

state of nevada

###### Board of Examiners for Social workers (BESW)

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# Board Minutes - Friday, September 11, 2020

**Erickson called the meeting of the Board of Examiners for Social Workers (BESW) to order at 9:08 a.m. A** **Roll Call** was taken of those in attendance that includedBoard members **Vikki Erickson, Monique Harris, Jacqueline Sanders, Abigail Klimas; Mendy Elliott, Miranda Hoover, Scott Kipper** (Capitol Partners)**;** Board Counsel/ DAG **Asheesh Bhalla;** Board Staff **Sandra Lowery, Karen Oppenlander;** Guests **Jeffrey Davis, Crista Lampaya.**

**Erickson** moved to **Item 2: Public Comment.** Hearing no comment, she moved to **Item 3 Board Operations 3A - Review and Discussion of the Completion of Consent Decree Requirements for Jeffrey W. Davis, License No. 4835-C. (For Possible Action). Oppenlander** provided an overview describing two handouts: (a) Letter from licensee requesting to meet the Board re: completion plus (b) the consent decree. She continued: In 2011, the Board opened file G11-08 License No 4835 against Jeffrey Davis due to a complaint made against him. As a result, Mr. Davis voluntarily entered into a Consent Decree with the Board.The Consent Decree was accepted by the Board of Examiners for Social Workers on February 15, 2018 and was made effective on March 1, 2018. This Consent Decree was handed off to the Director so that she could monitor its terms. During this period Mr. Davis completed all of the terms of the Consent Decree and is here today as part of the final requirement: to apply to the Board to terminate probation and fully reinstate Mr. Davis’s clinical social worker license. The terms of the Consent Decree that were completed include: (1) 2 year probation, (2) Reimbursement to the Board of legal and investigative fees ($13000) that concluded with the completion of a payment plan over a several year period, (3) Forensic psychological evaluation by a Board-approved Psychologist; Evaluation paid for by Mr. Davis; Evaluation submitted to the Board for review; (4) Contingent on the completion of this forensic evaluation, Mr. Davis was approved to see patients again. During the following period, Mr. Davis met with Board-approved licensed clinical social worker who consulted with Mr. Davis and monitored his practice. The monitor/ consultant and Mr. Davis provided quarterly reports to the Board during this period. Upon their joint request, Mr. Davis and the monitor/ consultant appeared before the Board to request that Mr. Davis be released from monitor/ consultant oversight as described in the terms of the Consent Decree. The Board approved this. (5) As required, Mr. Davis also completed an approved graduate-level semester course pertaining to professional responsibility/ ethics that addressed: professional boundaries, dual relationships and power differential in therapeutic relations. Today, the Board is asked for a motion to terminate Mr. Davis’s probation and fully reinstate Mr. Davis’s clinical social worker license.

**Monique Harris made a motion to terminate the probation of Jeffrey W. Davis and fully reinstate his clinical social worker license; seconded by Jacqueline Sanders. Roll call vote: Erickson – Aye; Sanders – Aye; Harris – Aye; Klimas – Aye. Motion passed unanimously.**

**Erickson** moved to **Item 3B, Review and Discussion of Board Meeting Minutes for July 10, 2020. (For Possible Action). Bhalla** provided procedural advice on formulating a motion due to the first-time attendance of two new Board members who were not at the July 10th Board meeting.

**Monique Harris made a motion to approve the Board Meeting Minutes for July 10, 2020; seconded by Vikki Erickson. Roll call vote: Harris – Aye; Erickson – Aye; Klimas – Abstain; Sanders – Abstain. Motion passed.**

Proceeding, **Erickson** turned to **Item 3C - Review and Discussion of Year-End Financials through June 30, 2020. (For Possible Action). Lowery** gave a concise overview of the June 30th year-end financials. She highlighted that the Board exceeded income projections coming in at 109% for a total of $597,994.63. Additionally, the Board came in under on expenditures for the year at $442,746.80 or 95%. She explained several line items including line item #68050 that covered unexpected COVID-19 expenditures that were approved by the Board for Plexiglas and other items needed for safe social distancing for staff and customers.

**Monique Harris made a motion to approve year-end financials for June 30, 2020; seconded by Abigail Klimas. Roll call vote: Erickson – Aye; Sanders – Aye; Klimas – Aye, Harris -- Aye. Motion passed unanimously.**

Continuing, **Erickson** moved forward to **Item 3D - Review and Discussion of Financials through July 31, 2020. (For Possible Action). Lowery** briefly covered July 2020 financials which is the first month of the new fiscal year (at the 8% point of the year). The Board’s July income is at $53,021.25 (2% above the projection of $45,263.96). The July expenses were presented at $30,330.25 (under the projected expenses of $40,530.19).

**Abigail Klimas made a motion to approve July 31 2020 financials; seconded by Jacqueline Sanders. Roll call vote: Erickson – Aye; Sanders – Aye; Klimas – Aye; Harris – Aye. Motion passed unanimously.**

**Erickson** next turned to **Item 3E - Review and Discussion of Updated 2020-2021 Budget. (For Possible Action). Oppenlander** recapped the recent budget adjustments made to a budget that was first approved at the May 2020 Board Meeting for the fiscal year beginning July 1 2020. She recalled that the first approved budget was then revised with adjustments approved by the Board on July 10 2020. These adjustments included 14% reductions based on the Governor’s guidelines for general fund agencies e.g. curtailed expenditures, freeze on pay increases, hiring freeze; excluded the Board’s purchases and implementation costs for applications and disciplinary software modules; included a contract for a new five year office lease; continues to build BESW reserves; includes annual funding and one-time costs for data migration to a new infrastructure/ network; includes 90 day contract with lobbyist/ consultant; excludes additional spending cuts e.g. furloughs (as BESW as a fee-funded agency has not received the same direction as did the general fund agencies); and includes funding for COVID19 UNK line item.

Next **Oppenlander** covered new (actually prior) adjustments for the Board’s reconsideration due to changes since the July 2020 Board meeting. First she commented on some observations that she had made after the two Special Sessions that took place and some changes made by the Legislators. Her summary was that she spoke with the Board President and determined that it would be best for the Board to refocus on what the Legislators had told us that they wanted us to accomplish in prior Legislative years. As it turned out, the Board’s reduced budget savings were not accessed by the State of Nevada during the recent Special Sessions.

Reverting to a more strategic budget that had been considered previously, **Oppenlander** re-proposed inclusion of a lobbyist/ consultant contract for the 2021 Legislative Session. This was a Board approved item in March 2020 with an intent to submit a BDR for the LMSW category along with related Board approved legislative activities. The Board was asked to move forward with the LMSW category as requested by the Association of Social Work Boards with a due date/ deadline issued by ASWB of June 30th 2020.

Next, she asked for the Board to consider past due merit increases based on a 2019-2020 compensation review of two administrative staff who have not had pay increases since their last merit increase in 2018 because the Board was bankrupt. When we implemented fee increases earlier in 2020, we budgeted for a modest merit increases (when BESW finally had cash in hand). Then the Governor froze merit increases during the State of Nevada’s 2020 Budget crisis and later “un-froze” merit increases as part of legislative negotiations during the 2020 Special Sessions. As we want to compensate these two staff appropriately, she went into detail about very modest merit increases that are well deserved and overdue.

Finally, **Oppenlander** turned to the last budget adjustment being proposed that includes the purchase and implementation costs for an applications software module as per directives from the 2015 Legislature as well as the purchase of a disciplinary software module. These costs are already part of a contract that was signed by our vendor - Big Picture Software and all relevant parties in August 2019. It is to be built on the current database for all licensees that we utilize for license renewals. At the conclusion of the Director’s presentation, **Lowery** covered a summary handout: 3E Updated Budget that includes all changes that had been Board approved prior to this meeting as well as the new changes being suggested for Budget FY 2020-2021. **Erickson** commented on the process and her ongoing participation in discussions with the Director about these proposed changes. She asked the Board for a motion to approve the amended budget.

**Monique Harris made a motion to approve the amended budget for FY 2020-2021; seconded by Abigail Klimas. Roll call vote: Erickson – Aye; Sanders – Aye; Klimas -- Aye, Harris -- Aye. Motion passed unanimously.**

**Erickson** asked **Hoover** and **Elliott** from **Capitol Partners** to give their report on **Item 3F – Report on Nevada’s Special Sessions 2020. (For Discussion Only). Hoover** and **Elliott** covered some highlights from the two Special Sessions. The 31st Special Session from July 8 – July 19, 2020 was called by Governor Sisolak who directed the Legislature to address the budget shortfall to Nevada’s budget. In total, the Legislature passed five measures that were all signed by the Governor. Of note to BESW, Assembly Bill 3 is a major budget bill that makes significant cuts to various agencies and departments including cuts to the state’s Medicaid budget.

The 32nd Special Session from July 31 – August 6, 2020 was called by Governor Sisolak and the Legislature was directed to address an array of policy topics ranging from criminal and social justice reform to elections to business liability to mining. The Legislature passed 8 bills and 3 Joint Resolutions.

Of note to BESW: Assembly Bill 1 addressed two issues: (1) restoring voting rights for ex-felons; and, (2) evictions during the Governor’s state of emergency. Assembly Bill 3 is a continuance to criminal justice reform from the 2019 Legislative Session. Items addressed in AB3 included the prohibition of choke holds, a duty to intervene and recording of law enforcement action in addition to technical changes to the 2019 legislation. AB3 also requires testing officers for alcohol and drugs — including prescription drugs and cannabis — if they are in an officer-involved shooting. Assembly Bill 4 is a major election bill that will move Nevada to an “All Mail in Ballot” State. Voters across the Silver State will now receive a ballot in the mail to vote. There will be specified polling locations to vote in person or drop off your ballot but the process of casting a ballot will be similar to how Nevadans participated in the primary. AB4 will allow for a voter to authorize another person to return their absentee or mail-in ballot to an election clerk. Current Nevada law only allows voters to authorize a member of their family or a limited pool of individuals to return their mail-in ballot.

Senate Bill 1 will suspend eviction proceedings for any tenant in a dwelling unit, apartment, mobile home, recreational vehicle, or low-rent housing program operated by a public housing authority if a court in the state establishes an “expedited program of alternative dispute resolution.” The bill will halt evictions for up to 30 days if the parties agree to enter the program for alternative dispute resolution.

Senate Bill 2 revisits Senate Bill 242 from the 2019 legislative session. Major changes include the elimination of prohibitions on using a police officer’s compelled statement in a civil case without their consent; change the statute of limitations on when a law enforcement agency can bring an investigation against an officer; eliminate prohibitions on reassigning an officer under investigation; and would no longer prohibit law enforcement agencies from reopening investigations without “new material evidence.” Senate Bill 3 is a measure addressing issues within the Department of Employment, Training & Rehabilitation (DETR) and provides the agency more flexibility and authority during the COVID19 pandemic. Senate Bill 4 is a major measure that addresses both business and worker safety. The bill puts in place liability protections for businesses, government agencies and nonprofits but excluded K-12 schools and health care facilities, including hospitals and other health care facilities. SB4 does not provide full immunity for entities but expands protection against lawsuits unless a plaintiff can prove that a business violated minimum recommended health standards and/or is guilty of gross negligence.

**Elliott** concluded the Capitol Partners report about the Special Sessions with an observation that for various reasons the Special Sessions were challenging. **Hoover** offered to answer questions after the meeting.

**Erickson** moved to Item **Review of Orlando Sentinel Article and Related Social Justice Discussion. (For Discussion Only).** **Oppenlander** kicked off the discussion by summarizing a request made by public Board member Susan **Nielsen** at the end of the July Board meeting. She asked for the Board to include an agenda item to discuss the Black Lives Matter movement. She has been watching the development of the movement, and paying attention to issues about police brutality and which has resulted in a “defund the police” movement. Nielsen believes that this will change the definition of what social work does and may start to change the profession. She asked the Board to comment on what they anticipate. As a result, **Oppenlander** sent out an August 2020 article written for the Orlando Sentinel by three national mental-health leaders about dismantling systemic racism in the United States; the article was written by Arthur C. Evans Jr., Ph.D., CEO of the American Psychological Association, Dr. Saul Levin, M.D., MPA, CEO and Medical Director of the American Psychiatric Association and Angelo McClain, Ph.D., LICSW, CEO of the National Association of Social Workers. *(NOTE: An engaging discussion followed with all Board members and most attendees participating. However, this discussion was unfortunately not captured on tape).*

**Executive Director’s (ED) Report (For Discussion Only).** First, **Oppenlander** apprised the Board of the status of the BESW lease contract that is on the agenda for the October Meeting of the Board of Examiners. The BESW lease became effective August 1 2020 and is therefore in retroactive status as it was implemented prior to BOE approval. The delay was due to issues with the Director’s VPN connection that was successfully installed on July 22 2020. At this time, contracts are being managed as quickly as possible.

Next, she let the Board know that the audit contract with Michael Coulson was completed and the BESW audit is in process. She discussed the state guidelines for procurement of services with a request for proposal (RFP). In Nevada, there is a contract requirement to solicit every 4 years. She laid groundwork with the Board about how it might consider audit contracts in the future including a list of evaluation considerations. She proceeded to lay out the State of Nevada vendor selection process. She added that as we heard about in an earlier section, the approved 90-Day contract for a lobbyist/ consultant was completed and is currently in process.

**Oppenlander** informed the Board that she was in receipt of a summons from U.S. District Court re: a Civil Action related to her role at the Board. **Bhalla** briefly commented on the current status of this matter and added that he would update the Board further at a future Board meeting.

**Oppenlander** asked the Board for **Future Agenda Items/ Ideas**. She noted that she heard earliercomments in the meeting about receiving guidance and assistance about what the Board can do moving forward in the area of social justice beyond being observant i.e. how could the Board be part of the change process? **Elliott** suggested that the Board create a standing legislative item for possible action for upcoming Board meetings. **Oppenlander** added that in the legislative area, we are working on reciprocity especially with the Rural Regional Behavioral Health Policy Board and researching information provided by the Association of Social Work Boards and the State of Nevada LCB.

Wrapping up her Executive Director Report she stated that the **Next Board Meeting** is Friday, November 13, 2020.

**Erickson** asked for **Public Comment.** Hearing none she asked the Board for a motionfor **Adjournment.**

**Jacqueline Sanders made a motion to adjourn, seconded by Monique Harris. After a roll call vote the motion passed unanimously.**

**The meeting adjourned at 10:48 a.m.**

**Minutes Respectfully Submitted by Karen Oppenlander.**