



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

Board Meeting Minutes, January 8, 2021

Call to Order and Roll. Vikki **Erickson** called meeting of the Board of Examiners for Social Workers (BESW) to order at 9:05 a.m. A Roll Call of attendees included Board members Vikki **Erickson**, Jacqueline **Sanders**, Abigail **Klimas**, Susan **Nielsen**; and Monique **Harris**; Board Counsel/ Deputy Attorney General Asheesh **Bhalla**; Board Staff Karen **Oppenlander**; and Guest: Sidney Banks, JK Belz and Associates (on behalf of the Children's Advocacy Alliance).

Erickson moved to **Item 2: Public Comment**. Hearing no comment, she moved to **Item 3 Board Operations 3A - Review and Discussion of Board Meeting Minutes for November 13, 2020**.

Susan Nielsen made a motion to approve the Board Meeting Minutes for November 13, 2020; seconded by Jacqueline Sanders. Roll call vote: Erickson – Aye; Sanders – Aye; Klimas – Aye; Harris – Abstained. Motion passed.

Erickson continued to **Item 3B Review and Discussion of October 31, 2020 and November 30, 2020 Financials with Audit Adjusting Entries**. **Oppenlander** discussed the comparison of financials for two different months: October 31, 2020 and November 30, 2020. As the audit was approved at the November Board meeting, staff was able to make adjusting entries to the November financials. Staff learned that this is proper to do during an Executive Branch Audit meeting; however, we do not believe that the Board had done this in the past. If you look at the top of the October financials, there is a beginning fund balance of \$152,547.83; the November financials are adjusted based on the audit and adjusted to \$150,515.74. We will bring the quarterly financial statement to the Board for the year ending December 31, 2020. Today we simply wanted to share the adjusting entry that was based on the approved audit.

Monique Harris made a motion to approve the Audit Adjusting Entries that update the starting fund balance as presented on the October 31, 2020 financials to the updated fund balance as presented on the November 30, 2020 financials; seconded by Abigail Klimas. Roll call vote: Erickson – Aye; Harris – Aye; Nielsen – Aye; Sanders; Klimas – Aye. Motion passed unanimously.

Next, **Erickson** moved to **Item 3C BESW v. Clarence Parrott, LSW (Settlement – Voluntary Surrender)**. **Oppenlander** presented information re: a settlement for a Voluntary Surrender that was included as part of supplemental information for the Board. She stated that as a staff member of the BESW Compliance Unit, she was available to provide general background information regarding this matter. In November, the Compliance Unit reviewed the investigation file resulting from a complaint filed with the Board in this matter. The Compliance Unit completed its work product and provided the case file to Board Counsel **Bhalla**. The Compliance Unit believed that

it had a strong case to present. **Bhalla** determined that the facts alleged and subsequent investigation presented probable cause for the Board to move forward with a formal complaint for violations of NRS 641B and NAC 641B. However, because the individual had indicated a desire to let his license lapse and move to another jurisdiction, staff determined that it would be preferable for the Board to ask for an agreement in lieu of a hearing. **Bhalla** agreed that the request for a voluntary surrender was appropriate. More specifically, this is referred to as a "Voluntary Surrender in Lieu of Other Disciplinary Action". Accordingly, **Bhalla** drafted a voluntary surrender agreement for this matter. We forwarded a copy of this agreement to the individual's attorney. This agreement was signed by the individual and returned to the Board. Therefore, the Board may consider a motion to either approve or reject the settlement. **Oppenlander** asked the Board for a motion to approve the settlement.

Erickson asked if this would be entered into the ASWB database as a flag for all licensing boards to consider. **Oppenlander** affirmed that this matter would be posted on the Association of Social Work Boards database for North America (United States and Canada) as well the NPDB – a national public database for all types of licenses.

Erickson continued and asked if the Board would be able to find out about what the violation(s) are. **Bhalla** discussed the framework for the settlement agreement. The respondent has agreed to these terms in lieu of going to a full hearing. We can't get into the underlying facts and allegations. Yet, it really is up to the Board about whether the Board wants to approve or deny the settlement. If the Board is uncomfortable with the settlement as presented, the Board may decide to not approve the settlement. And then we could go to a hearing or essentially let this lapse at this time.

Erickson stated that it's difficult to make decisions when the Board doesn't know what the underlying issue is and the level of severity; she questioned if there was an ability to understand the level e.g. is this a public safety issue or not. **Bhalla** responded that generally we do not allow something to go to a settlement that would present a risk to public safety or an ongoing risk to any one individual through the ongoing practice of social work in the State of Nevada. If that was the case, generally speaking, he would not engage in a settlement and would not pursue that. We did not find that there was a threat to public safety or any one individual from this respondent engaging in unauthorized practice. Unfortunately, we can't present the details of the facts and allegations that brought us here. **Bhalla** said, "But suffice to say that Director **Oppenlander** and I believed that it was absolutely necessary in the interest of justice to pursue a prosecution". **Bhalla** stated that he had no problem bringing that forth. He reiterated that if Board members are uncomfortable, that they have full authority to not approve the settlement. **Erickson** replied that after hearing this discussion, she understood that both the Board Counsel and the Executive Director were obliged to take public safety into consideration.

Erickson opened the discussion up for other questions and concerns from Board members. Sanders asked Board Counsel **Bhalla** if it was appropriate to abstain from voting as she had a brief professional relationship with this individual when he had previously worked for her. **Bhalla** determined that it would be appropriate to abstain from deliberation and from voting on this matter.

Harris asked about what might happen if the Board rejected the voluntary agreement. **Bhalla** briefly discussed how the disciplinary complaint might move forward after reconsidering the case.

Monique Harris made a motion in the matter of BESW v. Clarence Parrott to approve the Voluntary Surrender in Lieu of Disciplinary Action; seconded by Abigail Klimas. Roll call vote: Erickson – Aye; Klimas – Aye; Harris -- Aye; Nielsen – Aye; Sanders – Abstain. Motion passed.

Erickson continued; she restated that **Item 3D Application Software Implementation** was pulled from the agenda. She then moved to **Item 3E Data Migration Plan**. **Oppenlander** reviewed that BESW was asked to migrate its' data from the current location within the Business and Industry system to a new location. She went over the BESW progress on the Data Migration Plan. On December 1st, BESW met with EITS – the Enterprise IT System for the State of Nevada. In the meeting, we asked for an Interlocal Agreement from EITS but we haven't received one yet. On December 16th, an installation of hardware for a new Spectrum internet/ high speed data service occurred in the BESW main office. During the installation process, BESW learned that EITS had done a similar installation at the Division of Minerals (NDOM) the prior day. During the NDOM installation, the NDOM team learned from EITS that they will need to work through a higher level system issue with EITS. **Oppenlander** spoke with NDOM and verified that they were in process of coming up with a solution. While BESW doesn't have anything to report to the Board today re: details about this issue, or a satisfactory resolution to this data migration planning issue, **Oppenlander** does expect to have a solution in place as soon as possible.

Erickson moved to **Item 3F Review and Discussion of Independent Regulatory Bodies, Administrative Collaborative Proposal**. **Oppenlander** recapped a previous discussion at the last Board meeting. Based on that discussion, the Board waited to move forward with the Administrative Collaborative Agreement until we had participated in a meeting and knew more about the purpose of the collaborative. **Oppenlander** reported that after attending one meeting that she was very favorable about working with this group. She attended the December 10th meeting and determined that it could be beneficial to work collaboratively among other licensing boards to discuss licensing issues, joint training, share best practices; and if it doesn't work out then any partner board is able to pull out with a 30 day withdrawal notice. Therefore, she has brought the agreement back for approval to participate in the Professional and Occupational Licensing Boards Administrative Collaborative Agreement. She answered some questions from the Board. And, she asked the Board for a motion to approve BESW participation.

Jacqueline Sanders motioned to approve the Professional and Occupational Licensing Boards Administrative Collaborative Agreement; Susan Nielsen seconded the motion. Roll Call Vote: Erickson – Aye; Sanders – Aye; Harris – Aye; Nielsen – Aye; Klimas – Aye. Motion Passed Unanimously.

Moving to **Item 3F i Adoption of Reporting Requirements Guidelines Document**, **Erickson** asked **Oppenlander** to continue with the other items under 3F. First, **Oppenlander** used the handout Occupational Licensing Boards Report in 3F ii to illustrate the importance of one of the sections within the handout 3F i Reporting Requirement Guidelines. After illustrating the value of the document that provides guidelines, she asked for the Board to approve a motion to adopt the report. Two Board members found this very informative and proceeded to a motion.

Jacqueline Sanders made a motion to approve the Adoption of Reporting Requirements Guidelines; Abigail Klimas seconded the motion. Roll Call

Vote: Erickson – Aye; Harris – Aye; Sanders – Aye; Nielsen – Aye; Klimas – Aye. Motion Passed Unanimously.

Moving to **Agenda Item 3G Review and Discussion of Amendment to Rural Regional Behavioral Health Policy Board**, Erickson asked Oppenlander to report. She reminded the Board that we had brought forward the bill during the last meeting and we are approved to continue to move forward. This is a bill to add a category of Licensed Master's Social Work. Our legislation is part of a bill that has been introduced by the Rural Regional Behavioral Health Policy Board. This item is placed for "possible action", but it has turned out there is nothing new that has happened that necessarily requires action. Today, we'll go through the process that we've been through since the last Board meeting. Board staff met with the Rural Regional Behavioral Health Policy Board: **Oppenlander**, Sandy Lowery, and **Vander Poel** from Capital Partners; And, we were joined by a Washoe County staff member who was reviewing the bill for her department.

We've stayed in touch with the rural policy board as they are processing through their bill with their board members. Based on their questions and questions from our own Board members, we thought that we may have a friendly amendment. To follow up on these questions we contacted the national Association of Social Work Boards (ASWB) to ask for their assistance. ASWB researched and provided assistance in case we needed to put together a friendly amendment to Senate Bill 44. ASWB has worked to help us develop language for the licensed master social work portion of the bill that would help us to grandparent in LSWs that have attained an MSW educational level so that they can automatically become an LMSW. This would be at no additional cost and without needing to take an examination from ASWB. Therefore, the LSW with the MSW level of education would not have to decide to retest at the higher level, get the test scheduled, pay for the test, study for the test, take the test and then pass the test. ASWB identified other states in the union that had recently bridged similarly into the LMSW licensed level.

ASWB had information on hand to help us surface similar state regulations that have awarded licenses for skills that LSWs have acquired on the job. We have recent examples from other states that have added a master's license in both Virginia and Delaware. Virginia's law change is nearly identical to what we're proposing in Nevada. They had a single LSW license and would require somebody to take a masters exam or a bachelor's exam and then pass it. Now, they have split their licensing into two levels and enacted corresponding legislation. Then, at their board's discretion, they devised a "transition" policy to assign existing LSWs to either the master's level or the bachelor's level according to educational credentials. This same transition policy would work well in Nevada. Virginia published their policy guidance document on their website. We reviewed it, found it easy to understand and easy to implement. Delaware also assigned current licensees in a similar manner, but they additionally included formal grandparenting provisions into their legislation. In both instances, neither state required the current LSW licensees to take an additional licensing exam consistent with the new licensed category. Both states decided to make sure that during the transition the current licensees with a master's degree could automatically become an LMSW without paying for it or testing and based this step-up to the LMSW on the licensees work experience. **Oppenlander** indicated that her preference would be to use a policy guidance document like the one used by Virginia. ASWB has already sent BESW the complete list of who our LSWs are that have completed an MSW. We can correlate this with our database and make sure that our database and the ASWB examination database are entirely in sync. Then, once the bill is passed, we'll will have time to communicate the changes as it won't go into effect until July 1, 2021.

We thought that this was a satisfactory solution, a no cost solution to the current licensees to smooth the path out for everybody. And, this would make reciprocity a possibility as we would have all four examination categories that ASWB offers. After July 1st, all new applicants with masters level social work degrees would have to take the LMSW licensing category level of examination.

Sanders wondered when BESW can start talking about this in public forums. If someone is preparing to take their test and haven't yet received their master's degree, perhaps there's a way that we can let people know about this. That way, they can make an informed decision about whether (or not) to hold off acquiring their degree / registering to take the examination.

Oppenlander responded that SB44 is a bill being brought forward by the Rural Regional Behavioral Health Policy Board. The bill encompasses a number of things in the behavioral health arena. One aspect of the bill is for the LMSW level of licensure. Therefore, in terms of talking points, we will be working with the group that is introducing the bill. We are also working with Capital Partners who are our "boots on the ground" with our legislators to make sure that they get their questions addressed. So there are a number of strategic decisions about when and how to best explain SB44 to the public and to our licensees and to potential licensees. We imagine that we will be able to send out information in the near future. For example, as we stated, we already have everyone's names that are initially going to become LMSWs. Still, we don't have the names of those who are planning to move to Nevada. There are people that we don't know about, both in state and out of state. We realize that we might not be able to reach everyone, but we can certainly can put the word out on our website and work in conjunction with the sponsors of SB44. **Klimas** asked for additional ASWB materials to be forwarded to the Board. **Erickson** checked for more questions or concerns and then asked for a motion for **Oppenlander** to move this forward as has been presented. **Harris** asked some technical questions about the need for a vote at this time and a short discussion ensued with Board Counsel / DAG **Bhalla**.

Jacqueline Sanders made a motion to approve that Executive Director Oppenlander continue to move forward with the Rural Regional Behavioral Health Policy Board bill as presented; seconded by Abigail Klimas.

A friendly amendment was made to the motion by Vikki Erickson to approve that Executive Director Oppenlander continue working with the Rural Regional Behavioral Health Policy Board on Bill SB44; Seconded by Harris. Roll Call Vote: Erickson – Aye; Sanders – Aye; Harris – Aye; Klimas – Aye; and Nielsen – Aye. Motion passed unanimously.

Erickson moved to Item **3H Executive Director's (ED) Report**. **Oppenlander** covered the following items:

- i. On December 2nd, ED attended a public workshop introducing additional data collection efforts to be introduced through the licensure renewal process during the 2021 Legislative Session -- See: White Paper in Board packet;
- ii. On December 10th, ED met with the Administrative Collaborative and another data collection item was discussed – See: Legislation Committee on Senior Citizens, Veterans and Adults with Special Needs - Summary of Recommendations;
- iii. Strategic Plan Update: See BESW Strategies 2021 – 2023 Handout; ED anticipates setting a planning meeting in the next budget to revisit the strategic

- plan; in the meantime, she will place this updated strategic plan update on the BESW website;
- iv. **Oppenlander** referred item to Board Counsel / DAG **Bhalla** and he updated the Board on a pending Litigation Matter in the United States District Court for the District of Nevada - Case No. 3:20-cv-571-MMD-WG;
 - v. Future Agenda Items/ Ideas shared included Training, Strategic Planning, and Legislative Discussion(s); and
 - vi. Next Board Meeting is scheduled for 9 a.m. Friday, March 12, 2021.

Item 4 – Public Comment. Erickson asked for **Public Comment**. Hearing none, she asked for a motion for **Item 5 - Adjournment**.

A motion was made for Adjournment by Jacqueline Sanders, Seconded by Susan Nielsen. After a Roll Call Vote, the Motion Passed Unanimously.

The meeting was adjourned at 10:17 a.m.

Minutes Respectfully Submitted by Karen Oppenlander