the case? Cinda said she was still an intern when all of this was transpiring.

Harris asked if any the allegations or charges went towards Cinda's supervisor? Cinda replied that they did not. **Maplethorpe** stated with that her license culpability is going to be on her as well for interns. Cinda replied that it is the same case as Nevada as in California that the supervisors are culpable for the interns they supervise. California at the time had a lot of lawsuits filed against them because of the high number of inmates versus the number of people caring for them and overcrowding. There were not enough social workers so interns were hired versus licensed professionals. She became the scapegoat. She thinks a lot of it was that they tried to show that they were trying to do something to correct some of their faults. We were trained by each other. As interns we had supervisors; there's a letter from my supervisor about all the difficulties that there were. There was a high turnover of staff which made it a very difficult place to work in as an intern. You just followed through with what they told you to do. There were times where people didn't write their notes for months after the fact. It wasn't unheard of that interns weren't documenting correctly.

Nielsen asked if it was unusual the California Board to file the complaint. **Detmer** replied that an informal complaint can be by someone like a supervisor, a client or anybody. When it comes to the formal complaints based off the informal complaint, the executive director will oftentimes file that. **Oppenlander** stated that depending on how the Board receives an accusation, her name would be there. There are many variables involved.

Nielsen commented that she didn't see any documentation of communication to the California Board. **Oppenlander** replied that she did not communicate with the California Board of Behavioral Sciences on this application for a licensed social worker. The way this Board is structured, she would have to be provided some guidance from Board Counsel to launch an investigation. Under the Yes Policy, this was outside of the policy, and we needed to invite the applicant to the Board.

Maplethorpe wondered why Cinda did not advocate for herself like she is doing now. Cinda replied that she had to hire an attorney and the court process took almost two years. It was a very long legal and expensive process and the end result was that it's hard to go against a bureaucratic system.

Erickson asked whether Cinda would want to go through the internship process again to obtain an LCSW license in Nevada. Cinda said that she would be interested. **Oppenlander** stated that the LSW application is all that is being considered at this time. A possible LCSW license for Cinda is a separate matter for the future.

Detmer asked to confirm that Cinda's license was surrendered and has it been confirmed with the California Board. **Oppenlander** said no, that certification of licensure received from the California Board of Behavioral Sciences indicated that the license was surrendered, when the examinations occurred, and she used the information as presented.

Detmer stated that the reason he brought this up is because like with other Boards he works with there is typically a form of reciprocity between Boards which is nationwide. So if there is a suspension in Nevada a Board in California would recognize that suspension. This is being phrased or is being represented that it was a voluntary relinquishment which would be different than a suspension. He doesn't know if there were any conditions beyond just the relinquishment. His point is that Boards are always aware of the registries and follow whatever reciprocity policy is in place. It's just not one dictated by regulation or statute. In other words, if the Board has a policy of observing reciprocity of other states' suspensions, it should always be checked if that's the policy. **Oppenlander** indicated that she doesn't have a reciprocity policy that she follows since the Board doesn't have one. The Board does follow endorsement which is a different matter. This LSW application is complete in and of itself and the reason it was brought to the Board is because there was a prior consent decree. We can establish the type of policy that our Board counsel is talking about for the future, but it doesn't exist today. **Harris** asked if there is a statute in place that would support or impact the reciprocity process. **Detmer** replied that he's not seeing anything right now. He commented that if Ms. Tejeras has represented that she has no outstanding suspensions that the Board is aware from the information that's been provided, if she has been less than candid and she's issued license, then that would be a possible disciplinary action down the road.

Oppenlander advised Board members to look at the application itself, with redacted social security numbers, etc. At the bottom of page six it says, "Have you ever been the subject of an administrative action / proceeding relating to a professional license or certification?" and "Have you ever been disciplined for unprofessional conduct or professional incompetence?" She checked "yes." She's following our processes as they exist today. **Detmer** said it wasn't his intention to complicate the issue. He just wanted to ensure that there was nothing else outstanding.

Erickson asked about the stipulated surrender of license on page 5 of the Order. It indicates respondent further understands and agrees that the Board's adoption of her licensed surrender precludes her from petitioning the Board for a reinstatement of the surrendered license. **Detmer** replied that it basically saying that she is surrendering her license and she can't ask for it back. California doesn't have jurisdiction over in Nevada. It's up to the Board whether or not to issue a license. **Maplethorpe** said she looked at the ASWB website for California and all the information is there.

Harris made a motion to approve the application for Ms. Tejeras to become licensed as an LSW. Maplethorpe seconded the motion. Ayes: Erickson, Harris, Maplethorpe, and Nielsen. Passed unanimously.

Erickson turned to **Agenda Item 3C (For Possible Action) Review, Discussion and Possible Approval of Financials for year end, June 30th, 2019.** **Oppenlander** stated that this is item 3C on your financials. She said she referred to these financials earlier in the last Board retreat, although they didn't have copies. She explained that it shows year end numbers. The Board's net position is more favorable than expected. At 100% of the year on June 30th, income was 107% of budget. Expenses were at 91% of budget. The net position adjusted is \$70,000.00 including the prior year fund balance. **Oppenlander** commented that the June numbers were consistent with the monthly numbers throughout the year. **Oppenlander** suggested that she should agendaize how much money might be placed in reserves and so forth in the October Board meeting. For now, those monies are in the Bank of America accounts.

Maplethorpe made a motion to approve the June 30 budget. Harris seconded the motion. Ayes: Maplethorpe, Erickson, Harris and Nielsen. Passed unanimously.

Erickson turned to **Agenda Item 3D (For Possible Action) Review, Discussion and Possible Approval of stipend for field practicum student to assist Board operations.**

Oppenlander commented that the recent Board retreat, there was a discussion regarding giving stipends to field practicum students should they decide to work with the Board. The student was there during the Board's meeting, she had several interviews, and I have had another student apply. **Oppenlander** said she would like to discuss this matter in the future since she doesn't need a student right now. **Erickson** confirmed that there doesn't need to be a vote on this now. **Oppenlander** confirmed. She would like the Board's opinion about whether or not she should pursue this. Practicum students do 450 hours a year, 225 per semester. Perhaps we agree on some projects that would be mutually beneficial to the field practicum student and the Board. For example, if a student agreed with us to work on three projects per semester and completed them successfully the student could be paid \$10 per hour for 225 hours. This would be similar to a reward at the end of the project, if they fulfilled the agreement. **Maplethorpe** replied that she likes the idea. It would be good for the student to offset some expenses such as books, and very helpful. She agreed that further discussion is warranted.

Erickson moved on to **3E Capital Partners Update for Review and Discussion of the 2019 Legislative session.**

Hoover pointed out that she provided a fairly comprehensive report since she knows that it's not just Board legislation they are interested in. There might be other pieces of legislation mentioned in the report that might be of interest. **Hoover** instructed Board members to turn to page 4 and 5 for the main Board priorities that did pass. SB 502 regarding the fee increase passed and was effective as of July 1st.

Hoover went on to say there are some open meeting law legislative updates including AB 70. AB 70 doesn't become effective until October 1, 2019. It addresses subcommittees and why the Board has to be extra careful if they form committees. They have to be agendaized with minutes and recordings just like we do for our current Board.

Hoover noted that this bill also allows, especially for Boards, if they're going to have meetings in the rural counties that they can now do teleconferencing and video conferencing much like we do. She commented that part is very positive.

Hoover pointed out that she put in some additional notes. There were some bills that she and the Board worked on with **Oppenlander** and Sandy Lowery (**Lowery**). They had provided fiscal notes and based on amendments they were able to remove those fiscal notes. For the most part, none of these bills have any fiscal impact on this Board,

Hoover advised that AB 319 was a bill that we worked very closely with, not only the bill sponsor, but also the gentleman that has been working on this bill for the past three legislative sessions. AB 319 would allow a person who is interested in pursuing an occupational or professional license to come to the Board and ask if they're even eligible for that license before they go through the education, or apply for a license. This would be based on any criminal history or anything else that they might have on their record. The Board believes that this is going to be helpful not only for individuals, from a fiduciary benefit but also hopefully for Boards. AB 319 is a bill that the Board worked on and it did pass. Originally a fiscal note was submitted, which was removed with an amendment. **Hoover** commented that there are multiple parts that take effect at different times throughout the year. She can answer any questions the Board might have.

Hoover advised that AB 534 is the bill she referenced during the Board retreat. She has been working very closely with Alison Combs, the main policy analyst for the governor. The Governor's office introduced this bill regarding local emergency management plans. It covers health Boards and other Boards across the state that deal directly with management plans if there is a terrorist attack, AB 534 addressed how Boards would go about working with communities to ensure the public and the community are safe. She said that the BESW has a seat at the table and she is waiting for them to advise her when they're going to start those conversations for the implementation process.

Hoover directed the Board to page 5, which goes over some other bills of interest. SB 37 was the marriage family therapist bill, which the Board supported all the way through and it did pass. There were some amendments to SB 37, but they're very happy with the bill. The rest of the bills are ones **Hoover** has been tracking for the Board, just in case something was to happen. She also tracks some bills because the Board submitted a fiscal note originally. **Hoover** explained that the rest of the packet is a little bit of everything. Matters regarding the Board's interests and what they might think is important. **Hoover** also said we're already trying to identify some key aspects of the Nevada Revised Statutes that we might want to start tackling for the next session. While February 2021 seems far off, it's really not. She suggested Board members contact her with ideas.

Erickson introduced Capitol Partners update item 2 **Review, Discussion and Possible Approval of Satisfaction Survey Results as Gathered from the New Online Renewal System**. **Hoover** declared that she was extremely pleased based on the four question survey about anyone having her license renewed online. Licensees were asked how they felt about doing online renewals and an overall sense of their feelings about the Board and with staff and overall education of what they know about licenses. There was a very high percentage of "strongly agree" and "agree" answers to all of these questions. There were also a lot people that added comments saying they are excited that BESW is finally online, because it makes things so much easier. **Hoover** said she thinks this is a hugely positive impact for the Board.

Close to 300 people took the survey since it was put out about seven months ago. **Hoover** also noted that she gets responses regularly as people renew their license.

Hoover commented that question 3 is the one she especially wanted feedback from the Board about how to increase our community awareness and communication. For question 4, asking for any other comments licensees would like to share with the Board, she was surprised that there was a pretty high response. Normally she gets maybe 10 or 20, and there were close to 70. **Harris** and **Neilson** asked to see copies of the comments and **Hoover** agreed to provide them. **Maplethorpe** asked if there was anything that stood out. **Hoover** said that many licensees were excited about online renewals.

Erickson moved on to **Item 3F, Review, Discussion, Possible Approval of Strategic Plan Update for 2019, 2023**. **Oppenlander** advised Board members that the strategic plan framework is included in their packets. As she was looking at it and had expressed during the Board retreat, she thinks there is a solid plan in place that doesn't need to be changed. **Oppenlander** went on to say that twice in the last few days she's had the opportunity to talk to the presenter for the executive branch of government regarding how this Board might be subsumed under Business and Industry some day in the future. And it's a little too early to even begin to strategize how we would incorporate some of that into this document yet. As he said, we don't even know how this is going to get legislated, so it's too early to change our strategic plan based on that information. The only change I made in this document is strip out names. For example, in this first goal, Jody Ussher's name was there and I thought it was appropriate to take her name out.

Oppenlander acknowledged that there are five sections in the strategic plan and one day she hopes we'll have five Board members. Rather than voting, she said today she would just like to discuss how Board members want to decide which of you are going to choose which goals to be the leader. One of the things that was done when we put this framework together is trying to figure out which two people that are interested in financial stuff, and which two people that are interested in communications. As a result of the open meeting law that passed anytime those two people would meet, it would be agendaized and have to be notified to the public. We'd have to take minutes and so forth and so on.

Oppenlander asserted that she is struggling a bit with how to proceed. When the Board was framing this out, they were talking about having those kinds of meetings. **Oppenlander** said it seems that we're going to have to move to a different kind of a plan with each goal having a Board leader attached to it. She doesn't want to just put names next to goals. At this time there aren't even five Board members. Someone might've had their name stuck next to a goal and might not like that goal anymore.

Oppenlander requested some guidance on the plan that isn't even a year old until about two weeks from now. She is hoping to bring it back to the October Board meeting with some insight as to which Board members want to be attached to which goal. Perhaps Mr. Detmer can help figure out in this open meeting how board members could be attached to each of the goals. People's names have been removed, and now she doesn't know how to reattach them.

Oppenlander commented that she can't hold a bunch of separate meetings and go around polling everybody and asking each person, if they are interested in communications? And then I go to the next phone call and ask if a Board member is interested in the communications goal that Jody is no longer on? I don't know how to do that.

Detmer replied that he needs to review the new amendment before he gives any kind of advice and he will review open meeting law, discuss it with another DAG, and get back to the Board in the next week or so. **Nielsen** asked about new open meeting law passed as she would like to read it. **Oppenlander** answered that there might be more than one open meeting law that's affecting the Board because there were several presented. After the DAG's office provides interpretation of the new law(s), the Board can size up the strategic plan and how it interrelates.

Erickson requested that the Board members review the strategic plan framework and make some decisions about what might be of interest to each of them so they can engage in the conversation in October. Maybe by then the open position on the board will be filled. There was no action required.

Erickson moved on to **Agenda item 3G (for possible action) Review, Discussion and Possible Approval contract for Albertson Consulting company, maintenance of online renewal software and additional software classes.** **Oppenlander** explained that Albertson Consulting Group is the group that handles the Board's online software. A lot of the process the board went through initially predated **Oppenlander**. During the bid process with several vendors, the least expensive vendor to get us to where we needed to go on the mandates from the government was to about \$150,000. Regular maintenance costs, would not be included in the bid. We found Albertson Consulting who helped us get the first portion of the process in place. That was the \$24,900 contract from last year to get the online renewals in place. Maintenance for the online software for calendar year of 2019 was included in the Board's budget.

Oppenlander went on to say that a lot of development work was done in January, the system was tested, the cost for maintenance for 2019 was \$8,500 total. We paid the \$24,000 and the \$8,500 for the year of 2019. The next payment is due in January of 2020 for maintenance of the software. Included in the Board packets are pages one and two of the updated contracts. The budget liaison in the state asked for an overview of how much it was going to cost us for the next couple of years **Oppenlander** directed Board members to the excel sheet containing the details regarding costs for the software build and future maintenance. The budget liaison requested the contract be amended through 2023.

Oppenlander proceeded to explain that the Board will have the funds for software for the online applications process in fiscal year 2021 and funds available in fiscal year 2022. The disciplinary software patches require much less money because it's inward facing. It's not an external document that licensees are able to get into, so it has a different cost attached to it. The contract in the packet is a contract amendment to extend the contract for an additional 3.42 years, through December 31, 2022 and increase the contract authority by \$53,600 for a new contract, not to exceed \$78,500. This fits in our budget with the fee increases we're asking for. The contract is now agreed to and inked by the vendor. **Oppenlander** has agreed to these terms, and the Board Counsel signed the contract. The last place it goes is to the Board of Examiners for the State of Nevada. **Oppenlander** said she is trying to get on their calendar probably for October, to get this approved. **Oppenlander** requested a motion for the Board's approval on record.

Nielsen asked if the contract amount is the actual fee to be paid. There won't be any increases later? **Oppenlander** confirmed that is correct.

Maplethorpe made a motion for the approval of the contract for Albertson Consulting Company for maintenance of online renewal software and additional software patches. Harris seconded the motion. Ayes: Erickson, Nielsen, Harris, and Maplethorpe. Passed unanimously.

Erickson turned to agenda item 3H (for possible action) Review, Discussion and Possible Approval of Computer Software Purchase to Meet Mandated Windows 10 Compliance Requirements. Oppenlander indicated that the next section in 3H shows quote confirmation for computers that have been discussed in prior Board meetings, as well as budgeted for. We've been working with Business and Industry. These are quotes for us to replace Board staffs' computers so that we are Windows 10 compliant with the State of Nevada's mandate for December 31, 2019. Because the staffs' computers are not at that level, this is a mandate that we've had to budget for. Our IT tech asked that the Board move forward, so he can get it done in a reasonable timeframe. If this is approved now, then we can move forward and schedule with him in a way that works for everybody. Nielsen asked if this is for the software alone. Oppenlander replied that it is the software and the hardware. We put in the budget \$12,000 and the grand total is \$12,030.60. We came in \$30.06 over what we budgeted for.

Harris made a motion for the approval of the equipment and software purchase. Maplethorpe seconded the motion. Ayes: Erickson, Nielsen, Harris, and Maplethorpe. Passed unanimously.

Erickson turned to Agenda item 3I Review and Discussion of Fiscal Year End June 30, 2019 Compliance Unit Report. Erickson observed that the report is an update of discharged cases number G9-33, G10-09, G10-13, G18-03, and G18-32. Oppenlander noted that those cases were discharged by the compliance unit with the help of Mr. Miller and Board counsel Detmer. There was also a disciplinary action this quarter that went to a consent decree. We expect to be meeting (as discussed in the last Board retreat), the goals of the Board to reduce the backlog of cases by 75% by the end of 2019. She thanked Mr. Detmer for all of his help. We are making progress and have the cases more organized. Since Mr. Detmer started working with the compliance unit it's amazing how organized we are in our thinking and how we're processing and moving forward and prioritizing cases. It's a difficult process because our backlog is so high and we do have 92 cases right now. She stated that that number won't be going down until the next fiscal year when we have funds to hire a full time investigator.

Erickson moved on to Agenda item 3J Review and Discussion of Fiscal Year End June 30, 2019 Licensing Report. Oppenlander advised Board members that the licensure statistics are in the packets. There are now over 3,200 licensees and our numbers are trending upward consistently. Last year we hit 3,000 and now we're at 3,252 now.

Erickson turned to Agenda item 3K for (possible action) review discussion and possible approval of Board President as the Board Member that is Selected to Attend the ASWB Delegate Assembly to be Held November 7th through 9th 2019. Erickson said she asked Oppenlander to put this on the agenda as she is interested in participating in this delegate assembly to collaborate with folks throughout the country and up into Canada on the Board processes. Oppenlander responded that if there is more than one person that wants to go to the delegate assembly, we only have one position that's paid for. She wanted it on the agenda so that everybody's aware of it. Erickson asked if anybody else is interested in going. As an alternate, Harris indicated that she might attend.

Maplethorpe made a motion for Approval of the Board President as Delegate to Attend the ASWB Delegate Assembly to be Held November 7th through 9th 2019. Harris seconded the motion. Ayes: Erickson, Nielsen, Harris, and Maplethorpe. Passed unanimously.

Erickson moved on to agenda item **3L Executive Director Report**. **Oppenlander** first discussed an extension of contract for audit services. She had indicated that she wanted to bid for a new auditor eventually. She went on to say that after seeing the results of the 34 audits that the executive branch looked at, she has changed her mind and would like to extend the contract with our current auditor for one more year. She thinks having the same auditor working with us through the change from Quicken to QuickBooks, and the new online renewals would be helpful. This vendor agreed to do so at a slightly increased price (from \$5,000 to \$5,750). Last year our auditor lost money due to the many changes in process. **Oppenlander** stated that she would like to move it forward to the budget liaison so she can get the contract moving and we can go in to audit right now. She thinks there are more reasons to continue with our auditor, including a fair price. **Erickson** responded that she thinks it sounds very responsible to stay with somebody who already has knowledge of our process.

Oppenlander moved forward to the small business impact survey. **Hoover** worked with **Lowery** to create the small business impact survey. We are going beyond what we have to do for NAC changes to also find out more about what larger businesses think. We are quite happy with how this looks. She went on to thank **Hoover** for working with us to design the survey. It will be similar to how she designed the survey instrument that we used on the renewal software satisfaction survey.

Oppenlander advised Board members that she has public meeting dates scheduled now. Before they are posted on the website she wanted to let them know that, a public workshop is scheduled for the morning of September 12th at 9:00 AM at United Way of Southern Nevada. **Oppenlander** said she will need to have a Board member there with her. It will be from 9:00 a.m. to 11:00 am at the United Way of Southern Nevada on Flamingo Road. If somebody could be there at nine o'clock, she'll meet you there. **Harris** indicated that tentatively, she will be able to attend.

Oppenlander went on to say she has a public workshop scheduled on September 11th at South Valley's Library in Reno, Nevada. It is a driver friendly location at the south end of town which will help with some of the people coming from other counties. The workshop is from 12:30 pm to 2:30 pm on Wednesday, September 11th. She asked that a Board member attend with her. **Erickson** said that, tentatively, she can attend.

Oppenlander commented that we already have an "R" number for NAC changes from the LCB after changes were reviewed by **Detmer** and **Lowery**. Everything regarding the workshops, the small business impact survey etcetera will be online on Monday.

The next Board meeting date for everybody is Friday, October 11th.

Oppenlander stated that the future agenda items she knows about now include a contract for bookkeeping services that she'll want to put together; will be coming back with the strategic plan and asking Board members to look at the goals that they're interested in.

Erickson moved on to **agenda item 4 Public Comment**. **Detmer** announced that he has been asked to take on a different board assignment. He went on to say it has been an honor and a privilege and a learning process with the Board. **Detmer** said the new DAG is very good, he is often the one he confers with when he has questions. **Detmer** advised the Board that he will transition out and in a relatively short time the new DAG will take over. Board members expressed their appreciation **Detmer's** hard work.

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

Meeting adjourned at 11:06 a.m.

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

3. B. i.

Public Workshop
9/11/19 Transcript

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STATE OF NEVADA

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BOARD OF EXAMINERS FOR SOCIAL WORKERS

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TRANSCRIPT OF PROCEEDINGS

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PUBLIC WORKSHOP

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Regarding Proposed Regulation Changes

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LCB File No. R055-19

12

Wednesday, September 11, 2019

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12:30 p.m. to 2:30 p.m.

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South Valley's Library

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15650 Wedge Parkway

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Reno, Nevada, 89511

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24 Reported by:

Brandi Ann Vianney Smith

25 Job Number:

570819

1 RENO, NEVADA, WEDNESDAY, SEPTEMBER 11, 2019, 12:30 P.M.

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4 MS. OPPENLANDER: In the agenda in either
5 number 2 or 4, if you have public comment around the
6 Nevada Administrative Code changes that you're here to
7 meet about today, I would probably do those in the
8 section A, which is all the way from here to here. I
9 don't know if that make sense, but I'm just trying to
10 distinguish --

11 Did that say it well enough, Rota? You know
12 all about this stuff.

13 Before we get going, I'm just trying to give
14 you -- because this is a kind of a weird agenda in that
15 way, and I just didn't want you to not see what I saw,
16 and I can't really do much about it.

17 MS. ROSACHI: Most of them have never been to
18 an open meeting, so they don't know how the open
19 meetings work. They don't know how to do the public
20 comment. So you might guide them and say, now is the
21 time to speak. So when you want them to speak, you
22 might tell them this the time to speak.

23 So you just did that in the beginning, but
24 after you go through some of the actual NACs, that's
25 probably when they'll want to speak.

1 MS. OPPENLANDER: Right. We haven't called
2 to order or roll yet. So I am just kind of, you know,
3 Karen, this is who I am. Kind of guide people who
4 maybe haven't been in this situation like this before
5 to a State of Nevada agenda. So, generally speaking, a
6 State of Nevada agenda for the Board of Examiners and
7 Social Workers starts off with a call to order and
8 roll, and then public comment where anybody can say
9 whatever they need to say.

10 And then lastly, as we close out before
11 adjournment, there's public comment at the end of the
12 state meeting, and then adjournment. So it's a
13 standard format. What's different about what we're
14 doing today is the whole body of the agenda is about
15 public comment. It's for you to tell us what you think
16 about the changes. So we'll go with that flow, and,
17 hopefully, it will make sense if it doesn't make
18 perfect sense right now.

19 I think somebody just came in, so I'm going
20 to make sure that -- I have two more only, so from here
21 on out there is going to be sharing happening, and I
22 have two more of the NAC changes for \$10 at Office Depo
23 with our two-thirds off discount. This is all printed,
24 and nobody told me they were coming today. I had
25 notice from four people, so I brought 20 copies of

1 everything. And the agendas have managed to fly the
2 coop, so I'm going to ask you to share agendas. And if
3 you want me -- these are online on our website, so you
4 can go to our website and print them off later.

5 Everybody feeling kind of comfortable with
6 our set-up?

7 Okay, Vikki.

8 MS. ERICKSON: Guide me along on this. Okay?
9 Because I -- the last time we did this, there wasn't so
10 many folks. So I'm not quite sure how this will go.

11 All right. So let's call to order. And it
12 is sometime, 12:41 on September 11, 2019. This is a
13 public workshop regarding the proposed regulation
14 changes. So let's do a roll call.

15 I'm Vikki Erickson, Board chair.

16 MS. OPPENLANDER: I'm Karen Oppenlander,
17 Executive Director for the Board of Examiners of Social
18 Workers.

19 MS. AXLEROE: Jamie Axelroe, social worker at
20 the Fallon District Office for Division of Welfare and
21 Supportive Services.

22 MS. HOOVER: Miranda Hoover, Capital Partners
23 representing the Board of Social Work.

24 MS. DeHART: Lisa DeHart with the State of
25 Nevada, the program.

1 MS. FITZGERALD: Alanna Fitzgerald, MSW, now
2 teaching at UNR.

3 MS. ROSACHI: Rota Rosachi, Nevada Health
4 Foundation.

5 MS. CARTER: Linda Carter, supervisor of
6 social work, welfare office in Reno.

7 MS. BARTELL: Dawn Bartell, social work
8 supervisor, Carson City District Office, Division of
9 Welfare and Social Services.

10 MS. BROWN: Marcina Brown, with DWSS.

11 MS. BOSLER: Paula Bosler, retired and also
12 contract work at Healing Mind.

13 MS. TAYLOR: Corinne Taylor, working with
14 Renown outpatient behavioral.

15 MS. NORMAND: Monique Normand, candidate for
16 clinical social work exam.

17 MS. PINELLI: Kathleen Pinelli, social worker
18 at the Division of Welfare and Supportive Services.

19 MS. LAZARO: Siara Lazaro, social worker,
20 Division of Welfare and Supportive Services.

21 MS. ENSLEY: Karen Ensley, social worker,
22 Division of Welfare and Supportive Services.

23 MS. DeWEESE: Daxia DeWeese, social worker at
24 the Division of Welfare and Supportive Services.

25 MS. CORTEZ: Carmen Cortez, social worker at

1 the Division of Welfare office.

2 MS. WALKER: Sophie Walker, social worker at
3 Liberty Dialysis.

4 MR. McMAHON: Michael McMahon, with Alpha
5 Productions Technologies.

6 MS. PETERSON: Tess Peterson with Nevada
7 Public Health Foundation, and I am currently an MSPW
8 student at UNR.

9 MS. VAN PATTEN: Cara Van Patten, I am a
10 student of social work at UNR, and I am an intern.

11 MS. ERICKSON: Nice. Okay. Do we do agenda
12 item number 2?

13 MS. OPPENLANDER: (Indicated affirmatively.)

14 MS. ERICKSON: Okay. Public comment?

15 Okay. So hearing none, so let's move to
16 agenda item number 3.

17 Karen, do you want to start this one off?

18 MS. OPPENLANDER: I do. Thank you.

19 We're on item 3, introduction to an open
20 workshop. So I'm going to just briefly go over this
21 whole section before it gets to number 4. And there's
22 plenty of places that I could stop and item by item,
23 but rather than do that, I think it might be better for
24 me -- before we come back and get into stuff -- to give
25 you an overview.

1 So the overview is section 3. So right now
2 we have submitted these NAC changes, or Nevada
3 Administrative Code changes, to the Legislative Council
4 Bureau. And it has been assigned -- this whole thing
5 has been assigned a number. So the number is R055-19.

6 So in 3A, it's right there, and it's also up
7 at the top right in your heading. So, right now, we
8 have an attorney from the Legislative Council Bureau
9 who's working through these NAC changes, as we refer to
10 them -- shorter than saying Nevada Administrative Code
11 every time. And they're working on it, our staff, to
12 make sure that we do it accurately, because LCB, the
13 Legislative Council Bureau, has to make sure that we do
14 it accurately. So that's why they have an attorney
15 working with our staff.

16 There's Board intent about what the changes
17 are, and then we're going to make sure that the Board
18 have -- or the group that met -- intent matches the
19 legal side of it. So that's what's going on right now
20 in our 55-19.

21 The changes, when you get into them with us,
22 are inside of here and are color-coded. So as you
23 thumb through this document, when you see red line,
24 blue line, yellow, or fuchsia, that means there was
25 some little change. Or a big change.

1 General speaking, the summary of the changes
2 are as follows: In general position -- general
3 provision -- excuse me -- small letter i, the
4 definition of LASW and LSW are reversing back to what
5 they were before. So I'll come back to that, but this
6 little statement I just made matches 641B.41 and the
7 641B.44. So it's like cross-walking stuff.

8 Number 2, in summary, under licensing and
9 supervision -- I should probably stop for a minute.

10 NACs are divided into five sections. What
11 you see in Nevada Administrative Code -- I'm 17 months
12 on the job, so I have spent a lot of time with our
13 attorney being able to say this to you.

14 So we have five sections. The first section
15 is General Provisions. The second section is Licensing
16 and Supervision. The third section is about
17 post-graduate internships. The fourth section is about
18 continuing education. And the fifth section in this
19 packet -- the thick packet -- is around standards of
20 practice. So this is all the law. And we're making
21 some recommendations about changing some of the
22 language in the law. That's why you're here, because
23 you care. Thank you.

24 So, anyway, resuming where I was at, on your
25 agenda, small letters ii, length of time and

1 application of licensure will stay open. That's being
2 changed.

3 And so if you're tying it to this, that's on
4 page 10. It's 441B.090, and it has to do with two
5 areas. One is that the initial exam approval, once you
6 receive exam approval, your application can stay open
7 for nine months and then it closes. Or if you're
8 getting endorsed and your endorsement is received in a
9 completed fashion, your application can stay open for
10 six months.

11 In number iii, removing the option for NSW
12 graduates to take the bachelor's exam. That's renewing
13 the option that's been there for somebody who's
14 graduated with an MSW to take the bachelor's exam. And
15 that's because that testing group, the Association of
16 Social Work Boards who provides the examination, will
17 no longer support master's candidates taking the
18 bachelor's-level exam.

19 They said they were looking for test
20 integrity. So to make the test integrity be there,
21 master's candidates take -- or master's graduates take
22 the master's exam; bachelor's graduates take the
23 bachelor's exam. So what we're doing is we're syncing
24 up our NACs with the Association of Social Work Boards
25 nationally -- or actually, North America for United

1 States and Canada.

2 In number -- little numbers iv or four, we're
3 changing the timeframes for when a failed exam may be
4 retaken. And we're allowing the exams to be retaken
5 every 90 days. So anybody that got caught in the deal
6 where you were retaking the exam in 90 days, and then
7 all of a sudden you wait six months, we're going to
8 allow you to do it every 90 days now.

9 In the next one, that's stipulating
10 educational requirements for provisional "B," that's
11 tying on page 14 to 641B.112. And it talks about that
12 you have to be 30 units into your MSW program before
13 you can do a provisional "B" license.

14 The next one down -- I skipped 5. Sorry. I
15 didn't mean to. Well, it's self-explanatory. We're
16 not going to force you to restore a license past two
17 years. So it's a cost savings to people that are in
18 that area.

19 So we determined with the people that were
20 part of this process to make the changes that two years
21 was plenty to force you into restoration, and we didn't
22 have to keep trying to force you into restoration at
23 three years. It's a fee decrease, if you're in that
24 boat. Not many people end up in that boat, so if they
25 are in it, it's good for them.

1 Down to provisional vii, length of time for
2 exam and expiration for a Provisional "A" license.
3 That was that typo. And it had said nine months and it
4 was supposed to say 90 days and we're fixing that.

5 We have a lot of typos in the NAC changes.
6 Really, I'm only summarizing major changes. When we
7 went through the NACs to try to clean them up, if there
8 were "charges" where the word "change" was supposed to
9 be there, or the word "change" was in there and the
10 word "charge" was supposed to be there, we're -- I'm
11 not talking about that stuff today.

12 Housekeeping where we had an inaccurate word,
13 we're just cleaning that up. So you'll see more little
14 marks in this packet that I will talk about today for
15 that reason.

16 The next one down is ix or nine, disallowing
17 payments by cash. Most of the Boards and commissions
18 don't take cash anymore. There's been, over the years,
19 fraud and embezzlement when you walk into a cash-based
20 office where cash is floating around.

21 I'm not saying we've ever had that problem,
22 but we're going to move away from cash. I can imagine
23 there might be some comments about that because there's
24 a nationally -- including USA Today, there was an
25 article this week about how moving away from cash is a

1 problem for some people.

2 So I'm not trying to do it for that reason.
3 What I am trying to do is not having a 10-dollar bill
4 floating around over here and a hundred-dollar bill and
5 walking through an office that's stopped up with
6 paperwork with paperclips attached to it with money.
7 So just trying to move to a cleaned-up environment
8 where fraud and embezzlement is less likely to happen.
9 That's all this is about.

10 I would imagine that if you came flying in at
11 4:30 when we're closing with \$25 to pay something, we
12 probably will take it, you know, because we're not that
13 weird. But just trying to reduce that. Because we're
14 online now, and online we actually have credit cards
15 this year for the first time. So, yay us. This is
16 modernization in action. So we felt like maybe it was
17 time to dispose with the whole storyline.

18 The next one down is the section on
19 post-graduate internships. Summarizing, once again,
20 removing "substantially equivalent" language on hours
21 being counted from an internship in another state.

22 What's happened is if you were an intern in
23 Utah and you came over and you had already done a
24 thousand hours and jumped over to Nevada where we need
25 3,000, we would examine your thousand hours from Utah.

1 We're saying we're not going to examine those hours.
2 If they were approved in Utah, they're good enough for
3 us. But we're just going to count on, and then you're
4 going to get your other 2,000 hours so you can get
5 3,000 over here, and, you know, we trust Utah. This is
6 a trust matter. So it's not any more exciting than
7 that. It's just making it easier on everybody.

8 If you're an intern supervisor -- is anybody
9 here an intern supervisor? Anybody? Anybody?
10 Anybody? Okay. So intern supervisors are
11 post-graduate. So field practicum is when you're a
12 student, when you're post-graduate, and you're getting
13 either hours for clinical social work internship or,
14 like I am, a licensed independent social worker, those
15 intern hours, if you're a supervisor, you can now
16 accept four interns.

17 The xii, reducing frequency of post-graduate
18 internship progress reports from quarterly to every six
19 months. We did a study nationally. There are six
20 states in the United States that don't ask for
21 quarterly reports at all, and about seven states that
22 do. I might have gotten those numbers wrong, but you
23 get the point.

24 We're one of the ones that ask for quarterly
25 reports. So we're going to take a middle-range

1 position on that and move to twice a year. So for
2 interns, twice a year, if you've been through the
3 process, probably feels like plenty. It certainly
4 would have to me. I did the four quarters a year plan.
5 I wish I had done two.

6 Continuing education, cross-walking that it's
7 on page 24. It's 641B.187(a). And it's specifying for
8 those of you who are retired licensees, that if you
9 want to stay in the retired licensee thing where you
10 don't have to get CEUs anymore, you still have to get
11 them for suicide prevention. Not because we need that
12 in the social work world, 641B, but because the State
13 of Nevada requires it. So we can't ditch that. So you
14 get to get two CEUs in suicide prevention even as a
15 retired social worker.

16 MS. ROSACHI: Doesn't that expire, though,
17 after a period of time?

18 MS. OPPENLANDER: You know, that's a
19 perfectly good question that maybe when we cross-walk
20 this together and we look at the small print, we can
21 see if it's written in there or if I have to go back
22 and find out the answer, or maybe you already know and
23 can teach us all.

24 And then in -- that last thing in section 3
25 that I am summarizing right now is xiv or 14, adding

1 information regarding what is considered unprofessional
2 conduct. This is cross-walked on page 34, 641B.220.

3 So that's my presentation. I know that this
4 is not probably state language, but this is the
5 language that comes from my background. This, to me,
6 is a community conversation. So me being up here being
7 a talking head any further than right now is silly.
8 This is really what do you have to say about the NACs.

9 Because we have a court reporter, as required
10 in public hearings, when you decide you want to talk,
11 please introduce yourself and enunciate loudly. Many
12 of you are soft-spoken, and she couldn't hear you when
13 you did roll call. So enunciate clearly, perhaps even
14 spelling your name. For example, Alanna is with two
15 "Ns" at the end of it. That kind of thing. Although,
16 I think she probably figured out Fitzgerald. So just,
17 you know, just think it through for her sake. And so
18 that's that stage where --

19 There's only one other thing I'd like to
20 explain in terms of what's attached to the agenda, and
21 that's the process that we're in right now. This is
22 the shorthand of this process.

23 On July 30th and 31st, Vikki held a meeting
24 with -- depending on which day it was -- 12 people on
25 the 30th and 13 people on the 31st that were from the

1 university, including Shawdee from the north, Kathleen
2 from UNLV, public members like Rota and Miranda, and
3 others that were -- we had a student -- MSW concentrate
4 student there. All four Board members were in
5 attendance, two staff members were in attendance. In
6 general, we had 12 to 13 people come up with these NAC
7 changes.

8 And it was an interesting process because the
9 first part of it was reviewing where the Board was at
10 strategically and why it wanted to tackle some things
11 now and maybe some other things, perhaps, in the next
12 legislative session and some other things in future
13 years.

14 They also were looking at some suggestions
15 that are being made by business and industry about
16 where 34 unregulated regulatory Boards might end up in
17 January of 2022.

18 And that's not a topic of today's meeting,
19 but these are things that we're and the other public
20 members were contemplating and seating their NAC
21 changes in the middle of these other issues that are
22 controversial. They were looking at senate current
23 resolution number 6, which has about 12 "whereases" in
24 it that will be studied by the sunset committee during
25 the interim session.

1 They looked at the process this outlines so
2 that they understood it fully and understand why a
3 process like what we're in today takes somewhere
4 between six to nine months before a NAC change actually
5 goes into effect. So we are at a stage in that process
6 right now which is taking all of your comments into
7 understanding for the Board so that they can filter
8 those in the other comments that we have been issuing
9 since January. So that's going on.

10 One of the things I was cross-walking you
11 over to is fee changes. This is a more simpler way to
12 look at it for me. Even until the day before
13 yesterday, I was having this reworked so that I can see
14 it better because I had cataract surgery last week and
15 I was having trouble reading across the lines because
16 this eye and that eye aren't quite jibing, so I had
17 broken up the boxes so that I can see better.

18 So just letting you know a little bit more
19 about, you know, what we've prepared for you so that
20 you are best able to make public comment. If, in your
21 public comment, it's beyond a comment, and you would
22 like to talk with some of the people here that could
23 possibly answer some questions. So if it is a public
24 comment that is a comment, that's one thing. But if
25 it's a public comment that has a question that goes

1 with it, then there are several people here that can
2 answer those questions, including one of the public
3 members that was in this process.

4 Rota Rosachi, can you raise your hand?

5 MS. ROSACHI: (Participant complied.)

6 MS. OPPENLANDER: Including Vikki Erickson,
7 the president of the Board. Including myself, who gets
8 hired to answer questions like this. And including
9 Miranda Hoover, who represented our Board here in this
10 session. And so she was down in Carson City every day
11 because I couldn't be. And so she's really schooled in
12 how the whole legislative process works.

13 So there's a couple of people here who can
14 answer questions, but right now we're in the community
15 conversation part where you tell us what you're
16 thinking.

17 Thank you.

18 MS. ERICKSON: Should we just -- should we go
19 one by one? Would that be best, do you believe?

20 MS. OPPENLANDER: (Indicated affirmatively.)

21 MS. ERICKSON: Okay. So let's just go step
22 by step then, unless somebody opposes that.

23 To general provisions, I guess, agenda item
24 3A little i. Definition of LASW and LSW, reversing the
25 changes made in 2017. So going to open it up and just

1 go down agenda item by agenda item. We'll look at
2 agenda item 3A little i, definition of LASW and LSW
3 (reversing changes made in 2017). Somebody said it was
4 on page 6.

5 MS. WALKER: I have a questions on this. Is
6 there a difference with baccalaureate and masters,
7 like, in some states you do the LMSW versus LBSW?

8 MS. OPPENLANDER: Or an LBSW. Those aren't
9 designations in the State of Nevada.

10 MS. WALKER: So we write LSW for either?
11 Unless you have your LCSW.

12 MS. OPPENLANDER: Or LISW.

13 MS. WALKER: Right. Is that something
14 that -- I'm not sure. I apologize. This is my first
15 time here. Is that something that's been brought up in
16 the past or something that's a consideration or --

17 MS. OPPENLANDER: I'm going to think that
18 your question is -- because I've heard this question
19 before. So 17 months on the job, I hear certain
20 questions by picking up the phone all the time. Are we
21 going to be moving into having LMSWs? And that was
22 brought up at a Board -- at the May 2018 Board meeting.
23 And it is parking -- it's on a parking lot for now.

24 So there are a couple of states that use the
25 LMSW category. I'm favorable to it personally and

1 professionally, but there's more considerations that
2 need to be made. And so the timing of making one more
3 shift right now is probably why it's parking lot'd.
4 So.

5 I would think that if the Board takes that
6 up, it will probably be in the 2021 session. Or the
7 2023 session because it's a -- we'd have to go to the
8 legislators again. And so part of it is the appetite
9 for working with the legislators again right now.
10 Because there's a couple of other changes we must go
11 through in order to be successful. So it's a real
12 time-taker-upper to add that category at the moment.
13 But I think it might actually end up in the 2023
14 session.

15 MS. WALKER: Thank you.

16 MS. ERICKSON: So the 641B.041 and 641B.044,
17 the changes of -- reversing the changes made in 2017,
18 the discussion specifically was for these two that are
19 highlighted under the supervision of an agency, you see
20 is lined-out in red -- that became an issue of
21 discussion and some controversy as to what does that
22 really mean.

23 So we took -- we proposed taking that out and
24 putting in "as an associate in social work" to not
25 confine the definition of associate and social work and

1 social -- licensed social worker as confined under the
2 supervision of an agency, because that led to a lot of
3 confusion.

4 MS. ROSACHI: I spoke for all of you. And I
5 truly tried to convince them to leave the language as
6 it was because it met the definition of everything that
7 we are doing, and I was very comfortable just leaving
8 it the way it was. And so they agreed that they would
9 just take it, associated with an agency, away. And so
10 it goes back to the original language that was passed
11 in the law, and actually passed in law in 1987. So
12 it's all good language for us.

13 MS. ERICKSON: We are ready to move on to
14 number 2? Okay.

15 So Licensing and Supervision, item ii is
16 length of time an application for licensure will stay
17 open.

18 MS. OPPENLANDER: So if you're cross-walking
19 this, this is page 10, and you'll see it in blue ink.

20 MS. ROSACHI: The discussion had to do a lot
21 with some people, once they make an application, they
22 sometimes have other issues that pop up, so it takes
23 them some time to actually complete the application.

24 So what this does is gives them more time, so
25 that you don't lose the application and have to pay

1 again for another application fee. So it's actually
2 giving you more time to actually follow through once
3 the application is made. It's a good thing.

4 MS. ERICKSON: Any further comment on that?
5 Okay.

6 So we'll go on to item iii, removing option
7 for MSW graduate to take bachelor exam. I think you
8 just covered that as well. So this, again, aligns with
9 what Karen indicated. It aligns with what they,
10 Association of Social Work Boards, requires for --
11 well, we're aligning with what a majority of the states
12 in the country do under the Association of Social Work
13 Boards, since they are our test creator and
14 administrator.

15 MS. ROSACHI: If I recall correctly, the
16 conversation, though, we need to have everybody
17 understand, so you guys correct me if I'm wrong. But
18 when you get your bachelor's degree in social work, you
19 can take your test to become a licensed social worker.
20 If you don't take the test and wait until your master's
21 degree and then you have to take the advanced test, and
22 if you fail the advanced test, they won't let you go
23 back and take the bachelor's test. So you have to
24 understand that.

25 So if you want to be licensed, you want to

1 make sure as soon as you get your bachelor's degree,
2 you take the test for licensure. That way if you fail
3 the advanced one, you still are a licensed social
4 worker.

5 UNIDENTIFIED SPEAKER: Little bit tougher
6 than --

7 MS. ROSACHI: No, it's actually okay, as long
8 as you understand don't wait to take your test until
9 you have your master's degree. Take your test when you
10 have your bachelor's degree, because then you could be
11 a licensed social worker. Then if you fail it, you're
12 still a licensed social worker and you can continue on.

13 MS. ERICKSON: Further comment? Okay.

14 Hearing none, we'll move to iv, changing
15 timeframes for when a failed exam may be retaken. So
16 that was a change, I believe, that's on page 12. That
17 was, like Karen indicated, changed to may be retaken
18 every 90 days to give more of an opportunity to pass
19 this exam.

20 Any comments? Okay.

21 Hearing none. Moving on to v, reducing
22 period for restoration of an expired license from three
23 to two years. That is on 13.

24 MS. ROSACHI: That's also a good thing
25 because what it does is, if for some reason you lose

1 your license, you don't have to wait three years to get
2 it restored. You only have to wait two.

3 So, so far all changes they've been proposing
4 have been to our advantage because they're giving us
5 better options.

6 MS. ERICKSON: Any further comment? Okay.

7 Vi, stipulating education requirements for a
8 Provisional "B" license.

9 MS. ROSACHI: Can you maybe explain what a
10 Provisional "B" license is?

11 MS. ERICKSON: Karen, what page are we on?

12 MS. OPPENLANDER: We're on page 14, 641B.112.
13 Sometimes I think that somebody else ought to be here
14 to discuss provisional licenses because when I'm in the
15 office and somebody calls up about them, there's so few
16 of them being utilized because they have tricky -- you
17 know, to use a provisional license, somebody will see
18 it there, and they think they ought to be getting one
19 or something.

20 They're really for specific circumstances,
21 and I think, once again, if I remember correctly, there
22 were only seven last year. So they don't come up very
23 often. Although, we get calls about them pretty
24 frequently.

25 In my 17 months as Executive Director, I

1 haven't been responsible for answering the nitty-gritty
2 questions on provisional licenses, but Caroline and
3 Lonnie or Sandy in the office can answer these to Nth
4 degree. And, if after today you want to understand a
5 provisional license better, please write me a note by
6 email, and I'll give you my business card right now,
7 and I'll be happy to answer that question
8 authoritatively as opposed to making up an answer right
9 now.

10 So I apologize, but I -- in the office, I
11 turned to somebody that knows the answer rather than
12 trying to make stuff up with anybody. I'm always
13 going, "Hold on a minute, let me hand you off to
14 Caroline," or whatever. Because I don't want people to
15 have me confuse them. I am really afraid that if I say
16 much more, it will be more confusing than helpful.

17 They're just rarely used, and, for the most
18 part, we try to talk people out of using the
19 provisional options because they -- you can shoot
20 yourself in the foot on some of these. So they can be
21 a problem for you. And so we're always trying to make
22 it easier for people. It's usually easier to just get
23 a license the regular way.

24 That's about all I know about it. And I'm
25 trying to find my business card so I can give them to

1 anybody who might want to ask me -- send me an email
2 and ask me a question later, and I'm really happy to
3 answer those. And I'll get those, whatever you have to
4 say, in the public comment appropriately also.

5 MS. ERICKSON: Provisional licenses "A" and
6 "B" are both licenses that are temporary in nature and
7 we essentially indicated that it would be more
8 reciprocated across state lines.

9 And also, as Karen indicated, down on page 14
10 in 4.(b), there's a typo that provisional licensing
11 period of nine months was moved to 90 days expires, and
12 that's until exam -- taking the exam. It's a temporary
13 license until you can secure your full exam.

14 Further comments about provisional?

15 MS. PETERSON: So when it says you have to be
16 30 units into the master's degree program -- I'm in the
17 concentrate year, and so would mean I really wouldn't
18 be able to qualify for that because I'm only -- that
19 would be the last semester of my college degree, in
20 which I would probably already be applying for a
21 regular license?

22 Okay. Thank you.

23 MS. OPPENLANDER: Somehow 30 business cards
24 that I've brought in here have --

25 So if you see a rubber band with 30 business

1 cards around.

2 MS. ERICKSON: So we covered vi and vii,
3 unless there's further comment or question about
4 provisional? Which, again, we don't have --

5 MS. CORTEZ: Yes. The same question. So
6 that means you have to complete your master's degree
7 within three years that you graduated to obtain your
8 bachelor's degree? Or am I confusing that?

9 MS. FITZGERALD: May I? On page 14, if you
10 look at item 6, it gives you a pretty decent
11 explanation of what a provisional license holder would
12 do. And that it's just getting them provisional, or
13 short-term license to engage in social work, under the
14 supervision of a licensed social worker, points (a) and
15 points (b) there.

16 So it's kind of like you're allowed to start
17 being -- working as a social worker prior to actually
18 having your degree. Short term. Provisional. And
19 I -- forgive me if I'm out of line explaining that, but
20 that seems to answer it to me.

21 MS. CORTEZ: Thank you.

22 MS. ERICKSON: Moving to viii, increasing
23 fees for applications, initial licensure, endorsement,
24 and renewals.

25 MS. VAN PATTEN: I have a question. I was

1 just curious as to why the increase, and how you guys
2 came up with that proposed number as opposed to, you
3 know, because it was such a wide range that it could
4 have been.

5 MS. ERICKSON: Do you want to discuss?

6 MS. OPPENLANDER: There are three people in
7 the room that walked through that process I'm going to
8 describe to you during the legislative session: Our
9 president, Vikki Erickson; our Capital Partner in every
10 way, Miranda Hoover; and myself. So we have been
11 walking this walk since January 1st.

12 So if I ever jump to some conclusion that
13 you're not going to with me, know that I got here in a
14 really long, hard way. Because before January started,
15 I had been on the job since April 2nd the prior year.
16 I'm a cynical and skeptical person, as people who have
17 known me for a long time would tell you.

18 When I started at the Board of Examiners for
19 Social Workers, when somebody told me we needed fee
20 increases, I said, "really?" It wasn't my first bite.
21 But for the longest process, we clawed back through our
22 work. And it turns out that the Board of Examiners for
23 Social Workers, about 20 years ago, we started running
24 behind. Not with the public part, but with the --
25 well, it is the public part, but not with the

1 outward-facing part, but the inward-facing part.

2 So when it came time to get licenses out the
3 door, getting CEUs approved, doing a number of things,
4 we could keep things moving along. But on the back
5 end, we have a very large backlog of disciplinary cases
6 in our compliance unit. We have a backlog to 2009.
7 And we don't have investigative staff, and we don't
8 have enough attorney fees to pay for the cases.

9 So somebody will make a complaint against a
10 social worker, and we're a regulatory Board. We need
11 to deal with those complaints, and we don't have enough
12 whatever to get that done.

13 The backlog started when the first executive
14 director left. She handed the backlog off to --
15 essentially, I'll just say there's basically been
16 three. There's been a few fits and starts in between,
17 but basically there's been three, except for folks like
18 me that have been through all of that. The first gal,
19 Rose, had to hand off the backlog. Not because she
20 wanted to, but because she couldn't get it all done.
21 She gave it off to Kim, who wanted to get it all done
22 but didn't have enough hours in the day and handed it
23 off to me.

24 So I went back to see -- we never, on a sweet
25 spot, were collecting enough fees to pay for what we

1 needed to get our work done. So let's just set that
2 aside. So that's not a big enough problem.

3 The next thing that came along in 2015 is
4 that we received -- have you ever heard of unfunded
5 mandates?

6 UNIDENTIFIED SPEAKER: Um-hum.

7 MS. OPPENLANDER: I know you have. It's been
8 your work for decades -- right? -- dealing with
9 unfunded mandates.

10 So this Board, as many Boards in
11 commission -- of the Boards in commission, in general,
12 there's about 300 in the State of Nevada -- or a couple
13 of hundred, whatever there is -- about a third of
14 Nevadans are licensees. But our Board didn't charge
15 enough in fees. This is going way back.

16 So when the unfunded mandates came down
17 saying that we had to have reserves in the bank in case
18 there was an emergency or whatever, we're supposed to
19 -- depending on who's telling us -- we're supposed to
20 have five to six months of reserves, if you're
21 listening to the legislative branch of government, or
22 eight to 12 months of reserves if you're listening to
23 the executive branch of government. You know, I might
24 have that wrong depending on who's speaking, but we've
25 heard various things.

1 We have zero dollars in reserves. We have
2 been on a razor's edge of bankruptcy this year.
3 Insolvency. So I'm just trying to be clear. This is
4 not a big secret. This has been in public meetings.
5 It's part of minutes. It's part of Board minutes.
6 It's part of minutes in front of the legislators, et
7 cetera. This is not like quiet talk down the road
8 here.

9 We also have to have things like Windows
10 compatible computers. I'll just make that up. That's
11 kind of an easier one to solve; right? But we don't
12 have money for that, and the State of Nevada expects
13 that.

14 MS. ROSACHI: I was going to say, maybe I can
15 help you. What probably most of you don't know is that
16 the Board itself has to be self-funded. In other
17 words, most state agencies have the opportunity to go
18 to legislature, and when they're running short, ask for
19 some general funds or some other funds to cover their
20 expenses.

21 But licensing Boards do not have that
22 opportunity. So they have to -- they get all their
23 funds from the licensees themselves. So they have to
24 look at their own organization to figure out how they
25 can go ahead and fund the necessary expenses that she's

1 talking about. And so she's at the point now where
2 she's got to come to us and ask us for some help.
3 That's what she's attempting to describe right now.

4 MS. OPPENLANDER: So what are some other
5 unfunded mandates that we're looking at right now?

6 MS. HOOVER: One thing that we all know is we
7 just got online renewals. That was part of the
8 discussion from the legislature last summer. Have any
9 of you ever testified at the legislature? Awesome.
10 Thank you. That's a huge part.

11 So in between our legislature, which you are
12 only 120 days every other year, they have committees
13 that happen during what's called the interim year
14 period. Last summer, during the interim period, the
15 committee met and the Board of Social Work was a huge,
16 hot topic. And, as Karen described, we are required to
17 have a cash accrual system, which is essentially a
18 checking account and savings account. Right now, we do
19 not have a savings account as Karen described.

20 Two, as a licensing Board, we have to get
21 online renewals, which if any of you renewed in the
22 last few months, you'll know that we have online
23 renewals. Yay. And, hopefully, if so, you've taken
24 our online renewal survey. If you haven't, please take
25 that.

1 We have everything from cash accruals,
2 getting online, and really trying to work on our
3 licensing numbers overall. And we have a very short
4 window to get this done. They gave us until 2023 to
5 get this done.

6 And with, as Karen described, our backlog of
7 cases right now, we're trying to figure out an increase
8 in staff, potentially, and we're just trying to figure
9 out how to continue online licensing; how to ensure the
10 website stays maintained, stays posted. It all costs
11 money.

12 So I know that, looking at these numbers,
13 it's very scary, and I know looking at fee ceiling
14 versus what is proposed -- our number one goal, and
15 what I told Karen and Vikki when I first started was
16 let's go high on the fee ceiling so that I don't have
17 to come back next legislative session and explain to
18 legislators why we need another fee increase.

19 I would rather go a little bit higher than
20 what everyone's comfortable with during this
21 administrative process that you all are here to take
22 part in today. We will decide on a good number for
23 today.

24 This Board is not looking to increase your
25 fees every six months. We're hoping that this increase

1 is going to be the fix we need to get us to the next
2 legislative session, and when the legislators call us,
3 call me, call Karen, call Vikki, and they say what
4 progress have you made over the last two years, we can
5 show them not only on paper the facts and the data, but
6 we can also show them our bank account and say, hey, we
7 do have some money in reserves.

8 So I hope that helps.

9 MS. OPPENLANDER: So I'm still answering this
10 question, and I'll -- if you're asking me questions,
11 I'll --

12 MS. BARTELL: No. It was about what she
13 said.

14 MS. OPPENLANDER: Then why don't you --
15 (Inaudible commentary amongst
16 participants.)

17 MS. OPPENLANDER: Crosstalk right now.

18 MS. BARTELL: So this fight for getting
19 funded, is there anything to do with raising the pay
20 for the workers also? Does that correlate at all?

21 MS. OPPENLANDER: It's --

22 MS. BARTELL: Rasing the license without
23 trying to raise the pay to pay for the license.

24 MS. OPPENLANDER: So I'm going to parking-lot
25 that. So pretend that I brought a -- which I forgot to

1 do. I was so good at this at our last meeting, that
2 easel right here, and it's got a flow chart on it.

3 MS. BARTELL: Um-hum.

4 MS. OPPENLANDER: And I'm going to
5 parking-lot that discussion because it's a side
6 discussion. And I want to get back to answering your
7 question before we come to you, Mike.

8 So the -- so how did we come about with
9 things? So I tried to lay some background so this
10 starts to make sense. So what you're cross-walking for
11 me right now, if you will, is on page 15. This is what
12 got written into legislation by the legislators. This
13 is a proposed -- I'm sorry.

14 This discusses what the legislature does.
15 This discusses what the legislature does. This
16 discusses what's happened historically. And here's the
17 proposals.

18 So this blue column is lining up with the NAC
19 changes. This light blue column should be matching
20 page 15. But let me explain how you're getting to the
21 light blue column, which is your specific question.
22 I'm not forgetting that.

23 So fee ceilings were instituted by the
24 legislation in 1987, in 1993, and 1995. We have not
25 had a fee ceiling increase since 1995. What we did in

1 the last session was as for fee ceiling increases. So
2 we jumped up a big number in here with no intent to
3 move to this big number anytime soon.

4 This was -- this created a lot of fear out
5 there that the Board would jump to the big number if we
6 got this embedded here. This is just this Board's
7 intent not to have to go back to the legislation --
8 legislators again and ask for a fee ceiling increase.

9 Before you can ever ask for an increase, you
10 have to have room within your ceiling to work with.
11 Historically, in 1987, in each of these categories,
12 these were where we were at. And so these were when
13 they got jumped up.

14 So in '87 we took a fee increase; '93 we took
15 a fee increase; '99 we took a lot of fee increases.
16 You can see they're incremental. There's never any
17 big, huge jump in any particular year. In 2003, there
18 were some increases, in the 2015, and then we hit our
19 caps. And then we couldn't keep working. We couldn't
20 make ends meet. We were on -- into insolvency, which
21 led us to asking for these big numbers here.

22 But your question more specifically is why in
23 the heck did we choose this set of numbers. And that's
24 the interesting discussion. So we've been receiving
25 feedback since January. And I have it all captured. I

1 capture every piece of feedback from anybody, any way.
2 Any type of media that you want to contact the Board,
3 we capture all of it and we feed it back to the Board.
4 So in -- on July 30th, 31st, the Board listened to the
5 summary of all the feedback.

6 This particular recommendation is the most
7 interesting to me about how it came about, so I love
8 telling this story. When we were looking at how can we
9 make ends meet on the budget, and, of course, we tried
10 to look at a 10 percent budget increase, but that
11 doesn't help us.

12 If we asked for a 50 percent increase over
13 what we're charged right now, I could hit our
14 legislative mandates next year. But I am a kind of a
15 gutsy person, and I'm okay with going back to
16 legislators and saying we're not going to hit your
17 legislative mandates until 2023. I know you wanted
18 them in 2015 and you wanted them again in 2017 and you
19 wanted them again 2018, during the sunset committee
20 last hour, and you wanted them during when we were in
21 session in 2019. But given our budget projections,
22 we're going to tell you we'll hit your unfunded
23 mandates that you tell us we must do by 2023, if we do
24 a 25 percent increase.

25 I didn't come up with this number by myself.

1 A student group at the University of Nevada, Reno,
2 undergraduate students, bachelor students who are just
3 getting ready to graduate -- are any of you in that
4 policy class that came up with this 25 percent number
5 by chance?

6 This group of policy students, who are
7 members of FUSED as well as some other policy groups at
8 UNR, studied our minutes, studied our situation, so
9 forth and so on, and worked with Senator Woodhouse and
10 talked to her at length and said, we think a 25 percent
11 increase is palatable.

12 I went back and plucked in the numbers into
13 our budget and projected numbers, like when can we get
14 our backlog reduced if we had attorney fees and
15 investigators to actually investigate our cases; when
16 could we get our applications online; when could we get
17 our disciplinary compliance unit stuff online. So
18 there's a whole bunch of stuff we're supposed to be
19 doing. If we got all that done at 25 percent increase,
20 it would hit 2023.

21 So I went, I'll stand that up in front of the
22 legislator that wants to take me down. Because I
23 thought it was a good understanding of what all the
24 summary statements had been coming into our office and
25 all the fear and all the different positions that

1 people took.

2 What was really interesting to me about the
3 25 percent as opposed to the \$25 increase per category,
4 which was also looked at, was a \$25 increase per
5 category was disproportionate to the newly graduated.
6 So an application that would be increased from \$40 by
7 \$25 would be \$65. A \$40 application for somebody newly
8 graduated at a 25 percent increase brings it to \$50.
9 So it was a lower hit on a new graduate. So that was
10 why it was 25 percent instead of \$25.

11 Let's take that to the most highest-paid
12 social workers, the LCSWs. If they get a \$25 increase
13 to 150, it's 175. If they get a 25 percent increase,
14 it's 187.50.

15 So the group on July 30th and 31st, after
16 much discussion, decided that it was proportionately
17 more fair to hit the highest-paid social workers with
18 the 25 percent increase, the 187.50.

19 And I'll tell you, I couldn't have made these
20 numbers up if I tried. What was so fascinated is it
21 came straight out of this group of students who
22 testified in the legislature several times, who banded
23 together as a group, a forcefield, if you will, who
24 came in public situations, and not only spent publicly
25 in big groups, if you saw them there, but also tackled

1 me independently; Vikki independently; Miranda
2 independently; senators independently; so forth and so
3 on. And they came up with 25 percent. They thought it
4 was a palatable fix because they understood the Board's
5 position. And they went through the trouble to
6 actually go back to the Board minutes and understand
7 what the Board was suggesting with trying to stay
8 viable.

9 That's the A to Z answer.

10 MS. BARTELL: Thank you.

11 MS. OPPENLANDER: You're welcome.

12 So before I get to do my -- and I'm so sorry,
13 I forgot your name.

14 MS. BARTELL: Donna Bartell.

15 MS. OPPENLANDER: So, Ms. Bartell, you were
16 wondering about raising --

17 MS. BARTELL: The income. I mean, because
18 the Board is for the -- it's a state Board; right?
19 It's State of Nevada jobs. Everybody wouldn't know
20 this. I was looking at your letterhead.

21 So this is not a state employment site that
22 I -- state employees at all? That's why I thought they
23 were. I thought it was people that worked for state
24 employees.

25 MS. ERICKSON: It's a regulatory Board

1 that --

2 MS. BARTELL: So if you -- you couldn't have
3 a position at this agency on the Board of Examiners as
4 a state employee?

5 MS. ERICKSON: Well it's -- the folks that
6 work at the Board are state employees of the Board, but
7 the Board's role is regulation of the licensure.

8 MS. BARTELL: Everybody's elected on that
9 Board?

10 MS. ERICKSON: Not elected. Their appointed
11 by Boards and commissions of the governor's office.
12 And then there's staff that work at the Board, that do
13 the daily tasks of the Board.

14 MS. BARTELL: And the support of the social
15 workers that are licensed.

16 MS. ERICKSON: Well, it's a -- the Social
17 Work Board regulates licensure. So complaints would
18 come in, hypothetically, or people apply for licensure
19 or questions about maintaining licensure or
20 transitioning licensure from another state would come
21 in. So they regulate that. Kind of like the DMV would
22 regulate a driver's license. We regulate the social
23 work license.

24 UNIDENTIFIED SPEAKER: So it is self-funded.

25 MS. ERICKSON: Self-funded.

1 UNIDENTIFIED SPEAKER: By the fees.

2 MS. ERICKSON: By the fees.

3 MS. OPPENLANDER: Just in order -- because
4 he's behind you. I don't want to tell you what to do,
5 Vikki, but Mike had his hand up for a question next.
6 Mike McMann.

7 MR. McMAHON: It's all right. Finish up with
8 the conversation. I can come back.

9 MS. ERICKSON: Does that answer the question?

10 MS. BARTELL: Oh, no, I just thought since
11 they're fighting to raise our fees, they were going to
12 fight to raise our pay. But that's probably --

13 MS. ROSACHI: That'd be like an NASW.

14 MS. BARTELL: NASW. Yeah.

15 MS. ROSACHI: Different group.

16 MS. ERICKSON: Although, many of us are
17 social workers on the Board.

18 MS. BARTELL: Right. Yeah. And were a --
19 those on the Board are fighting to raise the fees.
20 Because it's unfunded, you have to fund your own -- and
21 a lot of people -- there are more violations -- did
22 they find there is more violations versus people
23 following the code of ethics? Have they done a type of
24 study on that?

25 MS. OPPENLANDER: Um-hum.

1 MS. BARTELL: Because if you followed the
2 code of ethics, you'd have less violations. I was just
3 wondering what kind of studies that the Board was
4 doing. That way you wouldn't have to have as much
5 fees, as much -- another position to, you know, pay for
6 another position to get investigations done.

7 MS. OPPENLANDER: So in a 10-year period
8 ending in 2018, the calendar year 2018, I've been -- I
9 hope I quote this correctly -- there were 224 cases
10 brought to the Board of complaints asking for sanctions
11 against licensees. And of those 224 complaints, 20 of
12 them were brought to conclusion with sanctions against
13 licensees. The remaining 204 cases were either
14 dismissed or discharged.

15 So a complaint, in and of itself, we have to
16 follow through on. But not all complaints are verified
17 or warranted for investigation, and so they're not
18 necessarily something we would follow through on.

19 MS. BARTELL: Um-hum.

20 MS. OPPENLANDER: If a complaint is verified
21 and worthy of continuing with an investigation, in
22 order words, somebody is violating either the Nevada
23 revised statute, which we're not -- we don't have a
24 copy of in front of us today -- but they're violating
25 NRS 641B or they're violating NAC641B, then the Board

1 will conduct an investigation to try to find out an
2 abundance of evidence.

3 So this isn't like a crime case on NCIS where
4 it's a crime beyond a shadow of a doubt. We're not in
5 criminal law here, generally speaking. We're,
6 generally speaking, in administrative law.
7 Administrative law is an abundance of evidence, and
8 that's 50 percent of evidence plus the other. We have
9 to have that much evidence before we can do a sanction
10 against a social worker.

11 So it's a process, and I think that gives you
12 a sense, of all the many cases we might receive, how
13 many actually are brought to conclusion.

14 MS. BARTELL: Um-hum.

15 MS. OPPENLANDER: Twenty cases over a 10-year
16 period when you have over -- during that year, we had
17 3,000 social workers in -- or in 2018, we had 3,000
18 social workers -- is not a heck of a lot of people that
19 actually have sanctions against them.

20 MS. BARTELL: Um-hum.

21 MS. OPPENLANDER: However, the public expects
22 that if somebody's not following NRS 641B or NAC 641B,
23 that we will follow through on a complaint to find out
24 what's up there and get it remedied.

25 Some other remedies are more education to the

1 person. Some remedies are more extreme and they lose
2 their license. So there's a whole range of sanctions
3 that take place, and there's a whole other discussion
4 that takes place in NACs in part in the fifth section,
5 and in the NRS, the Nevada revised statute.

6 MS. BARTELL: Um-hum.

7 MS. OPPENLANDER: Did that answer your
8 question?

9 MS. BARTELL: Oh, yeah. Um-hum.

10 MS. DeHART: I was just kind of Googling
11 here. For the record, I think that it's important to
12 keep the Board intact with the money that it needs in
13 order to continue with our profession in the community,
14 and I know there was a push to try to put us all under
15 one Board, LADCs and psychologists.

16 I was just looking at their fees, and the
17 LADCs are 495, and then the psychologists are 965, so I
18 don't really feel this is out of line at all. I feel
19 like you guys probably definitely need that money.
20 That's just my -- looking at the other Boards, that
21 money doesn't seem to be out of line to them.

22 MS. BOSLER: I totally agree a hundred
23 percent. I would like to stay independent, and I don't
24 think it's out of line at all.

25 MS. ERICKSON: I really like that. I was

1 Googling, for the record.

2 (Laughter.)

3 MR. McMANN: First of all, I'd like to thank
4 you for the background as far as the thought process
5 behind the rate increases and also your continuation in
6 terms of looking ahead for the rates. That's good
7 information to have moving forward. It is very
8 logical. So your logic is not flawed as far as being
9 able to move forward and being able to cover the
10 operational costs.

11 Rota and I are probably the only two in the
12 room who have a background -- that can remember back
13 when a person by the name of Dr. Jane Lamb stepped
14 forward to the Nevada legislature with a bill draft to
15 create the Board of Examiners for Social Workers.

16 At that time, economically, things were very
17 lean in the state. And one of the concessions that was
18 made in order to get the Board created was to make the
19 Board independent and self-sufficient.

20 The legislature nor any of the people who
21 were involved in the actual creation of the Board of
22 Examiners had any understanding in terms of what the
23 cost for operation would actually be. It was figured
24 that using an adjustment for rates for fees would be
25 able to accommodate that similar in the way it does in

1 other professions.

2 The problem is, today -- the problem is, is
3 that social workers are a finite group of people. We
4 also are in a different economic level than other
5 licensed professionals. We don't have the ability to
6 generate the revenue those types of professionals
7 would -- those other public Boards that can afford
8 those fees to be self-sufficient.

9 It seems to be that right now in the State of
10 Nevada, the state is struggling with being able to try
11 and fill the need for licensed social workers within
12 state, and it's having a hard time doing that. We've
13 gone to an exercise a couple of years ago where we're
14 trying to soften reciprocity issues for licensing and
15 that type of thing, but it still doesn't fill the need
16 we have within the state and the growing need we have
17 for social workers.

18 So I don't think we've ever really had an
19 opportunity to compare the finances of operating this
20 organization with meeting the needs and expanding the
21 capacity for additional social workers within the
22 state.

23 So it seems to me -- and I'll circle back
24 with you, ma'am -- that we need to have a real hard
25 look at where we're at, and this obviously is one

1 stopgap measure to be able to address the financial
2 needs to be able to keep ourselves solvent. But, at
3 the same time, I also think we need to look beyond
4 that.

5 It seems to me that Senator Woodhouse would
6 be a supporter for social workers. It seems to me that
7 Theresa would be a good supporter for social workers
8 and would be willing to help sponsor or craft a bill
9 that would give, possibly, a one-time allocation to the
10 Board of Examiners, possibly a multi-year for included
11 a certain dollar amount with dollar amount within a
12 budget that would be considered a contribution.
13 Because, in my mind, if the State of Nevada truly does
14 value the work of social workers, they can damn well
15 stand behind it.

16 Thank you.

17 MS. ROSACHI: Left us speechless.

18 MS. DeHART: And possibly if this comes to
19 where, you know, there's some negotiation on it, and
20 rather than, you know, taking a lower fee of 125, we
21 could keep it at 175, and then maybe have a program
22 where people could apply for a hardship or a
23 scholarship, and that way you're only going to take
24 that individual once that, you know, would need the
25 assistance instead of lowering the fee for everybody,

1 you know? That way we keep the revenue higher that
2 way, if you have a negotiating chip maybe.

3 Just an idea.

4 MS. BOSLER: I don't think that people who
5 are licensed in this state understand that the Board is
6 self-supporting. And I would appreciate it if, you
7 know, we can send something with the license renewal
8 just to explain that.

9 I'm licensed in California as well, and I
10 pay -- think I pay \$120 every two years. But the Board
11 is completely supported. So it's -- it's what it is.
12 It is what it is.

13 So maybe some education around the fee
14 structures and the needs would be really important.

15 MS. PETERSON: I have some additional
16 comments on that. I received my undergraduate degree
17 in social work from Arizona State University, and since
18 then I moved here. I am not licensed yet, but I need
19 to develop my understudy concentrate program. So I'm
20 not totally aware if this already existed or not. I
21 know that somebody already came and presented to our
22 social work students at the beginning of the year and
23 kind of gave a brief overview of the Board.

24 Something that might be helpful is creating a
25 video that could be shared on your website and shared

1 in schools of social work that's easily accessible and
2 explains this, so you don't have to explain this time
3 and time again through phone calls and other things
4 like that. That would give people a really solid
5 understanding of what the Board is. Because, as a
6 young person, not having an idea of any of that, it's
7 very easy to see this and be very critical. My opinion
8 has definitely changed in this conversation and hearing
9 you remind that.

10 MS. ERICKSON: Any further comments,
11 conversations? Okay.

12 Number ix, disallowing payments by cash.

13 Karen discussed that as well, about our
14 online process now accepting debit or credit card. So
15 that's a change so cash isn't floating around the
16 office. And what page is this on?

17 MS. OPPENLANDER: Page 16, at the top.

18 MS. ERICKSON: Okay. So 16, item 1.

19 MS. OPPENLANDER: It starts at the very
20 bottom of 15, and then it goes to 16.

21 MS. ERICKSON: Oh, okay. Any comments about
22 that? Let's save up all your pennies and bring all
23 your pennies all in a penny jar.

24 MS. PETERSON: I have not looked at our
25 website, but is it clearly stated about credit card

1 fees on the website as well? Or do you charge credit
2 card fees, or does the Board eat that cost?

3 MS. OPPENLANDER: The fee structure itself is
4 eating the cost of the credit card fees.

5 MS. PETERSON: Okay.

6 MS. OPPENLANDER: So it's costing money to
7 process the credit cards.

8 MS. PETERSON: Um-hum.

9 MS. OPPENLANDER: And it, you know, when I
10 get the statements that say that Discover costs this
11 much or American Express costs that much or whatever,
12 whatever, whatever. They are changing rapidly. Not
13 always upwards. They're just the little .00 whatever,
14 you know, that little number is changing all the time,
15 so it's not like -- I could never keep up with it on
16 the website. I can't even keep up with in it the mail.
17 It's like, really, okay, fine. So we're trying to sort
18 that all the time.

19 So, yes, it does cost. It goes against fees.

20 MS. PETERSON: Okay.

21 MS. OPPENLANDER: It's not in addition to the
22 fees.

23 MS. PETERSON: Um-hum.

24 MS. OPPENLANDER: So, I guess, in a way,
25 using credit cards costs money.

1 MS. PETERSON: Um-hum.

2 MS. OPPENLANDER: On the other hand, when we
3 were processing cash, it costs money. You know, people
4 were having to enter something and deal with the cash
5 and make a bank deposit and go to the bank or other
6 more modern merking methods of running the cash through
7 the machine really fast. But then you have to deal
8 with the machine. It's a whole story. So any way
9 you're going to process money costs money to do it.

10 MS. PETERSON: Um-hum.

11 MS. OPPENLANDER: But we're not charging fees
12 over and above the fee.

13 MS. PETERSON: Thank you.

14 MS. ERICKSON: Any more comments about that?
15 Questions? Okay.

16 So it looks like we're on post-graduate
17 internships, x, removing "substantially equivalent"
18 language on hours being counted from an internship in
19 another state.

20 Where are we at on that one?

21 MS. OPPENLANDER: Eighteen. Page 18,
22 641B.150. So might be one of them, yeah. Nevermind.

23 MS. ERICKSON: So it looks like this -- it
24 makes it easier to -- in reciprocity for licensure?

25 MS. OPPENLANDER: (Indicated affirmatively.)

1 MS. ERICKSON: It seems to be a trend
2 throughout the country according to the ASWB. Makes it
3 easier to make the move to another state without
4 worrying about having to take additional internship
5 hours, being respectful of the other licensing Boards
6 in the other states, and the work that they've done in
7 licensing.

8 Any comments about that one? Okay.

9 So going on to xi, increasing number of
10 interns a supervisor can have to 3 to 4.

11 MS. OPPENLANDER: That's on page 21.

12 MS. ERICKSON: We're just trying to stress
13 out the internship supervisor a little bit more. This
14 is also in an effort to make it a little easier for an
15 intern to find an internship supervisor, since there
16 was that cap.

17 MS. ROSACHI: Actually, it's also because
18 there's a lack of so many supervisors. And so if any
19 of you are in the position to supervise, they are
20 looking for people that would be willing to take on
21 students to keep the internships too.

22 MS. BOSLER: I got trained as a supervisor.
23 Corrine got trained as a supervisor. But the minutia
24 around it, both of us decided not to. It's too
25 complex. It's too convoluted.

1 MS. ROSACHI: From the social work --
2 internship side or the --

3 MS. BOSLER: From the supervisor side.

4 MS. ROSACHI: From the internship side.

5 MS. BOSLER: Yeah. Yeah. I mean, those of
6 us who supervised over the years, this seemed to be
7 over the top, you know? So if that could be
8 streamlined in some way or --

9 MS. ROSACHI: It's a different opportunity,
10 but Karen and I sit on an advisory Board that we might
11 be able to bring this discussion up.

12 MS. BOSLER: Yeah. That would be fantastic.

13 UNIDENTIFIED SPEAKER: Even if they made it a
14 little bit less. Every six months instead of --

15 MS. ROSACHI: We still need to look at the
16 criteria.

17 MS. BOSLER: If even the training was just
18 free. Because it was just -- I didn't get it and I've
19 been a 30-year social worker. And I thought, I don't
20 know what you're talking about. And when I went
21 through the documents, I thought, yeah, there's a
22 liability here that I'm not willing to take on, so --
23 Honestly, that's my honest opinion.

24 MS. ERICKSON: Further comments about that?

25 Xii, reducing the frequency of post-graduate

1 internship progress reports from quarterly to every six
2 months. So that will make the minutia a little bit
3 easier, I think. Hopefully. That was the goal in
4 that.

5 MS. BOSLER: Oh, yeah. I think that's
6 probably true.

7 MS. ERICKSON: And I think on both sides too.
8 It decreases the work for the Board to review those.

9 MS. DeHART: A comment. You know, with the
10 push to de-professionalize us in the state agencies and
11 not let -- you know, you don't have to be a social
12 worker anymore, so those locations used to have more
13 internships. So you've lost a lot of places where you
14 can have them, you know, too.

15 MS. BOSLER: A comment on that. I think
16 that's a crisis. And I think that's a pity and a
17 shame. Historically, institutions would step up, and
18 there was a lot of opportunity for students to get
19 their hours. And now, it's -- I feel like it's sort of
20 abusive to the students who are working for low pay or
21 begging for time or whatever. It's just not right.

22 MS. TAYLOR: Just reporting that, I think so
23 much of this is pretty straightforward, and, really,
24 from a -- agencies that provide that to students, to
25 those of us who could supervise, so much of this could

1 be templates that are filled out, more clearly defined.
2 But it doesn't have to be reinventing the wheel for
3 each new person that steps in, or each agency that
4 agrees to take this on if it had been really well
5 formatted.

6 MS. ERICKSON: Okay. Further comments on
7 that?

8 MS. BOSLER: I'm totally against students
9 paying for their clinical time being supervised. I
10 think that's shocking.

11 MS. OPPENLANDER: I think one of the most
12 exciting conversations that I've listened to in a long
13 time was the Board retreat on June 30th -- sorry, July
14 30th and 31st -- and the Board retreat had 70 people
15 from the community there. And, if you think of this a
16 little differently about what was going on in this
17 conversation, there was a lot of creativity being
18 expressed among Board members, among people who are
19 supervising clinical social work interns, among people
20 who were from the University of Nevada in Las Vegas, as
21 well as the University of Nevada, et cetera. There's
22 just a lot of conversation about this, and it got
23 delved into for probably an hour and a half about how
24 to change it.

25 How we could, collegially, start to get on

1 better with the Board and the universities and the
2 associations and the -- whoever wants to have a
3 discussion with us to change this. And so there was a
4 lot of proclamations made.

5 For example, there's a Board member who said,
6 I refuse to supervise anybody unless it's written into
7 the contract that the agency that they're working for
8 is paying me. I will not charge a student for my time.
9 And I learned it that way. And I'm paying it forward
10 that way.

11 So she spoke up about this at length. And
12 then somebody else said, I, too, pay it forward, and I
13 refuse to supervise a student who's having to pay me
14 for their hours. If it's not the agency that's paying,
15 then I have nothing to do with it.

16 So there was a lot of proclamation going on.
17 It was a real interesting conversation going on about
18 how to change this whole mindset, and why it needs to
19 be changed.

20 There's a lot of understanding, a lot of
21 agreement with your statement, and I just wanted to put
22 it out there that I thought it was a very
23 well-considered conversation during the Board retreat,
24 because there's a great deal of concern that the
25 clinical social worker intern particularly is

1 suffering -- still suffering from debt for their
2 student loans, in a low-paying profession, typically a
3 woman, sometimes a woman of color, so forth and so on.

4 So if you take our profession against
5 nursing, against teachers, we're the lowest-paid
6 profession. And you start taking out all of the other
7 categories in there, you're the lowest paid of the
8 lowest paid. And then you're going to pay your
9 supervisor on top of it? Really?

10 Now, on the other hand, I hear that the
11 supervisor has a lot of risk involved. This is under
12 their licensure. This clinical social work internship
13 hours, that's under the supervisor's licensure. You're
14 not licensed yet, they are. So, you know, it's like
15 they're putting a lot of risk out there. So they
16 deserve to be paid, but who should be doing the paying?

17 And so very, very good conversation. Very
18 robust and very future-thinking about how to change the
19 world we're in and the worldview.

20 So just letting you know that I got to listen
21 to that, and I'm grateful. I see change afoot.

22 MS. ERICKSON: All right. So moving
23 continuing education, specifying that a retired
24 licensee must still complete suicide prevention CEUs
25 for renewal of a license.

1 So, Karen, you mentioned that that was in
2 statute?

3 MS. OPPENLANDER: Um-hum.

4 MS. ROSACHI: I think it is time limited. I
5 think there is a sunset. I couldn't find it, so I
6 couldn't pull it up on my phone. You might want to
7 look at it and see if it is sunset. I want to say it
8 is 2024 or something like that.

9 MS. HOOVER: I believe it is 2026.

10 MS. ROSACHI: 2026.

11 MS. HOOVER: Yes. And it is in statute.

12 MS. BARTELL: I just have a question. How
13 did it come up with the age of 65? And also what is
14 the definition of "retired"? Getting a pension or
15 just -- you just say, I'm done. I'm retired from
16 working and then it has to correlate with the age that
17 you both be retired and 65?

18 MS. BOSLER: I have a license. I'm retired,
19 but I still work 10 hours contract. I'm not exactly
20 sure, but I think it's, like, it's, I'm going to say 70
21 and you park your license and then it sort of sits
22 there.

23 And I'm assuming that these suicide
24 prevention CEUs, you can park your license so you can
25 resurrect it if you need some time -- I'm assuming you

1 have to do your suicide prevention CEUs. Is that --
2 it's not active. You have an inactive license is the
3 idea; is that correct?

4 MS. ERICKSON: I guess that makes sense.

5 MS. BOSLER: And in California, it's 70.

6 MS. BARTELL: Wow.

7 MS. OPPENLANDER: We're referring to the
8 language that's under 641B.187, at the bottom of page
9 24. Most of this pre-dates me. I don't know about why
10 they picked 65 as opposed to 95 or whatever, but
11 somebody did.

12 What I do know about this is when I was 65,
13 if I had said I wanted to retire my social work
14 license, and I wasn't practicing at the time, I could
15 have done so and not had to go out and get 36 CEUs all
16 the time. I could have just bypassed all that and just
17 got the suicide prevention CEU. Just paid for those
18 and moved on.

19 The reality is, I came out of retirement. I
20 never had gotten rid of my license. I never had to do
21 any of that. And I've been getting 36 CEUs constantly
22 since 19 -- I don't know when we went to CEUs, but I've
23 been getting CEUs since I was first licensed. In '94,
24 when I got the higher level of licensure and had to get
25 the higher CEUs, so what's cool about CEUs now, is you

1 can get them online now. A hundred percent. Yay.

2 (Applause.)

3 MS. BOSLER: I was under the assumption that
4 if you parked your license or retired your license,
5 you're not going to be working, even if you get --

6 MS. OPPENLANDER: You're not practicing.

7 MS. BOSLER: Yeah. You're done.

8 MS. OPPENLANDER: Just sitting around the
9 office all the time with all the people that park their
10 license, and they'll pull it back out and regen it up
11 again. You know, if I parked mine, I came out of
12 retirement and kept going.

13 A lot of people don't retire, retire these
14 days. So, anyway, just saying. Don't just toss your
15 license, you know. Keep it in the background would be
16 my suggestion because somebody's got to go through the
17 application process all over again. Really?

18 MS. ERICKSON: Go through that internship.

19 Any other questions about this? Comments?
20 Okay.

21 So going to standards of practice. Item vix,
22 adding information regarding what is considered
23 unprofessional conduct.

24 MS. OPPENLANDER: And it's the blue language
25 on page 34.

1 MS. ERICKSON: Any conversation about that?

2 Okay.

3 All right. So, I guess, moving on to agenda
4 item 4, public comment.

5 MS. WALKER: I want to thank you for
6 everybody here because I've been -- I have PTSD from
7 previous experiences with the Board. So thank you.

8 I think you're doing real good because the
9 new information of what's going on and why it's being
10 done is very, very helpful, and I see an alignment that
11 feels very nice.

12 MS. OPPENLANDER: Thank you.

13 MS. ERICKSON: Thank you.

14 MS. HOOVER: I want to echo what she said.
15 It's so important to have public involvement and,
16 especially at the legislature, if we don't hear from
17 you, we get the impression you don't care. And so we
18 move forward with language that we might not be experts
19 in, but move forward because no one is coming to the
20 table.

21 And, as Karen explained earlier, we had so
22 much public comment and so much public involvement while
23 we were working on this fee bill during the legislative
24 session.

25 If there's anything that I can do for any of

1 you, if any of you have a legislative question, please
2 feel free to reach out, and I look forward to seeing
3 all of your beautiful faces at the legislature next
4 year when, hopefully, we can all work together.

5 And lastly, yes, we are a state agency, but
6 again, yes, we are self-funded. So we have to work
7 like a business model. You are the customers. If
8 you're unhappy, please reach out and talk with us about
9 it. We are here to support your profession, and we are
10 here to work with you.

11 So please never feel isolated or that we're
12 not taking into consideration your thoughts or your
13 feelings or what you're doing. Because we all know how
14 important each and every one of you is, not only to the
15 social work professional, but also to the state. So
16 thank you all for being here today.

17 I just want to make a quick plug that if any
18 of you would like to attend our Board meetings going
19 forward, you can receive CEUs. So just keep that in
20 the back of your mind.

21 (Inaudible commentary amongst
22 participants.)

23 MS. OPPENLANDER: Excuse me. Because we're
24 still on the record, there needs to be identifications
25 in this conversation. Sorry.

1 MS. NORMAND: My question is how do we know
2 when the Board meets if it's on the website?

3 MS. HOOVER: Yes, it is on the website. And
4 hopefully it's convenient for everyone. We meet up at
5 the university in one of the offices just north of
6 campus. And we would love to have all of you come.

7 MS. DeHART: I was just curious. I had an
8 incident where I was trying to find out, it was, like,
9 my duty to report -- what's it called? -- duty to
10 report harm, like, what somebody had told me. And I
11 went all through the statutes and I couldn't find
12 anything to protect us. There is for reporting child
13 neglect and elder abuse, but not for threat to do harm.

14 So the first guy told me all this information
15 and specifics about hurting people, and I felt like I
16 had a duty to tell the other professional, which was
17 about a mental health person, about it. And then he
18 said they were going to let the people know I told
19 them. And I said, you know, professionally and
20 confidentiality, you know.

21 So I don't know if we need to look into that
22 with the wake of these new red lighting laws about some
23 kind of a thing, kind of like CP has had where they
24 keep it confidential. That might be something we need
25 to look into. I don't really know. It's not a very

1 nice climate that we're in lately. I really, really
2 looked.

3 And, I think, Bertha, you looked and you
4 couldn't find anything to protect us, could we?

5 MR. McMANN: This has been a long, ongoing
6 issue for social workers. If you file a report with
7 local law enforcement on an abuse and neglect issue,
8 which we're required to do by law, you cannot get any
9 type of documentation or comments back from law
10 enforcement that would confirm that you actually made a
11 report. That has existed for forever.

12 I know agencies and services are in the
13 process of revamping a lot of their referral processes,
14 but, to date, there is no formal policy or procedure
15 that has been developed. There is nothing I've ever
16 seen in writing that protects social workers or, at
17 least, gives you a confirmation of the fact that you
18 filed a report.

19 MS. WALKER: In California there is a
20 Tarasoff law. I was told that in Nevada there is no
21 Tarasoff law. And I think that's what you are
22 referring to.

23 MS. BOSLER: Yeah. She is referring to
24 Tarasoff law, but how could you not have a Tarasoff law
25 here?

1 MS. TAYLOR: It is an NAC, and I don't know
2 the number, but there is -- it's not called Tarasoff,
3 but there is a statute.

4 (Inaudible commentary amongst
5 participants.)

6 MS. DeHART: The only thing I could find was
7 NRS 629550, the duty to warn. And it just covers,
8 pretty much, people in the Division of Public and
9 Behavioral Health, of Health and Human Services, and
10 it's mental health professionals. So it doesn't
11 necessarily cover social workers. It does say that
12 social workers who hold a master's degree in social
13 work.

14 But it's only to -- it only protects you if
15 you -- so you have to -- what it does is it requires
16 that you call the authorities if you're afraid somebody
17 is going to hurt somebody else. But it doesn't protect
18 the person that makes the call. Confidentiality part.

19 UNIDENTIFIED SPEAKER: No protection.

20 MS. DeHART: Yeah.

21 Is that the type of thing you do at the
22 Board?

23 MS. HOOVER: So what we would do is go back
24 through the NRS and change the law. So that is
25 something that we'll be looking into over the next year

1 as we gear up for the next session.

2 Also as well, your comments, I've been
3 writing down so that when the Board gets back together,
4 we can start looking at strategies and potential
5 changes for the next session.

6 MS. ERICKSON: Okay. So, I guess -- sorry.
7 I can't understand what you're saying to me.

8 MS. OPPENLANDER: Number five.

9 MS. ERICKSON: Oh, there's a number five.
10 Agenda item number 5. We are adjourning.

11 MS. OPPENLANDER: Thank you very much.

12 (Applause.)

13 (Workshop concluded at 2:22 p.m.)

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1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss.
3

4 I, BRANDI ANN VIANNEY SMITH, court reporter,
5 do hereby certify:

6 That I was present on September 11, 2019, at
7 the Board of Examiner's for Social Workers Public
8 Workshop at South Valley's Library, 15650 Wedge
9 Parkway, Reno, Nevada, and took stenotype notes of the
10 proceedings entitled herein, and thereafter transcribed
11 the same into typewriting as herein appears.

12 That the foregoing transcript is a full,
13 true, and correct transcription of my stenotype notes
14 of said proceedings.

15 DATED: At Gardnerville, Nevada, this 23rd
16 day of September, 2019.

17 

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 BRANDI ANN VIANNEY SMITH

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9/12/19

Public Workshop
Transcript

1 PUBLIC WORKSHOP,
2 taken at 5830 West Flamingo Road, Las Vegas, Nevada, on
3 Thursday, September 12, 2019, at 9:19 a.m., before Kele
4 R. Smith, Certified Court Reporter, in and for the State
5 of Nevada.

6

7 APPEARANCES:

8 For the Board:

9 MONIQUE HARRIS, LCSW, Vice President

10 STEFAINE MAPLETHROPE, LCSW

11 KAREN OPPENLANDER, Executive Director

12 Public Attendees:

13 ELSIE CARRERA, MSW

14 RHIANNON FOREMAN, LSW, Division of Welfare

15 LUKE HATCH, LCSW

16 VANIQUA JONES, LSW, CCSD

17 SAMANTHA MARTINES, Student

18 DEBORAH ROMES, LCSW

19 VENA WILSON, LCSW

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1 LAS VEGAS, NEVADA; THURSDAY, SEPTEMBER 12, 2019

2 9:19 A.M.

09:19:06

3 -oOo-

09:19:06

4 MS. HARRIS: Okay. So we're going to call

09:19:07

5 the meeting to order at 9:20 a.m. Can we start with

09:19:17

6 roll call? Do you mind?

09:19:19

7 MS. FOREMAN: Rhiannon Foreman, Licensed

09:19:21

8 Social Worker.

09:19:22

9 MS. WILSON: Vena Wilson, licensed clinical

09:19:24

10 social worker within private practice.

09:19:32

11 MS. OPPENLANDER: This is our court

09:19:34

12 reporter, which is a piece of the process that we have

9:19:36

13 to have this on record. I'm Karen Oppenlander. I'm the

09:19:41

14 executive director for the Board of Examiners For Social

09:19:45

15 Workers, and I'm day-tripping out of Reno, Nevada for

09:19:49

16 this meeting.

09:19:49

17 MS. HARRIS: Monique Harris, vice president

09:19:51

18 of the board.

09:19:53

19 MS. MARTINES: Samantha Martines. I'm a

09:19:55

20 graduate student with UNR.

09:19:58

21 MS. JONES: Vaniqua Jones. I'm a licensed

09:20:04

22 social worker with CCSD.

09:20:06

23 MS. ROMES: Deborah Romes, LCSW in private

09:20:11

24 practice.

09:20:11

25 MS. MAPLETHORPE: Stefaine Maplethorpe,

09:20:12 1 Licensed Clinical Social Worker, Board member.

09:20:15 2 MS. CARRERA: Elsie Carrera recent graduate
09:20:19 3 of the University of Nevada Corporate Extension.

09:20:22 4 MS. HARRIS: Thank you all for coming today
09:20:24 5 and sharing with us. We're interested in you partaking.

09:20:28 6 Are there any public comments? No comments,
09:20:36 7 so we're going to pass it over to Karen.

09:20:43 8 MS. OPPENLANDER: Thank you. I'm going to
09:20:45 9 take you through a summary of Section 3 on this agenda,
09:20:50 10 so I'm going to introduce you to the open workshop where
09:20:56 11 our bent is to listen to you about your public comments,
09:20:59 12 but I want to familiarize folks with what they're about.

09:21:03 13 So if you downloaded them ahead of time and
09:21:06 14 you've already been through them and you already know
09:21:07 15 what you want to talk to us about, that's great. But
09:21:11 16 some people come here in part to understand what
09:21:14 17 occurred. So before I get into the section in 3 about
09:21:21 18 the public comments, it was preceded by a Board retreat,
09:21:27 19 and the Board had a retreat on July 30th and 31st. All
09:21:32 20 four Board members were in attendance. There were on
09:21:37 21 one day 12 people and the next day 13 people. There
09:21:40 22 were students and a master's concentration practicum
09:21:47 23 person there. There was the head of the University of
09:21:51 24 Nevada Reno School of Social Work. One of the -- I
09:22:02 25 believe Dr. Bergquist from UNLV. There was public

09:22:08 1 participation -- significant public participation in the
09:22:16 2 process, and two staff members, myself and the deputy
09:22:20 3 director. So it was a well-attended and
09:22:25 4 well-thought-through experience.

09:22:26 5 The Board got to review its strategic plan
09:22:30 6 and see where it stands in its own planning process and
09:22:34 7 how that fits in with things that are happening in the
09:22:37 8 state that happen to the Board. So one of the things
09:22:40 9 that's happening to the Board is recommendation coming
09:22:44 10 from the executive branch of government to subsume the
09:22:49 11 Board by January '22 underneath Business and Industry as
09:22:58 12 a guiding umbrella organization. I don't know if that's
09:23:01 13 going to happen or not. If that happens, it will be
09:23:06 14 legislated in the next session, and the Governor is
09:23:09 15 favorable, as well as the Attorney General. The Board
09:23:12 16 got to hear about that. So these are unknowns.

09:23:15 17 So when you're a board and you're trying to
09:23:17 18 strategically plan for the future and you're trying to
09:23:20 19 rewrite Nevada Administrative Code, you kind of want to
09:23:24 20 know what's coming down the pike, if anything that's
09:23:27 21 coming down the pike. Once again, we have no idea if
09:23:31 22 those legislative changes will occur. They've been
09:23:37 23 suggested.

09:23:38 24 Another area of interest to the Board was
09:23:39 25 SCR 6, Senate Concurrent Resolution Bill 6. That's a

09:23:44 1 bill that's looked at by the legislative branch of
09:23:48 2 government. The sunset committee that works during the
09:23:51 3 interim between sessions, because we're in legislative
09:23:55 4 sessions every other year, the sunset committee will be
09:23:58 5 looking at the SCR 6 legislative -- SCR Senate
09:24:05 6 Concurrent Bill 6. That has about 12 "whereases" in it.
09:24:10 7 All of which were being examined very closely.

09:24:15 8 So these types of things legislatively can
09:24:19 9 change how we operate. Legislative changes that happen
09:24:23 10 that way are usually handled through NRS. That's the
09:24:26 11 Nevada Revised Statute. So as licensees, you're subject
09:24:31 12 to the state law, should you become a licensee. For
09:24:35 13 those of you who are working towards becoming a licensee
09:24:39 14 or already licensed, you fall under 641B. 641B is in
09:24:46 15 two parts. It's the Nevada Revised Statute, which is
09:24:49 16 legislated in sessions, or the Nevada Administrative
09:24:54 17 Code. And simply put, the Administrative Code means the
09:24:58 18 lawmakers make the law and we have to administer the
09:25:02 19 law, so we have to figure out the code of how we're
09:25:06 20 going to administrate the law.

09:25:09 21 There's been NACs in place since 1987, 1988,
09:25:16 22 when we first started. They get revised iteratively.
09:25:21 23 That's what we're about today.

09:25:23 24 So in the very first thing there -- and I'm
09:25:25 25 going to summarize briefly -- in Section 3 under General

09:25:31 1 Provisions -- so I should first say that if you've got a
 09:25:37 2 copy of the NACs, they're there in five parts.
 09:25:41 3 Part 1 is general provisions.
 09:25:43 4 Part 2 is Licensing and Supervision.
 09:25:46 5 Part 3 is Postgraduate Internships.
 09:25:49 6 Part 4 is Continuing Education.
 09:25:50 7 And Part 5 is Standards of Practice.
 09:25:52 8 Those five parts are how you see the NACs
 09:25:58 9 broken out. There's been a change recommended under i
 09:26:02 10 on your agenda, which is changing the definition of LASW
 09:26:07 11 and LSW, which is essentially, if you're going to
 09:26:09 12 crosswalk this, on 641B.41 and 641B.44, and that would
 09:26:18 13 be on Page 6 of your handout. I'm not going to talk
 09:26:21 14 about these right now. I'm just trying to get you in
 09:26:25 15 the frame of mind where you can crosswalk it for when we
 09:26:28 16 talk through this you know where everything is.
 09:26:32 17 The second item under is little ii under
 09:26:38 18 Licensing and Supervision is the length of time an
 09:26:41 19 application for licensure will stay open. That's on
 09:26:44 20 Page 10, and it crosswalks over to 641B.090, and it has
 09:26:53 21 to do with initial exam approval for your application
 09:27:00 22 for licensure. Goes from when you get your initial exam
 09:27:04 23 approval plus nine months. The other part of it is if
 09:27:08 24 you have an endorsement application, that when we
 09:27:13 25 receive the complete application, then it's open for six

09:27:16 1 months.

09:27:18 2 Under number -- Licensing and Supervision
09:27:23 3 iii, No. 3, removing the option for MSW graduates to
09:27:27 4 take the bachelor's exam. We're doing this in
09:27:35 5 compliance with our examination body that's the
09:27:39 6 Association of Social Worker Boards, and they're in
09:27:42 7 charge of examinations for North America in both the
09:27:47 8 United States and Canada, and they are no longer going
09:27:49 9 to support somebody at a master's level taking a
09:27:53 10 bachelor's exam. So we are changing our NACs to match
09:27:58 11 the examination board's requirements.

09:28:01 12 Under iv under Licensing and Supervision,
09:28:17 13 we're reducing -- I'm sorry -- changing the time frames
09:28:19 14 when a failed exam may be retaken. Right now you can
09:28:23 15 fail the first time and take one 90 days later, and if
09:28:26 16 you fail again, you have to wait six months. Something
09:28:30 17 like that. We're changing it so you can take an exam
09:28:34 18 every 90 days.

09:28:37 19 MS. WILSON: Good.

09:28:39 20 MS. OPPENLANDER: Or we're recommending the
09:28:41 21 change, I should say.

09:28:44 22 The next one down is No. 5 under Licensing
09:28:49 23 and Supervision, reducing the period for restoration of
09:28:53 24 an expired license from three to two years. This is
09:28:56 25 less expensive for people. It's one of the main

09:29:00 1 reasons, so it's a good deal all the way around, and so
09:29:02 2 the Board looked at it and said, Yeah, that's fine.
09:29:03 3 Simply put, that's why that recommendation is coming to
09:29:06 4 you.

09:29:08 5 Under Licensing and Supervision No. 6,
09:29:16 6 that's crosswalking over to Page 14 under 641B.112.
09:29:29 7 Before you can go after a Provisional B license, you
09:29:32 8 have to be 30 units into your MSW.

09:29:36 9 Under 7 under Licensing and Supervision, the
09:29:41 10 length of time for exam and expiration for a Provisional
09:29:45 11 A license, that was a typo that said nine months and it
09:29:52 12 wasn't supposed to. It was supposed to say 90 days.
09:29:56 13 We're doing housekeeping there.

09:29:58 14 No. 8, a lot of people that are coming to
09:30:05 15 this meeting are interested in increasing of -- the item
09:30:10 16 of increasing fees, which in your packet is on Page 15
09:30:16 17 but also in your handout on the flip side of -- there's
09:30:24 18 a page attached to your agenda. So that page on one
09:30:28 19 side shows this process that we're going through.

09:30:31 20 So this is like a flowchart of the process
09:30:35 21 we're in right now. We're about here in the process.
09:30:43 22 This is an administrative rulemaking guide. Tells us
09:30:47 23 what the process is when we're going to make NAC
09:30:50 24 changes. So we're about here in this flowchart. The
09:30:53 25 flip side are the fee changes so that I can answer

09:30:57 1 questions, so that the Board members can answer
09:30:59 2 questions about that.

09:31:06 3 No. 9, that crosswalks over to Page 16.

09:31:12 4 We're now in the new section on Postgraduate
09:31:16 5 Internships, and under No. 10 we're removing the term
09:31:21 6 "substantially equivalent language," and shorthand is if
09:31:26 7 you're coming, let's say, from Utah and you've already
09:31:30 8 done 1,000 hours and you're coming to Nevada and need to
09:31:35 9 have 3,000 hours for your internship, those 1,000 hours
09:31:39 10 in Utah just count. We're not going to go and figure
09:31:42 11 out what you did or try to examine real quick. We're
09:31:47 12 not going to dig into the weeds. We're just going to
09:31:48 13 take that 1,000 hours straight and trust that Utah did a
09:31:49 14 really good job with you before you crossed state lines.
09:31:51 15 It's just simplifying the process for everybody. We
09:31:56 16 used to dig in and look at everybody. We don't want to
09:32:00 17 do that anymore.

09:32:02 18 Under No. 11, increasing the number of
09:32:09 19 interns a supervisor can have. How many people here
09:32:13 20 qualify as a supervisor? For those of us that are
09:32:17 21 supervisors, we can move from three to four. By the
09:32:20 22 way, I qualify as one. I wouldn't be a supervisor and
09:32:24 23 the executive director in a million years, but were I to
09:32:28 24 change what I'm doing, we could take four interns.

09:32:33 25 Are you a social worker?

09:32:35

1 MR. HATCH: Yes. Sorry. I'm so late.

09:32:41

2 MS. OPPENLANDER: You're fine. We're going

09:32:47

3 over what we're going to go over.

09:32:52

4 MR. HATCH: Thank you so much.

09:33:06

5 MS. OPPENLANDER: I should have given you

09:33:07

6 this. Can you sign in for me? Thank you so much.

09:33:29

7 Under 12 on the summary of this agenda,

09:33:32

8 reducing frequency or postgraduate internship progress

09:33:37

9 reports from quarterly to every six months. That says

09:33:41

10 it all right there. There are, I think, six states in

09:33:47

11 the country that have no quarterly reports. There are

09:33:51

12 seven states -- I might have the numbers wrong or it's

09:33:54

13 something like this -- seven states that have quarterly

09:33:58

14 and the rest have one or two. We're choosing to go from

09:34:02

15 four to two.

09:34:04

16 Unfortunately -- I should have said that

09:34:07

17 when I'm qualifying -- when you stand up and start

09:34:10

18 talking for the court reporter and for public meetings

09:34:14

19 in Nevada, you stand up and you say something like

09:34:17

20 "Karen Oppenlander for the record."

09:34:19

21 The other thing I could tell you, I'm also a

09:34:21

22 licensee. I was an LSW first in 1990. Okay. I'm old.

09:34:27

23 I get that. And in '94 I became an LISW. I'm a

09:34:35

24 community worker and an organizer developer kind as

09:34:40

25 opposed to a clinician. I like to work with

09:34:43 1 communities, not with individuals and families.

09:34:47 2 Although I'm really glad y'all do that. It's just not

09:34:51 3 my thing.

09:34:53 4 Under Continuing Education, No. 13,

09:34:57 5 specifying that a retired licensee must still complete a

09:35:02 6 suicide prevention CEU. We had to spell that out

09:35:06 7 because there was some confusion. Our retirees or

09:35:09 8 anybody at 65 or older who is no longer practicing can

09:35:13 9 still be licensed and not have to take CEUs anymore for

09:35:18 10 us, but we can't write out the suicide prevention CEUs

09:35:26 11 because it's state required. It's not Board required.

09:35:29 12 So we had to leave those in there. We had to spell that

09:35:32 13 out. It's more of a housekeeping.

09:35:34 14 Last on the agenda is No. 14, adding

09:35:37 15 information regarding what is considered unprofessional

09:35:42 16 conduct, and that crosswalks over in your other packet

09:35:45 17 to Page 34, and it's 641B.220, Paragraph 2.

09:35:50 18 So the rest of the markups in the middle of

09:35:52 19 your packet, when you're going through them, these are

09:35:56 20 the major summary items. There's a lot of little marks

09:36:00 21 here and there that are simply housekeeping, like where

09:36:04 22 the word "change" should have been the word "charge" or

09:36:07 23 the word "charge" should have been the word "change."

09:36:11 24 Those kind of things. We're not taking those up for

09:36:13 25 comment today unless you need to talk about them.

09:36:15

1 With that, I'm done with the summary. We

09:36:20

2 consider these to be community conversations and that

09:36:22

3 you are here to comment and we're here to hear what you

09:36:29

4 have to say. If you have questions, you have two Board

09:36:31

5 members here that can answer them as well as myself.

09:36:38

6 Thank you for coming today.

09:36:42

7 MS. HARRIS: Thank you.

09:36:44

8 MS. OPPENLANDER: I'll give it back to

09:36:46

9 Monique.

09:36:46

10 MS. HARRIS: Any questions? Comments?

09:36:48

11 MS. CARRERA: Yes.

09:36:51

12 MS. OPPENLANDER: First, for the court

09:36:55

13 reporter, your name and loud for the record so she can

09:36:57

14 type it in.

09:36:59

15 MS. CARRERA: Elsie Carrera. When will

09:37:02

16 these fees go into effect, the updated fees?

09:37:06

17 MS. MAPLETHORPE: The updated fees -- it's a

09:37:11

18 process that we have to go through, and there isn't a

09:37:15

19 necessary date and time in which it will take effect.

09:37:20

20 It's a process that we have to go through where we do

09:37:24

21 open forums, and, Karen, correct me if I'm wrong, what

09:37:28

22 that process looks like and the timeline for it.

09:37:32

23 MS. OPPENLANDER: So if you flip this sheet

09:37:34

24 over -- Oppenlander, for the record. If you flip this

09:37:40

25 sheet over to the back, there's a logic model on what we

09:37:45 1 go through for -- the State of Nevada has an
09:37:47 2 administrative rulemaking guide that we follow. We've
09:37:52 3 been going through process on this since January, and
09:37:58 4 we've been soliciting and collecting comments since
09:38:02 5 January, so we have quite a bit of information on what
09:38:05 6 people have to say about fee ceilings and fees and so
09:38:09 7 forth and so on. But having said that, once the fee
09:38:13 8 ceilings get signed into law and the Board determines
09:38:17 9 what fee they want to actually increase, then we have to
09:38:21 10 go out publicly, and that's about a six-to-nine-month
09:38:26 11 process.

09:38:26 12 So we're here in the process and we're
09:38:28 13 moving on down. For example, tomorrow morning in Reno
09:38:31 14 I'll be -- or Sparks, Nevada, I'll be at the Governor's
09:38:38 15 Behavioral Committee on something something something
09:38:40 16 talking about this because in addition to the State's
09:38:43 17 process, our Board also has to meet other requirements
09:38:47 18 for AB457. So we have additional meetings that we have
09:38:52 19 to talk to people about anything that we propose to do.
09:38:56 20 In this process, all these comments come back to the
09:39:00 21 Board meetings, and the Board members consider all the
09:39:05 22 comments and look at everything again. So what you're
09:39:08 23 seeing is in process and could change.

09:39:12 24 Ultimately, what will happen farther down
09:39:15 25 the process is we'll have a final public hearing to hear

09:39:20

1 final comments, and that will go back and we'll take

09:39:22

2 those forward ultimately. This is the stage

09:39:26

3 everything's at right now.

09:39:28

4 MS. MAPLETHORPE: Maplethorpe, for the

09:39:30

5 record. So it's a rough, rough, rough draft. We're

09:39:32

6 opening it to the public. You guys, you're the social

09:39:36

7 workers, so we're hearing from you and want that

09:39:38

8 feedback. Not any time soon.

09:39:43

9 MS. HARRIS: Monique Harris for the record.

09:39:45

10 I wanted to highlight that these are our fee ceilings,

09:39:49

11 so the term "ceilings" doesn't mean that this is what

09:39:52

12 the changes are going to be. That just means the State

09:39:55

13 will give us permission that for the next umpteen years,

09:40:02

14 this is as high as we can possibly go. We're not

09:40:06

15 talking or even thinking about increasing fees to this

09:40:10

16 number here. It will be incremental changes. Does that

09:40:16

17 clarify anything?

09:40:16

18 Okay. So just as we move forward, I want to

09:40:18

19 make sure that I pointed out those nuances that that

09:40:22

20 isn't the fee we're talking about increasing it to as

09:40:25

21 soon as we come out the gate. That is the changes

09:40:29

22 within the NACs --

09:40:36

23 MS. OPPENLANDER: We're doing NAC.

09:40:38

24 MS. HARRIS: -- before we can even consider

09:40:40

25 increasing anything.

09:40:41

1 MS. OPPENLANDER: Those are the NRSSs.

09:40:45

2 Sorry.

09:40:45

3 MS. MAPLETHORPE: Maplethorpe, for the

09:40:47

4 record. So we don't have to keep continuing to go back,

09:40:52

5 it's a ceiling and that's as far as we can -- as the

09:40:55

6 Board can go, and Board members change. We volunteer.

09:40:58

7 And so but this is the ceiling. So that is really, you

09:41:04

8 know, very -- it's open and reasonable.

09:41:09

9 MS. OPPENLANDER: While we're answering your

09:41:12

10 question, before we go on to a different question or

09:41:15

11 maybe a different topic -- this is Oppenlander, for the

09:41:20

12 record -- I'm wondering since fees got on the table

09:41:24

13 first off and I don't know what your preference was

09:41:27

14 going to be in running the meeting, whether we were

09:41:29

15 going to popcorn it like that, which is fine, or if

09:41:33

16 we're going to go straight down 1, 2, 3, 4, 5, 6, 7, 8,

09:41:39

17 like that. I don't know what the preference is. We can

09:41:41

18 take them in order or not take them in order. If we're

09:41:44

19 going to take them out of order, then I probably ought

09:41:48

20 to explain this form right now. So I'd like for you to

09:41:53

21 tell me how to proceed.

09:41:56

22 MS. HARRIS: I think we should talk about

09:41:58

23 the pricing issues. We can go down, and if there's a

09:42:02

24 comment, we can make a comment and scratch it off. If

09:42:06

25 we can answer or allow her to speak and go back into the

09:42:10 1 sequence of the agenda and then you can clarify that

09:42:13 2 once we get to that part.

09:42:15 3 MS. OPPENLANDER: Okay.

09:42:17 4 MS. FOREMAN: Rhiannon Foreman. I was
09:42:20 5 actually looking at this and based on my understanding,
09:42:21 6 the last time this was written -- the last time fee
09:42:26 7 ceilings were changed were 1995. That sounds like a
09:42:29 8 long time. Of course I wouldn't want to pay more fees,
09:42:32 9 but considering, I think it's long overdue. Also for
09:42:36 10 the last fee changes, the last occurred in 2015.

09:42:40 11 MS. HARRIS: I don't mean to be rude, but if
09:42:43 12 we're going to go in sequence I don't want to this to
09:42:47 13 snowball. Can we hold your comment until we get back to
09:42:51 14 that place? I just want to make sure we touch bases on
09:42:54 15 all the agenda items, but I like where you're going.

09:42:58 16 When we talk about the definitions, are
09:43:01 17 there any comments in regards to that? The definition
09:43:04 18 changes of LASW and LSW? No? I'm going to take that as
09:43:13 19 a no.

09:43:14 20 How about the Licensing and Supervision, the
09:43:17 21 length of time an application stays open? Is there any
09:43:21 22 questions or comments in regard to that? You guys are a
09:43:27 23 quiet bunch today.

09:43:29 24 How about removing options for MSW graduates
09:43:33 25 to take the bachelor's exam? Are there any questions?

09:43:36 1 Do you guys need us to clarify any of that? No?

09:43:40 2 Changing time frames for when a failed exam

09:43:44 3 may be taken?

09:43:46 4 MS. WILSON: Vena Wilson, for the record. I

09:43:48 5 just want to acknowledge that I can appreciate this new

09:43:52 6 position or new direction. I've found in my limited

09:43:55 7 experience of being a clinical supervisor that the

09:43:59 8 longer an intern -- after they failed a test, the longer

09:44:03 9 they have to wait to retake the test, the more anxiety

09:44:06 10 it builds and the likelihood of them avoiding it longer.

09:44:10 11 So I think with interns having the availability of

09:44:13 12 retesting every 90 days, that will keep the momentum

09:44:17 13 going for studying and increasing the likelihood of them

09:44:21 14 passing the test the next time they take it.

09:44:26 15 MS. HARRIS: Thank you.

09:44:27 16 MS. MAPLETHORPE: Thank you.

09:44:29 17 MS. HARRIS: Then we move to reducing

09:44:31 18 periods for restoration of expired license from three

09:44:34 19 years to two years. There is no comment.

09:44:39 20 Stipulating education requirements for

09:44:43 21 Provisional B license?

09:44:50 22 Length of time for exam and expiration for a

09:44:54 23 Provisional A license? Okay.

09:45:00 24 How about increasing fees for applications,

09:45:04 25 initial licensing endorsements and renewals, and

09:45:08 1 postgraduate internships? This is the hot topic. I'm
09:45:12 2 going to give Karen the floor so that she can explain
09:45:18 3 the documents attached to your packets.

09:45:25 4 MS. OPPENLANDER: If you want to crosswalk
09:45:27 5 to the big packet, for fees, it's on Page 15. And it
09:45:50 6 looks like this where it's blue- and redlined. The
09:45:55 7 compatible document that we created for you today to try
09:45:58 8 to understand what we went through to get here as you
09:46:03 9 were calling out, Rhiannon, was this document.

09:46:08 10 So this column here on Page 15 matches the
09:46:13 11 light blue column here. These are the recommendations
09:46:17 12 for fee increases in the light blue column, so they
09:46:21 13 should be corresponding like that. Now, how did the
09:46:27 14 Board get here? This is the most interesting part. So
09:46:31 15 as was discussed already this morning, this column right
09:46:36 16 here where there's a -- it goes 1987 -- it's in the
09:46:40 17 middle -- 1993, 1995, 2019. We haven't had fee ceiling
09:46:46 18 increases since, as you said, 1995. So what the
09:46:52 19 legislators do is they give us room to move, and what
09:46:56 20 the Board historically has done is iteratively make
09:47:01 21 small fee increases within that capped amount. They're
09:47:06 22 given an amount that they can make incremental changes
09:47:09 23 in. Our Board has always made very low incremental
09:47:14 24 changes.

09:47:15 25 Historically, this is an interesting

09:47:18 1 document to show the history of the Board. What was
09:47:20 2 interesting going through the legislative process was
09:47:23 3 that people thought when we were trying to increase fee
09:47:29 4 ceilings that the Board was going to go to the fee
09:47:31 5 ceiling as to the amount. Gosh. That caused all kinds
09:47:35 6 of heart pitter-patter, and so all of us -- everybody on
09:47:39 7 the Board and anybody that worked for the Board was
09:47:43 8 constantly responding to this fear that the Board was
09:47:48 9 going to jump to this large number here.

09:47:51 10 That's not what this is about. This number
09:47:54 11 is so that they don't have to go back to the legislators
09:47:58 12 again and go through that whole process. That process
09:48:00 13 in and of itself is a real time taker-upper. We don't
09:48:05 14 have many staff on board, and we don't have time to
09:48:08 15 spend all our time in the legislation walking from
09:48:10 16 legislator to legislator telling them why we need to
09:48:14 17 change our caps. We went for a big number so that over
09:48:18 18 the next 12 years or so we could move up to this number
09:48:22 19 ultimately if we have to. We may never have to. I
09:48:22 20 don't know.

09:48:29 21 The rest of the story is the part that
09:48:31 22 interests me the most. We had some students -- how many
09:48:36 23 people here are representing UNR folks at some level or
09:48:40 24 another? The three of us. So we had some students
09:48:44 25 during the legislature who really looked at the Board

09:48:47 1 Minutes over the year and looked at our finances and
09:48:51 2 looked at what our situation was, and we were on --
09:48:54 3 we've been nearly insolvent. We were proclaimed
09:49:00 4 bankrupt by several. And what had happened over the
09:49:05 5 years, me going back through the numbers because when I
09:49:08 6 came on as the executive director 17 months ago, the
09:49:13 7 very first thing somebody told me is we're going to need
09:49:16 8 fee increases. I'm a licensee. I was, "Oh, really?
09:49:21 9 Huh." I'm a skeptical person and I didn't buy that. I
09:49:25 10 have a lot of experience, and I came out of retirement
09:49:29 11 to figure out what was going on with the Board. I was
09:49:31 12 looking at the numbers and I wasn't real excited, and I
09:49:33 13 realized we were never making ends meet 20 years ago.
09:49:38 14 We had a backlog of cases, disciplinary cases, 20 years
09:49:41 15 ago.

09:49:42 16 Our first executive director, when she
09:49:44 17 retired, handed off a backlog to the second executive
09:49:47 18 director. Not just going to say there were three.
09:49:49 19 There were more. There were three, me being the third.
09:49:53 20 The first one handed off a backlog of disciplinary
09:49:57 21 cases, and the gal that came in next couldn't catch up,
09:50:02 22 and then I took it over. I've got backlogged cases to
09:50:06 23 2009. That is not okay. So that's an example of where
09:50:10 24 we're not making ends meet and haven't been making ends
09:50:16 25 meet.

09:50:17 1 The fee structure was never correct, at
09:50:19 2 least for 20 years. I come in with my nonprofit
09:50:23 3 business background and I said, "Let's look at this
09:50:26 4 differently." We've been working on that this last
09:50:29 5 17 months so that we could go into session in January
09:50:33 6 and talk about getting our caps raised, and then we
09:50:37 7 needed to get the fee ceilings raised. We looked over
09:50:41 8 budget. What would it take us to meet our unfunded
09:50:44 9 mandates? One of our unfunded mandates is we're
09:50:46 10 supposed to have a low caseload, not a high one.
09:50:49 11 Another one is we're supposed to have reserves in the
09:50:51 12 bank. We have zero reserves in the bank today. We
09:50:54 13 don't have any money for an emergency. Anything. There
09:50:59 14 we sit.

09:51:00 15 According to one branch of government, we're
09:51:03 16 supposed to have five to six months. According to
09:51:06 17 another branch of government, we're supposed to have 8
09:51:08 18 to 12 months of reserves. That's not okay. And that's
09:51:13 19 mandated. You've heard of unfunded mandated somewhere
09:51:18 20 in your work life or your student life. That's where we
09:51:22 21 live. Simply stated, if you're working on a computer in
09:51:25 22 the state of Nevada on December 31st, it must be Windows
09:51:30 23 10-compatible. We have no money to buy computers. That
09:51:33 24 kind of you stuff. On it goes.

09:51:35 25 We were mandated to go online with our

09:51:38 1 renewals and applications. We put our renewals online
09:51:42 2 and spent ourselves down to zero. So we tested it in
09:51:46 3 January and went online with renewals in February. Very
09:51:50 4 successful. We wish for y'all that are coming in that
09:51:53 5 we had online applications. We don't because we can't
09:51:57 6 afford the software module.

09:52:00 7 We have to -- we're mandated to do that. I
09:52:04 8 started figuring out how much money it would take to
09:52:04 9 hire an investigator, how much money it would take to
09:52:09 10 pay the attorney fees to settle the cases that we have
09:52:11 11 against social workers who may or may not be practicing
09:52:14 12 appropriately according to 641B and so forth, how much
09:52:19 13 money it would take to get the online software, how much
09:52:23 14 money it would take to get the reserves and all those
09:52:23 15 things we must do.

09:52:26 16 If we did a 10 percent budget increase, we
09:52:29 17 wouldn't get there. If we did a 50 percent budget
09:52:34 18 increase, I could get there by late '21. If we did a 25
09:52:39 19 percent budget increase, we could get there by '23.

09:52:43 20 I know that the legislators wanted us to do
09:52:47 21 this back in 2015 when they told us we had to. I'm
09:52:50 22 willing because I've got the strength of will and I
09:52:54 23 believe we're going in the right and positive direction,
09:52:57 24 I'm willing to stand up to any legislator that wants to
09:53:01 25 call us down right now and say that we have a plan in

09:53:04 1 place to hit our unfunded mandates by 2023 if we make a
09:53:10 2 25 percent increase.

09:53:12 3 But even so, I didn't come up with that
09:53:14 4 number myself. Who came up with it were the students
09:53:18 5 from UNR in the policy class. They banded together and
09:53:22 6 they started going to the session and started
09:53:24 7 testifying, and every time we'd show up for anything,
09:53:27 8 they'd be there with us hand in hand. They'd be
09:53:31 9 marching into Senator Woodhouse's office saying we want
09:53:35 10 to change it and we want it written into the NRS that
09:53:38 11 the Board can only do a 25 percent increase every year.

09:53:42 12 And I went back to some Board members and
09:53:45 13 said "They want us to do a 25 percent increase every
09:53:48 14 year." We wouldn't do a 25 percent increase for like
09:53:51 15 maybe every five years, but whatever. So I thought it
09:53:53 16 was interesting. But I liked their number because we
09:53:57 17 plugged in the 25 percent, and that's how I figured out
09:54:01 18 we could hit the unfunded mandates by '23. I used their
09:54:05 19 number.

09:54:06 20 Then the conversation went back and forth
09:54:07 21 should it be \$25 or 25 percent? There was a lot of
09:54:11 22 haggling in the Board meeting about that, and I'll just
09:54:15 23 shorthand it: From my doorway is there's a lot of
09:54:19 24 caring expressed. It was several hours on the taped
09:54:23 25 thing I'm trying to transcribe about what it's like to

09:54:27 1 graduate right now when you're coming with debt load,
09:54:32 2 and I remember my debt load, and it just about broke me.
09:54:36 3 And I understand back then it was nothing compared to
09:54:39 4 what it is today. And you're coming into a field of
09:54:44 5 social work where we're lower paid than nurses and
09:54:48 6 teachers and you're typically a woman and so you're
09:54:53 7 lower paid than men, generally speaking, in the social
09:54:57 8 work profession, and if you're a woman of color, you're
09:55:01 9 paid even less. I'm sorry. It's just wrong. And our
09:55:04 10 Board members and our public that were at this Board
09:55:07 11 retreat care so much.

09:55:09 12 So in this trying to keep the Board viable
09:55:12 13 and make ends meet and trying to pay attention to
09:55:17 14 where -- what it would do to people, they said "Okay.
09:55:20 15 Let's do 25 percent instead of \$25." We are at 40 right
09:55:26 16 now for an application. So if you're a new applicant
09:55:27 17 coming in, if you get a 25 percent increase, it would go
09:55:30 18 up to \$50. If you get a \$25 increase, it would go to
09:55:34 19 65. So the Board said, "We don't want to hit the new
09:55:38 20 graduates that way."

09:55:39 21 The other thing that was stated was that if
09:55:44 22 we were going to do the 25 percent, then it would affect
09:55:51 23 the LCSWs more heavily than it would affect the LSWs.
09:55:57 24 They preferred that because an LSW is coming in at a
09:56:03 25 lower rate of pay, generally speaking, than an LCSW and

09:56:09 1 LISW. There's consciousness in the decision the Board
09:56:15 2 made, and the public comments that were made during the
09:56:15 3 Board retreat led the Board to make this recommendation.
09:56:17 4 So this was intentional and thought through in every
09:56:20 5 single way, but it came initially through a group of
09:56:23 6 students at UNR who were in a policy class. Most of
09:56:26 7 them were in a FUZE club, if I remember correctly, and
09:56:34 8 another club. Another policy club at UNR. That's how
09:56:37 9 it was generated.

09:56:39 10 So that's the background in the fee
09:56:43 11 increases. If they weren't necessary, nobody would be
09:56:49 12 talking about them today because none of us had the time
09:56:52 13 to go through this process just for the heck of it.

09:56:58 14 With that, I ask the Board members to
09:57:02 15 perhaps express themselves because you were -- these
09:57:05 16 were your decisions, not mine. I was feeding the
09:57:09 17 information to the group, but these are not my decisions
09:57:12 18 to make. I work for the Board. Thank you.

09:57:18 19 MS. HARRIS: Do you have any comment?

09:57:20 20 MS. MAPLETHORPE: Maplethorpe for the
09:57:23 21 record. It's very interesting that we call it a
09:57:26 22 retreat, these meetings, because they are not. They are
09:57:30 23 long and they are very -- you know, just very specific
09:57:35 24 and strategic and we take everything -- and we're social
09:57:39 25 workers. We're in the field. We supervise. We

09:57:43 1 represent the south. And, you know, it was just lovely
09:57:49 2 to get all of that comment and just to really put time
09:57:54 3 and effort into this. There's only five people on the
09:57:58 4 Board and we only have four right now. We have four
09:58:02 5 Board members for the state of Nevada. It was very
09:58:05 6 intentional and well thought out, and I'm really
09:58:09 7 grateful to be part of a Board that took everything
09:58:12 8 into -- all the concerns. And you know, it's a process.
09:58:19 9 You know, it's a definite process. And so like you
09:58:22 10 said, it's time. We're going to go bankrupt. I don't
09:58:27 11 want to be part of -- my credentialing, I spent all of
09:58:32 12 this time and effort to build my Board -- for the Board
09:58:33 13 to go bankrupt. And we've come so far in the last few
09:58:39 14 years with renewals and really coming into the 21st
09:58:44 15 century. We weren't even in the 21st century. It was
09:58:47 16 strange for me being a new member of the Board, being on
09:58:51 17 this side of it. We weren't. We were really -- it was
09:58:55 18 old school, like most boards in Nevada and a lot of
09:58:57 19 boards across the nation.

09:58:58 20 This isn't -- we're not different. The
09:59:01 21 boards all over -- because we go to the ASWB, we're
09:59:05 22 speaking the same thing across, all the way to Canada.
09:59:09 23 We're on top of it. Again, love your guys' comments.

09:59:17 24 MS. HARRIS: Are there any comments?

09:59:20 25 MS. WILSON: Vena Wilson for the record.

09:59:25 1 I'm so sorry.

09:59:27 2 MS. FOREMAN: Rhiannon Foreman. I am still
09:59:30 3 adamant that it's time. We have to do that. I think
09:59:33 4 it's hard on a single mom of four, and no, I don't want
09:59:38 5 to pay more fees, but when I actually think about how
09:59:42 6 important it is to continue on, it's long overdue.

09:59:46 7 MS. WILSON: Vena Wilson for the record.
09:59:49 8 I'm curious to know, because I've not been on the
09:59:52 9 website since I had to update my address, to your point,
09:59:57 10 Karen, there is some misinformation about the projected
10:00:01 11 fees and the ceiling because I know when I read the
10:00:07 12 letter, I was in shock. I thought "Oh, my goodness. I
10:00:10 13 have to pay that to renew my license?" And I'm also
10:00:14 14 mindful that we have a fairly good turnout. This is my
10:00:17 15 first one; I have nothing to compare to.

10:00:19 16 Because there's a history of misinformation
10:00:21 17 about what the intention is with the ceiling, is it
10:00:23 18 something on the website or is it a possibility to
10:00:26 19 create a video so social workers can click on and in two
10:00:30 20 minutes or three minutes or less learn exactly what this
10:00:34 21 is so the phones aren't blowing up and rumors aren't
10:00:39 22 being spread? Because not everyone can take off work to
10:00:45 23 be here. I'm just putting that out there as a
10:00:48 24 possibility.

10:00:49 25 MS. MAPLETHORPE: Karen, video. I can see

10:00:53

1 her on YouTube.

10:00:58

2 MS. HARRIS: Are there any other comments?

10:01:03

3 MS. CARRERA: Elsie Carrera for the record.

10:01:06

4 So I see that there are fees for, like, the initial

10:01:11

5 license. But what if you want to become a clinical

10:01:16

6 intern? Are there additional fees? Because I'm not

10:01:21

7 sure how the process works.

10:01:24

8 MS. MAPLETHORPE: Quarterly reports. We pay

10:01:27

9 no fees ever when you do a quarterly report. So with

10:01:30

10 your other licensing report, the intern has to pay every

10:01:35

11 time you do a quarterly report. We don't need to do

10:01:37

12 that; we're not going to do that. So that's -- for your

00:01:41

13 application when you want to become a CSW, clinical

10:01:47

14 social worker intern, that initial part, yes. We're not

10:01:50

15 changing any fees. It stays the same. So that's not

10:01:53

16 being increased at all.

10:01:56

17 MS. HARRIS: Did that answer your question?

10:01:59

18 MS. CARRERA: Yes. I believe so.

10:02:02

19 MS. HARRIS: Okay. Are there any other

10:02:06

20 comments?

10:02:09

21 MS. MARTINES: Samantha Martines for the

10:02:12

22 record. You may have already talked about this, but how

10:02:16

23 will the procedure go for getting to the ceiling of the

10:02:20

24 fees? Will that be something that will come back to the

10:02:23

25 Board yearly or...

10:02:26 1 MS. HARRIS: This is the process for that.

10:02:28 2 Right? Or this is the just the NRS.

10:02:32 3 MS. OPPENLANDER: Oppenlander for the
10:02:34 4 record. This process that we're going through right now
10:02:37 5 that takes six to nine months after you go through the
10:02:40 6 legislative process, you're about here. So the
10:02:45 7 legislators sign these numbers into law for us to work
10:02:49 8 with. Then the Board on July 31st came up with a
10:02:54 9 recommendation for NAC changes, including fee increases.
10:03:00 10 That was up here. The Board came up with a
10:03:03 11 recommendation.

10:03:04 12 So if we were going to do another fee
10:03:07 13 increase another time, we'd have to go right through the
10:03:10 14 administrative rulemaking thing, which is a
10:03:15 15 six-to-nine-month process. This Board isn't going to
10:03:18 16 iteratively change fees and go through the
10:03:21 17 six-to-nine-month process. We're pretty confident that
10:03:22 18 this fee increase should last for years to come. I
10:03:27 19 don't know how many years because I can't crystal ball
10:03:29 20 this at the moment. The world we're in right now is a
10:03:33 21 little goofy. I could just as well imagine with
10:03:37 22 economies of scale in technology that the Board could
10:03:41 23 maybe come back and actually do a fee decrease. So I'm
10:03:45 24 not expecting fee increases or that we'll ever
10:03:49 25 necessarily hit these caps. I don't know that.

10:03:52 1 But we just didn't want to have to go back
10:03:55 2 through legislation again, because it's too expensive to
10:03:59 3 deal with them. They don't charge you to talk to them.
10:04:02 4 I don't know that the legislators are like that. The
10:04:05 5 actual time that you have to take to do it and stop
10:04:08 6 everything you're doing and devote your day to talking
10:04:11 7 to a legislator, etcetera, is hard and time-taking and
10:04:14 8 we just don't have enough people to do that.

10:04:17 9 So I don't see this process happening over
10:04:19 10 and over and over just randomly. It would be another
10:04:23 11 process like we're going through right now where the
10:04:27 12 Board could foresee they needed to do it for a specific
10:04:31 13 reason. They didn't have enough money. There was a new
10:04:37 14 unfunded mandate that I don't know about yet coming down
10:04:38 15 the pike that they had to fulfill on behalf of the
10:04:40 16 federal or the state government that I can't even
10:04:40 17 foresee yet and that we would have to have more money to
10:04:44 18 do that. I don't even know what those things are.

10:04:48 19 MS. HARRIS: Did that answer your question?

10:04:49 20 MS. MARTINES: It did. Thank you very much.

10:04:52 21 MS. HARRIS: Any other comments? Questions?

10:05:03 22 Monique Harris for the record. I just
10:05:05 23 wanted to -- before we go to the next agenda item, I
10:05:09 24 wanted to make sure to kind of nail in the coffin this
10:05:16 25 process or the fee increases is something that in order

10:05:20 1 for us to maintain the Board, it has to happen. So we
10:05:25 2 encourage your participation throughout the process. We
10:05:29 3 encourage you as other people ask questions or as you
10:05:33 4 hear things going out that aren't 100 percent accurate
10:05:38 5 or that you can chime into that, you do that or refer
10:05:41 6 them to one of the Board members or to -- I don't want
10:05:46 7 to say to the Board. Refer them to the Board so they
10:05:49 8 can get those questions answered and clarified. I'm
10:05:53 9 happy that you all are part of the process. Sounds like
10:05:57 10 you are in agreement in understanding that this is
10:05:59 11 something that has to happen in order for us to maintain
10:06:02 12 a Board.

10:06:03 13 So with that being said, if there aren't any
10:06:06 14 other comments on this particular agenda item, I'm going
10:06:10 15 to move forward to the next one, which is disallowing
10:06:13 16 payments by cash. Did anybody have questions in regard
10:06:17 17 to that?

10:06:19 18 Then moving to Postgraduate Internships,
10:06:28 19 this -- again, like Karen was explaining earlier, some
10:06:32 20 of this is just tweaking of the language, but we have to
10:06:36 21 highlight all of the changes. So with that being said,
10:06:40 22 removing subsequently equivalent language on hours being
10:06:51 23 counted from an internship to another state, we're
10:06:55 24 trying to help with mobilization of licensing. Did I
10:06:59 25 say that right? Okay. And so we're changing that and

10:07:01 1 increasing the number of interns as supervisors. Page 33
I know
10:07:04 2 there's been questions "Can we get more? Can we get
10:07:09 3 more?" So we are proposed to increase it from three to
10:07:12 4 four.
10:07:13 5 Reducing frequency of postgraduate
10:07:15 6 internship progress reports from quarterly to every six
10:07:19 7 months, did anyone want to chime in on that or is that
10:07:23 8 okay? Self-explanatory?
10:07:25 9 Continuing Education, specifying that a
10:07:29 10 retired licensee must still complete suicide prevention
10:07:33 11 CEUs for renewal of a license, does everyone understand
10:07:37 12 that and how that's State and not Board?
10:07:42 13 Okay. No comments?
10:07:45 14 Standards of Practice, so adding information
10:07:48 15 regarding what is considered unprofessional conduct,
10:07:52 16 there was some changes and discussion around that. Did
10:07:56 17 anyone want to chime in or have questions in regard to
10:07:59 18 it?
10:08:01 19 MR. HATCH: I didn't have any questions.
10:08:02 20 This goes back to the -- Luke Hatch for the record.
10:08:08 21 Yeah, anything that would make it easier to help people
10:08:13 22 get licensed in a quicker fashion sometimes I think
10:08:17 23 would be nice, but -- and I understand everything needs
10:08:21 24 to be in place. Like possibly -- and just a suggestion
10:08:25 25 because it was in a state that I came from -- that you

10:08:28 1 could take the licensing exam at the beginning of your
10:08:32 2 hours instead of wait and take them halfway through. I
10:08:36 3 know there's reasons for everything, but it makes it a
10:08:40 4 little easier to take the licensing exam at the
10:08:42 5 beginning, and if someone is struggling to pass that
10:08:46 6 exam, they've got their whole time to take it. Just a
10:08:50 7 thought.

10:08:51 8 MS. HARRIS: Are you talking about the post
10:08:52 9 exam for your internship?

10:08:55 10 MR. HATCH: The full licensing exam for
10:08:58 11 clinical social workers.

10:09:01 12 MS. MAPLETHORPE: That's not even on the
10:09:03 13 table. But that's great information. Exactly.
10:09:06 14 Absolutely. So you have to have so many hours up front
10:09:12 15 before you can even take that exam and you have to kind
10:09:14 16 of gauge it. Like if you have anxiety and you're not --
10:09:18 17 you can really kind of screw yourself because you have
10:09:23 18 to stop practicing as a social worker if you do not
10:09:28 19 pass -- if you don't get that done. You could really
10:09:32 20 hurt yourself. You have to have good supervision so
10:09:37 21 that doesn't happen because you're part of an agency and
10:09:40 22 everybody is working together. It can become
10:09:44 23 problematic.

10:09:46 24 MS. HARRIS: Harris, for the record. We try
10:09:48 25 to help with that process by the timeline for allowing

10:09:50 1 to take the test; whereas, before it was only twice and
10:09:54 2 then you had to wait, whereas now you can do it every
10:09:58 3 90 days.

10:10:00 4 MR. HATCH: Which is great. I think that's
10:10:02 5 a good change for sure. I think sometimes like even
10:10:07 6 being able to take it earlier in the process instead of
10:10:12 7 waiting 1,500 hours could be helpful. Just a
10:10:16 8 suggestion.

10:10:17 9 MS. HARRIS: Thank you.

10:10:17 10 Any other comments? Questions? Concerns?

10:10:22 11 No.

10:10:23 12 I'm going to move to public comments. Is
0:10:30 13 there any public comments?

10:10:31 14 MS. MAPLETHORPE: Maplethorpe for the
10:10:33 15 record. When we do the quarterly reports, there will be
10:10:36 16 a function in to alert. We haven't figured that out or
10:10:41 17 vetted that out because that is something that we're
10:10:44 18 going to have -- the intern won't need to police it.
10:10:50 19 The supervisor -- that doesn't need to be the
10:10:52 20 supervisor's sole responsibility, so we'll figure that
10:10:55 21 out. We do it on your birthday when we do the renewals.
10:10:59 22 With the quarterly report everybody starts differently.
10:11:02 23 There's other boards that do it certain time periods,
10:11:06 24 the end of June 30th and again in December, so they have
10:11:10 25 specific dates. But we have to figure that out.

10:11:13 1 So that will be something that will have a
10:11:16 2 prompt or an Email can be sent within the system, and
10:11:21 3 we're trying to figure that out. That definitely was
10:11:24 4 something we thought about and how are we going to
10:11:27 5 alert. That's money, too, sending out postcards through
10:11:31 6 the mail. That's a heavy expense too. Different things
10:11:36 7 that we can do more 21st century electronically.

10:11:40 8 MR. HATCH: It was really nice to have the
10:11:43 9 online renewal. It was great.

10:11:51 10 MS. HARRIS: Karen, did you want to add
10:11:55 11 anything before we adjourn?

10:11:56 12 MS. OPPENLANDER: Karen Oppenlander for the
10:11:56 13 record. This is my first 17 months on this job and I
10:12:02 14 didn't know what I was walking into, and what I walked
10:12:06 15 into was a Board who was ready to modernize and
10:12:11 16 streamline processes. With my background, it's a really
10:12:16 17 good fit because I was able to do that in another
10:12:21 18 sector, and so I have experience doing that. So it's
10:12:26 19 been really nice to see the changes, and as expressed
10:12:30 20 here, this Board was United States Post Office-based.
10:12:38 21 The staff did not have Email two years ago. So I'm
10:12:45 22 quite serious about the lack of modernization, so I
10:12:49 23 appreciate public comment that you're happy with the
10:12:52 24 online renewal process, as are we. So it's an
10:12:57 25 investment. It's a change. And it's a positive change

10:13:00

1 from what I can tell, and I appreciate everybody that

10:13:06

2 has been part of this movement to streamline and

10:13:08

3 modernize the Board and be part of talking about it

10:13:12

4 openly.

10:13:13

5 So what's happening right now just in my

10:13:16

6 short 17 months that I get to be secret witness to is

10:13:20

7 participation, and I can't tell you how much it's

10:13:24

8 appreciated to go into meetings and have people show up,

10:13:29

9 and our court reporters talk about where they go into

10:13:36

10 meetings and there's one person here. It's nice to have

10:13:41

11 people care about the progression and want it to be

10:13:44

12 improved and better and that they understand what

0:13:46

13 they're into, and what the responsibilities of being a

10:13:49

14 licensee are. We all understand what it's like to have

10:13:52

15 a driver's license. You can't go out willy-nilly and do

10:13:57

16 whatever you want on the road. That's the same in being

10:13:59

17 a licensee, and in Nevada a third of us are licensees.

10:14:03

18 There's 300 boards or 200 boards of commissions.

10:14:08

19 Whatever it is. There's just a boatload of licensees

10:14:11

20 out there. We're a group of them. So we want to

10:14:14

21 understand 641B and make it work for us.

10:14:17

22 Anybody who wants to be part of the process,

10:14:20

23 we want you to be part of the process. So thanks for

10:14:22

24 coming today. It's really nice to see you face to face.

10:14:24

25 Don't hesitate to call us, Email us, whatever else, or

10:14:29 1 the other way around. If there's something we need to
10:14:32 2 know about, keep us in touch. Thank you.

10:14:36 3 MS. JONES: Vaniqua Jones for the record.

10:14:41 4 One public comment that I feel should be voiced is the
10:14:45 5 process for individuals who are trying to become
10:14:49 6 licensed and require accommodations during the process.

10:14:58 7 In that process, there is a delay in getting
10:15:02 8 a test date that is not taken into consideration on the
10:15:07 9 timeline. And I also feel that the process of even
10:15:14 10 getting the applications approved for the accommodation,
10:15:17 11 which I think is a ten-day process also, I feel is not
10:15:22 12 considered in the time frame of, you know, from -- you
10:15:27 13 have until this day or your license or your -- what is
10:15:34 14 it? I can't even remember, but your -- from the day
10:15:38 15 that you get approved to be able to take the exam to
10:15:41 16 whatever the date is that it expires, that additional
10:15:46 17 time was ten days. You have ten days to get your
10:15:51 18 application approved for the accommodation, and then
10:15:54 19 when you call in for the actual test date, because of
10:15:58 20 whatever type of accommodations you require, there's
10:16:01 21 also a large gap in between time, and I think that it
10:16:06 22 takes away from your ability to be successful, I would
10:16:10 23 say, for people who have anxiety like myself, and I was
10:16:15 24 fortunate enough to be able to, thank God, successfully
10:16:21 25 pass my first try. However, for those people who aren't

10:16:25

1 able to, it -- I could only imagine calling in and

10:16:30

2 saying I would like to schedule another test date and

10:16:33

3 having to wait weeks and weeks and weeks for a new test

10:16:37

4 date because of the type of accommodation I require. I

10:16:41

5 think that's also something to maybe consider in the

10:16:44

6 future.

10:16:48

7 MS. HARRIS: That's MSW.

10:16:56

8 Thank you for that. Appreciate it. Anyone

10:16:59

9 else?

10:17:02

10 Well, before I adjourn, I want to invite

10:17:05

11 everyone to participate in the meetings. You can find

10:17:08

12 that information online and know that you're always

0:17:11

13 welcome, and I want to thank everyone for coming.

10:17:15

14 Monique Harris. Meeting adjourned at 10:17.

15 (The proceedings concluded at 10:17 a.m.)

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3 D

Strategic Plan



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: Jodi Ussher

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

Staff Member: Sandy Lowery

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

Lead

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 date 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: Vikki Erickson

Staff Member: Karen Barsell

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

Staff Member: Karen Barsell

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

Lead

Staff Member: Karen Barsell

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.

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

Finance Committee consisting of Board Members: Monique Harris and Susan Nielsen

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.

3, E. i. and 3, E. ii.

State of Nevada, Board of Examiners for Social Workers (BESW)

4600 Kietzke Lane, Ste. C121, Reno, NV 89502

(775) 688-2555

Policy Number: F-001	Title: BOARD RESERVES	Adopted by the Board: 06/14/2019	Next Review: 10/11/2019
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POLICY SUMMARY: This policy will address the importance of maintaining organizational reserves.

RESERVES: BESW will set aside money to pay for anticipated future activities. Reserves can be established for many purposes including: emergencies/rainy days, capital improvement and building replacement needs, future investments, and general operations.

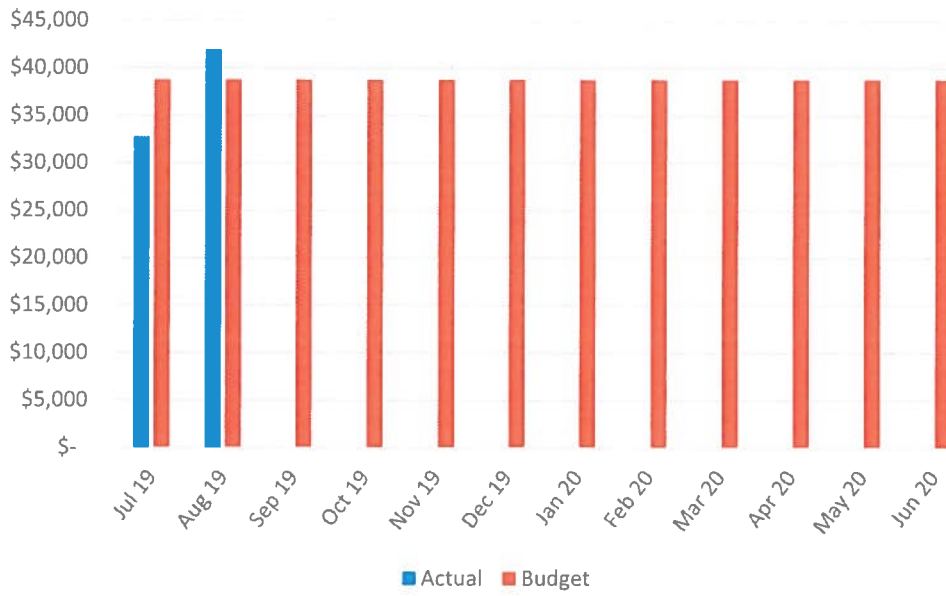
The ability to maintain these reserves should be considered in all decisions that could impact cash and fund balances including decisions involving budgets, funding for emergency projects, special programs, and emergency needs. *

****Note: REQUIRED RESERVE FUNDS AS PER BESW 2018 – 2021 STRATEGIC PLAN:** It is the practice of the Board of Examiners for Social Workers (BESW) to maintain a cash reserve at all times. By 2023, the amount of the required reserve shall equal five months of BESW's operating expenses. BESW reserves shall be the unrestricted net assets of all operating funds of the BESW.*

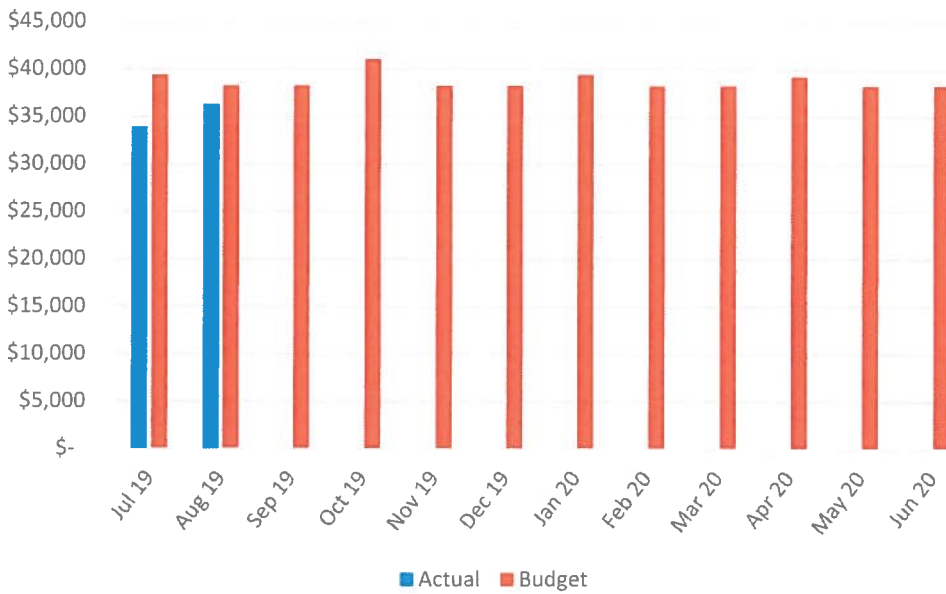
Financial Snapshot

July and August 2019

Monthly Income Actual vs. Budget



Monthly Expenses Actual vs. Budget



July	Annual Budget FY 19/20	Monthly Budget - July	Monthly Variance July - July	Monthly Variance Dollars	Monthly Variance Percent	Annual Year to Date	Annual Variance Dollar	Annual Variance Percent
Fund Balance	\$ 92,181.93					8%		
INCOME								
40000 · RENEWAL FEES	348,602.25	29,050.19	26,250.00	2,800.19	90%	26,250.00	-322,352.25	8%
41000 · APPLICATION FEE	25,750.00	2,145.83	1,360.00	785.83	63%	1,360.00	-24,390.00	5%
42000 · INITIAL LICENSE FEE	58,645.00	4,887.09	3,250.00	1,637.09	67%	3,250.00	-55,395.00	6%
43000 · ENDORSEMENT FEE	14,025.00	1,168.75	1,000.00	168.75	86%	1,000.00	-13,025.00	7%
44000 · PROVISIONAL LICENSE FEES	2,000.00	166.67	-220.00	386.67	-132%	-220.00	-2,220.00	-11%
45000 · RENEWAL LATE FEE	2,000.00	200.00	200.00	0.00	100%	200.00	-1,800.00	10%
46000 · RESTORATION OF LICENSE	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
47000 · DISCIPLINARY COSTS	4,000.00	333.33	850.00	-516.67	255%	850.00	-3,150.00	21%
48000 · MISCELLANEOUS	10,000.00	833.34	48.00	785.34	6%	0.00	-10,000.00	0%
49000 · INTEREST	10.50	0.88	0.00	0.88	0%	0.00	-10.50	0%
Total Income	\$ 465,032.75	\$ 38,786.08	\$ 32,738.00	\$ 6,048.08	84%	\$ 32,690.00	\$ (432,342.75)	7%
Sub-Account Total	\$ 557,214.68					\$ 124,871.93		
EXPENSES								
50050 · Wages	230,731.00	19,227.59	18,236.67	990.92	95%	0.00	-230,731.00	0%
50102 · Group Health Insurance	35,664.00	2,972.00	2,691.52	280.48	91%	2,691.52	-32,972.48	8%
50103 · Ins Regis	3,500.00	291.67	1,048.12	-756.45	359%	1,048.12	-2,451.88	30%
50104 · Medicare	3,346.00	276.84	270.27	6.57	97%	270.27	-3,075.73	8%
50105 · PERS-Employer paid	30,025.00	2,502.08	2,428.52	73.56	97%	2,428.52	-27,596.48	8%
50106 · Unemployment Ins.	1,850.00	154.17	180.83	-26.66	117%	180.83	-1,669.17	10%
50300 · Workman's Comp.	4,000.00	1,150.00	895.50	254.50	78%	895.50	-3,104.50	22%
Sub Account Total	\$ 309,116.00	\$ 26,576.35	\$ 25,751.43	\$ 824.92	97%	\$ 7,514.76	\$ -301,601.24	2%
61050 · Contract-Labor	15,000.00	1,250.00	838.59	411.41	67%	838.59	-14,161.41	6%
61100 · Contract-Auditor	10,000.00	833.33	0.00	833.33	0%	0.00	-10,000.00	0%
61150 · Contract-Legal	32,500.00	2,708.34	1,157.70	1,550.64	43%	1,157.70	-31,342.30	4%
61200 · Contract-Lobbyist	18,000.00	1,500.00	1,500.00	0.00	100%	1,500.00	-16,500.00	8%
61250 · Contract-Payroll Service	1,500.00	125.00	285.00	-160.00	228%	285.00	-1,215.00	19%
61300 · Court Reporting	4,500.00	375.00	0.00	375.00	0%	0.00	-4,500.00	0%
61350 · Investigations	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
61400 · LCB	1,500.00	125.00	0.00	125.00	0%	0.00	-1,500.00	0%
62000 · Operating Costs	6,520.00	543.33	719.03	-175.70	132%	0.00	-6,520.00	0%
62050 · Printing	3,000.00	250.00	456.00	-206.00	182%	456.00	-2,544.00	15%
62100 · Copying	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
62150 · TORT Claim Fund	1,200.00	0.00	1.41	-1.41	0%	1.41	-1,198.59	0%
62200 · Rent	20,400.00	1,700.00	1,662.50	37.50	98%	1,662.50	-18,737.50	8%
62250 · B and G Assessment	650.00	0.00	0.00	0.00	0%	0.00	-650.00	0%
62300 · Records Storage	480.00	40.00	0.00	40.00	0%	0.00	-480.00	0%
62350 · Postage	5,500.00	458.33	500.00	-41.67	109%	500.00	-5,000.00	9%
62400 · Telephone	1,750.00	145.84	140.84	5.00	97%	140.84	-1,609.16	8%
62450 · Internet	2,000.00	166.67	142.94	23.73	86%	142.94	-1,857.06	7%
62500 · Computer Software	0.00	0.00	101.25	-101.25	0%	101.25	101.25	0%
62550 · Transcription	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
63050 · Dues & Registration	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
63100 · Professional Dues (ASWB)	250.00	0.00	0.00	0.00	0%	0.00	-250.00	0%
64050 · Bank Charges	120.00	10.00	5.00	5.00	50%	5.00	-115.00	4%
64100 · Credit Card Processing	1,500.00	125.00	463.99	-338.99	371%	463.99	-1,036.01	31%
65000 · Host Fund	800.00	66.66	131.53	-64.87	197%	131.53	-668.47	16%
66050 · In State Travel	7,000.00	583.33	0.00	583.33	0%	0.00	-7,000.00	0%
66100 · Out of State Travel	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
67000 · Training	0.00	0.00	25.00	-25.00	0%	25.00	25.00	0%
68050 · Furniture	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
68100 · Computers	22,100.00	1,841.67	0.00	1,841.67	0%	0.00	-22,100.00	0%
Sub Account Total	\$ 156,270.00	\$ 12,847.50	\$ 8,130.78	\$ 4,716.72	63%	\$ 7,411.75	\$ (148,858.25)	5%
Total Expenses	\$ 465,386.00	\$ 39,423.85	\$ 33,882.21	\$ 5,541.64	86%	\$ 14,926.51	\$ (147,643.25)	3%
Net Position *	-353.25	-637.77	-1,144.21			17,763.49	109,945.42	
Net Position - Adjusted **	91,828.68							

* Net Position Income and Expenses without Fund Balance
**Net Position - Adjusted Income and expenses with prior year Fund Balance

August	Annual Budget FY 19/20	Monthly Budget - August	Actual August	Monthly Variance Dollars	Monthly Variance Percent	Annual Year to Date	Annual Variance Dollar	Annual Variance Percent
Fund Balance	\$ 92,181.93					17%		
INCOME								
40000 · RENEWAL FEES	348,602.25	29,050.19	28,350.00	700.19	98%	54,600.00	-294,002.25	16%
41000 · APPLICATION FEE	25,750.00	2,145.84	3,040.00	-894.16	142%	4,400.00	-21,350.00	17%
42000 · INITIAL LICENSE FEE	58,645.00	4,887.08	7,250.00	-2,362.92	148%	10,500.00	-48,145.00	18%
43000 · ENDORSEMENT FEE	14,025.00	1,168.75	1,200.00	-31.25	103%	2,200.00	-11,825.00	16%
44000 · PROVISIONAL LICENSE FEES	2,000.00	166.67	150.00	16.67	90%	-70.00	-2,070.00	-4%
45000 · RENEWAL LATE FEE	2,000.00	200.00	100.00	100.00	50%	300.00	-1,700.00	15%
46000 · RESTORATION OF LICENSE	0.00	0.00	200.00	-200.00	0%	200.00	200.00	0%
47000 · DISCIPLINARY COSTS	4,000.00	333.34	850.00	-516.66	255%	1,700.00	-2,300.00	43%
48000 · MISCELLANEOUS	10,000.00	833.33	765.00	68.33	92%	0.00	-10,000.00	0%
49000 · INTEREST	10.50	0.87	0.00	0.87	0%	0.00	-10.50	0%
Total Income	\$ 465,032.75	\$ 38,786.07	\$ 41,905.00	\$ (3,118.93)	108%	\$ 73,830.00	\$ (391,202.75)	16%
Sub-Account Total	\$ 557,214.68					\$ 166,011.93		
EXPENSES								
50050 · Wages	230,731.00	19,227.58	15,380.97	3,846.61	80%	0.00	-230,731.00	0%
50102 · Group Health Insurance	35,664.00	2,972.00	3,043.16	-71.16	102%	5,734.68	-29,929.32	16%
50103 · Ins Regis	3,500.00	291.66	436.14	-144.48	150%	1,484.26	-2,015.74	42%
50104 · Medicare	3,346.00	278.83	267.21	11.62	96%	537.48	-2,808.52	16%
50105 · PERS-Employer paid	30,025.00	2,502.08	4,857.04	-2,354.96	194%	7,285.56	-22,739.44	24%
50106 · Unemployment Ins.	1,850.00	154.17	134.13	20.04	87%	314.96	-1,535.04	17%
50300 · Workman's Comp.	4,000.00	0.00	0.00	0.00	0%	895.50	-3,104.50	22%
Sub Account Total	\$ 309,116.00	\$ 25,426.32	\$ 24,118.65	\$ 1,307.67	95%	\$ 16,252.44	\$ -292,863.56	5%
61050 · Contract-Labor	15,000.00	1,250.00	2,000.00	-750.00	160%	2,838.59	-12,161.41	19%
61100 · Contract-Auditor	10,000.00	833.34	0.00	833.34	0%	0.00	-10,000.00	0%
61150 · Contract-Legal	32,500.00	2,708.33	2,832.51	-124.18	105%	3,990.21	-28,509.79	12%
61200 · Contract-Lobbyist	18,000.00	1,500.00	1,500.00	0.00	100%	3,000.00	-15,000.00	17%
61250 · Contract-Payroll Service	1,500.00	125.00	210.00	-85.00	168%	495.00	-1,005.00	33%
61300 · Court Reporting	4,500.00	375.00	0.00	375.00	0%	0.00	-4,500.00	0%
61350 · Investigations	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
61400 · LCB	1,500.00	125.00	0.00	125.00	0%	0.00	-1,500.00	0%
62000 · Operating Costs	6,520.00	543.33	558.38	-15.05	103%	0.00	-6,520.00	0%
62050 · Printing	3,000.00	250.00	301.62	-51.62	121%	757.62	-2,242.38	25%
62100 · Copying	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
62150 · TORT Claim Fund	1,200.00	0.00	0.00	0.00	0%	1.41	-1,198.59	0%
62200 · Rent	20,400.00	1,700.00	1,700.00	0.00	100%	3,362.50	-17,037.50	16%
62250 · B and G Assessment	650.00	0.00	0.00	0.00	0%	0.00	-650.00	0%
62300 · Records Storage	480.00	40.00	0.00	40.00	0%	0.00	-480.00	0%
62350 · Postage	5,500.00	458.34	736.27	-277.93	161%	1,236.27	-4,263.73	22%
62400 · Telephone	1,750.00	145.83	319.16	-173.33	219%	460.00	-1,290.00	26%
62450 · Internet	2,000.00	166.67	0.00	166.67	0%	142.94	-1,857.06	7%
62500 · Computer Software	0.00	0.00	0.00	0.00	0%	101.25	101.25	0%
62550 · Transcription	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
63050 · Dues & Registration	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
63100 · Professional Dues (ASWB)	250.00	0.00	0.00	0.00	0%	0.00	-250.00	0%
64050 · Bank Charges	120.00	10.00	0.00	10.00	0%	5.00	-115.00	4%
64100 · Credit Card Processing	1,500.00	125.00	508.88	-383.88	407%	972.87	-527.13	65%
65000 · Host Fund	800.00	66.67	343.17	-276.50	515%	474.70	-325.30	59%
66050 · In State Travel	7,000.00	583.34	1,173.81	-590.47	201%	1,173.81	-5,826.19	17%
66100 · Out of State Travel	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
67000 · Training	0.00	0.00	0.00	0.00	0%	25.00	25.00	0%
68050 · Furniture	0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
68100 · Computers	22,100.00	1,841.66	0.00	1,841.66	0%	0.00	-22,100.00	0%
Sub Account Total	\$ 156,270.00	\$ 12,847.51	\$ 12,183.80	\$ 663.71	95%	\$ 19,037.17	\$ (137,232.83)	12%
Total Expenses	\$ 465,386.00	\$ 38,273.83	\$ 36,302.45	\$ 1,971.38	95%	\$ 35,289.61	\$ (136,227.83)	8%
Net Position *	-353.25	512.24	5,602.55			38,540.39		
Net Position - Adjusted **	91,828.68					130,722.32		

* Net Position Income and Expenses without Fund Balance
**Net Position - Adjusted Income and expenses with prior year Fund Balance

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Nevada State Board Of Examiners

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Business accounts^a

Business Advantage 360

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Business Advantage Chk - 0618

\$72,907.73

Quick View

Business Economy Checking - 0688

\$5,246.47

Quick View

Personal accounts^a

Fixed Term CD - 9178

\$25,429.31

Quick View

30675.78

Investment accounts

You have a plan for your business—but how about your retirement?

A retirement plan can provide your business with the opportunity for valuable tax advantages, like higher contribution limits than individual IRAs, while helping you build the retirement you've earned.

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^a For checking, savings, and money market accounts, the balance may reflect transactions that have not yet posted to your account. For credit card, Gold Option and Gold Reserve accounts, the balance may not reflect recent transactions or pending payments.

Last sign in 09/30/2019 at 01:47 PM ET

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Investment and insurance products:



Fixed Term CD - 9178

Summary

Current balance: \$25,429.31
 Date opened: 09/04/2009
 Term: 3 months
 NOTE: a penalty for early withdrawal may apply

Services

[View current CD rates](#)

Account details as of 10/01/2019

Nickname: **Fixed Term CD - 9178 Edit**
 Account number: **Show Account number**
 Current balance: **\$25,429.31**
 Date opened: **09/04/2009**
 Term: **3 months**
 Next maturity date: **12/04/2019**

Deposit

Beginning balance this term: **\$25,429.31**
 Last renewal date: **09/04/2019**

Interest

Interest rate: **0.03%**
 Annual percentage yield: **0.03%**
 Interest earned not paid: **\$0.57**
 Interest paid last year: **\$7.65**
 Interest withheld for taxes this year: **\$0.00**
 Interest withheld for taxes last year: **\$0.00**

3, F, iii.

Summary of the NAC Change Process with the Legislative Counsel Bureau (LCB)

Board was assigned Rene Yeckley as our Bill Draft Advisor. She reviewed our proposed NAC changes and substantively agreed to the majority of them. There were only three areas that we could not agree on the changes requested –

Requested Change	Outcome
<p>641B.105.2(a)</p> <p>2. An applicant for licensure as:</p> <p>(a) A licensed social worker must pass the Bachelors Examination of the Association of Social Work Boards if the applicant holds a baccalaureate degree in social work as described in NRS 641B.220. If the applicant holds a master’s degree in social work as described in NRS 641B.220, the applicant must pass the Bachelors Examination or Masters Examination of the Association of Social Work Boards.</p>	<p>The Board cannot make this change because to do so would violate “equal protection” requirements in our language.</p> <ul style="list-style-type: none"> • We cannot require someone to take a higher level of licensing exam because of the education for the same level of licensure. • Until we get a separate level of licensure for the MSW graduate, we must offer them the opportunity to test at the lower level.
<p>641B.112.1(b)</p> <p>1. For purposes of paragraph (b) of subsection 1 of NRS 641B.275:</p> <p>(b) The evidence of enrollment must include evidence, that is satisfactory to the Board, of formal admission to the program of study and of satisfactory <i>completion of 30 units toward their master’s degree progress toward the degree, indicating and indication from the college or university</i> that the applicant will be able to obtain the <i>master’s</i> degree in social work within 3 years.</p>	<p>We cannot stipulate that the applicant for a Provisional “B” license must complete 30 units towards their master’s degree because the language in NRS 641B.275 only states that they must be “enrolled in a program of study leading to a degree in social work.” We cannot create more stringent requirements than allowed in our NRS.</p>
<p>641B.112.7</p> <p>7. The holder of a provisional license to engage in social work, to engage in social work as a licensed independent social worker or to engage in social work as a licensed clinical social worker shall practice under the supervision of a licensed social worker who is:</p>	<p>We cannot strike out the language allowing for a provisional license as a LCSW or LISW until we fix the language of our NRS 641B.275. The legislated changes made to our endorsement process has made this provisional license level unnecessary. We were hoping to just tidy this up, but can’t until we fix our NRS.</p>

3. F. iv.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
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Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
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DANIEL L. CROSSMAN, *Legislative Auditor* (775) 684-6815
MICHAEL J. STEWART, *Research Director* (775) 684-6825

RECEIVED

SEP 23 2019

NV BOARD OF EXAMINERS
FOR SOCIAL WORKERS

September 19, 2019

Sandy Lowery
Deputy Director
Board of Examiners for Social Workers
4600 Kietzke Lane, C121
Reno, Nevada 89502

Re: LCB File No. R055-19

Dear Ms. Lowery:

A proposed regulation, R055-19, of the Board of Examiners for Social Workers, has been examined pursuant to NRS 233B.063 and is returned in revised form.

We invite you to discuss with us any questions which you may have concerning this review. Please make reference to our file number in all further correspondence relating to this regulation.

Sincerely,

A handwritten signature in blue ink that reads "Rene Yeckley".

R. Rene Yeckley
Senate Legal Counsel and Bill Drafting Adviser

Brenda J. Erdoes
Legislative Counsel

RRY/ah
Enclosure

**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.

Legislative Counsel's Digest:

Existing law authorizes the Board of Examiners for Social Workers to establish regulations governing the practice of social work. (NRS 641B.160) **Sections 1-4** of this

Existing regulation requires an applicant for licensure to practice social work to pass a specific examination. (NAC 641B.105) **Section 8** of this regulation: (1) revises the name of the examination that an applicant for a license as an independent social worker must pass; (2) revises how many times an applicant who failed an examination for initial licensure as a licensed social worker may retake the examination; and (3) revises how often a licensee in an internship program who failed an examination for licensure may retake the examination.

Existing regulation provides that a license to practice social work becomes delinquent if the application for renewal of the license and the required fee are not postmarked on or before the last day of the month of the licensee's birth date. (NAC 641B.110) **Section 9** of this regulation provides that such a license becomes delinquent if the application for renewal and the required fee are not postmarked or received by that date. Existing regulation also authorizes a person whose license has expired to apply within 3 years after the date on which the license expired to regain the right to practice social work at the same level of licensure by applying for restoration of the license. **Section 9** reduces this period from 3 years to 2 years after the date the license expired. **Section 10** of this regulation makes a conforming change. (NAC 641B.111)

Existing regulation provides that a provisional license to engage in social work as a social worker issued pursuant to paragraph (a) of subsection 1 of NRS 641B.275 is no longer valid if the licensee fails the prescribed examination or the licensing period of 9 months expires, whichever occurs first. (NAC 641B.112) **Section 11** of this regulation reduces the licensing period from 9 months to 90 days.

Existing regulation sets forth the application and licensing fees that are imposed by the Board. (NAC 641B.115) During the 2019 Legislative Session, the Legislature enacted Senate Bill No. 502 which increased the maximum application and licensing fees that may be imposed by the Board. (Chapter 300, Statutes of Nevada 2019, at page 1780) **Section 12** of this regulation increases the existing application and licensing fees in accordance with the provisions of S.B. 502.

Existing regulation provides that fees and remittances to the Board must be made by certain forms of payments, such as by money order or check, and that remittances in currency or coin are made wholly at the risk of the remitter. (NAC 641B.120) **Section 13** of this regulation authorizes a person to also use a credit card or debit card to pay fees and remittances to the Board and provides that the Board will not accept currency or coin as payment. **Section 13** also provides that the Board will not refund any money related to an application for initial licensure that has expired or an application for a license by endorsement that has expired.

Existing regulation requires an applicant for licensure by endorsement to meet certain requirements including the requirement to submit proof to the Board that the applicant is of good moral character as it relates to social work. (NAC 641B.126) **Section 14** of this regulation eliminates the requirement for applicants for licensure by endorsement to submit such proof to the Board.

Existing regulation provides that before the Board approves a course or program of continuing education, the Board must be satisfied that the course or program meets certain requirements including, without limitation, that the course or program “[c]ontains current and relevant educational material concerning social work” and “is applicable to the practice of social work.” Existing regulation also provides a list of the subject matter that the Board has determined satisfactory to meet these particular requirements. (NAC 641B.190) **Section 21** of this regulation expands the list of the subject matter to include professional behavior in social work, as well as advanced human rights and social, economic and environmental justice.

Existing regulation requires a licensed independent social worker or licensed clinical social worker who is in the independent practice of social work to establish and maintain a professional will. (NAC 641B.205) **Section 22** of this regulation revises this provision to clarify that the requirement applies in the same manner to both licensed independent social workers and licensed clinical social workers who are in the independent practice of social work.

Existing regulation sets forth certain acts that constitute unprofessional conduct by a licensee. (NAC 641B.220) **Section 23** of this regulation provides that a violation of Nevada law or federal law, other than minor traffic violations, may also constitute unprofessional conduct for purposes of disciplinary action by the Board.

Section 1. NAC 641B.025 is hereby amended to read as follows:

641B.025 “Complainant” means any person who complains to the Board of any act of another person ~~{ }~~ *practicing as a social worker.*

Sec. 2. NAC 641B.041 is hereby amended to read as follows:

641B.041 “Licensed associate in social work” means a person licensed by the Board pursuant to NRS 641B.210 to engage in the practice of social work as an associate in social work ~~. {under the supervision of an agency.}~~

Sec. 3. NAC 641B.043 is hereby amended to read as follows:

641B.043 “Licensed independent social worker” means a person licensed by the Board pursuant to NRS 641B.230 to engage in the *independent* practice of social work as an independent social worker.

2. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he or she has previously submitted to the Board.

3. By submitting an application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of, or to clarify an ambiguity in, the matters and information stated within the application. If the Board so requests, the applicant must supply to the Board information that will verify the authenticity or clarify any ambiguity in the application.

4. An applicant for initial licensure must submit to the Board to satisfy the requirements of NRS 641B.202:

(a) Two sets of completed fingerprint cards;

(b) Written authorization for the Board to forward those cards to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories.

5. If deemed necessary, the Board will appoint a member of the Board or a designee to examine an application, take the actions authorized pursuant to subsection 3 and make recommendations for the Board's action.

6. If deemed necessary, the Board will require the personal appearance of the applicant.

7. For each application, the Board will:

(a) Approve the application;

~~{↔}~~ 2. If the evidence submitted pursuant to this ~~{subsection}~~ *section* includes any order of a court or other legal document specifying a change of name of the applicant or any form of identification that includes a photograph of the applicant, a copy of the document or identification must also be submitted to the Board.

~~2. The citizenship of the applicant:~~

~~(a) A certified copy of his or her birth certificate;~~

~~(b) A passport;~~

~~(c) Naturalization papers; or~~

~~(d) Any other such documentation regarding citizenship that is satisfactory to the Board.~~

~~3. The lawful entitlement of the applicant to remain and work in the United States, a copy of documentation from the United States Citizenship and Immigration Services of the Department of Homeland Security evidencing the lawful entitlement of the applicant to remain and work in the United States.]~~

Sec. 8. NAC 641B.105 is hereby amended to read as follows:

641B.105 1. Except as otherwise provided in NAC 641B.090 and 641B.126, an applicant for licensure as a licensed social worker, licensed independent social worker or licensed clinical social worker must pass the appropriate examination, as described in subsection 2, given by the Association of Social Work Boards or another testing administrator that has been approved by the Board.

2. An applicant for licensure as:

(a) A licensed social worker must pass the Bachelors Examination of the Association of Social Work Boards if the applicant holds a baccalaureate degree in social work as described in

Association of Social Work Boards or another testing administrator that has been approved by the Board.

6. A failed examination:

(a) For initial licensure as a licensed social worker may be retaken ~~{once,}~~ **every** 90 days after the failed examination ~~{}~~ ***until the application expires pursuant to NAC 641B.090.***

(b) By a licensee in an internship undertaken pursuant to NAC 641B.140 or 641B.150 may be retaken **every** 90 days after the failed examination and thereafter. ~~{, one examination may be taken every 6 months.}~~

Sec. 9. NAC 641B.110 is hereby amended to read as follows:

641B.110 1. Except for a provisional license issued pursuant to NRS 641B.275:

(a) An initial license will not become delinquent less than 1 year after the date of issuance.

(b) Except as otherwise provided in subsection 4, after initial licensure, each license will become delinquent annually on the last day of the month of birth of the licensee and will expire 60 days thereafter.

2. Except as otherwise provided in this subsection, an application for the renewal of a license must be completed on forms supplied by the Board and submitted to the Board on or before the last day of the month of birth of the licensee. An application for the renewal of a provisional license issued pursuant to paragraph (b) of subsection 1 of NRS 641B.275 must be submitted to the Board annually on or before the last day of the 12th month after the month in which the license was initially issued, until the expiration of the 3-year period of licensure set forth in NAC 641B.112 or until the license is no longer valid pursuant to NAC 641B.112.

641B.111 1. An application for restoration of an expired license must be completed on a form supplied by the Board and submitted to the Board within ~~3~~ 2 years after the date on which the license expired.

2. In addition to the requirements set forth in NRS 641B.290 and except as otherwise provided in subsection 4, an application for restoration of an expired license must be accompanied by:

(a) Two sets of completed fingerprint cards;

(b) Written authorization for the Board to forward those cards to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the report of criminal history;

(d) Evidence of the completion of all past continuing education hours; and

(e) Evidence that:

(1) The appropriate examination for licensure was passed by the applicant; or

(2) The licensee has maintained an equivalent license from another state in good standing.

3. If the State Controller has notified the Board pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency which has been assigned to the State Controller for collection pursuant to NRS 353C.195, the Board will not restore the applicant's expired license unless the Board receives notification from the State Controller that the applicant has:

(a) Satisfied the debt;

(a) If, upon request of the Board, the licensee fails to cause the college or university to forward directly to the Board evidence of enrollment that complies with subsection 1.

(b) If the licensee fails to renew his or her provisional license by:

(1) Submitting to the Board the application for renewal on a form supplied by the Board and the appropriate fee; and

(2) Causing the college or university to forward directly to the Board evidence of enrollment that complies with subsection 1.

(c) Three years after:

(1) The initial issuance of the license; or

(2) The licensee graduates from a program of study leading to a degree in social work,
↳ whichever occurs first.

3. A person is not eligible for the issuance of a provisional license pursuant to paragraph (a) of subsection 1 of NRS 641B.275 if he or she has failed the prescribed examination within 5 years immediately preceding the date on which he or she submits his or her application.

4. A provisional license issued pursuant to paragraph (a) of subsection 1 of NRS 641B.275 is no longer valid if:

(a) The licensee fails the prescribed examination; or

(b) The provisional licensing period of ~~9 months~~ 90 days expires,

↳ whichever occurs first.

5. The holder of a provisional license may be subject to disciplinary action pursuant to NRS 641B.400, including, without limitation, the revocation of his or her license.

(e) Restoration of expired license	200
(f) Renewal of delinquent license	100
(g) {Endorsement license without examination} Initial issuance of license by endorsement pursuant to NRS 641B.271	{100} 125
(h) Initial issuance of license by endorsement pursuant to NRS 641B.272	62.50
(i) Initial issuance of provisional license	{75} 93.75
{(i)} (j) Annual renewal of provisional license.....	{75} 93.75
3. Licensed independent social worker and licensed clinical social worker:	
(a) Initial application	{40} \$50
(b) Initial issuance of license other than license by endorsement	{100} 125
(c) Annual renewal of license	{150} 187.50
(d) Restoration of revoked license	150
(e) Restoration of expired license	200
(f) Renewal of delinquent license	100
(g) {Endorsement license without examination} Initial issuance of license by endorsement pursuant to NRS 641B.271	{100} 125
(h) Initial issuance of license by endorsement pursuant to NRS 641B.272	62.50
(i) Initial issuance of provisional license	{75} 93.75

↪ If an applicant applies for more than one type of license at one time, he or she will be required to pay only one application fee.

641B.126 1. An applicant for licensure as a social worker, independent social worker or clinical social worker who holds, in the District of Columbia or any state or territory of the United States, a corresponding and valid license that is in good standing to engage in the practice of social work as described in this chapter and chapter 641B of NRS and who satisfies the requirements of NRS 641B.200 and NRS 641B.220, 641B.230 or 641B.240, as applicable, may be licensed by endorsement by the Board to engage in the practice of social work as a social worker, independent social worker or clinical social worker in this State by the Board without taking the examination prescribed by the Board.

2. An applicant for licensure by endorsement pursuant to this section must submit to the Board:

(a) ~~[A written]~~ *An* application on a form prescribed by the Board;

(b) The applicable fee; *and*

(c) Except as otherwise provided in subsection 3, proof that the license issued by the District of Columbia or the other state or territory or any other license or credential issued to the applicant by the District of Columbia or another state or territory:

(1) Is currently valid and in good standing; and

(2) Has never been suspended, revoked or otherwise restricted for any reason. ~~[and~~

~~—(d) Proof that the applicant is of good moral character as it relates to the practice of social work.]~~

3. If an applicant has had a license or credential that was issued by the District of Columbia or another state or territory suspended, revoked or otherwise restricted for any reason, the Board will review and consider the specific facts and circumstances surrounding the suspension,

(1) ~~{Except as otherwise provided in subsection 2, the}~~ *The* inability of a program to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b);

(2) An investigation or finding by a local, state or federal authority pertaining to alleged practices conducted at the setting of the program which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS; or

(3) An investigation by the Board of a licensee who engages in practices which may be deemed unethical or unsafe under this chapter or chapter 641B of NRS while supervising an intern as an owner, operator, employee or contractor of an agency that is part of a program of internship.

2. ~~{The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1.}~~ The Board will authorize a program to be conducted at not more than three agencies simultaneously.

3. Upon application to the Board by an applicant who is currently a social worker or an associate in social work licensed in this State, the District of Columbia or any other state or territory of the United States, the Board may approve and accept for licensure supervised, postgraduate hours completed in an agency that provides social work services if the applicant:

(a) Has been continually licensed as a social worker for the immediately preceding 10 years;

(b) Provides evidence satisfactory to the Board of continuous supervision by a licensed master's level social worker for at least 5 of the immediately preceding 10 years; and

(5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the intern; and

(6) Any compensation for the services of the intern is provided directly by the agency.

(d) Any other activity that the Board determines is not within the scope of the practice of social work.

Sec. 16. NAC 641B.150 is hereby amended to read as follows:

641B.150 1. Except for an applicant for licensure by endorsement, an applicant for licensure as a licensed clinical social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate clinical social work. Except as otherwise provided in subsection 5, the required work must be:

(a) Undertaken in a program that is approved by the Board before the applicant begins the program. The program must include, without limitation:

- (1) An examination, if deemed necessary by the Board;
- (2) An appropriate setting, as determined by the Board;
- (3) Supervision of the applicant by a supervisor who has been approved by the Board; and
- (4) A plan of supervision that has been approved by the Board.

(b) Completed not earlier than 2 years or later than 3 years after the Board approves the program. For good cause, the Board will grant a specific extension of this period. The Board will disallow credit for all hours of internship accrued under the program if the required work does not result in the issuance of a license to engage in social work as a clinical social worker within 3 years after the end of the program.

hours in each quarter, of postgraduate hours in the use of psychotherapeutic methods and techniques will be accepted toward satisfying this requirement. The remaining hours required by subsection 1 may be completed in other areas of clinical social work.

4. At least 1,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be supervised by a licensed clinical social worker ~~[-]~~ ***approved by the Board.*** The remaining hours required by subsection 1 may be supervised by a licensed clinical social worker, a licensed clinical psychologist or a psychiatrist who is licensed to practice medicine and certified by a board that is recognized by the American Board of Medical Specialties or the American Osteopathic Association, or a successor organization, or that is approved by the Board.

5. An applicant who is not licensed as a clinical social worker but has performed supervised, postgraduate clinical social work in the District of Columbia or another state or territory of the United States within the immediately preceding 3 years may submit to the Board, for its consideration as part of a program approved by the Board, evidence of the satisfactory completion of that work ~~[and documentation that his or her supervisor was a clinical social worker, a licensed clinical psychologist or a psychiatrist who is licensed to practice medicine and certified by a board that is recognized by the American Board of Medical Specialties or the American Osteopathic Association, or a successor organization, or that is approved by the Board, and was qualified to supervise in the District of Columbia or the other state or territory. After the applicant has completed not less than 1,000 hours of supervised, postgraduate clinical social work and has passed an examination required, if applicable, pursuant to subparagraph (1) of paragraph (a) of subsection 1 pursuant to a program approved by the Board, the Board will~~

(3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;

(4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;

(5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the applicant; and

(6) Any compensation for the services of the intern is provided directly by the agency.

(f) Any other activity that the Board determines is not within the scope of the practice of clinical social work.

Sec. 17. NAC 641B.155 is hereby amended to read as follows:

641B.155 1. To become a supervisor of an intern, a person must:

(a) Be approved by the Board to serve as the supervisor of an intern.

(b) Be a licensed independent social worker or a licensed clinical social worker if supervising an intern who is seeking a license as a licensed independent social worker, or be a licensed clinical social worker, a licensed clinical psychologist or a psychiatrist who is licensed to practice medicine and certified by a board that is recognized by the American Board of Medical Specialties or the American Osteopathic Association, or a successor organization, or that is approved by the Board, if supervising an intern who is seeking a license as a licensed clinical social worker.

(c) Have at least 3 years of experience, after obtaining all applicable licenses and certifications, as a licensed clinical social worker, a licensed independent social worker, a

(d) Supervise more than ~~{three}~~ *four* interns at one time without prior approval from the Board.

4. The Board will maintain a list of persons who have been approved by the Board to supervise interns and will ~~{provide, upon request, a copy of}~~ *make* the list *available* to any person who is applying to become an intern.

5. Each agreement pursuant to which a supervisor agrees to supervise an intern and each plan of supervision setting forth the requirements of NAC 641B.160 must be submitted to the Board for its approval. The Board will, when it deems the limitation appropriate, disapprove a proposal for the supervision of a particular intern by a particular supervisor.

6. A supervisor shall keep a record of the internship program which must include, without limitation, the content of meetings and a description of supervisory activities. Such a record must be kept for a minimum of 5 years after the termination of the internship program.

7. The Board will not recognize time spent by an intern:

(a) Under the supervision of a person who has not been approved by the Board to supervise interns; or

(b) In an arrangement covered by an agreement relating to the supervision of the intern which has not been approved by the Board.

Sec. 18. NAC 641B.160 is hereby amended to read as follows:

641B.160 1. A supervisor of an intern is responsible for the practice of social work by the intern.

2. A supervisor of an intern shall ensure that:

(a) The work of the intern is conducted in an appropriate professional setting;

4. A supervisor of an intern may use telecommunication technologies to supervise an intern remotely, but the supervisor must meet in person with the intern at the site at which the intern practices social work at least once every month.

5. Not more than 24 hours of the total supervision of the intern may be in the form of group supervision.

6. A supervisor of an intern shall analyze the performance of an intern through information obtained from:

- (a) Observation or participation in the practice of the intern;
- (b) The notes of the intern; and
- (c) Process recordings prepared by the intern.

7. The Board may refuse to accept a **{quarterly} progress report** or final report submitted by a supervisor of an intern as required pursuant to paragraph (c) of subsection 3 if the report:

- (a) Does not satisfy the reporting requirements for the forms provided by the Board;
- (b) Does not include such additional information concerning the internship as requested by the Board; or
- (c) Is received by the Board after the date on which the report is due.

8. If the Board refuses to accept a **{quarterly} progress report** or final report pursuant to subsection 7, the Board will disallow credit for all hours of internship as reported on the report.

9. The Board will, if it deems appropriate, require additional hours of internship and supervision for an intern who fails to demonstrate the degree of competency expected at the end of an internship.

13. As used in this section, “process recording” means a written record of an interaction with a client.

Sec. 19. NAC 641B.165 is hereby amended to read as follows:

641B.165 A supervisor of an intern may agree to provide or continue the supervision of an intern only if he or she believes that the intern:

1. Will qualify for licensure pursuant to chapter 641B of NRS;
 2. Is achieving the competence necessary to practice in social work or clinical social work;
- and
3. ~~[If licensed, will]~~ **Will** uphold the professional and ethical standards of the practice of social work.

Sec. 20. NAC 641B.187 is hereby amended to read as follows:

641B.187 1. Except as otherwise provided in subsection 3, during each reporting period:

(a) A licensee who is a licensed associate in social work or a licensed social worker must complete at least 30 continuing education hours, of which:

(1) Four hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality, dual relationships, documentation, billing, fraud, telehealth, supervision, social media, sexual harassment, exploitation of clients, managing job stress, social work laws and regulations, cultural competency and racial biases, risk management, mandated reporting, certifications for an emergency admission, release from an emergency admission or involuntary court-ordered admission described in NRS 433A.170, 433A.195 and 433A.200, scope of practice, professional conduct, standards of care ~~[and]~~ **or** impaired professionals ~~[;]~~, **or any combination thereof;**

approved by the Board that maintain, improve or enhance the knowledge and competency of a licensee in the practice of social work.

3. Except as otherwise provided in subsection ~~7:~~ 6:

(a) Upon the request of the licensee, the Board may waive the continuing education requirements of this section for a licensee who is at least 65 years of age and is retired from the practice of social work.

(b) The Board may waive the continuing education hours required pursuant to subsection 1 for a reporting period if it finds good cause to do so.

(c) The Board may waive the continuing education hours required pursuant to subsection 1 for a reporting period during which a licensee is enrolled in a program leading to:

(1) A baccalaureate or master's degree in social work from a college or university that is accredited by or is a candidate for accreditation by the Council on Social Work Education; or

(2) A doctoral degree in social work.

⇒ If the Board waives the continuing education requirements for a reporting period pursuant to this paragraph, the licensee must submit to the Board proof of such enrollment during the reporting period for which the continuing education requirements are waived.

4. ~~If the Board waives the continuing education requirements for a reporting period pursuant to paragraph (b) of subsection 3, it may require the licensee to complete, during the reporting period immediately following that reporting period, additional continuing education hours not exceeding the number of hours that the licensee would have otherwise been required to complete pursuant to subsection 1 during the reporting period for which continuing education requirements were waived.~~

(e) Is supported by evidence that is based on research; and

(f) Includes a written evaluation of the content and presentation of the course or program and its relevance to the practice of social work for each licensee to complete.

2. A course or program presented in the form of lectures, seminars, workshops, academic courses at an institution of higher education, online learning courses through an accredited college or university which do not lead to a degree, and on-the-job training programs offered by an agency shall be deemed “appropriately designed for instructional purposes,” as that term is used in subsection 1. The provider is responsible for the format and presentation of the courses or programs and may restrict the format in which the material is presented unless otherwise required by the Board.

3. The subject matter of a course or program which addresses one or more of the following areas:

(a) Theories or concepts of human behavior and the social environment;

(b) Social work methods of intervention and delivery of services;

(c) Social work research, including, without limitation, the evaluation of programs or practices;

(d) Management, administration or social policy;

(e) Social work ethics ~~{}~~ **and professional behavior;**

(f) Services that are culturally and linguistically appropriate;

(g) Social work theories or concepts of addictions in the social environment;

(h) Evidence-based suicide prevention and awareness; ~~{or}~~

(i) **Advanced human rights and social, economic and environmental justice; or**

8. A licensee shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs or interests of the client.

9. A licensee shall not withdraw his or her social work services precipitously, except under unusual circumstances and after giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.

10. A licensee who anticipates the termination or interruption of service to a client shall notify the client promptly and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.

11. Except as otherwise provided in subsection 12, a licensee shall not influence or attempt to influence a:

(a) Client;

(b) Person with significant personal ties to a client, whether or not related by blood; or

(c) Legal representative of the 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.

12. A licensee shall not engage 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 professional relationship.

13. A licensee shall not solicit or enter into a dual relationship with a client, intern or person who is supervised by the licensee:

The Board may impose discipline upon the licensee whether or not the licensee has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, such a violation.

3. If a violation or other unprofessional conduct occurs:

(a) While the license of a licensee is in effect; or

(b) Between the time when the license of a licensee expires and the time when the license has been restored pursuant to NAC 641B.111,

⇒ the Board will take disciplinary action, as appropriate, against the licensee even if the license thereafter has expired or been suspended.

~~[3.]~~ **4.** The revocation, suspension or other disciplinary action taken by any state on a professional license or certificate or registration that was issued by that state is grounds for disciplinary action against the licensee by the Board for unprofessional conduct.

~~[4.]~~ **5.** The failure of a licensee to comply with a stipulation, agreement, advisory opinion or order issued by the Board constitutes unprofessional conduct.

3. H,

September 20, 2019

Dr. Kevin Galpin, Director of Telehealth Services
U.S. Department of Veterans Affairs
Washington, DC 20420
Kevin.galpin@va.gov

Dear Dr. Galpin:

Thank you for including ASWB in your August 21, 2019, letter seeking feedback on the VA's intent to amend its regulations to remove barriers and accelerate access to telehealth for veterans. The Association of Social Work Boards is the nonprofit organization composed of the social work regulatory boards and colleges of all 50 U.S. states, the District of Columbia, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and all 10 Canadian provinces. We are the only nonprofit organization dedicated to social work regulation. Our mission is to provide support and services to the social work regulatory community to advance safe, competent, and ethical practices to strengthen public protection.

ASWB shared your letter with all U.S. members. This letter is being written on behalf our membership.

ASWB is seeking to clarify the definition of trainees.

- Does "trainee" include social work students in field placement only? Does it also include MSW graduates under clinical supervision working toward licensure?
- In both cases, students and social work graduates under clinical supervision would be bound to adhere to VA policies and procedures. In addition, they would be expected to follow school policies as students and state policies while working toward licensure.

ASWB would like to make you aware of how social work regulation is addressing telehealth or electronic practice. ASWB has included licensure by endorsement as part of the ASWB Model Social Work Practice Act which can be viewed at https://www.aswb.org/wp-content/uploads/2013/10/Model_law.pdf. The goal is to expedite the process for obtaining additional licenses through the licensure by endorsement process. In contrast to the VA model, the ASWB model requires licensed social workers to obtain licenses in each location in which clients are located, as well as the location in which the licensed social worker is located. ASWB understands that the VA has a secure, advanced, and supervised telehealth infrastructure in place that protects both the clinician and the client. In addition, the VA is able to provide support services. This may not be the case for social workers providing services electronically outside of VA facilities. Social work regulators believe that by requiring licensure in each jurisdiction where practice occurs, clients are better protected.

Social work is a profession affecting public health, safety, and welfare. It is regulated in the same way that medicine and nursing are. State-based regulation ensures that the professionals who provide care or assistance are competent to practice and will interact with clients in an ethical and safe manner. Regulation also ensures that clients have recourse through their U.S. state or territory board of social work if a social worker steps outside the bounds of ethical and safe practice.

These regulatory boards:

- Establish the rules and regulations of the profession and the standards for licensure
- Issue licenses to those social workers who have met these professional standards
- Require that social workers complete continuing education in order to maintain their licensed status in good standing
- Investigate complaints and, when necessary, decide whether a social worker continues to deserve a license

These state mandates require the full support of the VA in order to protect the public. ASWB acknowledges that state regulatory boards and the VA have a shared interest in the health and well-being of all state residents. ASWB would like to emphasize that jurisdictional boards have the power to investigate any complaints made against licensed social workers employed at the VA; therefore, the VA's full cooperation with investigation and enforcement related to licensees is needed for true protection of the public.

Sincerely,

Mary Jo Monahan, MSW, LCSW

Mary Jo Monahan, MSW, LCSW
Chief Executive Officer

VAU.S. Department
of Veterans AffairsUnder Secretary for Health
Washington DC 20420

August 21, 2019

Mary Jo Monahan, MSW, LCSW
Chief Executive Officer
Association of Social Work Boards
400 Southridge Parkway, Suite B
Culpeper, VA 22701

Dear Ms. Monahan:

I am writing to seek your feedback and support in communicating to your State boards the intent of the Department of Veterans Affairs (VA) to amend its regulations to remove barriers and accelerate access to telehealth for our Veterans.

VA published a final rule in May 2018, 83 FR 21897, which established 38 CFR 17.417 and granted VA health care providers the ability to practice telehealth within their scope of practice, functional statement, and/or in accordance with privileges granted to them by VA, in any location, within any State, irrespective of the State or location within a State where the health care provider or the beneficiary is physically located.

In June 2018, section 151 of Public Law 115-182, the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018, or the VA MISSION Act of 2018, amended title 38 of the United States Code (U.S.C.) by adding a new section 1730C, titled "Licensure of health care professionals providing treatment via telemedicine." Section 1730C(d) and § 17.417 preempt conflicting State law and are in accordance with Article VI of the U.S. Constitution (Supremacy Clause). Specifically, section 1730C(d)(1) states "The provisions of this section shall supersede any provisions of the law of any State to the extent that such provision of State law are inconsistent with this section." Section 1730C(d)(2) states "No State shall deny or revoke the license, registration, or certification of a covered health care professional who otherwise meets the qualifications of the State for holding the license, registration, or certification on the basis that the covered health care professional has engaged or intends to engage in activity covered by subsection (a)."

Section 1730C provides a definition of covered health care professionals that is broader than the definition of health care provider under § 17.417(a). To maintain consistency between section 1730C and § 17.417, VA is planning to amend § 17.417. VA is proposing to amend the definition of health care provider to instead refer to health care professionals and include those individuals appointed under 38 U.S.C. 7306, 7401, 7405, 7406, 7408 and Title 5; we note this list would allow VA to include trainees. VA

Page 2.

Mary Jo Monahan, MSW, LCSW

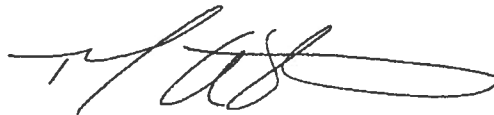
also proposed to clarify that in situations where VA practice of telehealth is inconsistent with a State law or State license, registration, or certification requirement, the health care professional is required to adhere to VA policy or VA's standards for quality.

VA recognizes that States have an important interest in the health and well-being of their residents. VA will continue to work closely with individual State boards to ensure there is clear communication of VA's policy and practice, and to follow through on VA's commitment to cooperation and collaboration with State Boards as official licensing bodies. At the same time, telehealth expansion is needed expeditiously to immediately enhance access to critical VA services. As such, VA believes the proposed amendments described above would be consistent with VA's statutory authority and maintain a balance between the interests of States and the Federal Government.

VA is seeking your input and would be happy to discuss this matter further with you or your member boards. Please provide questions or comments no later than 30 days from the date of this letter to Dr. Kevin Galpin, Director of Telehealth Services, at (404) 771-8794 or by email at Kevin.Galpin@va.gov.

Thank you for your attention to this important matter. I know we all share a deep commitment to the health and well-being of America's Veterans.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stone', with a long horizontal flourish extending to the right.

Richard A. Stone
Executive in Charge

3. I. i.

Suggested Board Meeting Dates for 2020

Friday, January 10, 2020

Friday, March 13, 2020

Friday, May 8, 2020

Friday, July 10, 2020

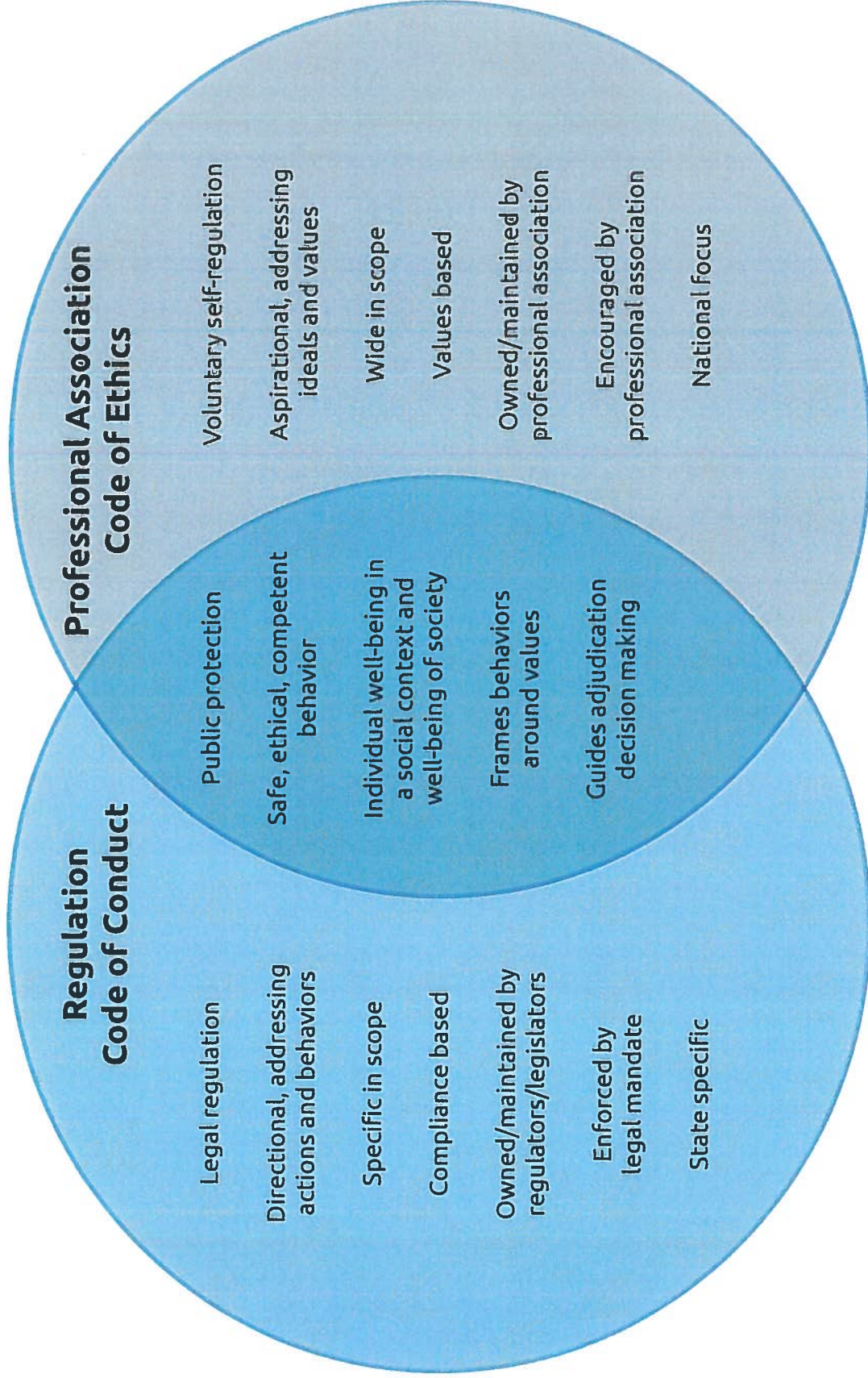
Friday, September 11, 2020

Friday, November 13, 2020

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Why including NASW's code of ethics in law is not in regulation's best interests

The purpose of regulation's code of conduct is to protect the public in individual jurisdictions. The purpose of the professional association's code of ethics is to guide social workers' conduct.



Although 13 states incorporate NASW's code of ethics into their law, 10 of these states have also adopted enforceable standards. An additional five states reference the code of ethics as a guide for licensees to help define moral character, or as a tool to resolve ambiguity that may occur with the standards prescribed by the licensing authority. For more information visit aswb.org.