



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS (BESW)
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

PUBLIC NOTICE OF BOARD MEETING

Friday, November 13, 2020 9:00 AM

To maintain government transparency & protect public safety, Governor Steve Sisolak signed an emergency directive related to the suspension of the requirement that there must be a physical location designated for meetings of a public body where members of the public are permitted to attend and participate in-person. BESW, pursuant to this Executive Order, has found an alternative via teleconference for the public to participate without having to be physically present. Supporting materials are available electronically at the BESW website: <http://socwork.nv.gov/board/Mtgs/>

Some members of the Board may be attending the meeting and other persons may listen to the meeting and provide testimony, through a simultaneous telephonic conference call that will be conducted utilizing Zoom.

The Board of Examiners for Social Workers is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81260974704?pwd=NDI1UXhxOVBURWFpobDk3aWxOM3I2Zz09>

Meeting ID: 812 6097 4704

Passcode: 973425

One tap mobile

+12532158782,,81260974704#,,,,,0#,,973425# US (Tacoma)

+13462487799,,81260974704#,,,,,0#,,973425# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 812 6097 4704

Passcode: 973425

To learn more about 'Joining a Meeting' using ZOOM, please view a brief YouTube:

<https://www.youtube.com/watch?v=hIkCmbvAHQQ#action=share>

Please Note: The Board of Examiners for Social Workers may address agenda items out of sequence, combine the agenda items, pull or remove the agenda items, in order to aid the efficiency or effectiveness of the meeting or to accommodate persons appearing before the Board. The Board may continue agenda items to the next meeting as needed. (NRS 241.020)

Public comment is welcomed by the Board and will be heard at the beginning of the Board meeting following the Call to Order and Roll and at the end of the agenda prior to the adjournment of the Board meeting. Public comment may be limited to three (3) minutes per person. The Board meeting Chair may allow additional time to be given a speaker as time allows and at his/ her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

AGENDA

1. Call to Order and Roll.

2. Public Comment.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020). Public comment may be limited to three (3) minutes.

3. Board Operations:

- A. Review and Discussion of Board Meeting Minutes for September 11, 2020. (For Possible Action).
- B. Review and Discussion of BESW Audit for Year Ending June 30 2020. (For Possible Action).
- C. Review and Discussion of First Quarter Financials through September 30, 2020. (For Possible Action).
- D. Review and Discussion of Board Specific Training/ Orientation Fulfillment and Related Updates.
 - i. AG's Office Boards and Commissions Training has been Completed Pursuant to AB457;
 - ii. 2020 Resource Binder Delivered;
 - iii. ASWB Training Option for New Board Members to be Made Available Based on COVID Scheduling (Self- Registration);
 - iv. Reporting Timeline Handout;
 - v. Sunset Committee Handout of Letter Mailed to Independent Regulatory Bodies on October 22, 2020; and
 - vi. Federal Legislation Handout re: Filing to Protect State Licensing Boards from Antitrust Damages.
- E. Review and Discussion of Independent Regulatory Bodies Administrative Collaborative Proposal (For Possible Action).
- F. Review and Discussion of Rural Regional Behavioral Health Policy Board Development of Draft Bill Request that includes BESW new LMSW Level of Licensure (For Possible Action).
- G. Review and Discussion of Board Member Designee for ASWB Annual Meeting of the Delegate Assembly to be Held Online, November 16–20, 2020 (For Possible Action).
- H. Executive Director's (ED) Report (For Discussion Only).
 - i. Certified Contract Manager (CCM) Re-Certification October 8th;
 - ii. ASWB Virtual Administrators Forum October 23rd;
 - iii. OWINN/ AIR Interview of Director on November 2nd Re: Current and Future Challenges, Regional Differences, and Licensing Rules and Processes Applicable to Clinical Social Workers (LCSW), Independent Social Workers (LISW), and Social Workers (LSW);

- iv. Pending Litigation Matter in the United States District Court for the District of Nevada - Case No. 3:20-cv-571-MMD-WG;
- v. Contracts:
 - a) Five Year Office Lease was Approved by State Leasing Services and Board of Examiners in October;
 - b) Contract with Computer Technical Services Approved for Desktop Support Services Approved in October;
 - c) Lobbyist Contract was Awarded to Capitol Partners with Contract Approval in November;
 - d) Look Forward Progress Report on the Implementation of Application Software at Next Board Meeting;
- vi. Future Agenda Items/ Ideas; and
- vii. Board Dates for 2020 Handout: Next Board Meeting is 9 a.m. Friday, January 8, 2021.

4. Public Comment.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020). Public comment will be limited to three (3) minutes.

5. Adjournment.

Please contact Karen Oppenlander, LISW at (775) 688-2555 for information regarding the meeting. Supporting materials can be accessed electronically at the BESW website: <http://socwork.nv.gov/board/Mtgs//>.

The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

This notice has been posted at the office of the Board of Examiners for Social Workers; the Board's Web Site www.socwork.nv.gov; and the State of Nevada's Public Notice Website <http://notice.nv.gov>.

3A

Meeting Minutes



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS (BESW)
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

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 included Board 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 choose auditors in the future. For example, the

Board may choose to pick a vendor that does not necessarily offer the lowest price. While we want to get the best value for Nevadans and for licensees, there is also value in changing auditors to get a different set of eyes on our organization. There are other evaluation considerations to make and 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 earlier comments 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 motion for **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.

3B

Fiscal Audit FY19/20

3C

1st quarter FY20/21 Financials

September		Annual Budget FY 20/21	Montly Budget September	Monthly Actual - September	Monthly Variance Dollars	Monthly Variance Percent	Annual Year to Date	Annual Variance Dollar	Annual Variance Percent
Fund Balance		\$ 152,547.83					25%		

INCOME

40000 · RENEWAL FEES		505,125.00	42,093.75	43,625.00	-1,531.25	104%	119,040.00	-386,085.00	24%
41000 · APPLICATION FEE		27,600.00	2,300.00	3,880.00	-1,580.00	169%	8,620.00	-18,980.00	31%
42000 · INITIAL LICENSE FEE		69,000.00	5,750.00	9,097.50	-3,347.50	158%	20,510.00	-48,490.00	30%
43000 · ENDORSEMENT FEE		12,500.00	1,041.67	2,035.00	-993.33	195%	3,785.00	-8,715.00	30%
44000 · PROVISIONAL LICENSE FEES		2,000.00	166.67	-112.50	279.17	-67%	356.25	-1,643.75	18%
45000 · RENEWAL LATE FEE		2,000.00	166.66	-200.00	366.66	-120%	100.00	-1,900.00	5%
46000 · RESTORATION OF LICENSE		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
47000 · DISCIPLINARY COSTS		4,000.00	333.33	0.00	333.33	0%	0.00	-4,000.00	0%
48000 · MISCELLANEOUS		10,000.00	833.33	240.00	593.33	29%	635.00	-9,365.00	6%
49000 · INTEREST		10.50	0.88	0.10	0.78	11%	62.07	51.57	591%
Total Income		\$ 632,235.50	\$ 52,686.29	\$ 58,565.10	\$ (5,878.81)	111%	\$ 153,108.32	\$ (479,127.18)	24%
Sub-Account Total		\$ 784,783.33					\$ 305,656.15		

EXPENSES

50050 · Wages		288,704.00	24,058.67	19,687.46	4,371.21	82%	57,426.62	-231,277.38	20%
50102 · Group Health Insurance		45,750.00	3,812.50	6,016.78	-2,204.28	158%	12,033.56	-33,716.44	26%
50103 · Ins Regis		4,160.00	346.67	900.98	-554.31	260%	1,792.75	-2,367.25	43%
50104 · Medicare		4,160.00	346.66	278.48	68.18	80%	832.05	-3,327.95	20%
50105 · PERS-Employer paid		40,142.00	3,345.17	2,554.12	791.05	76%	7,635.06	-32,506.94	19%
50106 · Unemployment Ins.		2,500.00	208.34	125.40	82.94	60%	476.49	-2,023.51	19%
50300 · Workman's Comp.		5,000.00	0.00	613.06	-613.06	0%	613.06	-4,386.94	12%
Sub Account Total		\$ 390,416.00	\$ 32,118.01	\$ 30,176.28	\$ 1,941.73	94%	\$ 80,809.59	-309,606.41	21%
61050 · Contract-Labor		15,000.00	1,250.00	1,000.00	250.00	80%	1,920.00	-13,080.00	13%
61100 · Contract-Auditor		10,000.00	833.33	0.00	833.33	0%	0.00	-10,000.00	0%
61150 · Contract-Legal		40,000.00	3,333.33	1,890.91	1,442.42	57%	3,164.38	-36,835.62	8%
61200 · Contract-Lobbyist		37,500.00	3,125.00	1,500.00	1,625.00	48%	4,500.00	-33,000.00	12%
61250 · Contract-Payroll Service		1,500.00	125.00	0.00	125.00	0%	192.50	-1,307.50	13%
61300 · Court Reporting		4,500.00	375.00	0.00	375.00	0%	0.00	-4,500.00	0%
61350 · Investigations		7,000.00	583.34	0.00	583.34	0%	0.00	-7,000.00	0%
61400 · LCB		1,500.00	125.00	0.00	125.00	0%	0.00	-1,500.00	0%
62000 · Operating Costs		7,500.00	625.00	378.32	246.68	61%	827.53	-6,672.47	11%
62050 · Printing		7,000.00	583.33	1,027.33	-444.00	176%	1,194.06	-5,805.94	17%
62100 · Copying		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
62150 · TORT Claim Fund		850.00	70.83	0.00	70.83	0%	0.00	-850.00	0%
62200 · Rent		21,350.00	1,779.17	1,750.00	29.17	98%	5,200.00	-16,150.00	24%
62250 · B and G Assessment		500.00	41.66	0.00	41.66	0%	0.00	-500.00	0%
62300 · Records Storage		750.00	62.50	50.00	12.50	80%	150.00	-600.00	20%
62350 · Postage		7,500.00	625.00	500.00	125.00	80%	1,648.84	-5,851.16	22%
62400 · Telephone		2,000.00	166.67	382.38	-215.71	229%	923.85	-1,076.15	46%
62450 · Internet		3,000.00	250.00	207.80	42.20	83%	554.93	-2,445.07	18%

62500 · Computer Software		48,500.00	8,500.00	8,977.50	-477.50	106%	9,052.50	-39,447.50	19%
62550 · Transcription		0.00	0.00	2.50	-2.50	0%	127.75	127.75	0%
62600 · COVID 19 UNK		1,000.00	83.33	0.00	83.33	0%	0.00	-1,000.00	0%
63050 · Dues & Registration		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
63100 · Professional Dues (ASWB)		0.00	250.00	0.00	250.00	0%	0.00	0.00	0%
64050 · Bank Charges		120.00	10.00	12.00	-2.00	120%	12.00	-108.00	10%
64100 · Credit Card Processing		7,000.00	583.33	541.14	42.19	93%	1,820.84	-5,179.16	26%
65000 · Host Fund		1,000.00	83.33	0.00	83.33	0%	0.00	-1,000.00	0%
66050 · In State Travel		7,000.00	583.34	0.00	583.34	0%	0.00	-7,000.00	0%
66100 · Out of State Travel		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
67000 · Training		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
68050 · Furniture		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
68100 · Computers		11,500.00	0.00	0.00	0.00	0%	0.00	-11,500.00	0%
Sub Account Total		\$ 243,570.00	\$ 24,047.49	\$ 18,219.88	\$ 5,827.61	76%	\$ 31,289.18	\$ (212,280.82)	13%
Total Expenses		\$ 633,986.00	\$ 56,165.50	\$ 48,396.16	\$ 7,769.34	86%	\$ 112,098.77	\$ (210,973.32)	18%
Net Position *		-1,750.50	-3,479.21	10,168.94			41,009.55		
Net Position - Adjusted **		150,797.33					193,557.38		
* Net Position	Income and Expenses without Fund Balance								
**Net Position - Adjusted	Income and expenses with prior year Fund Balance								

CASH BALANCES

Checking							159,276.94		
Savings							5,070.97		
CD							25,427.38		
Total Cash Balance							\$ 189,775.29		

3D

Board Specific Training /
Orientation

The State of Nevada individual regulatory bodies including the Board of Examiners for Social Workers (BESW) are funded solely from the fees received from the professions they regulate. The Boards are exempt from the State Budget Act (NRS 353.005) and receive no funding from the State General Fund. BESW independently conducts business in accordance with legislative, state and internal directives. Boards are governed by additional laws and legislation outside of our specific professions NRS sections and must adhere to those requirements in conducting their business and operations. A partial list of applicable laws and related reporting requirements include but is not limited to the following:

- Title 17 State Legislative Department – NRS 218G Legislative Audits
- Title 18 State Executive Department - NRS 232A Appointments by the Governor to Public Bodies, NRS 232B Legislative Review of Public Agencies, NRS 233B Nevada Administrative Procedures Act
- Title 19 Miscellaneous Matters Relating to Government and Public Affairs - NRS 241 Meetings of State and Local Agencies (Open Meeting Law)
- Title 23 Public Officers - NRS 281 General Provisions, NRS 281A Ethics in Government; NRS 282 Official Bonds and Oaths and NRS 283 Resignations, Vacancies and Removals
- Title 54 Professions, Occupations and Business - NRS 622 General Provisions, NRS 622A Administrative Procedures and NRS 629 Healing Arts
- In addition to State laws, Professional and Occupational Licensing Boards have the responsibility to adhere to specific requirements contained in the State of Nevada Administrative Manual (SAM).
- And furthermore:

Due	Source	Requirement
Completed October 2020	AB457 (2017)	One time requirement that all Board Members be oriented via AGs Office Boards and Commissions Training. ASWB also offers new Board member training to BESW Board members.
February 1 st (annual)	NRS 641B.165	Report submitted to DHHS that summarizes information regarding complaints and applications for licensure for the prior year. Information is on a rolling three-year cycle.
20 th of the month following a quarter	SB 69	A number of the requirements of this bill were already being reported on a quarterly basis through the Occupational Boards on the legislative website. The new items, number of rejected applications, number of applications that required additional review have now been incorporated into the existing quarterly licensure information that the Board provides.
December 1 st		Fiscal audit
Even Years		Griswold Report. Data regarding the breakdown of social workers by county and type that is incorporated into the Rural and Frontier Health Data report that is done every two years.
	Executive Order 2014-20	Required language about military service, etc. be put into applications. Reporting to be done every two years regarding the number of active / veteran / spouses of veterans currently licensed by the Board. Report due in 2015. Continue to have this data available but data has not been requested in a number of years.
July 15 th January 15 th		Consultant Reporting – use of any contracted services.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
NICOLE J. CANNIZZARO, *Senator, Chair*
Brenda J. Erdoes, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
MAGGIE CARLTON, *Assemblywoman, Chair*
Sarah Coffman, *Fiscal Analyst*
Mark Krmpotic, *Fiscal Analyst*

BRENDA J. ERDOES, *Director*
(775) 684-6800

LEGISLATIVE COUNSEL (775) 684-6830
DANIEL L. CROSSMAN, *Legislative Auditor* (775) 684-6815
MICHAEL J. STEWART, *Research Director* (775) 684-6825

October 22, 2020

VIA EMAIL

Dear Regulatory Bodies:

As the chair of the Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes* [NRS] 232B.210) during the 2019–2020 Interim, I am writing to convey two actions taken by the Subcommittee related to certain professional and occupational licensing boards, commissions, and other entities (see attached list), hereinafter referred to as independent regulatory bodies. On August 31, 2020, the Subcommittee voted to send two letters to independent regulatory bodies to:

1. Encourage the recruitment of Black, Indigenous, and other persons of color as members of the regulatory bodies to reflect the diversity of the state. According to Senate Concurrent Resolution 1 (2020) of the 32nd Special Session of the Nevada Legislature, nearly 49 percent of Nevada's population is represented by persons of color, including persons who are Black, Indigenous, Hispanic, Asian, or Pacific Islander and persons of more than one racial or ethnic background; and
2. Urge them to comply with controlling health standards when conducting the business of the body to reduce the transmission of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)—the virus that causes the Coronavirus Disease of 2019. The Subcommittee further urges the regulatory bodies to communicate with their licensees as necessary to keep them apprised of changes to controlling health standards.

If you have any questions regarding this letter or the work of the Subcommittee, please contact Jennifer Ruedy (jruedy@lcb.state.nv.us), Chief Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB), or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Spearman".

Patricia (Pat) Spearman, D.B.A.
Nevada State Senator

PS/jc:W205088 and W205090

Att.

cc: Eileen O'Grady, Chief Deputy Legislative Counsel, Legal Division, LCB
Jennifer Ruedy, Chief Principal Policy Analyst, Research Division, LCB

Attachment

The following table lists the 33 independent regulatory bodies that regulate a profession under Title 54 ("Professions, Occupations and Businesses") of NRS. The letter will be emailed to each of these regulatory bodies.

Title 54 of NRS—Independent Regulatory Bodies	Chapter of NRS
Nevada State Board of Accountancy	628
Board of Examiners for Alcohol, Drug and Gambling Counselors	641C
State Board of Architecture, Interior Design and Residential Design	623
Board of Athletic Trainers	640B
State Barbers' Health and Sanitation Board	643
Chiropractic Physicians' Board of Nevada	634
State Contractors' Board	624
State Board of Cosmetology	644A
Certified Court Reporters' Board of Nevada	656
Board of Dental Examiners of Nevada	631
Board of Dispensing Opticians	637
State Board of Professional Engineers and Land Surveyors	625
Board of Environmental Health Specialists	625A
Nevada Funeral and Cemetery Services Board	642
Nevada Board of Homeopathic Medical Examiners	630A
State Board of Landscape Architecture	623A
Board of Examiners for Long-Term Care Administrators	654
Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors	641A
Board of Massage Therapy	640C
Board of Medical Examiners	630
State Board of Nursing	632
Board of Occupational Therapy	640A
Nevada State Board of Optometry	636
State Board of Oriental Medicine	634A
State Board of Osteopathic Medicine	633
State Board of Pharmacy	639
Nevada Physical Therapy Board	640
State Board of Podiatry	635
Private Investigator's Licensing Board	648
Board of Psychological Examiners	641
Board of Examiners for Social Workers	641B
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board	637B
Nevada State Board of Veterinary Medical Examiners	638

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide immunity from liability under section 4 of the Clayton Act for damages in cases against occupational licensing boards that meet appropriate standards, to provide for the establishment of those standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RASKIN (for himself and _____) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide immunity from liability under section 4 of the Clayton Act for damages in cases against occupational licensing boards that meet appropriate standards, to provide for the establishment of those standards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Occupational Licensing
5 Board Antitrust Damages Relief Act of 2020”.

1 **SEC. 2. IMMUNITY FROM LIABILITY FOR DAMAGES.**

2 (a) IMMUNITY.—No person may recover damages
3 under section 4 of the Clayton Act (15 U.S.C. 15) from
4 an occupational licensing board, or from any member, offi-
5 cer, employee, or agent of such board, for an action taken
6 in the official capacity of such board or the individual in-
7 volved, if the requirements specified in section 3 are satis-
8 fied with respect to such board.

9 (b) APPLICATION TO CASES.—Subsection (a) shall
10 not apply to a case commenced before the date of enact-
11 ment of this Act unless it would be inequitable not to apply
12 such subsection to such case.

13 **SEC. 3. STATE BOARD OVERSIGHT PROVISIONS REQUIRED**
14 **FOR IMMUNITY UNDER THIS ACT.**

15 For purposes of receiving immunity from liability for
16 damages specified in section 2, an occupational licensing
17 board referred to in such section shall be established in
18 a State that requires that —

19 (1) such State have in effect a law that—

20 (A) requires an occupational license to en-
21 gage in or practice the occupation regulated by
22 the such board,

23 (B) specifies the qualifications required to
24 be met to obtain such license, and

25 (C) requires that the licensee adhere to the
26 applicable standards of practice and ethical

1 standards to engage in or practice such occupa-
2 tion,

3 (2) all members of such board be appointed or
4 assigned by the chief executive officer, the legisla-
5 ture, or other elected officer of such State,

6 (3) the such board include public representa-
7 tion, and

8 (4) such State or such board has in effect a
9 mechanism under which a person aggrieved by an
10 action of such board has the right—

11 (A) to contest such action at a hearing be-
12 fore such board at which such person may pro-
13 vide evidence, argument, and analysis,

14 (B) to review, at a reasonable time before
15 the hearing, all evidence that such board gath-
16 ers relating to such action,

17 (C) to receive a final reasoned decision in
18 writing from such board within a reasonable pe-
19 riod after the hearing, and

20 (D) to appeal an adverse decision of such
21 board to an independent adjudicator, including
22 a court.

23 **SEC. 4. DEFINITIONS.**

24 In this Act:

1 (1) OCCUPATIONAL LICENSE.—The term “occu-
2 pational license” means a nontransferable State-
3 issued authorization to perform an occupation.

4 (2) OCCUPATIONAL LICENSING BOARD.—The
5 term “occupational licensing board” means an entity
6 established under State law—

7 (Λ) for the express purpose of regulating
8 the qualifications required for a person to en-
9 gage in or practice an occupation in such State,
10 and

11 (B) that has authority conferred by such
12 law to interpret or enforce the laws and regula-
13 tions of such State applicable to regulating such
14 qualifications.

15 (3) PERSON.—The term “person” has the
16 meaning given such term in subsection (a) of the 1st
17 section of the Clayton Act (15 U.S.C. 12(a)).

18 (4) STATE.—The term “State” means any of
19 the several States, the District of Columbia, or a
20 territory or possession of the United States.

3E

Proposal

State of Nevada Professional and Occupational Licensing Boards

Administrative Collaborative

Preface State of Nevada professional and occupational licensing Boards (Boards) are funded solely from the fees received from the professions they regulate. The Boards are exempt from the State Budget Act (NRS 353.005) and receive no funding from the State General Fund.

The Boards oversee various occupations and professions and are charged with the protection of the public health, safety and welfare of the citizens in Nevada. The Boards provide the public and practitioners a means by which they can pursue administrative legal recourse, in cases of questionable actions or practice.

The Boards independently conduct business in accordance with legislative, state and internal directives. They are charged with compliance with existing and new legislative mandates, state administrative requirements and establishing internal management systems. Small Boards face challenges due to limited funding and staff resources.

The Boards are governed by additional laws and legislation outside their specific professions NRS sections; and must adhere to those requirements in conducting their business and operations. A partial listing of applicable laws include but is not limited to the following:

Title 17 State Legislative Department – NRS 218G Legislative Audits;

Title 18 State Executive Department - NRS 232A Appointments by the Governor to Public Bodies, NRS 232B Legislative Review of Public Agencies, NRS 233B Nevada Administrative Procedures Act

Title 19 Miscellaneous Matters Relating to Government and Public Affairs - NRS 241 Meetings of State and Local Agencies (Open Meeting Law)

Title 23 Public Officers - NRS 281 General Provisions, NRS 281A Ethics in Government; NRS 282 Official Bonds and Oaths and NRS 283 Resignations, Vacancies and Removals

Title 54 Professions, Occupations and Business - NRS 622 General Provisions, NRS 622A Administrative Procedures and NRS 629 Healing Arts

In addition to State laws, the Professional and Occupational Licensing Boards have the responsibility to adhere to specific requirements contained in the State of Nevada Administrative Manual (SAM).

Whereas, Professional and Occupational Licensing Boards have varying levels of experienced executive staff who may benefit from opportunities for collaboration with experienced resources in administration of professional and occupational regulatory Boards; and

Whereas, collaboration efforts may include but not be limited to:

- Consultation with experienced personnel working with professional and occupational regulatory Boards;
- Joint training opportunities for Board members and staff;
- Consulting on administrative requirements, and reporting of Board activities;
- Sharing of best practices and processes, procedures and administrative manuals;
- Reviewing current and proposed legislation pertaining to professional and occupational licensing Boards as a whole;
- Any other matter deemed pertinent to the Boards.

9.4.20

Board Administrative Collaborative

Whereas, it has been determined that it is in the best interests of the State of Nevada and Professional and Occupational Licensing Boards to enter into an Administrative Collaborative in order to provide a cost effective and efficient means to enhance collaborative efforts and establish a structured means by which Professional and Occupational Licensing Boards may increase adherence to state and legislative requirements and strengthen the Professional and Occupational Licensing Boards' administrative and oversight functions.

There is hereby established the "**Professional and Occupational Licensing Boards, Administrative Collaborative**" comprised of the Executive Directors or designated personnel of each participating Board who shall be authorized to represent their respective Boards' interests as participating Professional and Occupational Licensing Boards.

Participation in the Administrative Collaborative may be terminated by any of the parties, at any time upon 30 days written notice.

Now therefore in consideration thereof, the "**Administrative Collaborative**" shall become effective upon approval by a minimum of three (3) Professional and Occupational Licensing Boards as evidenced by signature below.

Board of Occupational Therapy

Board

Chair Dated

Chair Dated

Board

Board

Chair Dated

Chair Dated

Board

Board

Chair Dated

Chair Dated

9.4.20

Board Administrative Collaborative

3F

Bill Draft Request

3G

ASWB Annual Meeting



ANNUAL MEETING OF THE DELEGATE ASSEMBLY

MENU

Association of Social Work Boards

Draft agenda

- All times in this agenda are Eastern Standard Time.
- Links to Zoom meetings and the online candidate booths will be available through the meeting portal.
- The portal will be online before the orientation sessions on Friday, November 13, and Monday, November 16.
- Links to the online portal will be provided to registered attendees

Friday, November 13, 2020

3:00 pm – 4:00 pm Attendee orientation

Monday, November 16, 2020

11:00 am – noon Attendee orientation

3:00 pm – 3:30 pm Welcome
Call to order
Roll call and introductions
Establishment of a quorum
Approval of the agenda

3:30 pm – 3:50 pm	Finance Committee report and Q and A
3:50 pm – 4:00 pm	Break
4:00 pm – 4:10 pm	Presentation of the slate Nominations from the floor
4:10 pm – 5:00 pm	Executive session
Wednesday, November 18, 2020	
Noon	Candidate information booths open and will remain available until election results are announced Friday afternoon.
2:00 pm – 4:00 pm	Meet the candidates via Zoom
4:30 pm – 5:30 pm	Member networking via Zoom
Thursday, November 19, 2020	
3:45 pm – 4:30 pm	Committee Forum via Zoom
Friday, November 20, 2020	
3:00 pm – 3:30 pm	Welcome Call to order Roll call and introductions Establishment of a quorum Approval of the minutes of the 2019 Annual Meeting of the Delegate Assembly
3:30 pm – 4:10 pm	Parliamentary rules Voting practice Election for Board of Directors

Election for Nominating Committee
Announcement of results

4:10 pm – 4:20 pm

Break

4:20 pm – 4:45 pm

Strategic discussion with membership

4:45 pm – 5:00 pm

Volunteer recognition

Board member appreciation

Closing remarks

Oath of Office

Adjourn

3H

Executive Director's Report

Board Meeting Dates for 2021

Friday, January 8, 2021

Friday, March 12, 2021

Friday, May 14, 2021

Friday, July 9, 2021

Friday, September 10, 2021

Friday, November 12, 2021