



State of Nevada

Board of Examiners for Social Workers

4600 Kietzke Lane, #C-121, Reno, NV 89502

(775) 688-2555

MINUTES OF BOARD MEETING

Friday, October 11, 2019

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

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

Members Present:

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

Staff, Advisors Present:

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

Public Present:

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

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

Erickson turned to Agenda Item 2, public comment.

PUBLIC COMMENT:

There was no public comment.

REGULAR AGENDA:

Board Operations

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

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

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

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

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

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

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

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

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

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

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

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

Erickson asked if the public member has to step out of the room for the discussion. **Oppenlander** replied that this is a public meeting with signed waivers from the monitor consultant and from the person noted in the Consent Decree, so it is not necessary. She stated that the two year probationary period referred to in the Consent Decree will end somewhere in March of 2020. The Monitor/Consultant requested that the one year monitoring period be ended. **Oppenlander** turned to Linda Holland-Browne for her comments.

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

to be sure that they had all of their bases covered. She feels that he met all the requirements of the consent decree for monitoring and supervision.

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

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

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

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

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

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

Goal 1	Maplethorpe
Goal 2.A.	Maplethorpe
Goal 2.B.	Nielsen
Goal 3	Harris
Goal 4.A.	Erickson
Goal 4.B.	Erickson
Goal 5.A.	Nielsen
Goal 5.B.	Harris

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

Erickson turned to **Agenda Item 3E (For Possible Action) Review, Discussion and Possible Approval of Reserve Policy Revisions.** **Oppenlander** stated that the policy summary provided to Board members today is the existing and currently adopted Board reserves policy as adopted on June 14th at the 2019 meeting. It is policy number F001 Board Reserves. The policy summary addresses the importance of maintaining organizational reserves. The summary is the first page of the Board members' packet. The following pages are some financial snapshots. **Oppenlander** indicated that at this point in

time the Board's expenses are under income is over projections. **Oppenlander** pointed out that when the Bank of America statement was printed on October 1st, the checking account balance was \$72,907.00. In another secondary checking account, there is \$5,246.00 and there is \$25,000.00 in a fixed term CD. **Oppenlander** advised that there is some information about the CD on the next page of the Board packet.

Oppenlander went on to say that the utilization of reserves are all exactly as shown under agenda item 3E iii. She would like to discuss with someone after this meeting, the possibility of handling the three accounts differently while building reserves. The checking account is pretty obvious. Earlier discussion has occurred about creating an account not unlike the current account that has 5,246.00 in it for an emergency fund. The last thing on E iii is the CD. **Oppenlander** said that she and Ms. Lowery refer to these three accounts internally as the checking account for paying monthly bills, the savings account for emergency savings, and the CD for the required reserves. The Board knows that we're mandated to come up with a minimum of five months reserves, possibly more, depending on who is chairing the Sunset Committee this interim session. The Board needs a place to manage the money. **Oppenlander** went on to say that if it was up to her, (and she know it is not) she would recommend that the Board move money into the account that has \$5,246.00 in it, so that there would be \$10,000.00 available if we had an emergency in between Board meetings. She also said that if there is sufficient money over and above what we thought we would need to keep the doors open, she would make sure that the CD or CDs, contained at least one month of operating reserves. **Oppenlander** proposed that this discussion be continued at the December Board meeting so that Board members are prepared for it. **Oppenlander** said she is happy that a Board member has been assigned in these areas so she has someone she can speak to. She would like to work through this reserve policy more satisfactorily and bring back a recommended amendment to the existing policy at a future meeting. She also wants to work on proposing ways to fund the reserve and possibly provide some recommendations about how to stagger some CDs so that some would always be maturing thus ensuring access to them without having to take a penalty fee. While penalty fees are minor, when cashing out a CD early, the Board won't want to pay if unnecessary. **Oppenlander** said these are matters she would like to discuss with someone outside of this meeting. **Harris** asked **Oppenlander** to summarize the three things that we'll bring back to a future Board meeting; she responded that the first thing is to amend the reserve policy appropriately because we've got an initial policy agreed to at the June meeting; two is to change item E iii b) into an emergency savings account and get a policy that goes with that for the minimum of \$10,000; last, that item E iii c) the CD begin to be referred to as our reserves and that we can begin to fund it with some of the cash that we have on hand in the checking account.

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

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

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

Following, **Oppenlander** presented a summary of some changes to item F made by the LCB. She directed the Board members attention to Section 641B.105.2(a). The outcome of this discussion is that

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

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

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

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

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

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

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

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

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

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

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

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

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

Meeting adjourned at 11:00 a.m.

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