



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

MINUTES OF HEARING FOR THE ADOPTION OF REGULATIONS OF THE STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
LCB File Number: R110-17

(AGENDA ITEM 1) The meeting of the Board of Examiners for Social Workers was called to order by Vikki Erickson, Board President, at 9:13 a.m. The meeting was held at Kietzke Plaza, Mojave Mental Health, 745 W. Moana Lane, Suite 100, Reno, Nevada 89509. There was a simultaneous videoconference conducted at Mojave Adult Clinic, 4000 E. Charleston Blvd., Suite B-230, Las Vegas, Nevada.

President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum. Roll call was initiated by President Erickson, with the following individuals present:

Members Present:

Vikki Erickson, LCSW, Board President (**Erickson**) - Reno
Susan Nielsen, Board Member (**Nielsen**) - Reno
Stefaine Maplethorpe, LSW, Board Member (**Maplethorpe**) – Las Vegas
Monique Harris, Board Member (**Harris**) – Las Vegas

Staff Present

Sandy Lowery, LCSW, LADC, Interim Executive Director (**Lowery**) - Reno
Henna Rasul, Senior Deputy Attorney General (**Rasul**) _ Reno

Public Attendees

Rota Rosachi (Reno)
Jamie Maldonado (Las Vegas)

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

(AGENDA ITEM 2) **PUBLIC COMMENT**

Lowery welcomed Monique Harris, new member appointed to the Board by the Governor.

(AGENDA ITEM 3) **Review, Discussion and for Possible Action, Approval of the Agenda**

Rasul stated that this was unnecessary.

(AGENDA ITEM 4) **Review and Discussion, Summary of Public Comments Received During the Board Public Workshops, Conducted in Reno and Las Vegas, Nevada, on November 3, 2017, Pertaining to Proposed Regulation Contained in LCB File Number: R110-17.**

Lowery reported that on November 3, 2017 two public workshops were held simultaneously, one in Reno and one in Las Vegas. There were two public attendees in Reno and four in Las Vegas. In Reno there was discussion regarding the implications of including language specifying that an LSW would not be able to engage in independent practice, and would be required to practice under the auspices of an agency. Also discussed, was whether or not the Board needed to increase the ethics CEUs required for LSWs from two to

four and for LCSWs from three to four. In Las Vegas there were some questions about the ethics requirement, mainly seeking understanding of the possible increase. In Reno there was also discussion regarding specific language and acknowledgement that topics available in ethics have been broadened. There were questions about the way it was listed and the recommendation that "and/or" be included so that it was clear that any of the topics were acceptable.

Harris asked how a public workshop works. **Lowery** explained that it is an opportunity for licensees to provide information and discuss proposed changes. No action results from a public workshop. Issues are presented and the opportunity for licensees to write to the Board or email the Board. Based on the information received the Board will then choose to accept the regulations as written or will choose not to accept them.

(AGENDA ITEM 5) *Review, Discussion and for Possible Action, Approval of Minutes for the November 3, 2017 Public Workshops, Conducted in Reno and Las Vegas, Nevada.

Lowery noted that the Minutes from the workshops are included in the Board members' packets. Also included with the Reno Minutes is a written statement by Rota Rosachi, a licensee, regarding her concerns. **Nielsen** made a motion to approve the Minutes for the November 3, 2017 Public Workshops conducted in Reno and Las Vegas, Nevada. **Maplethorpe** seconded. **Harris** abstained. Motion carried.

(AGENDA ITEM 6) Review and Discussion, Summary of Written Public Comments Submitted to the Board (either electronically or by mail) Pertaining to Proposed Regulation Contained in LCB File Number R110-17.

Lowery stated that information regarding the Public Workshop was sent out on the listserv. Any licensee that was not on the listserv received a postcard. On both notifications licensees were invited to provide information either by email or letter and submit comments to the Board. The Board did not receive any comments regarding any of the regulation changes from the approximately 2,800 licensees. **Lowery** explained that the Board is moving toward using the listserv to send information instead of via U.S. mail. Sending mail is expensive, and people don't seem to read it. There are approximately 2,200 licensees included on the listserv and the number increases every month because email addresses are required on renewals. **Maplethorpe** asked if an individual can be added to the listserv in between renewals. **Lowery** replied that they can be contacting the Board. Email addresses are also required on the new applications. Anyone who doesn't provide an email address will still receive postcards when information is sent out. **Harris** asked how the Board is notifying individuals of the switch to email communications. **Lowery** replied that the Board's website, new applications, and license renewals all include that information.

(AGENDA ITEM 7) *Review, Discussion and for Possible Action, Adoption of LCB File Number: R110-17. Reviewing Documents shall Include:

1. LCB File Number: R110-17, Revised Proposed Regulation of the Board of Examiners for Social Workers;
2. Notice of Intent to Act Upon a Regulation; Notice of Hearing for the Adoption of LCB File Number: R110-17 of the Board of Examiners for Social Workers;
3. Minutes from the November 3, 2017 Public Workshops Conducted in Reno and Las Vegas, Nevada;
4. Copies of transcripts from the November 3, 2017 Public Workshops Conducted in Reno and Las Vegas, Nevada;
5. Solicitation of Input from Nevada Small Businesses Pertaining to Possible Economic Impact and Copies of Submitted Responses; and
6. Board's Small Business Impact Statement.

Lowery explained the administrative rule making process. At the July 28, 2017 Board Retreat changes to regulations were considered. **Lowery** prepared language based on the Board's suggested changes. On September 27, 2017 she sent it to the Legislative Counsel Bureau (LCB) for review and it was assigned file number R110-17. After the file number was assigned, the language was posted on the Board's website, including the amended language and a narrative describing the rationale for the proposed changes. No email or U.S. mail responses were received regarding the proposed changes. **Lowery** commented that the information posted on the website may have answered any questions people had, possibly explaining the lack of response to the notice provided.

Pursuant to AB457 the proposed regulation changes were also submitted to the Commission on Behavioral Health (Commission) for review and feedback on October 4, 2017, along with the notice of public hearing scheduled for November 3, 2017.

On October 2, 2017 the public workshop notice was posted as mandated. The Board considered the potential small business impact and decided there would be none. To validate their decision, the Board created a survey using SurveyMonkey and sent it to small business owners and businesses that serve as internship sites. Businesses with fewer than 150 fulltime employees were included. When licensees renew their licenses, they are required to provide their NV State Business License number if they have one. The survey was sent out October 23, 2017 and the survey was open for a month. Seven responses were received. One individual expressed concern about NRS 622 regarding fines for violating statutes. NRS 622 has since been removed by the LCB since they had removed it from statutes covering other boards. Regarding professional wills, one individual commented that they have already begun the professional will process. All the other responses indicated that there was no small business impact expected due to the proposed changes.

Lowery reported that the public workshop was held on November 3, 2017 and between the two locations there were a total six participants.

On November 13, 2017 the Board posted the Notice of Intent to Adopt Regulations on the Board's website, and sent public notices out as mandated. The draft language included in the Board packets was received on November 20, 2017. After discussion with LCB, **Lowery** made some corrections, and the final language was received back on November 30, 2017. **Lowery** stated that the Board's task today is to review the revised regulations and decide if they wish to approve R110-17.

(AGENDA ITEM 8) **Public Comment**

Lowery invited Rota Rosachi to present her concerns. With respect to proposed NAC 641B.044, Ms. Rosachi stated that she did not think this regulation is necessary. She feels that the current regulations and code of conduct are clear about what an LSW is and is not allowed to do. Because **Harris** is new to the Board, **Lowery** explained the current regs and why the Board thought that NAC 641B.041 and 641B.044 are necessary to make clear that LSWs and LASWs may not work independently from an agency. In 2016 some rural clinics decided to hire CSW interns as contractors rather than employees. They were requiring LSWs to have a business license before they could start their internships. Having a business license implies independent practice. As a result the Board decided to add NAC 641B.041 and 641B.044, which state that LASWs and LSWs may engage in the practice of social work "under the supervision of an agency." There was some discussion of the current language and what type of organization constitutes an "agency." **Lowery** stated that the Board's goal is to prevent LASWs and LSWs from perceiving that they are allowed to engage in an independent practice. **Erickson** thanked Ms. Rota for offering her comments. **Harris** asked why the current language couldn't be changed. **Lowery** replied that she has discussed the matter with LCB and the Board could not come up with language the LCB would agree to.

Ms. Rosaschi brought up the proposed increase in the Ethics CEU requirement. She said she didn't see the value in increasing the requirement from two hours (LSWs and LASWs) and three hours (LCSWs and LISWs) to four hours every two years for all types of license. **Lowery** said that some licensees have found the current requirements confusing and haven't done the correct number for their type of license. The Board is proposing that simultaneously with the increased hours, the range of topics allowable will be expanded from three to about 16. In addition, the Board is allowing 100% of CEUs to be obtained online, rather than the current limit of half. Some of the CEUs available online that are approved by NASW or ASWB are free. Ms. Rota agreed that expanding the allowable topics will be helpful, but she prefers the current requirements because she can pursue more credits in her main area of interest. **Lowery** stated that the list of topics generated was a group effort during the Board's retreat. **Harris** asked if any topics other than those on the list would be considered acceptable for Ethics credits. **Lowery** answered no, and reiterated that the allowable topics have been increased from three to about 20, there are far more opportunities for interesting Ethics training. Because of this change a lot of NASW and ASWB Ethics trainings that were excluded in the past will be approved under the new regs.

Harris asked about language in 641B.090 where sometimes it says the Board "will" and sometimes it says the Board "may." **Lowery** said that there is a difference in meaning for those two words, and that in each instance the word used is correct.

Nielsen made a motion to approve Adoption of LCB File Number: R110 17 and **Maplethorpe** seconded. Motion carried.

Lowery said that since the Board approved this, it will go to the final step which is presenting this information to the Legislative Commission for final approval and adoption.

Harris asked why applicants are going to have six months rather than a year to take the licensing exam. **Lowery** explained that the legislature requires the Board to report statistics including the length of time before an applicant is licensed. Because applicants are currently given a year to take the exam, many times they wait until the last minute to schedule it. As a result, it makes it seem that the Board is taking over a year to issue a license. Changing the one year to six months will cut down on the amount of paperwork generated and allow the Board to close files earlier. If an applicant doesn't take the exam within six months, they can still re-apply if they wish.

(AGENDA ITEM 9) **Adjournment**

Erickson adjourned the Board meeting at 10:05 a.m.

Meeting Minutes Respectfully Submitted,
Sandy Lowery, LCSW, LADC, Interim Executive Director