



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

Board Meeting Minutes

Wednesday, May 18, 2022

President Esther **Langston** called the meeting to order at 9:05 a.m. Roll Call of Board Members was conducted. Jacqueline **Sanders**, Abigail **Klimas**, Linda **Holland Browne**, Susan **Nielsen**, and Esther **Langston** were present.

Langston moved to Agenda Item 2 – **Public Comment**. There was no public comment (in person or online).

Langston moved to **Agenda Item 3 - Board Operations**, starting with **Agenda Item 3A - Review and Discuss Board Meeting Minutes for April 13, 2022. (For Possible Action)**.

Motion was made by Jacqueline Sanders and seconded by Abigail Klimas to accept the minutes as presented. Roll call vote: Holland Browne – Aye, Klimas – Aye, Sanders – Aye, Langston – Aye, Nielsen – Approved as to form, not content. Motion passed unanimously.

Langston next moved to **Agenda Item 3 B - Board Review of Hearing for Virgilio DeSio, License No. 6200-C. (For Possible Action)**. Deputy Attorney General Harry B. **Ward** spoke about this matter and indicated that the licensee DeSio and his legal counsel Michael Castillo were in the process of negotiating a consent decree. Both licensee and attorney attended the Board meeting and concurred with **Ward's** assessment of the status of this matter. **Langston** directed **Oppenlander** to move this agenda item forward to a future Board meeting agenda that is currently set for June 15, 2022.

Moving forward to Agenda Item 3C - **Review and Discuss Fund Balance vs Reserve Funds with Presentation. (For Possible Action)**, **Oppenlander** introduced Loretta Pontoon referring to her Bio. As the Executive Director of the Board of Occupational Therapy since 2006, as well as having considerable other experience including being Facilitator of the Professional and Occupational Licensing Boards Administrative Collaborative, Pontoon was invited as an expert to assist the BESW Board in understanding the difference between Fund Balance and Reserve Funds.

Using handouts that had been developed for the Administrative Collaborative, Pontoon explained that the Fund Balance is an accounting term used to describe the difference between a Board's assets and liabilities in a governmental fund as all Boards are governmental entities. The Fund Balance represents the cumulative profit and loss over the life of the Board. When revenue exceeds expenses the fund balance increases; when expenses exceed revenue the fund balance decreases.

Boards can consider their financial viability by regularly reviewing the status of the fund balance and establishing a policy on the use of funds through a Reserve Funds Policy which can create target points for consideration of increasing or decreasing licensing fees and/ or expenses. The Fund Balance is not the Cash Balance. Fund Balance includes adjustments for assets, liabilities and accrued expenses not yet paid.

What are Reserve Funds? The terms "reserves" and "fund balance" are often used interchangeably, which can be confusing. Reserve Funds could be defined as a subset or breakout of the total "Fund Balance". For example, a distinction can be made when establishing a Reserve Funds Policy to define "reserve funds" as a "general operating reserve" or simply "general operating fund balance".

The question is asked about what types of reserves should be included within the “Fund Balance”. It is important for each Board to define the problem or potential problem that could trigger a fiscal crisis for their Board. The objective of reserve funds policy is to minimize the potential financial crisis as well as provide financial stability.

Factors to consider in determining the “funds available for general operating reserves” include pending litigation costs, contractual obligations and potential costs which are not reflected in the current financial statements. The Board may want to “set-aside” or “reserve” funds to address future obligations, establish a minimum operating cash balance sufficient to ensure operations during crisis, emergency, or unexpected loss of revenue. Common reserves or set asides may include Contingency Reserves (wish list, contingent upon sufficient funds); Operating Reserves (general operating costs for a specific period); Emergency Reserves (crisis management and operations); Current and Future Capital Needs Reserve (equipment, facilities, data systems); and Liability Reserves (compensated absences, pension, post-employment benefits, unemployment). For example, she said that disciplinary matters can end up being very costly when a Board incurs unexpected legal costs and can cost hundreds of thousands of dollars over a period of years. She also referred to special initiatives that a Board may consider.

Pontoon provided a simplified financial statement report for discussion purposes and a simplified example of a Board Reserve Funds Policy. At this time Board members had a brief discussion. **Ward** suggested and it was determined by the Board that **Oppenlander** would bring forward the current Board Reserves Policy in a revised fashion to include information gathered in today’s discussion. The Board agreed with **Langston’s** summation of this discussion and wanted to look at an updated BESW policy as a starting point to create an updated Reserves Policy for BESW. In a verbal roll call agreement, it was unanimously determined that the Board would work with the draft presented, agree with and/ or make changes to the draft, and would expect to come to an agreement on an approved Reserves Policy within the next few months.

Following, **Langston** moved to **Agenda Item 3D - Review and Discuss Salary/ Per Diem for Board Members. (For Possible Action)**. **Oppenlander** stated that she was asked to look at 641B re: the option for the Board to consider a budget for Board members to receive a salary/ per diem. In reviewing 641B, it was learned that there is a provision for this in NRS 641B.140 as follows: Salary of members; per diem allowance and travel expenses for members and employees. 1. Each member of the Board is entitled to receive: (a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and (b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally. 2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

In researching this, **Oppenlander** asked for feedback from the Administrative Collaborative and received 15 responses indicating that other Boards are paying their members. She provided the feedback to the Board in the Board Packet distributed for the meeting. Board members made brief comments referring to their initial impressions of considering a salary with impressions being favorable, neutral, and unfavorable. In general, the Board did agree to continue the current process of reimbursing or paying for travel costs associated with Board membership. After these various viewpoints were shared, it appeared that there was not consensus, and that further discussion would be necessary. It was determined by the Board that **Oppenlander** would formulate a draft Salary and Per Diem Policy for BESW for future review and discussion. With this draft document, the Board would consider establishing a per diem and salary policy for Board members of BESW that would potentially be accepted over the next few months giving adequate time for review and consideration.

Next, **Langston** turned to **Item 3E - Review and Discuss Draft Budget – July 1, 2022, through June 30, 2022. (For Possible Action)**. **Oppenlander** reviewed the draft budget with the Board members with intent to ask for feedback on various items and re-present the budget on June 15th June for final approval.

Oppenlander covered the news that the Governor’s Finance Office has approved the EITS (Enterprise IT System) SLA (service level agreement) with BESW on Tuesday, May 10th after 2 years of negotiations. With this fully executed agreement, EITS and BESW are completing transactions to cover any open invoices incurred and will start the second year of the biennium (July 1, 2022) with a fresh budget. She spoke about wage and benefits increases for two staff members. In a review of the two State of Nevada job classifications, one employee is qualified to move from a pay grade 25 to pay grade 27, and the other employee is qualified to move from a pay grade 27 to a pay grade 29. Further, she explained how each have each helped the Board to comply with legislative mandates to move to online applications and renewals for the purpose of making it more efficient and effective for the State of Nevada and our customers – licensees and potential licensees. **Oppenlander** went on to explain changes to several standard and new line items e.g., contracts, a line item to pay Board members salary / per diem if that policy is approved; asked for feedback re: a request for proposal for a lobbyist for a smaller contract than previously as the Board does not intend to file a bill during the upcoming 2023 legislative session; and asked for feedback for a suitable price range for an auditor. The Board had questions and recommendations about several line items. **Oppenlander** agreed to bring the budget back for approval to include Board member recommendations along with answers to any pending questions.

Langston moved forward to **Agenda Item 3F - Review and Discuss the Updated BESW 2022-2023 Strategic Plan**. Megan Jones from Social Entrepreneurs Inc. presented the summary of changes made by the Board two months ago for the final year of the current strategic plan.

Communications and Public Relations - Critical Issue: BESW to improve its relationships with licensees, external partners, and other stakeholders, and be perceived as responsive, easy to work with, collaborative, and fair. Goal 1A. BESW will achieve a 75% satisfaction rating from licensees by 2023. Strategy 1A.1: Conduct stakeholder engagement sessions with all constituencies regarding changes to BESW, and 2019 and 2021 Legislative Sessions; 1A.1.1: Review original satisfaction survey questions; 1A.1.2: Determine information and data to be collected and revise survey questions; 1A.1.3: Develop a plan to issue updated satisfaction survey with final questions, outreach and distribution approach, and timing by June 30, 2023. Strategy 1A.2: Implement systems to create an effective feedback loop about complaints and satisfaction; 1A.2.1: Review satisfaction data from the original survey; 1A.2.2: Develop a plan to establishes a feedback process for complaints and satisfaction for providers and service recipients’ licensees and for the public that the licensees serve.

Board Operations - Critical Issue: BESW operations are streamlined, efficient, and user friendly. Goal 2A. BESW will have online licensing and renewals. Strategy 2A.1: BESW will have online licensing and renewals 2A.1.1: After online applications and renewals system is established, continue to work with secured vendor to develop an internal BESW tracking system for disciplinary complaints (see Strategy 2B.2). 2B. BESW will transfer all appropriate documents from paper to digital formats. Work through and archive all paper files as appropriate. 2B.1.1: Ensure Deputy Director and Other Staff attend next offered State Archives Workshop (in 2022, 2023). 2B.1.2: Ensure Deputy Director and Other Staff attend next offered Nevada Digital Retention Course (in 2022, 2023). Strategy 2B.2: Move to computer-based systems as the baseline for documentation for BESW operations. 2B.2.1: Work with secured vendor to establish an online internship application process.

Strategy 2B.3: Implement technological solutions to promote data gathering, retention, and sharing; 2B.3.1: Review Legislation and Determine Enhancements Needed to Promote Data Gathering; 2B.3.2: Ensure data gathering, retention, and sharing is accomplished in newly developed processes for online tracking of complaints, discipline, and internship applications.

Board Operations - Critical Issue: BESW operations are streamlined, efficient, and user friendly. Goal 3A. BESW will have all policies and procedures in place. Strategy 3A.1: Implement solution-oriented customer service approach. 3A.1.1: Encourage staff to identify and implement solutions for improved customer service. 3A.1.2: Build staff skills in customer service. 3A.1.3: Create a plan to positively transform the BESW customer experience. Strategy 3A.2: Ensure up to date, accurate policies, and procedures 3A.2.1: Gather policies and procedures. 3A.2.2: Revise BESW policies and procedures. 3A.2.3: Update and distribute BESW policies and procedures. Strategy 3A.3: Develop policies and procedures for management of data. 3A.3.1: Continue to work in concert with State of Nevada to gather and disseminate required data. 3A.3.2: Develop written data policies and procedures that conform to requirements. Strategy 3A.4: Implement Board and staff training. 3A.4.1: Ensure new Board and members are trained (e.g., AG online training from the State, BESW training for new Board members, and ASWB training opportunities – online and in-person). 3A.4.2: Ensure staff take part in ongoing EITS online training (e.g., State of Nevada QuickHelp for Microsoft 365, EITS KnowBe4 Phishing Alert Button to report suspicious emails, and etcetera).

Disciplinary Function of the Board - Critical Issue: BESW will ensure appropriate, timely processing of complaints against licensee(s). Goal 4A. BESW will process new complaints against licensees per NRS and NAC. Strategy 4A.1: BESW will process new complaints against licensees per 641B NRS and NAC. 4A.1.1: Work with DAG to ensure complaints are processed in accordance with 641B NRS and NAC requirements. Goal 4B. BESW will clear 100% of backlogged disciplinary cases from prior to January 1, 2018, by December 31, 2022. Strategy 4B.1: Ensure internal compliance with existing NRS and NAC related to disciplinary action. 4B.1.1: Establish a process to continuously monitor 641B compliance. Strategy 4B.2: Evaluate NRS and NAC for changes to improve the disciplinary process. 4B.2.1 NAC changes made in 2019 were to 641B.220 Unprofessional conduct Section 2. 4B.2.2: Additional disciplinary-related updates to 641B NRS and NAC will be deferred to the next strategic plan.

Financial Positioning - Critical Issue: BESW needs to strengthen accounting practices and ensure financial sustainability. Goal 5A. Address audit recommendations based on management letter by June 30, 2023, and ongoing. Strategy 5A.1: Address audit recommendations based on management letter of June 30, 2022, 5A.1.1: Implement auditor recommendations through June 30, 2023. 5A.1.2: Develop process for implementing recommendations on an ongoing basis beyond June 30, 2023. Goal 5B. By 2023 BESW will have a set number of months in accordance with the recommendations of similar small board organizations. Strategy 5B.1: Strengthen financial position of BESW. 5B.1.1: Monitor progress/trends with hybrid accrual/cash system and fee increases implemented.

As there were some minor changes suggested during the meeting, Jones agreed to forward the final version to the Board for the June 15th Board meeting for approval.

To conclude Board Operations, **Langston** moved to **Agenda Item 3G - Executive Director's Report (For Discussion Only)**. **Oppenlander** gave an ASWB Education Meeting Update. She covered items from the April ASWB Administrators' Forum e.g., an ASWB 124-page report re: Telehealth regulation in social work; the research presentation made by a Supervision Requirements Panel; Information about the Continuing Education program; and recent ways that ASWB is working to find ways to lift administrative burdens from boards. Next, she highlighted several education sessions that took place on Friday and Saturday for Board

members from Canada and US; and attended by representatives from various composite boards. Discussions included: Forming effective board-researcher partnerships to make decisions based on data, and academic research versus policy research; Communications with stakeholders e.g., legislators/ lobbyists; Licensing of social workers with criminal history and backgrounds that have histories of fraudulent record keeping (considered very serious) and breaking professional boundaries.

Oppenlander spoke next about the lifting of Emergency Directives by the Governor on May 20th. Sandy **Lowery** sent emails out to the 220+ waived folks who were able to work in Nevada without having to pay for a license. Sandy welcomed everyone to apply for a license in the State of Nevada; and she did ask them to let her know if they were going to seek licensure in NV or would be discontinuing practice in Nevada. Sharing initial results, we will report on the final numbers as the waiver process is finalized.

On June 8, 2022, BESW has been selected for an FBI Audit as one of the State of Nevada Agencies to be reviewed as BESW has what the Department of Justice / FBI refers to as Noncriminal Justice Access to Criminal History Record Information (aka background checks). The FBI Auditors will be reviewing 15 of our cases during their audit and we will come back to the Board with more information after the audit is completed.

She next relayed conversations with Adina Fitzgerald, the Director of Boards and Commissions, for the Office of Governor Sisolak. Understanding that Susan **Nielsen** has been working tirelessly and graciously for years beyond her official 'graduation date' as the Public Member of BESW; Fitzgerald sent a copy of the framework for replacing the public position on the Board. The Governor's office is looking for recommendations for potential candidates who can fill the vacancy for one member to be appointed to the Board who must be a representative of the 'general public'. Preferably this person would be in the north to assist the Board in check signing duties. This member must not be: (a) Licensed or eligible for licensure pursuant to this chapter; or (b) The spouse or the parent or child, by blood, marriage, or adoption, of a person who is licensed or eligible for licensure pursuant to this chapter. Please contact Oppenlander after the meeting to get help connecting with the Governor's office.

Agenda Item 4 - Public Comment. There was no public comment. **Langston** adjourned the meeting at 10:58 a.m.

Respectfully submitted by Karen Oppenlander.