



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
(BESW)

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Board Meeting Minutes, Wednesday, March 15, 2023

The March 15, 2023, Board Meeting was called to order by Dr. Esther **Langston** at 9:03 a.m. A **Roll Call** was taken. Board members in attendance: Jacqueline **Sanders**, Linda **Holland Browne**, Abigail **Klimas**, Esther **Langston**; BESW Staff in attendance were Sandy **Lowery**, Karen **Oppenlander**. In attendance was Board Counsel/ Deputy Attorney General Harry **Ward**. Consultants in attendance: Nick **Vander Poel**, Flynn Giudici; and Margaret Del Giudice, SEI.

Public Comment: There was no public comment in person and **Oppenlander** stated that there was no public comment in writing or online.

Taking the agenda items out of order due to scheduling conflicts for presenter, **Langston** moved to **Agenda Item 3H Review and Discuss 2023 Legislative Session (For Possible Action)**. **Vander Poel** from Flynn Giudici, Government Affairs Advocates, is looking for guidance from the Board on its direction in support or opposition to the Interstate Social Work Compact. The decision is based on the Board's review of the fully drafted Interstate Social Work Compact that was just released by the Council of State Governments. This Compact has been circulated amongst legislative leadership; and there is also a letter received on March 6, 2023, from Dr. Stacy Hardy Chandler, CEO of the Association of Social Work Boards in support of the Compact. Board's guidance is important as he tries to move this forward in the legislative session. **Langston** asked **Oppenlander** to share her screen for a summary view of the compact. This compact is similar to other compacts that are at the legislature and almost mirrors a compact that was presented earlier this week for the Massage Therapy Board. The compact was supported financially by the Department of Defense. The model presented on the screen cannot have changes made to it and is the same model that's being presented around the country. It was sent ahead of time to Board members so they would have time to preview it.

Vander Poel stated that he is being asked by legislators if the Board supports it. The Compact details what a social worker would do if they were going to participate in the Compact choosing to be an individual social worker with a Nevada license or choose to get a multi-state license if BESW was part of the Compact. The Compact would be very helpful to social workers that want to practice multi-state. There are details that explain why the Department of Defense put funding behind this effort to promote the seamless ability for military families to move together when a service member is redeployed. There was a brief overview of the Compact Commission description; if BESW decides to participate, BESW would have a seat on the Commission and would be able to assist with setting up the regulations of the Commission. **Vander Poel** agreed that the various Compacts at the legislature this year are quite similar. He asked Matt Schaffer from Council of State Governments where this Interstate Social Work Compact is being proposed. Right now, the states listed who are looking to run a bill anticipating the compact language are Wisconsin, South Carolina, Florida, Missouri, Kentucky, and Utah. This list may grow depending on which states can do a Compact at this time. For example, he had a conversation yesterday with Senator Scheible who asked him why he didn't have a bill drafted for social workers ahead

of the session. **Vander Poel** explained to her that we didn't know if the Council of State Governments were going to get this negotiated in time. Eventually, we received the Compact language on Monday, February 27th, which was after the bill draft deadline.

Sanders said she reviewed the document, and it reads that at any point when the state elects to revoke or terminate the relationship, we have options to do that. She said she thinks that when it comes to the ASWB and our reliance on them, it supports those transient people who are coming to Nevada. She did not see any concerns and asked if anyone else did.

Klimas commented that in general, she thinks it looks great. She remembers conversations months ago and thought that staff might comment on this, where if we don't do it now, we must wait two more years to do it because Nevada doesn't have a yearly legislative session. She asked if our Board staff can get this up and running if it is passed. **Lowery** replied that if this is passed, the Board will need to immediately go into a NAC change process because we will have to operationalize the bill if passed. This would include setting fees, etc., because she suspects the language will give BESW authority to do this. The question will be, and maybe **DAG Ward** can answer, that if the Board is given authority to create these levels of licensure, will we also be given authority with a fee structure? Or will the Board have to go back through the legislature to get fees approved? **Ward** replied that if BESW doesn't have anything statutorily or in the regulation concerning fees, then they would be stuck without fees. He thinks that eventually we would have to go back and get that changed. The Board cannot charge a fee without the authority.

Oppenlander remembered that when this was discussed with Cara Sanner during a recent Board meeting, she indicated that it isn't quite that difficult given the way the Compact is set up. There will be time to operationalize these things. Right now, the Board is approving that our Board would want to be part of this process. The process of getting it operationalized, the commission forming, and making some decisions about how the initial states would participate, would provide some time for BESW to get everything established. To start the process the Board would have to declare that it wants to participate.

Langston asked that during Covid when we were operating with a lot of telehealth and people doing multiple states then, did we have fees for people who needed to come into Nevada at that time to render services from other states? **Oppenlander** replied that Directive 11 from Governor Sisolak, was an emergency directive. That was a different situation and our Board had to waive fees. To operationalize this Compact will happen over time. We're looking for a starting point indicating our interest to get into it. She went on to say that mobility has been talked about ever since she has been in the ED seat. Since 2018, when Susan Nielsen came back from an Edmonton ASWB conference with a mobility toolkit, this Board has been talking about how to make licenses more mobile. BESW made moves to make licensing as easy as possible with endorsements. A lot of discussions took place around reciprocity, which has to do with "is our state license just like your state license?" Since state licenses are so frequently different, reciprocity is an ill-used term. We have a good endorsement process, but it is not the gold standard that a multi-state license would be for those who want that method. DOD is behind it because makes it particularly easy for service personnel who are perhaps redeployed every two years, for their family members to pick up and move right away because they can move their license right away. This is why having interstate compacts for those people is great. And you can imagine that the DOD really gets behind states that accept the interstate compact model. She added that the new CEO for NASW national negotiated to accept and support this Compact as it was important for the national social work community.

Langston replied that NASW had an initial model that preceded the Compact. She said that for those of us before there were state licenses, we had ACSW, Accredited Certified Social Worker. Her class was the first class in 1972 that took and passed a national exam. The DOD and others were behind NASW. Therefore, the model for interstate compacts has been around for a long time. We are just refining it for the 21st century. She asked if there was a motion to approve the Compact?

Holland Browne commented that she thinks it is critical that we get something done with regard to interstate compact for a number of reasons. She has some typical reservations, like are we talking apples and apples, or oranges to apples in terms of training. She thinks that we would be remiss to delay and not get in on the ground floor. As far as using this model, it is certainly going to create more work for people. On the other hand, our workforce shortage is so dire that she feels like we must do something to make it happen.

Motion was made by Linda Holland Browne to approve the Interstate Social Work Compact Model, as Presented; Seconded by Jacqueline Sanders. The Motion was Approved Unanimously.

Lowery asked **Vander Poel** if there a way we can get somebody to take this on to see about incorporating fee structure matters into the NRS? **Vander Poel** replied that the way he read the Compact is that it addresses fees. He will have that conversation with the Legislative Council Bureau. **Vander Poel** added that the way it was explained to him from Matt Schaffer at the Council of State Governments the compact is the compact. He doesn't think that it would be changed. **Sanders** said that in the reading she saw that there is a membership fee that the Board would have to pay. She asked **Vander Poel** if we can get an idea of what that fee is for our state so that we will know what to list as the price to charge to the licensee that is seeking a multi-state license. **Vander Poel** replied that he will provide those answers at the next meeting after he has another conversation with Matt Schaffer at the Council of State Governments. Another point he wanted to make, as it relates to the Compact, is that it does not go into effect until seven states adopt the compact. He thinks that the Council of State Governments is focusing on getting seven compacts passed. **Holland Browne** commented that she thinks we need to think about fee schedules because this is a type of enhanced license. As easy as it may sound, it may turn out to be more complex. **Oppenlander** commented that she is hearing two different discussions going on here. We have several categories of licensure right now. She believes that what **Lowery** is talking about is adding some other levels for multi-state licenses and the fees associated. There was another discussion going on about charges working with the commission. As **Vander Poel** has been discussing, the first move is to get out of the gate now. The next move is to start to iron out all these things. We are tracking what other interstate compacts are doing right now. The Physical Therapy Board, on the morning of our last Board meeting was talking about fees and structures. They have started off without charging anything for their commission. There was reference to another group that had determined not to charge extra fees for doing perhaps what might be viewed as more work for a multi-state compact. Clearly, these are answers yet to be determined. She stated that compacts have to do with tenacity and keeping your eye on the carrot at the end of process is required. There is a lot of work to get to the place where the compact is working effectively. She congratulated the Board because they are at a starting point to get to a multi-state compact in place. **Langston** commented that the interstate compact will be a living document and it will continue to evolve. She said she has an ACSW and the holder of that was the National Association of Social Work. She still pays a fee every year when she renews her membership to maintain her ACSW. The Department of Defense still recognizes an ACSW even if you don't have a state LCSW.

Oppenlander moved to the next portion of this agenda item and shared a letter of recommendation prepared by **Sanders** for AB 37. **Oppenlander** stated that she would like to get this letter of support approved by the Board today to for a bill that was heard yesterday. **Sanders** commented that she was informed that a letter was needed in support of behavioral health workforce development. She reviewed Board minutes and discussed with **Oppenlander**, referencing in the letter when the Board was visited the ideas were explained to us. The letter was drawn in support of collaborative efforts to develop a behavioral health workforce center. She stated that we're looking to for Board approval. She thinks that it is an excellent way to let them know that we recognize what their efforts are and that the Board supports them.

Motion was made by Abigail Klimas to Approve the Letter in Support for Assembly Bill 37 for the Establishment of a Behavioral Health Workforce Development Center of Nevada, as presented; seconded by Jacqueline Sanders. The Motion was approved unanimously.

Langston stated that the next item is for Assembly Bill 45. AB45 essentially creates a program to repay students' education loans for certain providers of healthcare program in underserved communities. It will be funded from the revenues from the Unclaimed Property Fund in Nevada. The inclusion is that the student's types will include all behavioral health professionals and will offer repayment of loans on a sliding scale based upon the need and the applicant's income.

Motion was made by Esther Langston to Approve Support of Assembly Bill 45; Seconded by Jacqueline Sanders. The Motion was Approved Unanimously.

Oppenlander had other tracking items that she wanted to bring to Board members' attention. She asked for Board support of Assembly Bill 69. It has been to a work session and relates to behavioral health, making certain providers of behavioral health, including social workers, able to get loan repayment from the Nevada Health Service Corps and there is an appropriation being made. **Langston** added that AB69 expands the long repayment program administered by the Nevada Health Service Corps to include certain providers of behavioral healthcare and will now include social workers.

Motion was made by Jacqueline Sanders to Approve Support of Assembly Bill 69; Seconded by Abigail Klimas. Motion was Approved Unanimously.

Oppenlander covered several bills including: AB108 - the nursing compact; AB139 that adds more categories for collecting demographic information and AB158 is a compact for emergency services personnel.

AB 267 is a bill that expands 2021 session bill requiring two CEUs for cultural competency training and expanding this to six CEUs. When monitoring this bill, **Oppenlander** determined that need to testify in support of the bill to testify because senators were asking questions about what social workers require for CEUs beyond cultural competency e.g. ethics, suicide prevention, and so forth. The bill presenters had given inaccurate statements about BESW requirements. She called in for comment and had to select a category of support, opposition, or neutral. She chose to testify in support to clarify BESW social worker requirements and these circumstances, **Oppenlander** asked the Board to support this bill.

Motion was made by Abigail Klimas to Approve Support of Assembly Bill 267 that will Increase Hours Required for Cultural Competency CEUs from Two to Six for Each Two-Year Collection Cycle; Seconded by Jacqueline Sanders. Motion was Approved Unanimously.

Langston commented that in terms of the requirements that she receives regularly questions from social workers asking where they can find the required courses. She is aware that the Board is not in the business of offering training courses, but if the Board is going to have to accept these requirements, that we should take a serious look at how licensees can get the training required. **Oppenlander** acknowledged **Langston's** comment and said one of the testimonies made yesterday by the Nursing Association said the same thing. It was very informative of how much trouble the nursing staff have had trying to get these courses in when there were only two CEUs were required. They wanted to know how they are going to manage when six CEUs are required. She went on to say that she thinks legislators may end up in a quandary because of this difficulty. **Lowery** stated that it appears that this bill is an attempt to clarify a confusing 2021 bill. **Langston** added that this referred to as Diversity, Equity, Inclusion (DEI) as opposed to cultural competency.

Sanders said that another source of concern is that licensees employed in healthcare, either hospice or hospitals, etc. often have programs that they are required to complete. The programs are online training for every employee and the nurses are the ones that obtain approval for the CEUs and don't always have the appropriate approvals in place for a social worker. Social workers will have to complete all these training hours, which could be as many as 90 trainings. Social workers will have to complete these for the employer, while still not meeting the requirements for their license. She said she thinks the Board should find a way to make the nurses aware that they need to obtain approval by BESW for these trainings. She sees this as being the source of the issue because she receives phone calls from people that know that I'm on the Board, saying that there are not enough CEUs available to address their needs. Because they are under the requirements of healthcare industry employers, she thinks the Board should facilitate a solution. She is currently working get an idea of to learn how BESW can help address this. **Langston** commented that she taught for 40-50 years, so she gets calls asking her to get approval and do a workshop so social workers can obtain CEUs. She agreed that this is an issue that the Board will have to address if this bill passes.

Oppenlander moved on to AB 268. There is quite a bit of discussion of this bill in the session. They are trying to get this passed by March 31st so they can start cutting checks to the Executive branch staff. It is about retention incentives. The checks would be \$500.00 per quarter starting on March 31st. The next check would be June 16th so that two checks could come out of central payroll during the current fiscal year, and then continuing for eight quarters (2 years) total - \$500 per quarter and then \$2,000.00 per year for two years. This bill is interesting because it has been introduced by the Governor. It doesn't include the social work board pursuant to NRS 353.005, which is commonly known as the Budget Act. We are not included, along with the NSHE, the Legislative branch, and the Judicial branch. There are amendments being made and other bills being put forward. She doesn't know where this will all end up but suggested that Board members begin to think that if most people in the State are getting a \$500.00 retention bonus for working in their division, perhaps this Board would consider building it into the BESW budget. She said she is mentioning this because of potential unintended consequences when boards and commissions do not qualify for a retention incentive. **Langston** commented that this was not on the agenda for possible action and **Oppenlander** confirmed that we would look at this in April along with the BESW budget.

Langston moved on to Agenda Item 3C – Review and Discuss Fourth Quarter BESW Financials through December 31, 2022. (For Possible Action).

Lowery said that the financial report is for the end of the second quarter, December 31, 2022. She noted that incomes and expenses should be in the 50% range since it's halfway through the fiscal year. Total income is 55% year to date, meaning the Board is above budget projections in terms of income. Looking at expenses, in terms of staff salaries and Workman's Comp, etc. we are at 47%. Expenses are well below the 50% threshold. She mentioned that a couple of individual items that are high e.g., Workman's Comp because we never know until after the budget is determined exactly what we're going to pay and the audits that they do don't match our budget cycle. When the budget is created next month for the next fiscal year, some additional money will probably be added into that category. The other area that is extremely over is the internet. This is because when the original budget was created, we were not sure what it was going to cost for us to be under the EITS system. It is far more expensive than we had budgeted and we will look at that when we do the next budget cycle. Even with those two overages, the Board is running at 40% total on our expenses. In summary, the Board is 5% over in income and 10% under budget in expenses.

Langston moved to Agenda Item 3D – Review and Discuss Final Audit and Related Matters. (For Possible Action). **Oppenlander** stated that no action is required on these items. They were provided to Board members based on approvals made at the last meeting. Also, final copies have been received by the Legislative Council Bureau as required. Further, the Board packets received communications to those charged with governance. During a discussion the auditor during the last Board meeting, BESW had some management letter points from the last auditor and repeated again by the current auditor. Additionally, based on the extra time taken to mitigate an oversight from back in 2015, the current auditor had to add another point. Once again, this is that communications that you approved in her verbal / online presentation and the Board has already determined to consider these governance matters through its upcoming strategic plan.

Next up is to discuss assistance from a CPA for oversight of standards for financial reporting. **Lowery** said that based on some recommendations from the Administrative Collaborative, we received a recommendation for Carol Wood as provides this type of assistance to other small boards. There are options within Wood's proposal. **Lowery** stated that she and Ms. Wood met to determine what BESW needed, and her fee structure seems manageable. In the preferred scenario, BESW has an option that includes her taking over doing our payroll and she would oversee that as part of the overall reporting. This scenario keeps our bookkeeper who would continue to come on site. Ms. Wood does not come on site. Ms. Wood would be dealing with the GASB and other financial reporting matters regularly. **Langston** asked for **Lowery's** recommendation on which setup will help her to work more effectively and efficiently. She in turn asked **Oppenlander** which setup she thinks that the auditors would see as being in better compliance. She said that payroll firms provide standardized products so it may be easiest for this new vendor to take over payroll to streamline the overall process. **Lowery** said that the cost for the Board would be about \$800.00 per quarter. **Sanders** asked if this was going to be more or less expensive if we have this company doing everything, how much, what are the benefits? **Lowery** said she was told that the Board must have an accountant overseeing our financials so that we are following auditor recommendations. The fee is per quarter, which she thinks is reasonable and comparable to what the current payroll firm costs. In any event, the Board must have the financial oversight that will be provided. **Sanders** said if the cost for payroll is comparable, then we may as well have one service provider. **Lowery** confirmed that it is comparable, within about \$100.00. **Sanders** stated that if the Board must have the service this company provides, she recommends sticking with one vendor.

Motion was made by Jacqueline Sanders that the Board of Social Examiners for Social Workers will Move the Payroll and Financial Reporting to Numbers, Inc.; Seconded by Abigail Klimas. Motion was Approved Unanimously.

Langston moved to Agenda Item 3E - Review and Discuss BESW's July 2023 Strategic Plan as Updated with Presentation by Social Entrepreneurs. (For Possible Action). Margaret Del Giudice shared her screen to go over the strategic plan, starting with a high-level review of the narrative provided by SEI. Then she would go over changes made since January strategic planning meetings. The executive summary will be filled out at the end. The background introduction includes all the strategic planning since 2018, including the update that SEI did for 2022 and 2023, and then goes into the new 2023 to 2026 strategic plan. The purpose of the plan is both a management tool and a communications tool, especially now with succession planning and the transition with a new Executive Director. Most of what has been done since last January is to build out the methods and approach section because this includes a lot of the context and considerations informing the strategic plan discussed in January. There are five sections, including a past SWOT analysis from the prior update. The new analysis is included so they can be compared. This is exactly what was distributed at the January 23rd meeting. The new parts are the new critical issues.

SEI built out an interstate compact section based on the conversations from January which will probably change considering what's happened today and since January. It goes through the interstate compact core components, the process of how that came to be, and the main considerations that the Board discussed.

The next section is legislation. These are the bills and comments about what the Board is tracking, and those things it may impact. This will probably change a little bit as well. SEI is going to bring this back in May, so presumably we'll be able to go into the narrative prior to that. The executive orders that impact the board are discussed briefly although it includes detail on what each one is. What is considered staff structure is primarily about succession planning and stages for recruitment.

Next is the accounting and financial reporting piece. This cover issues with GASB compliance, and consideration for hiring accounting expertise for BESW.

She then went into the strategic plan and things that have been changed since the January board meetings are highlighted in yellow. **Oppenlander** met with **Kelly Marschall**, President of SEI a couple of weeks ago. They entered the critical issues on which you all agreed. Everything that is not highlighted was verbatim from the January 30th meeting. We had identified critical issues and goals, but not objectives. Each of the items highlighted in yellow are objectives identified by **Oppenlander** and **Marschall**. She suggested Board members take a quick look at them to see that these objectives make sense to all.

For Critical Issue One, the objective is that BESW needs to respond to changing conditions in the national and state landscape that impact occupational licensing. For Critical Issue Two, the objective identified is that BESW operations would benefit from being more streamlined, efficient, and user friendly. This explicitly calls out and prioritizes diversity, equity, and inclusion for critical issue two, communication, education, and partnership. For Critical Issue Three the objective identified was that BESW seeks to ensure that it has an administrative design, sufficient resources, and that it approaches its work in a way that helps achieve its mission. This was a

placeholder prior so there wasn't a date given; now the goal is by June 30, 2024. The last goal was financial strengthening. The objective identified was that the Board needs to strengthen accounting practices and ensure financial sustainability. Again, we had a placeholder date here. Now the goal is by June 30, 2025. The last part is the more the nuts and bolts, the components in turn, like the timeline and the staff. Slight changes were made for clarity. Timelines were filled in a bit, and in some cases, there are some extra highlighted action steps. For Critical Issue Two this first one is largely unchanged, except there was one thing added as an action step for the strategy -- the strategy being to identify and educate partners on the role and impact of social work practice. We just added the diversity emphasis in here. We hadn't settled on any timeline here, and wanted to make sure that everything was not timed for 2026, we wanted to portion everything out. She pointed out some more specific dates. Create a staff succession plan, March 31st, which is coming up. Implement staff succession plan, July 1st. Identify timing and processes to update the Board documents in the succession plan by October 31st.

Sanders mentioned that in reference to the timelines, her concern is that we are pending the exit of **Oppenlander** as the Executive Director. We do not have someone in place. Even if they were in place by the end of the month, which is highly unlikely, we still have concerns with them meeting the July 1st timelines or even in October. Are those dates changeable? Can, and should we, push those dates out further at this time? There is a lot of work that they would have to do to get into place. She asked if the dates are changeable. Can, and should, Board members, push those dates out further at this time?

Del Giudice replied that this is a draft, so everything is completely changeable. She will leave that open to the Board if they want to push these dates out or leave them blank. She stated that for the time being their plan is to come back at the May Board meeting to present the final plan to the Board. She asked if there is a time that seems more reasonable, in terms of implementing a staff succession plan e.g. one month, two months; what feels more reasonable? **Sanders** commented that, in her opinion, they have successfully compiled a succession plan. **Oppenlander** presented it at the last Board meeting, and the Board has been following it. As far as whether it is complete, we would have to check with her. Because we're still searching for an Executive Director for **Oppenlander's** replacement, she is looking at the dates and thinking that time flies, so she wanted to make sure that these were not held as being concrete. She asked **Oppenlander** if she thinks that these dates are still appropriate. **Oppenlander** replied that strategic planning is a fluid process. She looks at these documents as what the Board is striving towards constantly and reporting back to themselves about where they are in their strategic plan. She doesn't like the idea of a strategic plan being written, stuck on a shelf, and never looked at. The current situation would get Board members to look at the strategic plan, she thinks, because no one knows how this is going to play out precisely.

Langston stated that in terms of the dates they know these are fluid documents. At best, we may have an Executive Director, hopefully by April the 30th. She thinks it is unrealistic to think that the staff will have implemented a plan successfully by July 1st, so that the Board may have to push these dates out or recognize that the process may be fluid, but it is not going out forever. Maybe October 1st would be a better date. October is down for identifying and timing so that it would be more congruent. **Sanders** said that in May when this is brought back, they will have more clarity on where they are with the Executive Director search and might be able to update timelines.

Del Giudice said she we will make a note elsewhere as well as here that the timing specifically around this will be fluid. They will also keep this highlighted when they bring it back to the Board in May. The final goal is financial strengthening, like before. They have added some timing, although they are less specific here.

Langston then moved to **Item 3F - Review and Discuss Recruitment Process (For Possible Action)**. **Langston** noted that Board members had each received applications for the Executive Director position. The Board also received a rubric for scoring applicants during the interview process. First, the Board will want to pre-select potential candidates based on screening the applications. Each Board member would score individually choosing a due date and send those scores back to **Oppenlander**. Following, the Board will put out a public meeting notice based on its recommendation for the select applicants that they would like to interview.

Langston asked if Board members wanted to interview all candidates, or do they want to create a rating scale so that they each could rate and then decide which top candidates to interview based on the job description and the responsibilities.

Sanders commented that she does not want to interview everyone that has submitted a resume. She said Board members can look at a resume and tell whether they are in the ballpark for the position, and we can look at their volunteer history and their awards, etc. to see whether they have what is necessary to meet the basics of what we need to have a great Executive Director. **Klimas** stated that she reviewed as well and there were some that stood out more than others. She may not have the same criteria as **Sanders**, though she thinks that is a good lens to look through. She went on to say that even though there were some that stood out, she would be open to interviewing all applicants if that was everyone decided on. **Langston** commented that they lost **Holland Browne** (technical difficulties) so they can't hear from her. She went on to say that she likes to keep it simple. In summary, we can create a scoring mechanism so that all applications are evaluated equally or interview everyone. After a complete discussion that began with the idea of interviewing everyone, the Board ended up determining to narrow the pool of applicants based on using a universal scoring mechanism.

Ward stated that the interviews would be held in open meetings because this is an executive position. **Klimas** clarified that if candidates watch the interviews of other candidates, will they know the questions in advance that are going to be asked? **Ward** replied, unfortunately, yes. He continued and agreed that the Board could do a screening of all of the applicant's resumes now. It is up to the Board to decide how they want to do an initial evaluation of resumes. If the Board is going to weed out some applicants, then those applicants are simply not invited to the interview.

Holland Browne was able to reconnect to the meeting. She stated that she has interviewed many times, as a director of a department and she has no difficulty reviewing the applications and narrowing the field before interviews are conducted. If we should do that, then she thinks the Board needs to have an open meeting in which we interview the candidates. **Langston** agreed with her and let **Holland Browne** know that this part of the discussion had now moved forward to pre-screening the applications. She summarized that interviewing all candidates does not necessarily appeal to her if the Board can co-determine criteria for pre-screening the candidates. After an initial reading of the application materials, she said some of them, for me, were stronger than others.

It was suggested that **Oppenlander** provide a scoring mechanism based on the job description and the job responsibilities which everyone has seen. And based on the scoring, that the Board could set up an interview process. **Oppenlander** stated that going forward she would like to keep this process moving by coming up with some dates that are agreeable for interviews. She said that from her standpoint, she must get open meeting law documents signed and returned to her from potential interviewees before she can post anything on the website about the meeting date(s). Two dates were selected by the Board: first, March 28th and second, April 5th, 2023. As

the pool of candidates was not narrowed at this point, she asked that everyone pencil in 9 a.m. – 3 p.m. to have ample time to interview multiple candidates.

Then a brief discussion took place about filling the position with an Interim Director as a backup plan in case the interview process needs to be extended. **Oppenlander** mentioned that this has not been previously discussed except that it was briefly mentioned in February. **Langston** asked Board members how they want to proceed. **Sanders** said she thinks they should move forward with scheduling interviews first. Perhaps Board members can help to support whatever needs to be done but now the Board should focus on hiring a replacement for the Executive Director.

After the conversation(s), **Langston** summarized again, with intent for it to be clear in the minutes: Board members will move forward with the two dates for interviewing all or a short list of the applicants that we have received. After the interviews, they will select the top one or two candidates. Then the Board will follow up with references, background checks, etc. Once those are completed, the Board can make a job offer with the top person that they select. **Langston** asked for confirmation that this is the way the application process will be managed. **Klimas** asked for clarification on who the interview questions are being sent to, and what the timeline is for completing review prior to the interviews. **Langston** replied that they will be completed by Friday. **Oppenlander** had already sent us some and asked us to look at them and send back any changes to her. For the interviews, they will schedule them, and Board members will select questions for each of them to ask the candidates. She reiterated that everybody must be asked the same questions. If candidate one asks for an explanation, that explanation must go through all those other candidates.

Klimas asked if Board members each picked out their top three candidates, is there a way they can communicate that with each other, or not, with open meeting law? **Ward** answered that **Oppenlander** could help with that. He said Board members could send her the top three. Then she could do a tally for the Board. That would keep the Board members from discussing the candidates selected with each other or making their decision based on the others. Based on this further discussion, **Langston** stated that the process is moving towards including the top two or three scores of candidates that Board members will want to interview. She said that, using the list of job responsibilities provided by **Oppenlander**, Board members could assign points from one to five on those responsibilities for the applicants. Board members would send their scoring numbers to her. An average of the scores from the Board members would determine which candidates have the top (highest) scores. Those candidates would then be interviewed. **Klimas** verified that each category that **Oppenlander** created in the job description would receive a score, one being the lowest of five being the highest. She asked if Board members would send those numbers to **Oppenlander**, or just a total of those numbers. **Langston** confirmed that it would be the total numbers. **Langston** stated that her concern is that she wants Board members to look at the same criteria. She doesn't want each Board member to decide what an Executive Director should do. Since they each have a list of the job responsibilities, they can use that as a guideline for scoring and then hopefully, everyone will be looking at the applicants through the same lens.

Sanders spoke about the interview rubric. **Holland Browne** remarked that probably the most important question we can ask of every candidate at the end is, what else do we need to know about you? So often what is on the printed page does not tell you anything about what kind of working relationship you would have with this person. **Langston** commented that one of her favorite questions at the beginning is to ask a candidate to tell her about their self and the knowledge, values, and skills that he/ she will bring to this position. She said folks will tell you more than you ever want to know sometimes. **Sanders** agreed.

Langston confirmed that Board members have agreed on the process for evaluating these candidates prior to interviews and will get these evaluations to **Oppenlander**. She will then inform Board members, based on their ranking, of who the top tier candidates are. And then interviews will be scheduled with those candidates. **Holland Browne** commented that they may not all agree about that. **Langston** said they won't all agree. That is why they are going to do an average of the scores. That average will become the score that person receives. If while doing our interviews, Board members may decide that they want to interview other people; and that is an option that is open. **Klimas** said that there are 17 subcategories on the job description. She asked if Board members will be giving ratings on those 17 subcategories based off reading the resumes? **Langston** confirmed that for each of those 17 subcategories, Board members will assign each candidate a score between one and five. One is the lowest, five is the highest. **Oppenlander** will calculate average scores for each candidate and give Board members the average so they will know who rose to the top.

Sanders remarked that the resume doesn't indicate everything a prospective applicant would have to offer. She said the recommendation letters gave her more of an insight than what the resume did for her. **Langston** replied that they are looking at the candidate's total package, including the resume and what their recommendation letters say.

Sanders stated that her goal is to hire someone who will stay as long as **Oppenlander** did and not someone who will take us a couple of steps backwards. **Oppenlander** put in so much work to get us to this point, and we don't want the Board to stagnate. The goal is to continue to move forward and flourish. **Sanders** checked that those people that submitted their resume without a letter of recommendation, only provided references, they are not going to be called for interviews. **Langston** confirmed that such an application would be considered incomplete. The job description described professional references. *Note: If an applicant had supplied references vs reference letters, then they would not be giving the Board as complete of a picture and would likely have a lower overall score.*

Oppenlander said that when she receives the scoring that may narrow the pool of applicants, that is who will end up in the top tier and those are the ones who will go on the agenda for an interview. Their names will end up on a public agenda and she will send the potential interviewees open meeting law waivers. To proceed, she must get those back from the candidates before posting. **Sanders** suggested that, because it's just a matter of scoring what they have already read, the deadline for sending applicant names to **Oppenlander** would be the end of Thursday so that she can send her documents out on Friday morning. **Langston** agreed to her suggestion.

Langston moved to **Agenda Item 3Fii - Governor Lombardo's Gubernatorial Appointments**. **Oppenlander** advised Board members that there a sheet in their packets which tells them how to suggest to somebody that they apply to be our public member because we have a Board opening. An open position has been listed online in the Governor's office for about a year, and that has not provided results. She stated that Board members are going to have to recruit. It was suggested placing an ad with NASW Nevada by **Langston** because NASW Nevada members may know people and organizations in the community that they believe will be a good public member and they can help us recruit. Her mindset on the public member was to look for somebody in Reno. She doesn't know people in Reno anymore because over the years that she worked with them have all retired. A public member in the Reno area who could go into the office and sign checks, etc. without having to send stuff back and forth between north and south would be most suitable. She said if Board members know people who would be a good public member, please ask them to submit the application that is online. The application is in the Governor's portal. She asked **Oppenlander** if she could pull that application from the Governor's portal and

send it to each Board member, so we they will have it handy as they try to recruit. **Oppenlander** replied that she could. She said the easiest way to get there is to google search State of Nevada Boards and Commissions. The page she copied and sent to Board members in the Board Packet is the same page that they and an applicant will see. **Langston** asked if those people in the north, including staff, know somebody, to please recruit them so we can get that process moving. Related, **Oppenlander** replied that in April we'll have to agendaize an item for check signers. They must be approved by the Board because Board Minutes must be provided for the bank. In the meantime, we have board approved check signers with minutes from a year ago where she and **Holland Browne** are authorized to be signers.

Langston moved on to **Agenda Item 3G – Board Review of Hearing for Virgilio DeSio, License No. 6200-C. (For Possible Action)**. **Ward** stated that he has nothing to report on this and requested that it to be put on a future agenda.

Langston moved to **Agenda Item 3I – Review and Discuss Executive Orders from Governor Lombardo (For Possible Action)**. **Oppenlander** stated that in February she provided copies to Board members of Executive Order 2023-004 that requires a report be submitted on April 1st; and Executive Order 2023-003 that has a report due on May 1st. She was contacted last week and informed that there is a format coming for the April 1st report. It has not arrived yet. So, she did not bring Board members the April 1st report so they could see it before she submits it. We do have the format for the report from May 1st and she showed it to the Board during the last board meeting.

Within the May 1st report, we placed our requests for NAC changes and have had to ask for permission to make required changes for SB44 from the Governor's office. We have not received approval. For the April 1st report, we're having a problem because they involve some of the same things and without a format this has been very confusing for staff. To show you where we are at, **Lowery** has put together all the potential NAC changes that would be encompassed in any of the scenarios, as we understand them. What we are asking for today is the Board's approval to use the NAC changes that are in the report she is sharing now so that we can complete April 1st and the May 1st reports as needed.

Lowery stated that one of the challenges with the Governor's executive orders is that he is asking us to do things outside of what the Nevada State administrative manual says about doing NAC changes. When NAC changes are done, the first thing that happens is that the Board looks at the NACs and makes recommendations for changes, including the fact that the Governor wants us to eliminate 10 or more NACs. Since we need to add in changes from SB44, we would need to be making NAC changes anyway. The Board has a document that encompasses all those things. One of the things that we have recommended for removal, to eliminate 10 regulations that we don't need. First, 641B.075 which is evidence of a license. This is legacy language that required social workers to always carry their license. That is no longer required because we have online real time verification of a license for anyone 24/7. The second thing we are recommending removing is the Provisional "B" license. It is a highly underutilized license and is exceptionally confusing. The Board has only issued four of these in the last three years. Provisional "B" allows for an applicant to have a degree in a related field (psychology, sociology, human development, or family studies) and if they are then enrolled and attending classes in a social work program, they are eligible for a Provisional "B" license. We are proposing to remove that as a provisional license type because it is cumbersome, difficult, and underutilized. NAC 641B.028 is highlighted out because it is part of the language for the Provisional "B." SB44 gave us the authority to do an inactive status. Right below in blue is a definition of what inactive status is because that is part of a required NAC so that will be an addition. Scrolling on down, we are also defining what

a Licensed Master Social Worker is, again out of SB 44. We are refining the definition of telehealth so that it means delivery of services from a licensed provider to a client at a different location within the state of Nevada. This says that if a licensee is in Nevada, they are a Nevada licensed person, and they are treating somebody in Nevada. It is just tightening up a little bit of our telehealth language because of COVID. A licensee must be licensed in Nevada, treating somebody in the State to be able to do telehealth or virtual treatment of any kind. Continuing down, this is the language for inactive status. This language is based on a request through ASWB to all Executive Directors asking them for language around inactive status. We took that and put it together with the stipulations in the law. Next, we are removing anything around the Provisional "B" and adding the Licensed Master Social Worker because these are requirements that are based on SB44 and remove the ability for a master's level individual to take the bachelor's level license. If an applicant is master's level, they take the master's exam, if an applicant is bachelor's level, they take the bachelor's exam. This allows for a much smoother endorsement process. Again, removing anything around a Provisional "B" and changing license restoration from two years to one year. One of the things that the Governor requested was that we identify a way to save licensees money. Currently, if an individual lets their license expire for the next two years, they must restore their license, which means two years' worth of license fees, a \$200 fine and providing copies of all their CEUs. We are reducing it down to one year. If they go past one year, they simply must reapply, a cost savings for them. Moving that from two to one, they do not need to provide ASWB exam scores. They never have on a restoration. All the yellow or red text is removing all the Provisional "B" matters things and clarifying the language for a Provisional "A" license, which we will still offer. That is a 90-day temporary license. An applicant gets it, they must pass an exam within 90 days. If they don't pass, the provisional license expires. Graduation from a social work program is required. This way we're only doing provisional licenses for individuals who have already received a social work degree instead of granting a provisional license for somebody who is still in school for a social work degree. **Langston** noted that the transcript must be forwarded by the register's office. An applicant can't submit an online transcript. **Lowery** confirmed that it must be an official transcript from the university submitted directly to the Board. They are sent electronically, but it cannot come from the applicant, it must come from the school. Moving on, again removing provisional language. We don't have in the fees removing the revoked license because we don't use that. Then adding fees for reinstatement of an inactive license and adding Licensed Master Social Worker. There is a removal of revoked and reinstatements all the way through this.

Langston asked that when we were discussing fees based on the interstate comment compact, is it possible for the Board to add fees for some of what will be involved in the interstate compact? **Lowery** responded that no, the Board must have the authority in our NRS to create fees before we can do that. That is why she was asking the lobbyist to, when he's dealing with the interstate compact matters and they're writing the bill language, add language saying that we can create fees for it. If he doesn't add that in, we will not be able to charge fees, which now means even if it goes through in 2025, before we can operationalize it, there is no capacity for fees. We can't add fees for things that are not legislated.

Next, she covered licensing by endorsement. One of the things that happened with Governor Lombardo's closing of all remaining emergency directives is we have lost our ability to do expedited endorsements. We did this as a part of the COVID emergency directives. We would like to continue the policy. What we have been doing is if an applicant applies for endorsement from another state and in the application reports no legal history and no sanction history, once we receive a fingerprint packet, transcripts, and license verification, we will immediately license them, even though we don't have the background check report back yet. We were licensing initially and then waiting to receive the background check. In the two and a half years that we have been

doing that, we have had two applications for endorsement come back where their application said no, they didn't have a legal history and their background check said yes. This has been a low risk for us. The process worked very well, but Governor Lombardo has removed the ability to do that. Now we cannot issue an endorsement until we get the background check reports, which take eight to 12 weeks. That is a workforce issue. So, we have created language here to allow us to go back to doing that expedited process. We had some language under the LISW internship that should have been removed last time we did NAC changes, but we didn't see it and didn't do it. The substantially equivalent information is removed from the LISW internship. This was already removed from the LCSW. One of the things we're discovering is that interns are trying to do internships in two states simultaneously. That becomes a huge liability issue in terms of where you are treating people, how you are tracking your internship hours. We are including a stipulation that says an individual can do one internship in one state at a time, and that they cannot practice outside of the State of Nevada while in an internship. They were not able to do so during COVID. We didn't let interns go outside of our state because it was way too risky. **Langston** asked if that is a result of all the online master's programs. **Lowery** responded that it is not that. She has an intern right now and she can't stop her. She is doing her internship in the State of New York and in the State of Nevada. She didn't tell us that she was doing an internship in New York. She has been flying back and forth between Nevada and New York. **Lowery** wants to be able to stop this as there is no way to ensure that she's treating the right people in the right state when she's saying she's doing it. We have some issues with Utah in that same area.

Lowery moved on to explain supervision changes. The language that is crossed out is the SB44 language, which removes the requirement for any onsite supervision. Next, she discussed broadening the automatically approved CEU pool. This reduces workload for the staff, makes it easier for licensees, especially with people that are now licensed in multiple states. Following, she discussed impaired practice. She has been working with the nursing board disciplinary unit to look at their language so that we have a process for managing impaired practitioners, which is not necessarily the same as disciplinary action. Under professional incompetence, we have added impaired practice language.

Oppenlander asked **Lowery** to explain the color coding she used. She explained that there are two different reasons. It will help with distinguishing the two parts of the motion that will be needed. **Lowery** stated that the motion she would request is for the Board to accept the proposed changes, subtractions, and additions to NAC 641B so that they can be moved forward to comply with the gubernatorial directives and our required NAC change process. **Lowery** explained that while looking through the document, there is a pink highlight on any NAC where there was an addition or a subtraction. If it was a brand-new NAC that didn't exist before, you would see, like on the first page where it says inactive status, it is inserted. There is no number because the Board doesn't assign the numbers. Any regulation with changes has a pink highlight over the term NAC. That way it is clear which ones are completely left the way they were, and which ones are being amended in some way.

Oppenlander stated that another part of the conversation that ought to be on the table prior to voting is that we are being thrust through a process that typically takes months to do. We have 45 days to do it. The administrative manual, written in 2015, is lengthy. It is the manual we must follow to get through the NAC changes. There are many steps. It is highly unlikely that we can get there from here in the time left available. Having said that, we are going to make every effort to get as far as we can and document how far we got. She said that it is doubtful that we can complete all the steps in the administrative manual like we would do if we were going through, not a theoretical, but an actual NAC change process at this stage of the game. We have done our best. We have asked for permission to do certain things and haven't received it. Therefore,

we will document everything and submit the reports. We are asking for the Board's approval in a way that we can submit the reports on time, even though we will not be able to fulfill the requirements of the Governor's orders exactly as someone might do it if they had months to get it done in and had plenty of preparation time to run this through correctly.

Lowery remarked that the order of which things were to be done per the Governor's executive orders was not in the order in which things are done per the administrative manual for the NACs. We have completed the first part, which was we made proposed changes and they have been reviewed and approved by the Board. The next step will be to go out to public workshops, etc. We may be able somewhere in April to start that next step of the process. It is not likely that we're going to get it done within the timeframe because, unfortunately, the executive order didn't take the regulations into account properly.

Motion was made by Jacqueline Sanders to Accept the Proposed Changes, Subtractions, and Additions to NAC 641B as Requested by the Governor; Seconded by Holland Browne. Motion was Approved Unanimously.

Langston moved to **Agenda Item 3J, Executive Director's Report (Informational)**. **Oppenlander** shared future agenda items. In May 2023 there will be an agenda item for strategic plan approval. Another item coming up on a future agenda item would be NRS and NAC changes. NRS changes will come from the legislature session and NAC changes that are compatible with that will need to be handled, and any of the ones that we get will need to finish as per the Executive Orders. Another upcoming agenda item will be interviewing candidates for the Executive Director position. Furthermore, **Sanders** and **Ward** have been creating a Screening Policy matrix that will modify the current process. The next regular Board meeting (not interviews) is at 9:00 AM Wednesday, April 19th, 2023. She stated that there is no further information to report. We can move to public comment and there is no public comment written or online at this time. **Langston** thanked **Sanders** for her due diligence in working on the Screening Policy.

Klimas noted that the Board may have missed agenda items A and B, approving the minutes of the last meeting. **Langston** thanked her for bringing it up, as she is correct; and it was not done. She moved to **Agenda Item 3A – Review and Discuss January 30, 2023, and February 15, 2023, Board Minutes. (For Possible Action)**.

Motion was made by Abby Klimas to approve the January 30, 2023, and February 15, 2023, Board Minutes; seconded by Jacqueline Sanders. The Board Minutes for January 30, 2023, and the Board Minutes for February 15, 2023, were approved unanimously.

Agenda Item 4 – Public Comment. As there was no in-person, online, or written public comment, **Langston** moved on to **Agenda Item 5 – Adjournment.** **Langston** adjourned the meeting at 12:40 p.m.

Minutes Respectfully Submitted by Caroline Rhuys.