



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
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MINUTES OF BOARD MEETING
September 21, 2018

MEETING CALLED TO ORDER: The meeting of the Board of Examiners for Social Workers was called to order by Vikki Erickson, Board President, at 9:00 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 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, President (**Erickson**)
Jodi Ussher, LCSW, Vice President (**Ussher**)
Susan Nielsen, Secretary / Treasurer (**Nielsen**)
Monique Harris, LCSW, Board Member (**Harris**)
Stefaine Maplethorpe, LCSW, Board Member (**Maplethorpe**)

Staff Present

Karen Barsell, Executive Director (**Barsell**)
Michael Detmer, Esq., Board Counsel (**Detmer**)
Miranda Hoover, Capitol Partners (**Hoover**)
Sandy Lowery, LCSW, LCADC, Deputy Director (**Lowery**)
Richard Miller, Investigator (**Miller**)

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

PUBLIC COMMENT: No public comment was offered at this time.

REGULAR AGENDA: *(Listed items may be taken out of order.)*

Board Operations

Erickson introduced item 3A (For Possible Action) Review, Discussion and Possible Approval of the (3Ai) August 16 2018 Board Retreat Meeting Minutes, (3Aii) August 17 2018 Board Retreat Meeting Minutes, and (3Aiii) August 17 2018 Board Meeting Minutes.

First, **Erickson** asked the Board to consider the (3Ai) August 16 2018 Board Meeting Minutes.

Ussher motioned to approve August 16 2018 Board Retreat Meeting Minutes, seconded by Maplethorpe. Passed unanimously.

Also, **Erickson** asked the Board to look at the August 17 2018 Board Retreat Meeting Minutes.

Ussher motioned to approve August 17 2018 Board Retreat Meeting Minutes, seconded by Nielsen. Passed unanimously.

Additionally, **Erickson** asked the Board to look at the August 17 2018 Board Meeting Minutes. **Harris** asked for a spelling correction for her last name.

Ussher motioned to approve amended August 17 2018 Board Meeting Minutes, seconded by Nielsen. Passed unanimously.

Next, **Erickson** turned to item B under Board Operations (For Possible Action) Review, Discussion and Possible Approval of Year-End Financial Report. This is an unaudited financial report for June 30 2018. **Barsell** stated while this report is unaudited, our next step will be to have Coulson and Associates CPA conduct our annual audit.

She continued by stating that our revenue came in higher than expected at 105% of projected budgeted revenue; salary costs were at 92% percent of projected expenses; contracted services – a grouping of lobbyist, audit, legal, court reporters, legislative counsel bureau expenses – ran over budget. For example, a contract with our lobbyist was over budget because we decided to use the lobbyist during the interim session and to assist us during sunset committee meetings.

Overall expenses ran under projections at 86% of budget. Also, our fund balance at the end of the year was higher than projected. This is primarily because we haven't paid out for our new software; as a matter of fact, our first installment check will go out later today in the amount of \$10,200. Once again, this overview is based on unaudited financials and we'll be able to bring back more information when the audit is completed. There were several questions addressed and **Erickson** asked for a motion to approve the unaudited financial report for June 30 2018.

Nielsen motioned to approve the unaudited financial report for June 30 2018, seconded by Maplethorpe. Passed unanimously.

Erickson introduced item C, for Review and Discussion, Report on Licensure, Renewals, Internship Statistics for the Second Quarter 2018. **Barsell** was pleased to report that we continue to trend upwards in numbers of licensees and this is consistent with upwards trends in revenue as previously discussed. During this reporting period, we surpassed 3000 licensees and ended with 3013 licensees for this quarter.

Next, **Erickson** turned to item D (For Possible Action) Review, Discussion and Possible Approval of Revisions to L-010 Screening Question Policy for the Issuance or Renewal of a License to Practice as a Social Worker in the State of Nevada ("Yes Policy").

Barsell briefly introduced this item due to concerns she's had in administering this policy. She went on to say that in going through past meeting minutes it appears that there may be some unintended consequences of a past Board decision with intent to simplify our screening policy for the application process. In working with the Board President, we decided to put this item back on the agenda today. Also, in preparation **Lowery** has worked with **Detmer** over the past few weeks to help vet this item prior to this meeting. Additionally, in the Board packet, there is a copy of the policy as well as three examples to help with this discussion.

Erickson stated that this item is back in front of the Board for consideration of potentially revising the screening question policy (aka Yes Policy). She continued by going over the process: **Lowery** reviews these applications and occasionally will come up with one that she would like **Erickson** to review to determine if we should move someone forward in the application process. Last year, we went through this policy and removed the requirement for applicants to provide information about arrests. Now, on the application form when background reports are pulled and arrests come back positive but with "no disposition", it is concerning to me about what that phrase actually means. If "no disposition" is listed it can mean that the case is still moving forward, or it can mean that the case has not been filed as yet, etcetera and we don't know exactly what happened and how it was handled. **Barsell** added, that prior to last fall, arrests were still on the screening questions policy. By removing arrests, it turns out that the applicant no longer provides that information. So now, when the background check comes back in and it sometimes it says that they were arrested and that there is "no disposition", it can be concerning that we don't have enough information and it is hard for our staff to go track that information down. We understand that the same thing happened at the Nursing Board when they removed arrests from their application and they later ended up putting this question back on to their screening questionnaire.

Ussher provide background as she was on the Board when we made the decision to change this. Our previous Board Counsel had indicated that our screening questions needed to be updated. This was not something that was generated from the Board. **Ussher** asked if staff could check in with our current Board Counsel. **Detmer** responded. He discussed the meaning of the term "no disposition" stating that the term, in a criminal record, can mean a multitude of things. It means it can mean arrested but not charged, charged but not convicted, could mean convicted but that the judicial authority (the ones that process the disposition) has not updated the records. In other words, "no disposition" can mean a number of things.

Detmer continued and brought forward several next steps including: Keep going in the direction we are currently going right now; Revise the questions to add arrests back

in; Keep current format and make the determination that “no disposition” means no conviction. If the Board decides to add arrests back in, the Board could decide to modify what we include as arrests or what kind of charges we are looking for to exclude e.g. misdemeanors and minor traffic offenses.

A long conversation ensued about revising screening questions on initial applications and renewals. A variety of ideas were shared and questions asked/ answered.

Erickson asked about another Board’s questionnaire re: misdemeanors or traffic offenses. **Detmer** stated he was unfamiliar with the other Board’s process. **Lowery** commented that sometimes a DUI is considered a minor traffic offense; that the other Board has put the onus back on the licensee to provide the board with the arrest information versus having the Board staff try to track down the information. **Barsell** agreed and stated that how our policy worked before with arrests included meant the applicant provided their own information; now, when we get the background check back and we have to go back to the applicant to get additional information, and it’s creating a backlog in applications. She suggested that Board might look at arrests within a set number of years e.g. 10, 15 or 20 years. **Harris** asked if there is a barrier to the time we can obtain information for the Board. **Detmer** responded that it would depend on each jurisdiction’s retention policies. **Maplethorpe** added that when all the information is on the table the Board in front of us, we have the discretion to decide whether this is was egregious and how we can best protect the public. **Ussher** was interested in clarifying the recommendation and asked if we can release the background check to the applicant. **Detmer** and **Lowery** commented that they each understand that information received by the Board relating to an applicant for a license is confidential therefore we cannot release background check information. **Lowery** went on to say that at this time we have a dilemma because we are not asking about arrests and charges (charged with or convicted of). At times, we are trying to sort out if the applicant deliberately attempted to withhold legal history or, if the discrepancy is an unintended consequence based on how we are posing our questions. She then referred the Board to the illustrative samples in the Board packets where the phrase “no disposition” shows up. **Ussher** revisited the premise of the prior Board decision that was intended to be respectful of a licensee that has had an arrest that isn’t pertinent to the licensing process. She asked if it would it be possible to put something on the application saying that all of this information will come back on the background check so we’re asking them for this information in advance. **Miller** commented that he has seen that on other applications there is an explanation that if something does come back, it doesn’t automatically bar the applicant from the possibility of employment or licensing. **Lowery** expressed that we could make changes moving forward however, we currently have a number applicants in the process. She asked if there are any thoughts about how we can move this forward. **Erickson** queried if we are able to make a motion today. **Detmer** gave the Board a number of options to move forward and also responded to a several questions from Board members. **Maplethorpe** recollected remarkable examples of potential licensees that had come before the Board,

brought all of their pertinent information correlated to their background checks, and took advantage of the unique opportunity to explain their situation to the Board.

After a thorough discussion about revising of screening questions on initial applications and renewals, as well as correlating the application to the Board's policy, **Erickson** summarized the language that the Board is suggesting: combine current questions one and two, add back in arrests, and include a statement that "yes" answers to screening questions do not necessarily bar the possibility of licensure. **Hoover** made a suggestion about the use of and/or statements.

Lowery suggested that she attempt to correlate the flow of the application(s) to the policy and provide a draft for the Board next month that links screening questions to explanations. **Ussher** asked for the application to be written in simple, plain language thereby reducing verbiage. **Detmer** gave some examples of how the application could be shared before the next meeting. **Ussher** clarified that **Barsell** could send out a draft application so that Board members could review and respond with their suggestions without violating the open meeting law.

At this time **Erickson** called for a motion.

Nielsen made a motion to delegate authority to the Executive Director to revise the application and screening questions for L-010 Screening Questions Policy (aka Yes Policy) based on Board discussion; revisions are to be provided to the Board as a draft document and presented to the Board at its next meeting. Seconded by Maplethorpe. Passed unanimously.

Following, **Erickson** turned to item E (For Possible Action) Review, Discussion and Possible Approval of Levels of Disciplinary Cases. Then, **Barsell** spoke about the disciplinary process and the importance of prioritizing cases. In speaking with **Miller** and **Detmer**, staff agreed to formulate a tiered process for case review. We also called on a national expert from the Council on Licensure, Enforcement and Regulation (CLEAR) - Donna Haywood Mooney who has been in the regulatory field for over 30 years. Eventually, we came up with a one sheet that we believe is a great starting place for working together and can provide a context to review cases promptly and efficiently. In your packet, we have explained four areas: provability, offense, age of case and cost. At the top of our list is provability because if a case is to be proved we must have a preponderance of evidence. Next, we will look at the offense to determine if it is high risk, moderate risk, or low risk to the public. Third, we'd prioritize cases based on the age of the case i.e. is the case backlogged (pre2013), and last we'd consider costs involved. After we apply all these tiers, if this violation cannot be sustained, we will notify the complainant and the respondent in writing about our determination. So this is how we will want to move forward beginning in October. We expect that this system, will help us to be credible to ourselves, to our external public...

And Ussher added, "And to the licensees". **Ussher** also thanked the team. She went on to ask for a modification of the presented document and **Barsell** quickly agreed to withdraw an item.

This item led to a conversation about licensees vs non-licensees, and related strategic items; it was determined that we could table this portion of the discussion until we get to the strategic planning item at the end of our agenda.

Ussher made a Motion to accept the amended "Tiering Levels of Disciplinary Cases" as presented by Director Barsell. Seconded by Nielsen. Passed Unanimously.

Erickson moved to item F - Review and Discussion, Report on ASWB Training held in August 2018. She turned this portion over to **Maplethorpe** who gave a report about her trip Washington DC to attend the Association of Social Work Boards (ASWB) – Board Training in August. She thought it was interesting to learn that we (Nevada) are not in the lead or trailing other boards in North America – we are about in the middle with everyone else. We are right where we need to be and we're moving forward pretty progressively e.g. with our new electronic system. Everyone in attendance was from back East or Canada with no one else there from the West. She believes that we've come a long way. **Erickson** agreed that it's interesting to find out that we're not alone in our struggles. For the group's awareness, **Maplethorpe** added information about the ASWB post-masters level test practice materials being utilized in Nevada at the universities.

Erickson turned to item G (For Possible Action) Review, Discussion and Possible Approval of Delegate to ASWB Conference in San Antonio, Texas, November 15-17, 2018. **Erickson** indicated that the trip for our Delegate would be completely funded by ASWB; **Erickson** asked for interest in attending as a Delegate to an ASWB national meeting and explained what is expected for the attendee. **Barsell** declined attending at this time in favor of attending a training in April 2019. Both **Ussher** and **Maplethorpe** suggested that **Harris** would be a great candidate. She went on to ask if **Harris** would agree to attend on behalf of the Board and **Harris** affirmed her interest.

Maplethorpe made a Motion for Harris to be the Board Delegate to the Association of Social Work Boards national annual meeting, November 15-17 2018. Seconded by Ussher. Passed Unanimously.

~At the 2 hour point of the meeting, there was a short transmission problem between the 2 video-conferenced sites that lasted for approximately 2 minutes.~

Erickson introduced item H, Executive Director's Report. First, **Barsell** talked about her experience at a CLEAR training in Denver in August 2018. The three day training was with people from regulatory agencies in the United States and Canada. She

expressed her appreciation for the trainers and the training, passing the exam with a 95.9% score. She will be formally certified after serving as an investigator for a year. Second, **Barsell** stated that we are a five-step process to have online renewals and **Lowery** has been able to move us forward to step 3.5 and is testing our software online at this time. Next week, we'll be at step four as **Lowery** will meet with Bank of America to review credit card options (Visa and Mastercard) for licensees.

Barsell added a brief conversation about reorienting future agendas to be fashioned closer to our new strategic plan to include sections on communications and public relations, a section for the compliance unit (disciplinary), a section for policy and procedure, a financial stability section etcetera. **Barsell** believes that Board members will be giving mini-reports at every meeting and reporting on what the working groups are doing. **Harris** asked for more information about this type of process. **Barsell** commented that she would expect that staff would assist Board members but that she would not be staffing every committee. **Maplethorpe** and **Ussher** didn't recall some of the items in the strategic plan document. **Barsell** suggested that we consider the Strategic Plan as a live document and that constantly has an opportunity to reshape itself as we move forward. She asked if the leaders of each section could plan to work with **Barsell** to resolve some of the questions that are coming up today. **Ussher** spoke about dividing her section up more realistically so that she could accomplish the plan during her tenure. She also added that she would want to have members from other areas of the State assist so that there would be better geographic representation. **Barsell, Hoover** and **Maplethorpe** volunteered to assist. **Detmer** reviewed the open meeting law to see if working groups would not be in violation stating that as long as the work group is not deliberating or acting it would probably work but that he would look into it further. **Barsell** suggested that **Detmer** contact Greg Ott, Senior Deputy Attorney General to get clarification as this was an item discussed in the recent Board Retreat that Ott attended. **Ussher** continued that it might be important to introduce technology so that workgroups could function well together from all parts of the State (e.g. Skype), talked about having an event for the Board, forming a collaborative relationship with the future Dean of the School of Social Work and other key items.

Last, **Barsell** asked if **Harris** would want to contribute to item Hiii – Strategic Planning Discussion thus continuing an earlier conversation about the relevance of hiring licensed social workers. **Harris** spoke about placing "strengthening Social Work as a profession" on the Board agenda in the future.

Erickson asked for Public Comment. Hearing none, she moved to last agenda item (For Possible Action) Adjournment. At this time, Erickson stated that the meeting was adjourned. Adjournment took place at 11:38 p.m.

Meeting Minutes Respectfully Submitted by Karen Barsell, LISW, Executive Director