



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, March 13, 2020

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 9:11 a.m. The meeting was held at the University of Nevada, Reno (UNR) System Computing Services Building, Room 47, in Reno, Nevada, 89557. There was a simultaneous audioconference conducted at Mojave Mental Health, 6375 W. Charleston Blvd., Suite A100, Las Vegas, Nevada 89146. President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum.

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

Members Present:

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

Staff, Advisors Present:

Karen Oppenlander, Executive Director (**Oppenlander**)
Asheesh Bhalla, Esq., Board Counsel (**Bhalla**)
Miranda Hoover, Capital Partners (**Hoover**)

Public Present:

Joe Cutler, Public

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

Erickson turned to **Agenda Item 2, Public Comment**. As there was no public comment, **Erickson** moved forward to Item 3 A, Review and Discussion of Board Meeting Minutes for January 24, 2020.

Susan Nielsen made a Motion to Approve the Board Meeting Minutes for January 24, 2020; Seconded by Vikki Erickson. During a Roll Call Vote the Motion was Approved Unanimously.

Following, **Erickson** introduced **Item 3B (For Possible Action) Review and Discussion of Annual Audit for Year Ending June 30 2019**. **Oppenlander** stated that the audit (in draft) was submitted to the State of Nevada by the deadline in December 2019. The draft audit was subsequently reviewed as the working papers for the auditor, Michael Coulson, and the working papers for the Board didn't quite match with a minor variance. She explained that this happened because here were several items that needed the Board to make adjusting entries as we moved from a cash basis to an accrual basis. Lowery and our BESW bookkeeper worked with Coulson to make these adjusting entries in the Board's QuickBooks system. The audit was "finalized" with no changes and the State was notified. She stated that everything in the Board's QuickBooks system matches everything in this audit and there are no inconsistencies. Moving on to discuss the audit format, there is one addition to this year's audit on page 10 that adds clarification. On page 10 of the audit for June 30, 2019 there is a new line item called 'accrued expenses' in the amount of \$4,845.00. That amount had only appeared in one

location in the audit and now appears in two places at the request of the Executive Branch Audit Committee liaison. Now, everything is in sync with the requests that we've received. All adjusting journal entries have been made and we have moved fully into an accrual basis. Our bookkeeper and our auditor and Board staff have fully agreed on all of the entries. **Erickson** asked if there were any comments or questions about the annual audit. **Nielsen** commented that she is very impressed at the way it was done. She also commented that we've done a great job this year in cutting costs and bringing in more income.

Susan Nielsen made a Motion to Approve the Annual Audit for Year Ending June 30 2019, seconded by Vikki Erickson. During a Roll Call Vote the Motion was Approved Unanimously.

At 9:50 a.m., **Hoover** joined the meeting.

Erickson moved on to agenda **Item 3C, Review and Discussion of Continuity Planning: Taking Precautions When Dealing with Uncertainty.** (For Possible Action). **Oppenlander** described how, over a long weekend at the end of February, she heard discussions on the radio about emergency plans. When she returned to the office, she followed up. As the Board recalls, we have been working on safety and health plans. However, there was no 'emergency plan' in place. She visited the OSHA office (in the next building) and asked OSHA staff if there is an emergency plan for the State of Nevada. Their staff responded with pertinent information about how an agency or business would prepare for a pandemic. In the handouts, she shared examples of what OSHA had provided: a "Do You Feel Sick" poster with a big stop sign which has been placed in the Board's office. He also provided some booklets on how to plan for a pandemic in the workplace as well as handouts for our office about the Coronavirus. She then began planning for how the Board could proceed if a serious occurrence takes place. She determined that it would be easier to cover four ten-hour days in the office with the office open from 7:30 a.m. to 5:30 p.m. Monday through Thursday. Board staff announced this to public that day and also emailed all social workers. The only comment received was "thank you for the advance notice." With a four-day work week starting March 30th, she thinks the Board can manage to have somebody in the office every day, even if it was only to pick up mail, make bank deposits and return phone calls that were on voicemail. The Board's communication strategies could move to telecommuting. The newest laptop was reconfigured yesterday so there is one laptop that can work for telecommuting.

Oppenlander noted that in line with taking precautions when dealing with uncertainty, there is a law that takes effect as of July 1, 2020. Beginning July 1st and going forward, the Board must be able to supply to the Governor a list of social workers who have crisis trauma training who are willing to be placed on a list for availability. She added that the law probably emanated from the shooting in Las Vegas. Lowery emailed the LCSWs and received a response from about 45 individuals. We have to create a list of five LCSWs to be available for the Governor at any time. We acted ahead of July 1, 2020, because we have a currently evolving situation.

At 10:03 a.m., **Maplethorpe** joined the meeting.

As of yesterday, the Governor of Arizona has changed licensing requirements and is working with Arizona Boards. Board staff reviewed the Arizona directive. Similar directives in Nevada could potentially lead to future reductions in the Board's budget. Therefore, **Oppenlander** directed Board members' attention to a copy of the year-end December 2019 (2nd Quarter financials). She used this to compare the current budget against a potential catastrophe budget for 2020-2021 with a 10% drop in income and expenses of approximately \$50,000. The intent is for the Board to freeze hiring, keep

current staff, and reduce other expenditures to balance the budget while maintaining cash in reserves. For example, the Board would limit travel, drop legislative consulting fees and not go to the legislature in 2021. We also would not purchase the next level of online application software that the State has required us to purchase. **Oppenlander** went on to say with those changes, we could manage to balance a budget with a 10% hit. Even if our Governor doesn't do something like the Arizona Governor did, we imagined that if social workers' jobs begin to dry up in a difficult economy, they might not relicense. When we come back together in May, we expect to bring a regular budget. **Oppenlander** said that she doesn't look at these conditions as eventualities however they are possibilities. When dealing with uncertainty, we want to be able to be ready for various scenarios.

Discussing how future meetings might continue, **Oppenlander** said that she would work with Board Counsel **Bhalla** to figure out how to do this so that the public could participate when appropriate. Perhaps something like Zoom conferencing could be utilized.

Lowery has signed up for a webcast due to the increase in questions we are receiving about telehealth.

Also, **Oppenlander** contacted the ASWB to withdraw from being considered for a scholarship to attend the next ASWB meeting. She concluded her report on this item by stating that along with other Board staff, we are thinking as proactively as possible.

Erickson thanked **Oppenlander** for the strategic planning on the potential effect that the Coronavirus could have fiscally and to the health of our staff and the Board.

Susan Nielsen made a Motion to Approve Director Oppenlander's request for going to a four-day work week. Seconded by Stefaine Maplethorpe. During a Roll Call Vote the Motion was Approved Unanimously.

Erickson proceeded to agenda **Item 3D Review and Discussion of Plan for 2021 Legislative Session for Select NRS Changes with Related NAC Changes.** (For Possible Action). **Oppenlander** mentioned that she is going to go through this item along with **Hoover** (Capitol Partners) who has already been working on a draft BDR for the Board for 2021. **Oppenlander** recently met with **Hoover** and Capitol Partners principal Mendy Elliott to discuss various ideas that the Board has wanted to pursue during the next legislative session. Elliott made a recommendation about which matters would be most likely to be approved during the upcoming legislative session. This recommendation was to forward a bill with items i, ii, iii and defer item iv until a future legislative session in 2023 as follows: In 2021 i. Add New License Type: Licensed Master Social Work (LMSW); ii. Create Inactive License Status; Clarify Retired Status; Create Simplified Reinstatement Process; iii. Align NRS 641B.500 and NRS 641B.040 to Improve Title Protection by Eliminating Protected Categories; and in 2023 iv. Plan for Ethics and Practice Updates. Following that meeting, **Oppenlander** stated that the Board has engaged a UNR field practicum student to compare 641B NRS and 641B NACs to both the NASW Code of Ethics and to the ASWB Model Social Work Practice Act. Consideration of any changes will be a long, thoughtful process that will probably take a year or more to finish.

Hoover proceeded to discuss parts i, ii, and iii regarding putting together a Board bill for 2021. For item i, the Board has discussed adding a license of master's social work to our NRS so that we can start licensing those students that are interstate or that come to our state with a master's degree. Item ii relates to creating an inactive license status. **Hoover** stated that there are quite a few Boards across the State of Nevada e.g. the Contractor's Board and Realtor's Board that have inactive statuses. This Board would like to move forward with something similar. Item iii is regarding title protection by

eliminating protected categories. **Hoover** said this one really gets into protecting social workers versus mental health professionals who are not licensed as social workers. There is still a lot of work to be done before we can get our BDR submitted to make sure that we have Legislators on our side. The Board would present its own bill. We won't be on a sponsoring Legislator's timeframe to present, as long as we get the Committee to put our bill on their schedule and on their agenda to be heard. **Hoover** would make sure we get in with Legislators, get our meetings scheduled and make recommended language edits as suggested by LCB or by Legislators. The process will be very similar to what we did last session, except without having a Legislator sponsoring our bill. **Hoover** said that Capitol Partners suggested the postponement of the ethics and practice updates for 2023 as they want to make sure that we can get these three other pieces put into our statute before we start tackling ethics and practice. Otherwise, it might become difficult if we overreach in a single session. We wouldn't want to get into minutiae in ethics discussions when we have these three main priorities for the next legislative session.

Oppenlander commented that item iv is not being neglected; we're already embarking on a process to start to lay that out. She reminded Board members that at the Board Strategic Planning Retreat last year there was a discussion about asking ASWB to join us locally for a planning meeting. They could explain their position on why they believe that state boards would not want to embed NASW language into state statute; she thinks its best if an ASWB representative talk to the Board directly about this opinion. She added that there are currently 11 states that embed NASW into their statutes and administrative codes. Because this could be controversial, the Board may also want ASWB to join us during the 2023 legislative session to help us with testimony.

Susan Nielsen made a Motion to Approve to the 2021 Legislative Action Plan. Seconded by Stefaine Maplethorpe. During a Roll Call Vote the Motion was Approved Unanimously.

Next, **Erickson** introduced **Item E, Review and Discussion of Trends for Compliance Unit.** (For Possible Action). **Oppenlander** said she has been tracking compliance unit statistics from January 1, 2018 until now. At the beginning of 2018 there was a backlog of 79 pre-2018 cases. Of those cases, in the Board's strategic plan, 75% of those cases were to be dismissed by the end of 2019 i.e. 75% (or 59) of those cases would be dismissed by January 1, 2020. Instead of 59, 40 of these cases were dismissed or discharged by that date. Instead of 75%, 51% of those pre-2018 cases were discharged. She went on to say that since January 1, 2020, as of today (March 13th), 11 additional pre-2018 cases have been discharged. Therefore, we have discharged 65% instead of 75% of the cases and 51 rather than 59.

Oppenlander continued that it is not for lack of intent that more of the pre-2018 cases haven't been discharged. First, some of the pre-2018 cases were difficult to locate with some being stored in large industrial size, plastic containers with multiple subpoenas and sometimes comingled with other cases. Most of these are not easy cases for the current Compliance Unit as they are all "cold cases". As we discharge (or proceed) with these cases, we have to sort through numerous subpoenas and in that way we generally come to understand why some of the cases weren't cleared years ago. The Compliance Unit (on average over the past year) has been able to spend about 25 hours per week week on disciplinary matters. For a period of time at the Board, there had been two people working at 1.5 FTE vs 25 hours a week now to reduce caseload (60 hours vs 25 hours). This does not include the work that has to be done by the Attorney General's office. So, with fewer hours that we could afford in our budget, we have had to figure out a way to prioritize the backlogged cases. **Oppenlander** stated that she did not receive training in the disciplinary area until August of 2018 – a Basic Investigation class offered by Council on Licensure, Enforcement and Regulation (CLEAR). In

September 2018, we created the current 4 Tier prioritization process. We began processing cases and received additional training from our current Board Counsel **Bhalla** and our prior DAG Detmer. Beyond clearing the older cases, we continued to acquire new cases. As of today, we have 71 open cases. Four of the top tier cases that the Compliance Unit are focused on are newer (2019 or 2020). Even though they are not older cases, we can't let them wait. They require attention and take up a lot of time and energy. When possible, we go back and look at the older cases. **Oppenlander** pointed out trends in the Board packet that are depicted in graphs. On the first handout, the light gray section is the number of investigations completed in 2017. The orange section shows investigations completed in 2018. The blue section shows investigations completed as of December 31st, 2019. Below that it shows cases settled with a consent decree. At the bottom are the numbers of complaints filed. **Oppenlander** explained that the jump in the number of complaints filed in 2018 is because file numbers were assigned for all complaints received. Toward the end of 2018, DAG Detmer explained how we needed to verify a pending case before we added it to our caseload. As a result more cases were accepted that year than there would be today. She stated that now (2019, 2020) all current cases are pended until they are verified according to 641B. On the next page are actions taken over 10-year periods, starting with 10 years ending 2015. With our current option to Dismiss cases vs Discharge cases (pre-September 2018), we can complete more investigations now than we could in past years. **Maplethorpe** commented that after **Oppenlander's** explanation, the numbers make a lot more sense.

Next, **Erickson** moved on to **Item E, Executive Director's (ED) Report** (For Discussion Only). **Oppenlander** began by updating Board members regarding the most recent Executive Branch Audit Committee meeting that she attended. Terry Reynolds is the new Executive Director for Business and Industry. He agrees with his predecessor that Business and Industry should provide oversight for the regulatory boards that are not under State of Nevada management. If you recall the EBAC Report last summer, there is a group of Boards including BESW that are able to be independent without the same level of oversight as most of the other Boards and Commissions. Reynolds stated in the EBAC meeting that in the new proposed structure, Board membership would continue to be made up of subject experts and public members. However, the backend activities to run the organizations would be different. The administration of these regulatory Boards would be centralized and consistent. This would allow promotion of occupational career information and licensing because this licensing would be done jointly through a combined website. There would be information on how to get a license online and the value of licensing. Investigations would be consolidated, financials would be standardized, and legal issues would be handled primarily through the Attorney General's office. In addition to these proposed cost savings, other savings might also be gained in the areas of consumer protection and IT structures.

Furthermore, **Oppenlander** updated the Board about the current status of contracts discussing the need to resubmit a contract for payroll, update our lobbyist contract, and update our office lease. Additionally, the office Xerox machine is apparently coming to the end of its five-year lifespan and contract so she has started to negotiate a new contract. Also, in terms of future agenda items, **Harris** has asked to add Board Reserves to the agenda. Perhaps in May, we could look at the reserves policy again and decide to put one/ two months of reserves aside. And with **Hoover's** help, we could review the business impact survey results. We had to do a small business impacts survey to get our fee increases and at the same time, the Board surveyed bigger businesses and this yielded some really interesting information. She added that 3rd Quarter Financials will be presented in May and recapping the earlier budget discussion, she will bring in a "regular" budget and also a backup plan

Oppenlander would like a discussion about the Governor reselecting Board members. She said she really hopes that current Board members will submit applications to be reselected because we have one opening now, and we'll have two more at the end of June. **Oppenlander** doesn't want to be in a

position of being unable to conduct Board meetings due to an absence of Board members. The Governor is very busy at this time and there are many Boards with openings that he's trying to fill. As she unsuccessfully attempted to get a nominating process implemented at a Board meeting last year, the decision was made that the Board would need to come up with a format for deciding who is going to be the President, Vice President, etc. She would like to discuss this at the May Board meeting in preparation for the new Board that would start July 1 2020.

Finally, she reminded everyone that the next Board meeting is scheduled for May 8th 2020. She doesn't know where the meeting will be held. The university campus wasn't closed today, but they have closed UNR for classes (as of yesterday). When we confirmed today's meeting, we let the facility know that our Board would be mindful of social distancing, and that it wasn't going to be a large gathering, which is currently prohibited at this site. She doesn't know what the May Board meeting will look like, so she would like to keep in close contact with Board members. If there is any reason she can't get a quorum, she won't be able to hold a meeting.

Erickson moved on to item 4, **Public Comment**. There was no public comment.

Erickson proceeded to item 5, **Adjournment**.

Susan Nielsen made a Motion to Adjourn. Seconded by Stefaine Maplethorpe. During a Roll Call Vote the Motion was Approved Unanimously.

The meeting was adjourned.

Respectively submitted,

Caroline Rhuys, Legal Secretary II