



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

MINUTES OF BOARD MEETING

Friday, February 8, 2019

MEETING CALLED TO ORDER: The meeting of the Board of Examiners for Social Workers was called to order by Vikki Erickson, Board President, at 9:31 a.m. due to video conferencing technical difficulties. The meeting was held at the University of Nevada, Reno (UNR) System Computing Services Building, Room 47, in Reno, Nevada, 89557. There was a simultaneous audioconference conducted at Mojave 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: 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, Advisors Present

Michael Detmer, Esq., Board Counsel (**Detmer**)
Mendy Elliott, Capitol Partners (**Elliott**)
Miranda Hoover, Capitol Partners (**Hoover**)
Sandra Lowery, Deputy Director (**Lowery**)
Karen Oppenlander, Executive Director (**Oppenlander**)

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

AGENDA: **Erickson** asked for comment on the Agenda. It was agreed that the Agenda was correct as presented. **Oppenlander** commented that two potential speakers were invited but were not able attend today's meeting. Listed on the Agenda under Item 3B, Michael Coulson, CPA will not be here. And under Item 3E, Kyle Hillman, NASW Nevada Executive Director will not be here.

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

REGULAR AGENDA:

Board Operations

Erickson introduced item 3A (For Possible Action) Review, Discussion and Possible Approval of the November 16, 2018 Board Meeting Minutes. **Ussher** mentioned that her name was spelled inaccurately in one section of the minutes.

Ussher motioned to approve November 16, 2018 Board Meeting Minutes with corrections, seconded by Maplethorpe. Passed unanimously.

Erickson turned to Item 3B (For Possible Action) Review, Discussion and Possible Approval of December 6, 2018 Audit Letter / June 30 2018 Audit, completed by Michael Coulson CPA, Coulson and Assoc., Ltd. **Oppenlander** referred the Board to the packet that included a management letter issued by the auditor. Once again, as it has been over the years, the audit is clean for the period ending June 30th, 2018. The audit includes government accounting system statements also known as GASB. As **Oppenlander** wanted to fully understand the statements, she commented that she has had discussions with the Legislative Branch of government and asked them to explain the Board's audit to her from their viewpoint. Subsequent to that, she also had the Executive Branch auditor explain the audit to her from their viewpoint. Furthermore, **Erickson** and **Oppenlander** held a number of conversations and met together for approximately seven hours to tie the numbers of the current audit to previous audits that went back about three years. **Oppenlander** stated that she is now feeling more confident with how the Board audit is structured. She also is starting to understand how the two different branches of government view the Board's audit from their two different perspectives on accruals vs cash based accounting. For **Oppenlander**, the confusion about the differing perspectives first came about during a Sunset Committee meeting during the summer of 2018 when the Legislative Branch auditor stated a preference for accruals based accounting. She is now beginning to envision that the Board strategic committee for fiscal stability might choose a modified accruals method in the future that would be a bridge to cash based accounting and could possibly satisfy both branches. **Erickson** added that it made sense how the numbers added up. Moving forward, we could look at a combination of accruals and cash based accounting. **Ussher** stated that she was hoping that our accountant would be here as she isn't clear about the noncurrent liabilities and \$340,000 for long-term liabilities, and more. She queried if this was the same method used for previous audits. **Oppenlander** commented that the audit presentation is the same method used previously and is accurate according to both the Legislative Branch and the Executive Branch. And while accurate, it turns out that she is not the only one that doesn't fully understand the audit and finds some of the audit presentation to be unclear. Her intent is to have a future working session with the Board for a general understanding of accounting practices. **Erickson** agreed that the audit presentation could be modified (in terms of accounting methods) as she was able to look at a sample presentation from another Board that might work for us and be able to satisfy the two branches. **Harris** appreciated the hard work that has been put in and asked if the Board has put a

restructured accounting system (modified accruals) into place yet. **Oppenlander** asked to postpone answering this specific questions until a later part of the Board discussion in Agenda Items Liii, Liv, Lvi(1).

Ussher shared that when she is looking at a \$75,000 decrease in net position it is concerning as that it isn't the assumption that we've been working on throughout the year. **Elliott** stated that in preparation for the Board meeting today, she had been digging into the Board's financial situation. So, she took a stab at explaining this. First, she clarified that the statement of activities; this is cash. The Board had \$75,000, you paid it out for retirement; so, something happened that decreased your revenues that were in cash. Then if you move to your reconciliation page, that's where the blended comes in – your accrual because you're seeing a pension liability, it's not all going to be paid out yet, but yet it's still accrues. You know you're going to have a pension liability at some point as somebody on staff is going to retire. What they are saying in GASB is that you have to account for this. In GASB, you need to recognize these potential liabilities as you're moving forward so you know it's there. So let's just pretend for a minute that you had all this cash and the accrual. Since you have all this cash, you say, "We can go out and buy 50 bags of popcorn". Well, this is telling you that you really can't go out and buy 50 bags of popcorn because you have a pension liability that will continue to accrue.

Maplethorpe was interested in learning more about the speaker. **Mendy Elliott** described herself as the Board's consultant for the legislative session. Her background is in the finance industry and she is here as the Board will be talking about finances today because it's going to have an impact on what the Board will do with its Bill Draft Request (BDR). **Elliott's** background includes 30 years with Wells Fargo where she was a senior vice president in the areas of commercial lending, branch manager and private banker. She did community and government relations for the bank. She was the director of business and industry for the State of Nevada; and she was Deputy Chief of Staff for Governor Gibbons. One of the departments that she oversaw was for all the financing mechanisms of the state. She also was involved with the stimulus and shepherded almost one billion dollars in funding into the state; and helped with navigating all of the agencies as it related to those investments.

Elliott continued stating that when Karen can locate a training for you, it will help you understand what you're really dealing with. Then, what we're going to talk about today is how this relates to your BDR and are what the realities of this for the Board are. But for you to understand what is happening, it means that you're all asking the perfect questions. What does this mean? As you move forward and change your accounting method, hopefully you will understand your position and what capacity you have. To summarize, this is a cash position snapshot. The accrual method is showing the long term picture. We better be aware of both. And that makes sense as you actually did pay out to employees in May and June of last year. So there's your 'Aha' moment. At this juncture, re: Item 3 B, **Erickson** asked for a motion to accept the June 30th, 2018 Audit.

Ussher moved to accept the June 30, 2018 Audit, seconded by Nielsen. Passed unanimously.

Erickson announced Item 3C (For Possible Action) Review, Discussion and Possible Approval of Financials - Quarterly Report for December 31 2018. **Oppenlander** stated that the next item is a standard item that the Board has seen consistently this year. This is for the end of the second quarter (one half of the fiscal year) showing that we are at 51% of projected income and at 49% of projected expenses. At the bottom of the page there is a cash position as of December 31st. This shows money in two Bank of America checking accounts and one Bank of America certificate of deposit a total on December 31st of \$79,038.34. Answering a question from **Harris** about CD investment, **Oppenlander** talked in terms of next steps. She believes that the strategic committee that has oversight of stabilizing our finances would form a work group. They can assist in looking at our budget, our next audit and other factors e.g. an up-to-date investment policy for the certificate of deposit. **Lowery** answered the next query from **Harris** re: miscellaneous income stating the amount on the Q2 report; it refers to workshop fees, wallet cards, certificates and a variety of small ticket items. Also that the 'host fund' is a line item for food for a meeting (e.g. a retreat). B&G refers to a contract with State Buildings and Grounds. The Legislative Council Bureau line item is for items e.g. having LCB help us process changes in our Nevada Administrative Code.

Nielsen made motion to approve second quarter financials, seconded by Maplethorpe, passed unanimously.

Erickson introduced Item 3D (For Possible Action) Review, Discussion and Possible Approval of Prospective Licensing Fee Modifications. **Oppenlander** introduced the topic of making licensing fee modifications stating that she was concerned that the Board is ill prepared for the future. She stated that the Board could get through this year but how do we plan to buy the required online application software and add the additional hosting costs, while we continue to follow legislative guidance to offer reasonable salaries, create reserves, to dig into our Compliance Unit backlog, hire a full time investigator to help get the work done, and have the necessary attorney fees to go with those investigations. Additionally, we have an IT person that works with us on a handshake agreement with Business and Industry for over 10 years. He recently told us that we will need to have a certain level of software on all of our computers by year end. However, we don't believe that computers can handle that level of software and this is required. In summary, we can get through this fiscal year through June 30th, but beyond that, we are not so certain. With that said, we started to look at how critical increasing our fee ceilings are to the ongoing viability of the organization. We have turned to our experts on this matter and both **Elliott** and **Hoover** from Capital Partners stepped right up to help. At this point, the conversation was turned over to them.

Hoover guided the Board to review the current licensing fees stating that if we look at our fee ceilings, there are currently 15 fee ceilings in statute where we are at the maximum. That means that we cannot ask for anything other than what these listed amounts are without getting a statute change, meaning a legislative change and then having the bill

being passed. At that point, with new fee ceilings, we can consider getting fees increased. So, Capitol Partners put together a run rate with suggestions to assist the Board with their discussion. This way, the Board could see what it would look like if we were to raise fees on one of more of the licenses. She suggested that the Board go line by line from 'application fees' all the way down to 'annual renewals'. Included here were current numbers of licensees per category. For example, if you look at application fees, the current fee for that is \$40 and the quantity per year is 500 then you'll look over to the calculation of \$20,000 (the run rate). They provided the Board with several options to plug in the variables of quantities (numbers of licensees) and monetary amounts for each item. For example, you can see what happens if we increase the application fee from \$40 to \$50 which would bring in an additional \$5,000 annually. Then we looked at the initial licensure for LCSW and increased it from \$100 to \$150 and that brought in nearly \$7,000 per year. We didn't change endorsements.

Hoover continued by stating that they had created three options and strongly suggest option three which would increase fees for five line categories. Restated, the Board would increase the fee ceilings but not increase the fees to these maximum amounts today. The Board for example would put in \$200 as a ceiling to protect the Board's needs over the next couple of years. However, that doesn't mean that you're going to go there in the near future.

Ussher then went on the record, stating that she has a problem with increasing the fees for licensed social workers to the same rate as licensed clinical social workers. She went on to say that their salaries are bachelor's level and are significantly lower and that is a disproportionate increase for them.

Hoover mentioned that they did address this concern in option three which they recommend as it increases five line items. In this option, renewals for LSWs would go to \$150 and for LCSWs would go to \$175.

Ussher expressed that the Board attempted to do this in the past and it was not presented appropriately. Therefore, the social workers complained. There are already a lot of people who have sensitivity on this. She stated that how we manage the situation with social workers now is extremely important.

Elliott said that we would talk about strategy but these are a basis of our recommendation. She continued, "If the Board doesn't do something, for all intents and purposes, you are bankrupt. **Ussher** responded that she understood. We have a money problem. We have to increase. We have to be transparent. And we have to let our social workers know why. **Elliott** commented that this needs to happen. And this should have started a year ago. We have a lot of catching up to do. We have a 120 day session to get this bill through. And there are some things coming forward that we're aware of for social workers. Several legislators want to make money available for social workers but they don't have any money for the Board. For example, we met with one of the legislators this week and talked about this and realized that the Board doesn't have the capacity right now to do what they will need it to do.

Harris asked if there a discussion for social workers to gain money by increasing the numbers of licensees; by approaching this situation and stating the need for licensed social workers vs hiring people without social work degrees; and that we would need to speak with various hiring institutions to change their practices.

Hoover responded that this is a three-fold issue. First, how do you attract more people to want to become social workers? Do we have the schooling and the training available? I know we have great social work programs at the universities, but how do you get more people to go through the program? Second issue is that after they graduate and want to become licensed; if this Board doesn't get the fees increased, unfortunately we're not really going to be able to be a Board anymore and that's going to be difficult. And yes, you are correct about the Governor's budget. He is planning to increase the amount of social work positions across the State of Nevada. I believe they're looking at something like two to three part time to full time social workers in every single school. Now that's great, but can we fill those positions? And that's kind of how it comes around full circle. So while it, that's great, it doesn't directly impact this Board. And third, when it comes to licensure, how do we attract more potential licensed social workers to proceed to get their license? **Detmer** reminded the Board to stay with this agenda item. **Hoover** returned to the current topic guiding everyone to the first page of the handout where there are 15 current ceiling increases. The goal today is to look at these fee ceilings and keeping in mind the future needs of the organization e.g. the mandates from the Sunset Committee for online renewals and applications, allowing credit card payments, getting a cash/accrual accounting system in place so that we can pay for investigations that are going to happen and retirements that are going to happen etcetera.

Hoover added that the Board has to get a fee increase and if you want to increase the ceiling to \$200 but only increase the license fees at this time to \$150, that's up to you. But you would have the ability at any point that you see a gap in the budget, you can come back later and increase the license fee to \$200. In part, fee ceilings are there to protect the Board and allow you to make fiduciary decisions without having to get additional legislative approval as we are not in legislative session all the time.

Elliott added that it's not just about licensing. For example, you do have investigations. And when there is litigation, there are fees from the attorney general's office that need to be paid. So you need to plan to have reserves built up which is something that you are trying to do. The changes in the fees will help you build up some reserves. If this was just about licensing that would be easy to plan for. You have over 3000 social workers who are going to pay a predictable amount of money to renew their license. dollars. But as a Board that is responsible for public safety, there's a lot more to the budget than just issuing licenses.

Maplethorpe piggybacked on this discussion stating that our clinical social worker interns aren't charged for quarterly reports that we review every 90 days. By comparison, another group charges \$37.50 for every review and they do theirs twice a year. **Ussher** differed stating that at the federal level, she knows that they would not pay for this. So it would be another expense for an intern who's not making a lot of money.

Erickson asked if there has been a study about the charges across other social work boards as we are solely funded by fees, we have to compare our regulatory board to some boards that are receiving state general funds. **Hoover** replied that they have looked at similar states to Nevada in terms of economy, cultural and regional issues; we looked at California, Oregon, New Mexico, Colorado, and Arizona. For example, in Oregon their licenses are up to \$300 every year. Nevada actually (for the most part) is a fairly low fees Board. It is a lot cheaper to come to the State of Nevada and get your social work license than it is to go to California or Arizona.

Elliott mentioned that when they go to the legislators, the first question they are going to ask is, "What do the fees from the other states look like"? Then, they want to know what the other boards and commissions around Nevada look like. The social work board is one of the least expensive boards in the entire state to get a license (for a self-funded board). **Erickson** asked if some of the other boards receive general funds. **Elliott** replied that the majority of the boards and commissions are self-funded.

Lowery explained that the Board had to do a five state analysis for the Sunset Committee. None of the boards in the five states that we were required to review received money from the general fund. But a number of the boards were part of mega-board systems which helped them to defray their costs. This allows these boards to adjust their licensing fees. So, while they were all self-funded, some were grouped together in collaborations.

Erickson commented that it makes a lot of sense and makes it even more complicated in a way to analyze. And there are other comparisons e.g. car registration, state income tax and so on. So that will make a difference when you look at how various things balance out.

Elliott indicated that the Marriage and Family Therapist's Board has a bill draft request in to increase their fees. Their example, that they have a floor and a ceiling e.g. not less than \$200 and not more than \$400 and so forth. You also might want to build in some latitude as you're looking at these fees so you can have a floor or a ceiling so that you as a Board can manage your fiduciary expectations. And yes, there are other boards that are going for an increase because the cost of business is going up.

Ussher asked if they happen to know how much it costs to renew an LCSW license in California. Hoover responded that California has a Behavioral Board. I did some research and we have individuals that are dual licensed between the two states. **Lowery** located the application fees for the California mega-board; you may know that California only licenses at the LCSW level; their initial license for an LCSW is \$100 and then it is \$120 biannually or \$60 per year. We can't actually speak to a person at the California Behavioral Board regarding their funding stream to learn if they are self-funded. That was an unknown. **Hoover** mentioned that we do know that they charge additional fees e.g. \$20 for fingerprints; \$40 to sign an annual waiver that you went through all the ethics CEUs. **Lowery** added that in reviewing the licensing fees, Arizona's application fee was \$250, Idaho's application fee was \$70. Oregon wrapped their application fee with their license and that was \$460 at the clinical level. So we broke it out as well as we could, but

was not like comparing Gayla apples to Granny Smith apples but more like comparing apples to oranges.

Ussher asked about how much is needed. **Oppenlander** responded that we have invited and will be meeting with an Executive Branch auditor to get technical assistance in forecasting our future needs so that we can create a healthy, viable organization. Roughly, if we had an additional funds over the next four years, we could build reserves; get the application software purchased, installed, and hosted; plan for retirement obligations; continue to offer a reasonable staff salary/ benefit package; add an investigator to help us work through backlogged cases; have attorney fees to bring our cases to conclusion. **Ussher:** What I'm understanding is that the only thing we will vote on today would be the fee ceilings.

Elliott agreed and restated that the Board would not want to keep going back to the Legislature. And this is a politically good year for this fee ceilings request as social workers are needed. There's going to be a lot of opportunity for the State but that will also will require an expansion in the number of licensees. With this expansion comes the potential for additional issues that come along with additional licensees e.g. investigations. So that is something that as a Board you have to be cognizant of your backlog. That's why we are asking your executive director, "What does it look like? What does the future look like?" It's hard to have a crystal ball when you're brand new to the organization and the organization is trying to go from 1995 when the fee ceilings were last created to over 20 years later. We have to revisit everything. And it's hard because times have changed and the expectations of this Board have changed. And you are trying to capsule that into a bill draft request that you have 120 days to get. Number one, we've got to get the bill introduced. It would be nice to have the fee ceilings determined so that we're not speculating when we are speaking with potential bill sponsors.

Erickson: As we potentially need to bring someone else on to assist in completing those investigations, that's a pretty large added expense along with expenses related to higher use of the attorney. Not only that, but the Board is expected to modernize and place our paper processes online as well as provide other automated systems e.g. payments by credit card. So, we're trying to meet an expectation that was set by legislation. Which means that we have to talk about the fee ceilings. It looks like we are attempting to meet the expectations that were given to us and that these are going to cost more money.

Ussher talked again about the disparity between LSW and LCSW salaries. **Elliott** stated that you might want to create different fee ceilings for the different categories of license as we can't go to the legislature every two years. **Ussher** stated that we should create the fee ceilings taking them up to higher levels without intention to charge that right now, but create the fee ceiling right now. **Maplethorpe** agreed.

Lowery discussed past history that has helped us to understand what it looks like when we don't communicate fee ceilings effectively. She went on to say that the Board has already approved increasing application fees from \$40 to \$100; and the Board already approved increasing the LCSW initial application fee to \$150 to mirror the renewal fee.

Licensees were already notified of those two changes and we had little adverse reaction to this. She added, do you also want to increase the fee ceilings for LSWs? And then next, do you want to increase the LCSW fee ceiling?

Harris asked if the hesitation for increasing the fee ceilings was because the records are public, will then make it out to the community, and then there would be negative feedback about a fee ceiling increase? **Ussher** responded that there's a difference between an increase in fees and a raise in the fee ceiling. What we're talking about today is raising the fee ceiling so that in the future, the Board won't have to go back to the legislature and we can be more fluid in Board management. So if we can kind of look at it that way, we can begin to look five years into the future.

Hoover reminded the Board that all of these points are important. She also wanted to make sure that we're all on the same page here as to how important getting these fee increases are. This session, because of the Sunset Committee's recommendations, you have two years as of last summer, (which is now down to less than a year and a half) to complete all of the goals they set forth, every single one. And if in two less than two years from now, those goals are not completed (for which we need the money to get those completed), your Board may not be a Board anymore. And that's what it comes down to. So yes, we want to look at the long term, meaning five to ten years from now, and how do we make sure we have money now, to help Karen with investigations and whatever else we might need. **Elliott** agreed that the need here is very immediate for the Board in order to maintain being a Board. I just want to make sure that's it is clear to everybody. All of this will need to go to your licensees and hopefully once you have settled on numbers, then you can start drafting what that communication looks like. You tell them that this is what the Board approved today; these are the ceilings that we're planning on for the future. And then, we have more to go. You will want to have a public process as it relates to the increase of fees. And make certain that we communicate that it's a public process when we do move to increase the fees.

Ussher responded that we did have some historical problems with the licensees and the Board. With Karen as our new executive director, she's made a lot of changes. So the perception is that the Board is moving in a positive direction and that we have this in our favor now. I think that understanding that there is a backlog of disciplinary cases and the expense related to that will need to happen. They knew there was a problem before, now if they understand a part of this is us fixing that and moving forward, I think it will be better.

Elliott talked about another Board that she worked on; we had committed to having public workshops. The Board members held public workshops in the south and the Board members held them in the north. They video conferenced to try to explain before they increased the fees. And it truly helped. It was a lot of work because we tried to attend as many as we could.

At this point, the Board had determined that it needed to create new fee ceilings and then moved through the list together. **Nielsen** added (as a public member) that the fee ceilings being discussed seemed very reasonable.

Ussher asked a question: If the Board were dissolved and put under DHS, would the new fee ceilings stay in effect? **Hoover** responded that it's a statute and that any Board that is overseeing social workers would have to abide by it unless they decided to go back and change it.

Harris asked if we could sum up the process so far. A long discussion eventually led to a motion.

A motion was made by Ussher to increase fee ceilings as follows: Initial Application fee not to exceed \$200; Initial Licensure (LSW) not to exceed \$250, Initial Licensure (LCSW/ LISW) not to exceed \$350, Provisional Fee not to exceed \$150, Endorsement Fee not to exceed \$200, Annual Renewal (LSW/ LASW) not to exceed \$250 and Annual Renewal of LCSW/ LISW not to exceed \$350. This motion was seconded by Maplethorpe. In favor of the motion: Ussher, Maplethorpe, Nielsen. Against: Erickson. A vote was not cast by Harris. The motion was approved by majority vote.

After the motion had passed by majority, it was discovered that there was some difficulty with the audio during the vote and there was difficulty picking up the audio on **Harris'** vote (as clarified in the motion above). At this point, **Harris** asked that the Board plan to have a future discussion on the effect of future fee increases on licensees especially for veterans, licensees moving into the State, and other related workforce development issues.

Detmer covered a procedural matter suggesting that in the future when votes are cast that each member of the Board sound off so that Yay or Nay can be made a matter of record.

As guest Hillman was not at the meeting, Erickson then moved on to Agenda Item 3F (For Possible Action) Review, Discussion and Possible Approval of Update re: Legislative and Regulative Issues: SB37, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. At this point, **Hoover** let the Board know that it has been asked to attend an upcoming meeting to provide support. This language represents the latest changes that were made. The Board took a few moments to read the updated bill draft language. There was a conversation about scope of practice and changes made.

Oppenlander read the MFT-CPC request from Jake Wiskerchen into the record:

"The State of Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors humbly solicits your support for its bill, SB 37, which is pre-filed with the Senate Committee on Commerce, Labor, and Energy. The bill is attached, but in a nutshell, here is what the bill does:

1) Expands practice scope for MFTs and CPCs by removing the prohibition against psychotic disorder diagnosis and treatment.

2) Removes restrictive language for CPCs that suggests they must meet extra conditions to treat couples and families.

*These two modifications will result in workforce expansion as the state will be able to attract and retain qualified clinicians who had previously been resistant to move here and/or had willingly departed. Furthermore, the removal of these restrictions should expand the applicant pool for places like NNAMHS and SNAMHS, along with rural clinics, DCFS, and many more governmental entities.

3) Increases fees and adds new fees. Prior to this bill, the board's fee structure had not been modified since 1989, meaning that we had not kept pace with inflation, nor had we kept pace with the new demands upon the office.

*Presently the office only has enough money to pay for a part-time (20hr/wk) executive director and has no money for a complaint investigator, resulting a backlog of licensee complaints dating to 2014 and requiring board members to volunteer their time to cover basic office duties.

4) Moves licenses to biennial renewals

5) Cleans up language that suggests internships must terminate when supervisors are changed, which is inconsistent with other parts of statute that suggest otherwise.

6) Balances public representation on the board by removing one MFT member and adding one public member.

*This is in response to some national trends in case law where the licensing boards and the professional associations were a bit too cozy and resulted in an erosion of the public protections.

Additionally, the Nevada Psychological Association has helped us by way of an amendment that refines and clarifies language related to psychometric testing, which is listed below. The board adopted this amendment last Friday and we were grateful for the professional courtesy they extended us in having a dialogue about their concerns while being able to compromise over it. This language in no way restricts diagnosis or treatment, just the administration of testing instruments.

Section 1.3 and in Section 2.3 be clarified to read as follows:

The term does not include:

a.) the use of psychometric tests, assessments, or measures including psychological, neuropsychological, developmental, neurodevelopmental, cognitive, intelligence, achievement, personality, and projective tests.

b.) the use of psychometric tests, assessments, and measures as listed above to determine level of development, intelligence or cognitive abilities, educational or employment aptitude, level of academic achievement, or personality.

c.) the use of psychometric tests, assessments, and measures as listed above to diagnose neurodevelopmental disorders, neurocognitive disorders, and/or other developmental, learning, behavioral, or mental disorders.

They are looking for your support or at least your non-opposition.

Erickson: Can you describe what it would look like on Monday?

Hoover told the Board that the hearing is set for 1:30 p.m. on Monday. It's in the Senate Commerce and Labor Committee, which is where it has to start. As you can see at the very top of this bill, it says it requires two thirds majority votes. We already know this bill is going to have to go to a finance committee. We would wait until the bill is heard. The MFT Board will be there to present the bill. We can sign in and then we can go to the table. **Elliott** said, that if in fact you're uncomfortable with taking a position today, your executive director will be there. We can go to the table neutral and say that the Board wanted to have additional time to review the narrative in the bill.

Harris asked for clarification about supporting a portion of the bill without supporting the entire bill. **Elliott** answered that if you have any issue with the bill, you're opposing the bill. Those are the rules. **Harris** said that based on the reading, this is opening them up for diagnosing and treatment as well as assessment and treatment of personalities in those other areas. **Lowery** stated that they are attempting to change language that was part of a political issue back in the early nineties. **Nielsen** added that the mental health community foresees a huge need that must be filled. In part, this is an attempt to meet this need. **Ussher** spoke of her concern about the three specific points of view coming from social work, MFTs and professional counselors. **Harris** also spoke of concerns about treatment in an area that may have been overlooked in the educational process because it was not allowed here. **Ussher** spoke of the turf war that had existed in the past. She added that, "We're all mental health professionals. We have the training; now let's just get the work done". **Maplethorpe** agreed.

Elliott spoke about mental health as a huge issue in this State and globally. This could give the Board an opportunity to make a statement, if you are so inclined, to make a statement of support. **Harris** went on to discuss implications. **Ussher** then discussed that social work is a profession and the profession needs to be held separately and not lumped together. **Elliott** discussed a variety of options for the Board to proceed. **Erickson** discussed the type of motion that might be made.

Ussher made a motion to support SB37 as requested by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. Seconded by Harris. Roll call: Ayes: Maplethorpe: Harris, Ussher, Erickson, and Nielsen. Passed Unanimously.

Erickson introduced Item 3G Review, Discussion of Status Report from the Governor's Division of Internal Audits, Reported Actions from Social Workers, p. 51. **Oppenlander** referred the Board to the introductory summary and also page 51 that shows that the Board is in compliance with the statute and guidelines for salaries and as part of our strategic plan, we will continue to evaluate our policies and procedures around compensation compliance. Additionally, we did a baseline study of how we get our legal support provided. We are also 100% compliant in the area as we receive a majority of our legal support through our Deputy Attorney General including for consent decrees, response to opposing council, Board meeting attendance, administrative procedures, approval of contract forms, and in conducting disciplinary hearings. Yet, by statute, we reserve the right to hire an attorney if it were necessary. So let's say in the odd situation or the occasional situation where the Board Counsel was entirely booked, we could hire an attorney to get assistance if necessary. In summary, we are in full compliance with the Governor's audit.

After **Erickson** introduced Item 3H (For Possible Action) Review, Discussion and Possible Approval to Discharge Disciplinary Case Numbers G16-05; G17-14; G13-10 she turned the discussion over to **Miller**.

Miller referred to case G13-10 that was received by the Board on 3-15-13 re: an LCSW in northern Nevada. There were 2 primary allegations: 1) that the Respondent broke professional boundaries; 2) and Respondent abruptly terminated services. NRS 641B.400 (1) (5) (7) Asserts unprofessional conduct; Violations of Standards of Practice: Professional Responsibility; NAC 641B.200 (4) (5) (6) (10) (11) (18); Professional responsibility; NAC 641B.205 (1) (9) (10) (11) (13) (14) Responsibility to client; NAC 641B.210(1) (3) Confidentiality of records; NAC 641B.220 (1) Unprofessional conduct; NAC 641B.225 (1) (3) Professional incompetence. In terms of Provability, the BESW Compliance Unit cannot find sufficient evidence to sustain a prosecution in this case and recommends discharge.

Next, **Miller** referred to Case G16-05 that was received by the Board on 3-22-16 re: an LCSW in northern Nevada. This complaint had 2 primary allegations: 1) that the Respondent's treatment fell below the standard of care; and 2) that the Respondent disclosed Complainant's confidential information, asserts unprofessional conduct, NRS 641B.400; Violations of Standards of Practice: Professional responsibility, NAC 641B.200 (1) (11) (18); Responsibility to Client, NAC 641B.205 (1) (2) (3) (5) (6) 14); NAC 641B.210 (1) (2); Confidentiality of records; NAC 641B.210 (1) (2); Unprofessional conduct; NAC 641B.220 (1); and Professional incompetence NAC 641B.225 (1). In terms

of Provability, the BESW Compliance Unit cannot find sufficient evidence to sustain a prosecution in this case for the first allegation. In the second allegation, there was alleged sharing of confidential information by the Respondent with the Complainant's ex-husband. Without corroborating evidence, there is not sufficient evidence to sustain a prosecution in the second allegation. As to the offense, BESW followed up and learned that a minor child that was part of this custodial care case is now 16 years old and thriving in her environment. Due to insufficient evidence, we recommend discharge of this case.

Last, **Miller** referred to Case G17-14, brought to the Board on 8-27-17 re: an LCSW in northern Nevada. The complaint had a primary allegation that the Respondent broke professional boundaries. Allegations: NRS 641B.400 (1) (7) Unprofessional conduct; Violations of Standards of Practice: NAC 641B.200 (4) (5) (6) (11) (18) Professional responsibility; NAC 641B.205 (1) (11) (13) (14) Responsibility to client; NAC 641B.220 (1) Unprofessional conduct; NAC 641B.225 (3) Professional incompetence. In terms of Provability, the ability to prove a violation against the Respondent is substantially hindered by the absence of any corroborating evidence. Due to insufficient evidence, BESW recommends discharge of this case.

Erickson asked if there were any questions. Hearing no questions, she asked for a motion.

Maplethorpe made a motion to discharge cases G13-10, G16-05, and G17-14. Ussher seconded the motion. Ayes: Erickson, Ussher, Nielsen, Maplethorpe, and Harris. Motion passed unanimously.

Next, **Erickson** asked **Lowery** to cover Item 3I, Review, Discussion of Licensure and Compliance Unit Statistics. Lowery covered documentation from an annual report that the Board submits for AB457 for both disciplinary complaints and applications for licensure. In 2018, we received 35 complaints. We have concluded 25 investigations and two of those cases ended up in a settlement. No cases went to a hearing. In 2018, we received 497 applications for licensure. Of those, 10% fell subject to a screening policy review and all of these were subsequently licensed. We handled 2771 applications for renewal and also endorsed 102 licenses. On the next page, are quarterly statistics that are routinely updated into the occupational licensing board report section of the State's website. At the end of December, the Board has 3,160 licensed social workers in the State of Nevada.

Erickson moved to 3J Review, Discussion of Report from Board's Delegate (Monique **Harris**) to ASWB Conference in San Antonio, Texas, November 15-17, 2018. **Harris** said that the conference was attended by 55 from US, territories, and Canada. They had survey and focus groups and other activities. She provided input on what kind of research is needed for the field of social work, with the goal of providing input for the ASWB strategic framework. One person in a focus group brought up the importance of us research around the impact that marijuana has on legislation and regulation. They also covered other regulatory topics including the political agendas and the changes in

leadership in politics, consistencies of licensing, of telehealth reciprocity and mobility. We also looked at emerging themes. There was a vote for new Board members so we now have a new president elect. We spent time discussing the annual budget and we were able to see the plan for a new building and where they are moving to. There was also a recommendation made and reviews of a white paper and amendments to the bylaws. There is a great amount of detail on the website and **Harris** referred the Board to this information. They opened up the floor for people who are willing to join committees. There was a lot of networking to get to know candidates and what they stand for. It was really informative and **Harris** indicated that she enjoyed it thoroughly.

Erickson turned to **Lowery** for Item 3K Review, Discussion of Report: Online Renewals Software Implementation. Lowery told the group that the online renewal system went live on the back end exactly one month ago, which meant that our office staff had full access to the new database system. We had to move everything from our Access database into a new database system. Initially we went live with glitches and hiccups. Starting January 8th, we went live on the front end for licensees that were helping us test the system. About two weeks later, the February licensees were the first renewal cohort that renewed online without any significant glitches. So, we've been live for three weeks for licensees and so far we have processed 113 renewals online, which has generated about \$11,560. That was processed through credit card processing that we did not have to deal with paper or checks. We also had started onsite credit card processing in December with phone and people that came into the office. And in the month and a half we've had that open we had processed about \$3,700 worth of credit card payments. Now, in addition to being able to renew licensing online, you can go to the next button below that is allowing you to print your license. So there are no more renewal wallet cards going out. We are reducing our postage dramatically. In addition, you can change your address or name online and we are probably a week away from being able to now upload and store all CEUs online. So that's the last of the little pieces that we're working on right now. The office team have taken to this like a duck to water. **Lowery** thinks it has been a resounding success and we will be able to publicize this as soon as we work out some final minor glitches. **Ussher** emphasized the importance of this. The Board members congratulated and thanked **Lowery** for her efforts to make this a success.

Last on the regular agenda was Item 3L and **Erickson** turned the Executive Director's Report over to **Oppenlander**. She notified the Board that she would be attending the upcoming ASWB Training on March 28, 2019 in South Carolina and that she would report at the next Board meeting. Next, she reported that we have made a conversion from Quicken to QuickBooks Software and we were assisted by Lisa Ayarbe from Coulson and Associates including the Adjusting Entries from the June 30 2018 Audit. To accomplish this we signed an engagement letter with Coulson as it was a relatively inexpensive assignment for her to return to complete this. Next, **Oppenlander** intends to contract with a Bookkeeping Service with an intent to contract by FY 2019/ 2020. At this time, based on recommendations from our auditor and our payroll firm, **Oppenlander** has temporarily hired Christyne Ekizian from A to Z Bookkeeping to assist the Board. Now that the audit is completed today, we want to figure out how to update our bookkeeping procedures for the future. Next, she gave appreciation to Capitol Partners for their help

with brochure design. Last, upcoming agenda items will include: a contract for bookkeeping services, revisiting our Sick Leave Policy based on a discussion that took place in 2017, we will bring forward a Reserve Policy, bring forward results from a Satisfaction Survey that is currently placed at the end of the online renewal process. Also, added today is a discussion about fee increases that needs to happen. **Ussher** emphasized the importance of keeping the sick leave policy on the agenda; that it has to be included as part of that. And, **Harris** emphasized the importance of factoring in the political ramifications of any decisions the Board considers in the area of endorsements.

PUBLIC COMMENT: In Item 4, **Erickson** asked for public comment. Mendy **Elliott** spoke and let the members know that she has guides to the legislature for everyone with room numbers, phone numbers, email addresses for legislators. Miranda **Hoover** also spoke and stated that she will be sending everyone her latest report on BDRs. The Board members briefly discussed Social Work Month (March) with **Elliott** and **Hoover**.

ADJOURNMENT: To conclude, **Erickson** introduced Item 5 (For Possible Action) Adjournment.

Ussher made a motion to adjourn the meeting at 12:45 p.m., seconded by Maplethorpe. Ayes: Erickson, Ussher, Nielsen, Maplethorpe, and Harris. Passed unanimously.

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