



STATE OF NEVADA

BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502

MINUTES OF BOARD WORKSHOP
JULY 31, 2019

MEETING CALLED TO ORDER and ROLL CALL:

The workshop of the Board of Examiners for Social Workers (BESW) was called to order by Vikki Erickson, Board President, at 9:13 a.m., July 31, 2019. The workshop was held at Kietzke Plaza Professional Offices, Conference Room G-160, 4600 Kietzke Lane, Reno, NV 89502. President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum.

The roll call was initiated by President Erickson with the following individuals present:

Members Present:

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

Staff, Advisors Present

Michael Detmer, Esq., Board Counsel (**Detmer**)
Mendy Elliott, Capital Partners (**Elliott**) -- *joined meeting at 9:30 a.m.*
Miranda Hoover, Capital Partners (**Hoover**)
Sandra Lowery, LCSW, LCADC, Deputy Director (**Lowery**)
Karen Oppenlander, LISW, Executive Director (**Oppenlander**)

Guests

Dr. Kathleen Bergquist, LCSW, University of Nevada, Las Vegas
Megan Jones, UNR Student, School of Social Work
Dr. Shadi Martin, University of Nevada, Reno
Rota Rosachi, LSW, Nevada Public Health Foundation

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

PUBLIC COMMENT: No Public Comment.

Erickson moved to Item **3 Board Retreat: 3A Brief Review of Regulations in Social Work** (continued from 7/30/19) and **3B Sections of 641B NACs to be Reviewed** (continued from 7/30/19). She turned the discussion over to **Oppenlander**. Following up on the prior day's workshop discussion, she recapped that the 641B NACs (Nevada Administrative Code) are divided in five sections: General Provisions, Licensing and Supervision, Continuing Education, Standards of Practice, and Practice Before the Board of Examiners for Social Workers. **Lowery** explained the color coding being utilized on the working document for today's workshop. Yellow

highlighting indicates that there is a proposed change in this area. Green highlighting means that the area is flagged for discussion however there are currently no proposed changes. Red indicates language to be removed and blue indicates potential replacement language suggested.

The group co-determined that it would work through the document together from the beginning of the document. First, **Oppenlander** asked if anyone had new areas to add that weren't covered in yesterday's workshop discussion. **Harris** let the group know about several areas that she is interested in focusing on and would re-introduce these items as they came up. **Detmer** thought that the regulations are geared specifically to licensees but was considering other ways to enhance our NACs in certain situations. Dr. Kathleen Bergquist thought that the Board might consider ways to address issues of moral character during the licensing process. Following along this concept, **Maplethorpe** discussed that during hearings the Board has added sanctions because of licensee violations e.g. stipulating additional education. **Detmer** added that the way the Board's licensing statutes are drafted means that it should be able to take those facts into consideration e.g. criminal history, bad moral character.

As the group was ready to start from the top, **Oppenlander** introduced **Elliott** who had joined the workshop. Next, **Lowery** brought forward the first item NAC 641B.025 "Complainant" "Complainant" means any person who complains to the Board of any act of another person. defined. "Complainant" means any person who complains to the Board of any act of *(remove)* **another person** *(add)* **any person practicing as a social worker**. A discussion ensued about this amendment as it pertains to those that call themselves a social worker without being licensed. As Nevada has title protection, it inherently means that a social worker has a license. Various group members cited instances where people get degrees and do not necessarily go on to get licensed; but, they consider themselves social workers because their degrees are in social work. If the Board receives a complaint that someone that is not licensed and is calling themselves a social worker, **Erickson** asked if this was something that we can change i.e. prosecute the person? **Detmer** stated that the regulation currently exists; but without the amendment that we discussed to make this work, the Board may want to consider this as an option. **Harris** asked for additional clarification. **Detmer** discussed amending the regulations to allow for the disciplinary prosecution of individuals who are not licensed, that are holding themselves out as licensees. As it exists now, the regulations don't allow for it. The statute allows for criminal prosecution but that that would be handled by a law enforcement agency but not by the Board. So, if we make a revision that would include the prosecution of unlicensed individuals, then we would have to go back to the prior language: **another person**.

Oppenlander explained how the Board is currently proceeding with complaints. By simply looking at NAC 641B.025, we receive complaints and verify if the complaint is against a licensed social worker. If a complaint against a licensee is verified and it's appropriate for an investigative process we will work to determine if the social worker needs disciplinary action taken against them. Today, we brought this item forward as a wordsmithing or housekeeping issue to change the language from **another person** to **any person practicing as a social worker** as we really only have jurisdiction over social workers (meaning licensed social workers); but, we don't have jurisdiction over other unlicensed people that call themselves social workers. Right now, if someone files a complaint against somebody that isn't licensed, we send them back a letter that says thank you for being an interested person, we appreciate the information provided; however, the person you complained about is not a licensee and is not

under our jurisdiction. So right now, we don't and we can't do anything with these types of complaints.

Harris: Understanding where we are at the present time, she wants to address the non-licensed individuals that refer to themselves as social workers -- either in the future or right now. **Detmer** replied and said that if the Board wants to consider new regulations, that's a conversation we can have when we get to that section. At this point, he was trying to figure out if the Board can do that, and if it can, the best way to do it given the way the statute is written. He went on to say that we can decide to keep this NAC the way it is right now, and by the time we get to the later section that we're referring to (which is at the very end of the regulations), hopefully he'll have an answer. **Lowery** suggested that we flag this NAC and then come back to it.

Dr. Shadi Martin: If you're not sanctioning, then there are people who are practicing without being licensed. If that's the case, then to say that "social worker" is equal to saying "licensed social worker" (title protection) -- is essentially not accurate. There are people out there saying that they are social workers that don't have a license because they are not being sanctioned. So, we do need to look at that. I also want to say as someone who has been in the profession (as the Dean of the School of Social Work), the only time I hear that you can only call yourself a social worker is if you are licensed is when I'm in this company. That's a problem because if people outside of these walls don't see it that way, then we're talking amongst yourselves in a language that does not resonate with anybody. **Detmer** clarified that if someone misrepresents themselves as a social worker when they're not, it's a crime. He had referred to giving BESW its own authority for holding an administrative hearing as that isn't allowed right now. It is a crime but it isn't necessarily an administrative action.

Next, the group moved forward to look at NAC 641B.041 "Licensed associate in social work" defined. (NRS 641B.160) "Licensed associate in social work" means a person licensed by the Board pursuant to **NRS 641B.210** to engage in the practice of social work **under the supervision of an agency as an associate in social work**; and **NAC 641B.044 "Licensed social worker" defined. (NRS 641B.160)** "Licensed social worker" means a person licensed by the Board pursuant to **NRS 641B.220** to engage in the practice of social work as a social worker **under the supervision of an agency**.

As both NACs are similar, it was decided to work through NAC 641B.044 as it would then easily apply to NAC 641B.41. NAC 641B.41 applies to LASWs that were the initial cohort that started with BESW. The LASW license was no longer available in 1995 and now there are only about 75 LASWs remaining. Looking at 641B.44, the Board made a change in the former language and added **under the supervision of an agency**. The addition of this language, while well-intended had unintended consequences creating a ripple effect.

Lowery displayed the original language prior to the change. **Erickson** stated that the original language is consistent with the ASWB Model Social Work Practice Act (Model). The Model identifies the practice of baccalaureate social work but it doesn't specify agency or contract. Rota Rosachi agreed. Along these lines, **Oppenlander** referred the group to handouts created after the prior day's discussion about the Social Work Model Practices Act (Model). She had downloaded and circulated 2 documents to retreat attendees from ASWB related to the Model that comprised an Analysis of the Practice of Social Work, 2017 (Analysis). The Analysis details the description of each of the ASWB levels of examinations for licensure. It pertains to the

current discussion as the Analysis clearly describes the bachelor's in social work exam that allows somebody to be a licensed social worker (LSW). So, it turns out that what we had before we added the language "under the supervision of an agency" was consistent with the ASWB exam description. So why did we add the "under the supervision of an agency" language?

About the NAC changes in 2017, **Detmer** asked, "Was the intention that the agency would be a government entity?" Then, **Erickson** asked, "Is this a housekeeping issue or is this something that we need to change from last legislative session?"; because to be consistent, perhaps we should go back to the Model and consider that language. **Elliott** wondered why can't this end right after "to engage in the practice of social work as a social worker". From a layman's point of view, why do you need the rest? If they're a licensed person, the Board has jurisdiction over them no matter where they are.

Lowery provided some background about when the Board (around 2016) became aware that the rural clinics for the State of Nevada were seeking to use a lot of interns (LSWs); and that they were seeking to have the LSWs be contracted versus having them be employees for lots of fiscal reasons. But the stipulation was that each of those individuals had to have their own business license. To the Board, this seemed to be referring to independent practice that was defined by law to be something that LISWs and LCSWs could do. LASWs were considered agency based licenses only. The LSW was not perceived by the Board (at the time) to be a license that was able to engage in independent practice.

The Board took a 20 minute break and **Erickson** reconvened the meeting at 10:22 a.m. Continuing, the group had an extended discussion to be certain that any NAC changes made would be in concert with statute. **Harris** shared a concern about removing the current language. She went on to say that someone might start a behavioral health program within their business without the social work know-how to run that program. **Lowery** said that this situation been identified in a related issue through clinical social worker internships. It comes up when a business/ agency seeks to become a site for CSW internships and we learn that they don't have an LCSW on site; then they realize that they can't supervise anyone. **Detmer** referred the group to the statutes where the different categories of social workers are defined. Rota Rosachi gave an illustrative example of a business model that an LSW could establish expertly within the criteria of the existing 641B statutes, regulations. **Oppenlander** agreed and said that this was a good example of why the former NACs worked well for BESW in these types of situations. And that by adding the language that we did in 2017, we created unintended consequences. The ASWB Model takes us back to the basics that worked for us before in Nevada as well as around the country. The conversation was robust and thoroughly looked at both sides of the coin especially pertaining to parameters for social workers in the community to function as business owners. The discussion also touched on the disciplinary/ complaint process. Rota Rosachi said, "If I step outside of my boundaries, somebody can complain". She went on to say that the Board could then take action for practicing outside of the scope of the LSW license. Dr. Shadi Martin said, "I don't like hearing this notion of we are going to limit the social worker's ability to work within the guidelines that are allowed out of the fear that they may behave unethically." She went on to speak about the need for social workers and stated that if they're unethical, then they're held accountable.

In due course, the group formed a consensus to roll the language back in NAC 641B.041 and NAC 641B.044 to what was in place before the changes were made in 2017.

Moving forward through NAC changes, the group skipped through the housekeeping changes and moved to **NAC 641B.080 Display of license. (NRS 641B.160)** A licensee shall display prominently:

1. At **the primary all** places of employment or practice of the licensee, the license issued to him or her by the Board.
2. **At all other places of employment or practice of the licensee, a copy of the license issued to him or her by the Board that has been certified as a true copy by a notary public.**

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A by R113-98, 1-13-99; R112-00, 1-17-2001)

After a short group discussion about the posting of their licenses in multiple sites, the group agreed with using the word "all" and moved to the next NAC change.

In NAC 641B.090 there was a housekeeping change that the staff would discuss with LCB. The following significant change that defines when applications closed, was discussed in **NAC 641B.090**, numbers 9 and 10:

9. An application for initial licensure shall remain open for a period of 9 months after the initial exam approval is granted. The Board will not refund any monies related to an application.

10. An application for endorsement shall remain open for a period of 6 months from the date the application is received by the Board. The Board will not refund any monies related to an application.

Lowery stated that we have two layers of applications: endorsement applications; and, initial applications. Endorsements will close six months after receipt of the application. Initial applications will close six months after the exam approval date. This language reflects what the Board is currently doing. **Harris** asked to further examine the NAC language from multiple perspectives. **Lowery** then worked with questions and statements from **Harris** and **Maplethorpe** in order to tease out different scenarios for group understanding, attendant costs, etc. The scenarios explored helped the group to learn about most efficient and economical ways to get licensed based on each individual's timing issues (e.g. graduation, receipt of transcripts, ability to get a seat for the examination, etc.). **Lowery** also discussed how the Board notifies applicants about the time periods involved for completing the application and exam processes. She also told the group about the licensure exam process course that she teaches. Additionally, the group began to talk about repeat examination timing for those that fail the ASWB exam twice or more. This item would come up in a succeeding NAC, so the group put this item aside until then so that the intersection of the NACs would be fully understood by the Board.

The next NAC change was in the area of certification and decertification of civil commitments and was a housekeeping/ grammar change.

The following NAC change was about communicating that the Board wants certified copies and not original birth certificates, passports, etc. As a result of the discussion, the group determined that it wanted to red line "his or her" as well as "baptismal certificate".

The next NAC change was being proposed to that the Board would be able to concur with the ASWB determination that they will no longer approve the bachelor's test for a master's applicant. And in (b), changing our NAC to reflect the correct name of the ASWB examination: Advanced Generalist Examination: **NAC 641B.105 Examinations.** (NRS 641B.160, 641B.250)

1. Except as otherwise provided in NAC 641B.090 and 641B.126, an applicant for licensure as a licensed social worker, licensed independent social worker or licensed clinical social worker must pass the appropriate examination as described in subsection 2, given by the Association of Social Work Boards or other testing administrator that has been approved by the board.

2. An applicant for licensure as: 12 (a) A licensed social worker must pass the Bachelors Examination of the Association of Social Work Boards if the applicant holds a baccalaureate degree in social work as described in NRS 641B.220. If the applicant holds a master's degree in social work as described in NRS 641B.220, the applicant must pass **the Bachelors Examination or** Masters Examination of the Association of Social Work Boards. (b) A licensed independent social worker must pass the Advanced Generalist Examination of the Association of Social Work Boards.

Next, **Lowery** moved the group to **NAC 641B.105 Examinations 6:** A failed examination: (a) For initial licensure as a licensed social worker may be retaken **once every** 90 days after the failed examination **until the application closes.** (b) By a licensee in an internship pursuant to NAC 641B.140 or 641B.150 may be retaken every 90 days after the failed examination **and thereafter, one examination may be taken every 6 months.** At this point, the group resumed an earlier discussion about retesting after failed examinations and how this relates to the length of time an application remains open. The group discussed a variety of options to remove barriers to being able to take the examinations. The group asked Board Counsel to help them by wordsmithing their recommendation while the group moved on to the next set of substantial NAC changes within NAC 641B.110 and NAC 641B.111.

NAC 641B.110 Expiration and renewal of license and provisional license. (NRS 641B.160, 641B.280, 641B.290)

5. A person whose license has expired may, within **3 2** years after the date on which the license expired, regain the right to practice social work at the same level of licensure by applying for restoration pursuant to NAC 641B.111. A person whose license has expired and who, more than **3 2** years after the date on which it expired, wishes to regain the right to practice social work at the same level of licensure must apply for a license pursuant to NAC 641B.090 to 641B.105, inclusive.

NAC 641B.111 Restoration of expired license: Required submissions; notification of owed debt; extension for completion of continuing education; hearing for restoration under certain circumstances. (NRS 641B.160, 641B.280, 641B.290)

1. An application for restoration of an expired license must be completed on a form supplied by the Board and submitted to the Board within **3 2** years after the date on which the license expired.

The suggestion was to take restoration of licenses from three years back to two years as it is less of a hardship. For example, if they let their license expire, they can't start over if it is within three years. They are required by our law to go through a restoration process that includes doing all of the CEUs that would have been due during that period which could be 56 for and LISW/ LCSW and 45 for an LSW. As the group agreed with this suggestion, **Lowery** moved forward to the next NAC changes in Provisional Licenses A and B.

NAC 641B.112 Provisional license: Eligibility; validity; disciplinary action; reinstatement or restoration; supervision of holder. (NRS 641B.160, 641B.275)

1. For purposes of paragraph (b) of subsection 1 of [NRS 641B.275](#):

(a) An applicant must cause the college or university to forward directly to the Board the evidence of enrollment.

(b) The evidence of enrollment must include evidence, that is satisfactory to the Board, of formal admission to the program of study and of satisfactory **completion of 30 units toward their master's degree progress toward the degree, indicating and indication from the college or university** that the applicant will be able to obtain the **master's** degree in social work within 3 years.

2. A provisional license issued pursuant to paragraph (b) of subsection 1 of [NRS 641B.275](#) is no longer valid:

(a) If, upon request of the Board, the licensee fails to cause the college or university to forward directly to the Board evidence of enrollment that complies with subsection 1.

(b) If the licensee fails to renew his or her provisional license by:

(1) Submitting to the Board the application for renewal on a form supplied by the Board and the appropriate fee; and

(2) Causing the college or university to forward directly to the Board evidence of enrollment that complies with subsection 1.

(c) Three years after:

(1) The initial issuance of the license; or

(2) The licensee graduates from a program of study leading to a degree in social work, whichever occurs first.

3. A person is not eligible for the issuance of a provisional license pursuant to paragraph (a) of subsection 1 of [NRS 641B.275](#) if he or she has failed the prescribed examination within 5 years immediately preceding the date on which he or she submits his or her application.

4. A provisional license issued pursuant to paragraph (a) of subsection 1 of [NRS 641B.275](#) is no longer valid if:

(a) The licensee fails the prescribed examination **within 75 days of exam approval**; or

(b) The provisional licensing period of **9 months 90 days** expires, whichever occurs first.

5. The holder of a provisional license may be subject to disciplinary action pursuant to [NRS 641B.400](#), including, without limitation, the revocation of his or her license.

6. A provisional license that has been invalidated or revoked may not be reinstated or restored. A person who has obtained a provisional license is not eligible for a second provisional license.

7. The holder of a provisional license to engage in social work, **to engage in social work as a licensed independent social worker or to engage in social work as a licensed clinical social worker** shall practice under the supervision of a licensed social worker who is:

(a) Licensed pursuant to [chapter 641B](#) of NRS; and

(b) Authorized pursuant to the provisions of [chapter 641B](#) of NRS to practice in the setting in which the holder of the provisional license intends to practice.

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 10-25-93; A by R113-98, 1-13-99; R112-00, 1-17-2001; R079-02, 1-9-2003; R122-06, 7-14-2006) 15

The recommendation was to require a completed a year of school before they can apply for Provisional B. And in the Provisional A, we would like to expand it so that they've got 75 days to get exam approval.

As lunch was delivered at 12:02 p.m., **Erickson** asked for a brief recess so that the group could pick up their lunches in the kitchen and come back for a working lunch. At 12:30 p.m., **Hoover**

took the group through a stretch exercise to help everyone to get back to the task at hand. After the exercise, **Erickson** called the meeting back to order at 12:47 p.m.

Lowery helped everyone to reconnect to where we left off. Everyone was oriented back to the Provisional Licensing NAC changes. In Provisional A, they have to have their degree; it is a 90 day temporary license; then they have 75 days to pass the examination. In Provisional B, they are in school, we are recommending that they have completed one year or 30 credits; this is good for up to three years; if they pass the exam, they are rolled over to be a regular LSW. If they fail the exam, it expires at 90 days so they are longer licensed. This one is good for up to three years and will expire the day they have their degree or at three years, whichever comes first. They are expected to take their exam in that last semester because it expires when they get their degree. The group agreed with these changes.

Next, the group began a discussion about fees: **NAC 641B.115 Fees. (NRS 641B.160, 641B.300)**. **Harris** wanted clarification about the action that would be taken by this group today. **Detmer** reminded the group that today is not an adoption hearing. Today's recommendation will be preliminary, rough draft. **Oppenlander** reminded everyone that there are several steps after today which we went into in depth yesterday when Board Counsel **Detmer** taught us about the whole administrative rule making process as outlined on the flow chart. We know that we're embarking on a months-long process with the public and with a number of bodies of government that have purview over whatever we decide to do today i.e. there's still a lot of negotiating. The negotiated NAC changes will come back to the Board and then go back out to the public and then will be going through other steps before they become codified. However, we have to have a starting place to begin to talk to the public. And so today is about making a recommendation based on all the feedback that we have collected since January 2019.

Harris chose a starting point for the discussion of 25% per category or \$25 per category. **Lowery** set up a form on the screen for the group to compare the fee amounts. **Nielsen** explained that it's more about perception than anything. Fairness is really important and fairness is 25%. \$25 is a bigger proportion to the lower license category. Dr. Kathleen Bergquist asked if there is an intent to have incremental increases over time towards the cap (fee ceilings)? She also wondered if this is the case, could there be a period for people that are newly licensed to have lower fees? **Oppenlander** responded: The last time we got a fee ceiling increase was 1995. We asked for pretty large cap raise this time so that we could incrementally move to the cap without having to testify during session again and ask legislators for their time and energy. We never intended to go to the amount listed in the cap, although many people gave us feedback as though we were intending to go to the cap amount. The feedback that **Harris** summarized for you yesterday was feedback based on fears that we were moving to the fee ceilings right away.

In reality, we were trying to figure out how to make a modest fee increase and meet legislative mandates. At \$25 or 25%, we can't meet some of the mandates until 2023. These numbers, both 25% increases per category or \$25 per category, were used in discussions during the session. In terms of feedback about fee increases, the suggestion for 25% came from a group of students. Also, we had considerable feedback pertaining to each category. Another angle would be to go for \$50 or 50% increases right now and meet the unfunded mandates sooner.

However, with a more modest increase, I feel that I can explain to legislators why we're not doing the unfunded mandates immediately and yet be faithful to the public that we serve and not

overburden them. For example, can we defend that we will need to wait until 2023 to reduce our backlog of disciplinary cases?

Rota Rosachi spoke from the licensee's perspective: We don't understand why an increase is needed. So it's the education piece that needs to happen because that's why we are fighting against any kind of an increase. We need to understand the costs; have to have a better understanding of why you're asking for the increase.

Oppenlander explained that first we had to have that discussion (fight) at the Board level and we have had the fight at the Board level level. We've had to understand how much it costs to get the online application software, how much it costs to maintain it, how much is a month of reserves. Three months ago the Board had a half a month of reserves ... period. If anything happened at all, our doors would close. And we are required to have reserves. Depending on who is in charge in the legislative or executive branches, we have been told that we need to have somewhere in between five to twelve months reserves.

Rota Rosachi said that the public may or may not understand that the fees are what actually funds the operations of the Board; that there is not money coming to the Board from the general fund. They don't understand that the Board doesn't get access to State of Nevada general funds to help supplement the budget. The difference between the Boards and other state agencies is oftentimes state agencies go in to the legislature and say: if you are asking us to handle unfunded mandates, we need to ask for money from the State of Nevada to implement the mandates. You have to somehow demonstrate your costs so that they can see that it's our obligation as part of our licenses to help you so that you can help to protect the public. That you are not going to automatically increase fees in year one by 25%, and then 25% more, and then another 25% unless there are more mandates that make this necessary.

Elliott stated that part of the responsibility of the Board that has various members that are appointed by the Governor, representing various organizations, is so that communications between the Board and whoever you're representing takes place. And Karen and the staff have a responsibility to provide the tools to help with communications. As a voice for the Board, the communication has to go back your membership base.

Rota Rosachi appreciated **Elliott's** statement and inserted that there is no BSW representation on the Board and we need to balance all of this. I'm sitting here trying to help to get the message out to the public because I am the public; I am a licensee.

Hoover: We already know that the communication that has happened in the past hasn't been always as successful and we're here to fix that going forward. This will be a multi-step process.

Maplethorpe: We have to access the people that are out in the community that have the leverage so that we can get them the education that they need. **Harris:** First, we have to agree to a number so that we can communicate this to the public. Rota Rosachi: It's good that you're going to make a choice between \$25 and 25% and what budget numbers will drive that decision.

Dr. Shadi Martin wanted to know the answer to a question that had been asked. How soon did we think that there would be another increase? We are trying to understand where our constituents are going to be. I worry a lot about these students who are just graduating and

struggling financially. This is what went out to the public and that was frightening to people because they saw the cap; there was not enough narrative to explain the cap. No one told them that we will only increase this much and not again for five years. It wasn't explained. \$25 would have been digested very differently than this was. So I think this has to be dealt with first of all. Secondly, as dean of school of social work, I have huge budgetary constraints. If I was to just keep adding tuition to my students, they'll stop coming. Just to think that they are having to meet the need to make the mandates of this Board and that you have to keep passing it on to them -- That's where my issue is. We need to think more creatively. Again, going back to the agencies, finding other ways, and assuring the students (the people who will have to pay this), that we are really looking for alternative ways because this is concerning to me. Many of them are graduating, don't have money, and have huge debt. If we want to increase the number of licenses, this is actually hurting us because more of them may say, I can't afford it and I'm just not going to get licensed.

Oppenlander said that based on the budget models that have been presented to the Board, **Lowery** has projected out 4 years using both \$25 and 25% categorical fee increases. She continued, stating that the Board has learned that within 4 years it will meet all current unfunded mandates. Therefore, we have made a 4 year assumption that we will be on target without any additional fee increases besides this one. Also, the Board could conceivably be able to decrease fees in 4 years. So, depending on the situation four years from now, we will be on target with this one modest increase; and I am willing to explain this to legislators. It might not be what they want to hear as I understand that the Sunset Committee prefers that we have would have handled everything by now. Dr. Katherine Bergquist was curious about the possibility of making an offer to new graduates that would protect them from a fee increase for three years.

Oppenlander shared a point of view that came about through the legislative process. What we learned is that there were a number of suggestions related to each fee category. Each fee category had an advocate with a compelling story about why the Board could offer a fair deal to a particular group; why this idea was fair vs this one or that one. So there were advocates for each category for a different reason, with a different story. And then, along came a surprising presentation that was made to us about the Board choosing a 25% increase. And frankly, none of us dreamt that one up. They were selling us on why 25% was the "right number" and how it brought parity. Suddenly there was a solution that was easy to go out and talk about. It was fascinating to me that the group that introduced this idea were soon-to-be graduating baccalaureate students from UNR.

Elliott discussed the initial issuance of a license. If you left that at \$100 just to take the burden off when they're potentially not employed, then the annual renewal the license would have to increase to \$150. I don't know the run rate, but then the argument will be that the people that are renewing their license are we having to provide support to the initial people. **Oppenlander:** And, if you look at how much time it takes to take an applicant through the process, it actually takes the most staffing time.

Erickson asked if this is the direction that we think we're going to go – with either the \$25 or the 25% increase. At this point in the conversation, **Nielsen** reiterated that \$25 increments will put a heavier burden on new applicants at \$65 vs. a 25% increase to \$50.

Dr. Kathleen Bergquist wanted to introduce a concept about creating a culture or a commitment to supporting and mentoring new social work professionals in different ways. It could be reflected in fees or in other ways. This could really say a lot about professional identity. Dr. Shadi Martin agreed saying that she like this idea and things that maybe we should give them an incentive. **Maplethorpe** spoke about how her fees were handled and how she learned to negotiate on the front end. There was general agreement with a variety of creative ideas generated to incentivize new graduates to get a license within a shorter timeframe.

Maplethorpe used the idea that if you're carrying malpractice insurance as a student, you pay very little and then when you become licensed they initially continue to give you a break. The conversation then switched to a concern for the Board's problem of insolvency; if we don't charge enough for the first license then those fees are going to have to go to somebody else. The group put the idea to incentivize students on a parking lot for future discussion.

Erickson clarified that the group agreed to a 25% increase in all fee categories. There was agreement.

Moving forward, **Lowery** reminded the group of yesterday's discussion about NAC 641B.120 - a recommendation to only accept credit cards, debit cards, checks and money orders (not cash). Also, that the Board will not refund any money related to an application that has closed.

NAC 641B.120 Payment and handling of fees and remittances; lapse of applications.

(NRS 641B.160) 16 1. Fees and remittances to the Board must be made by a **credit or debit card**, money order, bank draft or check payable to the Board. **The Board does not accept currency or coin as payment. Remittances in currency or coin are made wholly at the risk of the remitter, and the Board assumes no responsibility for a loss thereof.**

2. Payment in full of all required fees must accompany each application for licensure or renewal.

3. The Board will establish bank accounts necessary for handling of fees and remittances. The accounts will require for the transaction of business the signature of:

(a) Two members of the Board; or

(b) Any member of the Board and the Executive Director of the Board.

4. **An application for licensure on which no action has been taken by the applicant for 6 months after its receipt by the Board will be considered by the Board to have lapsed. The Board will not refund any fee related to an application which has lapsed. The Board will not refund any monies related to an application that has closed.**

(Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A 5-15-92; R113-98, 1-13-99)

With the group's agreement, Lowery then moved to changes in NAC 641B.126.

NAC 641B.126 Licensure by endorsement. (NRS 641B.160, 641B.270)

1. An applicant for licensure as a social worker, independent social worker or clinical social worker who holds, in the District of Columbia or any state or territory of the United States, a **corresponding and valid** license that is in good standing to engage in the practice of social work as described in this chapter and **chapter 641B** of NRS and who satisfies the requirements of **NRS 641B.200** and **NRS 641B.220, 641B.230** or **641B.240**, as applicable, may be licensed by endorsement by the Board to engage in the practice of social work as a social worker, independent social worker or clinical social worker in this State by the Board.

2. An applicant for licensure by endorsement pursuant to this section must submit to the Board:

(a) **A written** application **on in** a form prescribed the Board;

(b) The applicable fee;

(c) Except as otherwise provided in subsection 3, proof that the license issued by the District of Columbia or the other state or territory or any other license or credential issued to the applicant by the District of Columbia or another state:

(1) Is currently valid and in good standing; and

(2) Has never been suspended, revoked or otherwise restricted for any reason; and

(d) Proof that the applicant is of good moral character as it relates to the practice of social work.

While most of the changes are housekeeping, the one substantial change is to remove the requirement that an application prove good moral character. As the discussion continued, **Detmer** asked the group to determine if it is appropriate to remove “good moral character”. If it’s decided to remove this statement, it should be done for the right reasons. There was a discussion with a strong recommendation to incorporate all key areas of the NASW Code of Ethics and/ or the ethics guidelines as well as the ASWB Model Practice Act into the NACs. It was agreed to parking lot this project for a future NAC change.

The suggestion to change NAC 641B.126 has been made to remove clause (d) is that we do not require an LSW to provide proof of good moral character for an initial license. However, this says that we are requiring this for an endorsement. **Erickson** asked the Board for agreement on this change. Hearing agreement, **Lowery** moved to the next NAC change, NAC 641B.140.

NAC 641B.140 Licensed independent social worker: Internship required for licensure; requirement may include additional settings under certain circumstances; approval of postgraduate hours completed in agency; approval of postgraduate hours in different state. (NRS 641B.160, 641B.230)

2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.

The Board members and the group agreed with this recommendation. Lowery moved to the next NAC change suggestions in NAC 641B.150.

NAC 641B.150 Licensed clinical social worker: Internship required for licensure; requirement may include additional settings under certain circumstances; approval of postgraduate hours completed in agency; approval of postgraduate hours in different state. (NRS 641B.160, 641B.240)

2. The Board may require a program to include additional settings pursuant to subparagraph (2) of paragraph (a) of subsection 1 if the program is unable to sustain, after 2 full, consecutive calendar quarters, the minimum number of hours necessary to complete the program as required by paragraph (b) of subsection 1. The Board will authorize a program to be conducted at not more than three agencies simultaneously.

3. At least 2,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be in the area of psychotherapeutic methods and techniques to persons, families and groups to help in the diagnosis and treatment of mental and emotional conditions. Unless otherwise approved by the Board, an average of 32 hours per week, not to exceed 416 hours in each quarter, of postgraduate hours in the use of psychotherapeutic methods and

techniques will be accepted toward satisfying this requirement. The remaining hours required by subsection 1 may be completed in other areas of clinical social work.

4. At least 1,000 hours of the supervised, postgraduate clinical social work required by subsection 1 may be supervised by a **Board approved** licensed clinical social worker. The remaining hours required in subsection 1 may be supervised by a licensed clinical social worker, a licensed clinical psychologist or a psychiatrist who is licensed to practice medicine and certified by a board that is recognized by the American Board of Medical Specialties or the American Osteopathic Association, or a successor organization, or that is approved by the Board.

5. An applicant who is not licensed as a clinical social worker but has performed supervised, postgraduate clinical social work in the District of Columbia or another state or territory of the United States within the immediately preceding 3 years may submit to the Board, for its consideration as part of a program approved by the Board, evidence of the satisfactory completion of that work **and documentation that his or her supervisor was a clinical social worker, a licensed clinical psychologist or a psychiatrist who is licensed to practice medicine and certified by a board that is recognized by the American Board of Medical Specialties or the American Osteopathic Association and was qualified to supervise in the District of Columbia or the other state or territory. After the applicant has completed not less than 1,000 hours of supervised, postgraduate clinical social work and has passed an examination required, if applicable, pursuant to subparagraph (1) of paragraph (a) of subsection 1 pursuant to a program approved by the Board, the Board will approve that work and accept it towards the hours of supervision that are required for licensure pursuant to subsection 1** if:

(a) A licensing board that accepted the supervised, postgraduate clinical social work submits verification of the hours of work directly to the Board in a manner that is approved by the Board; and

(b) The Board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board for those applicants who complete their supervised, postgraduate clinical social work in this State.

6. The following activities do not qualify as supervised, postgraduate clinical social work:

(a) Instruction in techniques or procedures through classes, workshops or seminars.

(b) Orientational programs.

(c) Role-playing as a substitute for actual social work. 20 (d) Psychotherapy of the intern himself or herself.

(e) Practice which is not under the supervision of an agency **approved by the Board**.

With agreement to the suggested changes in language, the group move forward to NAC 641B.155.

NAC 641B.155 Supervisors of interns: Generally. (NRS 641B.160)

3. A supervisor shall not:

(a) Reside with the intern, have an intimate personal relationship with the intern or be related to the intern by blood or marriage;

(b) Have had the intern as a client;

(c) Have had the intern as a supervisor; or

(d) Supervise more than **three four** interns at one time without prior approval from the Board.

4. The Board will maintain a list of persons who have been approved by the Board to supervise interns and will **provide, upon request, a copy of the list make this list available** to any person who is applying to become an intern.

The group agreed with the suggestions and moved on to the following NAC changes in NAC 641B.160.

NAC 641B.160 Supervisors of interns: Duties; additional internship hours if required; withdrawal of approval to supervise; disallowance of credit; reapplication for approval. (NRS 641B.160)

3. A supervisor of an intern shall:

(c) Prepare and submit to the Board **quarterly every six months, progress** reports and a final report, unless the Board specifically directs a different schedule or frequency for the reports, on forms provided by the Board, concerning the progress of the intern in his or her practice; and

7. The Board may refuse to accept a **quarterly progress report** or final report submitted by a supervisor of an intern as required pursuant to paragraph (c) of subsection 3 if the report:

(a) Does not satisfy the reporting requirements for the forms provided by the Board;
(b) Does not include such additional information concerning the internship as requested by the Board; or

(c) Is received by the Board after the date on which the report is due.

8. If the Board refuses to accept a **quarterly progress report** or final report pursuant to subsection 7, the Board will disallow credit for all hours of internship as reported on the report.

Lowery discussed the recommended changes. She also let the group know that she will be leaning into intern supervisors to get suggestions on how to operationalize these changes. The group agreed and moved forward to NAC 641B.165.

NAC 641B.165 Supervisors of interns: Requirements for provision or continuation of supervision. (NRS 641B.160) A supervisor of an intern may agree to provide or continue the supervision of an intern only if he or she believes that the intern:

1. Will qualify for licensure pursuant to **chapter 641B** of NRS;
2. Is achieving the competence necessary to practice in social work or clinical social work; and
3. **If licensed**, will uphold the professional and ethical standards of the practice of social work. (Added to NAC by Bd. of Exam'rs for Social Workers, eff. 9-20-88; A by R142-08, 2-11-2009)

As all interns are licensed as LSWs, the phrase "If licensed" is not necessary. The group agreed and moved to Continuing Education – changes in NAC 641B.187 and language that relates to this NACs in Sec. 5 of LCB File No. R110-17 [Licensee reporting period, reporting deadlines.]

NAC 641B.187 Prerequisites and requirements for renewal of license; grounds for disciplinary action. (NRS 641B.160, 641B.280)

1. Except as otherwise provided in subsection 3, during each reporting period:

(a) A licensee who is a licensed associate in social work or a licensed social worker must complete at least 30 continuing education hours, of which:

(1) Four hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality, dual relationships, documentation, billing, fraud, telehealth, supervision, social media, sexual harassment, exploitation of clients, managing job stress, social work laws and regulations, cultural competency and racial biases,

risk management, mandated reporting, certifications for an emergency admission, release from an emergency admission or involuntary court-ordered admission described in NRS 433A.170, 433A.195 and 433A.200, as amended by section 1 of Assembly Bill No. 440, chapter 482, Statutes of Nevada 2017, at page 3004, scope of practice, professional conduct, standards of care and / or impaired professionals;

(3) Unless otherwise approved by the Board, 10 hours must be in the field of practice of the licensee; and

(b) A licensee who is a licensed clinical social worker or a licensed independent social worker must complete at least 36 continuing education hours every 2 years, of which:

(1) Four hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality, dual relationships, documentation, billing, fraud, telehealth, supervision, social media, sexual harassment, exploitation of clients, managing job stress, social work laws and regulations, cultural competency and racial biases, risk management, mandated reporting, certifications for an emergency admission, release from an emergency admission or involuntary court-ordered admission described in NRS 433A.170, 433A.195 and 433A.200 as amended by section 1 of Assembly Bill No. 440, chapter 482, Statutes of Nevada 2017, at page 3004, scope of practice, professional conduct, standards of care, and / or impaired professionals;

3. Except as otherwise provided in subsection 7:

(a) Upon the request of the licensee, the Board may waive the continuing education requirements of this section, **except those related to suicide prevention**, for a licensee who is at least 65 years of age and is retired from the practice of social work.

4. If the Board waives the continuing education requirements for a reporting period pursuant to paragraph (b) of subsection 3, it may require the licensee to complete, during the reporting period immediately following that period renewal of the license, additional continuing education hours not exceeding the number of hours that reporting period, additional continuing education hours not exceeding the number of hours that the licensee would have otherwise been required to complete pursuant to subsection 1 during the reporting period for which continuing education requirements were waived.

There was a discussion about the recommended changes. There was also a discussion about the fact that this change would be more understandable if the NACs and the language from No. R110-17 were already codified. **Detmer** and **Lowery** agreed that this matter would be handled during the upcoming discussion that would take place with LCB. The group agreed to the proposed changes and move to the next recommendations.

NAC 641B.190 Approval: General requirements. (NRS 641B.160, 641B.280)

3. The subject matter of a course or program which addresses one or more of the following areas:

- (a) Theories or concepts of human behavior and the social environment;
- (b) Social work methods of intervention and delivery of services;
- (c) Social work research, including, without limitation, the evaluation of programs or practices;
- (d) Management, administration or social policy;
- (e) Social work ethics **and professional behavior**;
- (f) Services that are culturally and linguistically appropriate;
- (g) Social work theories or concepts of addictions in the social environment;
- (h) Evidence-based suicide prevention and awareness; or

(i) **Advanced human rights and social, economic, and environmental justice, or** (j)
Other areas directly related to the field of practice of the licensee, shall be deemed to reflect “current and relevant educational material concerning social work” and be “applicable to the practice of social work,” as those terms are used in subsection 1.

This area was approved. And, Dr. Kathleen Bergquist agreed to review this area for alignment with the contemporary language being used at the university. Next, the group looked at NAC 641B.200.

STANDARDS OF PRACTICE

NAC 641B.200 Professional responsibility.

10. A licensee shall not attempt to diagnose, prescribe for, treat or advise on any problem outside his or her field of competence. Except as otherwise provided in this subsection, a licensee shall not assume duties and responsibilities within the practice of social work if he or she cannot perform the services competently. A licensee may assume duties and responsibilities within the practice of social work, **except for the duties and responsibilities described in section 6 of this regulation**, for which he or she cannot currently perform the services competently if he or she prepares a reasonable written plan demonstrating the manner in which he or she will acquire the competence necessary to perform the services competently. Such a plan must be completed under the supervision of or with the consultation of a professionally qualified person who can demonstrate competency in the area of study. A copy of a plan prepared pursuant to this subsection must be provided to the Board upon request by the Board.

There was a discussion about the recommended changes similar to the earlier discussion about when LCB No. R110-17 is codified. The group agreed to the proposed change and move on to the next recommendations.

NAC 641B.205 Responsibility to client. (NRS 641B.160)

15. A licensed independent social worker or licensed clinical social worker who is in the independent practice of social work shall establish and maintain a professional will which must specify the person who will serve as a professional executor for the licensed independent social worker **or licensed clinical social worker**. The executor must oversee the client records, billing and financial records, appointment book and client contact information, passwords and access codes and notify the clients of the licensed independent social worker **or licensed clinical social worker** in the event that he or she becomes incapacitated and unable to provide social work services, or upon his or her unexpected death.

The group approved of this recommended change as it was a housekeeping matter and was ready to move to the next NAC change recommendation.

NOTE: The group had a substantial discussion about NAC 641B.205 as it pertains to alignment with the National Association of Social Workers Code of Ethics and alignment to the Association of Social Workers Model Social Workers Practice Act. It was generally seen that this NAC needs extensive review. It was determined that the Board will discuss how to proceed.

NAC 641B.220 Unprofessional conduct. (NRS 641B.160, 641B.400)

1. A licensee who violates any of the provisions of **NAC 641B.200 to 641B.215**, inclusive, or commits any act that constitutes a basis for refusal by the Board to issue a license pursuant to subsection 2 of **NRS 641B.260** is guilty of unprofessional conduct.

2. If the Board ascertains during an investigation of a violation of this chapter or NRS chapter 641B that a licensee has violated the laws of Nevada or the United States, except minor traffic violations, such a violation may be grounds for disciplinary action against the licensee by the Board for unprofessional conduct. The Board may determine that a licensee has violated the laws of Nevada or the United States, whether or not the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to such a violation.

Detmer clarified the language that was used in this recommendation (subsection 2) that was discussed earlier. If the Board was to approve this language, it should be clear that an administrative complaint for a violation means that the Board would be holding a hearing/ trial on the underlying violation. Restated, if we're going to say that they have violated the Board's regulations by violating a law, we would have to hold a hearing on the violation of law. The violation of law would not be proven beyond a reasonable doubt (criminal law) but would be proven by preponderance of evidence (administrative law). The point made was that the Board would need to have a hearing on the underlying criminal violation; you can't assume that they violated the law. We have to have a hearing unless they have made a settlement agreement with the Board. But if it goes to a hearing, in using an example of a DUI, then we'd have to bring in the police officer and we'd have to present some form of proof that the DUI was committed. We would not have to find them criminally culpable but administratively liable. This is your disciplinary statute for commissions of unprofessional conduct. This amendment says that the violation of the laws of Nevada or of the United States, except for minor traffic violations, is grounds for disciplinary action against the licensee for unprofessional conduct. We're not saying they committed the crime. We're saying they committed unprofessional conduct. The mechanism for finding unprofessional conduct is the Board's finding that they committed a violation of law, but not by a criminal standard. Using the DUI example; we would put forth the DUI case; at the conclusion of which, if you find that the proof that we put forward would constitute a violation of law under this particular standard, then that can constitute unprofessional conduct.

In answer to questions about the Board's current process, **Lowery** stated that a licensee has to let the Board know within 30 days if action has been taken against the license, if a licensee is charged or convicted of a criminal offense. In other words, if they've been arrested, or charged of, or charged with, or convicted of.

Detmer said that the only time that this new subsection would be applicable is if they haven't been charged which does happen all the time. There are times when something gets investigated and no formal action has ever taken place because they can't meet a criminal burden of proof or that the criminal case wouldn't succeed. So they don't file the complaint.

Dr Kathleen Bergquist asked a question about adopting the language and the creation of an extra burden for the Board. **Detmer** responded that this subsection is discretionary. There was substantial discussion about hearings, consent decrees, administrative rules of evidence being different than they are for criminal, wordsmithing the subsection, public protection, etc. Ultimately, there was general agreement about the subsection moving forward. The Board members (remaining in quorum) moved the subsection forward as recommended.

Dr. Kathleen Bergquist suggested a wordsmithing change for **NAC 641B.025** "**Complainant**" defined. ([NRS 641B.160](#)) "Complainant" means any person who complains to the Board of any act of any *person practicing as a social worker*. This change was agreed to.

Harris asked for clarification on NAC 641B.200.

NAC 641B.200 Professional responsibility. (7). Except as otherwise provided by law, a licensee shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally rendered. If a licensee is supervising the work of an intern or employee, any billing or documentation of the work must clearly show that the licensee supervised the work and did not personally render services.

Maplethorpe and **Lowery** indicated that this happens all the time. **Lowery** emphasized that it says that if a licensee is supervising the work of an intern, any billing must show that the licensee did not render the services. **Maplethorpe** gave an example of a partial hospitalization program where you can't double bill when they have an individual session and then they have a group session later in the afternoon. You can't bill for both of those. You have to do it either/ or. And then if they have a group therapy session and not everybody shows up, you can't turn that into an individual session and bill for it. **Lowery** continued stating that Medicaid allows internship NPIs to be used for billing while third party vendors do not allow this; it is illegal and it's called fraud.

Next, the group revisited NAC 641B.090. After returning to this item (as agreed earlier), the group more decisively changed this NAC from 6 months to 9 months in order to give an applicant three chances to pass the exam. **NAC 641B.090 Application for licensure or renewal; conditions for waiver of examination.**

9. An application for initial licensure shall remain open for a period of 9 months after the initial exam approval is granted. The Board will not refund any monies related to an application.

At this point, 3:24 p.m., Erickson turned the meeting over to **Oppenlander** for a brief wrap up of the "Parking Lot" items from the two day workshops that include:

- Update the NAC process flow chart.
- BESW wants to have a seat at the table during the Business and Industry process.
- BESW wants to collaborate with other groups (associations, universities, etc.) to look at how we can incentivize students.
- Get help from ASWB to: (1) better understand the examination process; (2) consider looking at creating a fourth licensing category (LMSW) in the NRS to match the ASWB examination categories; (3) help the Board align the Model Social Work Practice Act ethics with NACs.
- Provide up-to-date training sources for examinations with unbroken links on the website and elsewhere.
- Update the information on the website for UNR School of Social Work working with Dr. Martin)

Then, **Erickson** resumed the Agenda at Board Operations.

Board Operations.

4. **A. Modifications to be (For Possible Action) Review, Discussion and Possible Approval of 641B NAC Moved Forward through the Administrative Rulemaking Process.** Detmer wanted to make certain that this motion is not viewed as an adoption hearing. These NAC change recommendations are not being adopted at this time and will be subject to future changes.

Maplethorpe made a motion to: Approve the 641B NAC Changes Be Moved Forward through the Administrative Rulemaking Process, seconded by Harris. Ayes: Harris, Maplethorpe, Erickson, Nelson. Passed unanimously.

5. **Public Comment.**

Rota Rosachi: I want to thank you for inviting us. I thank you for listening. I want to thank you for negotiating and doing all the right things so that I feel good about the outcomes.

Dr. Kathleen Bergquist: I appreciate your willingness to invite the University ... I appreciate that you are open to hearing our input.

Dr. Shadi Martin: I want to say that I came in with a hope for collaboration ... really helping our students and the professionals and the communities we serve. And I think we made huge progress in this last two days.

6. **(For Possible Action) Adjournment.**

Maplethorpe made a motion for Adjournment at 3:34 p.m., seconded by Harris. Ayes: Harris, Maplethorpe, Erickson, Nelson. Passed unanimously.

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