



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
(BESW)

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BOARD MEETING MINUTES

9:00 am, Wednesday, August 17, 2022

Dr. Esther **Langston**, Board President welcomed everyone to the meeting at 9:02 a.m. and then conducted a Roll Call. Board Members in attendance: Linda **Holland Browne**, Esther **Langston**, Abigail **Klimas**, and Jacqueline **Sanders**. Board Member absent: Susan **Nielsen**. Board Staff: Sandra **Lowery**, Deputy Director, Karen **Oppenlander**, Executive Director, and Harry B. **Ward**, Board Counsel, Deputy Attorney General. Guests: S. Dominguez, S. Maplethorpe, and M. Windishar.

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 July 20, 2022. (For Possible Action)**.

Motion was made by Linda Holland Browne and seconded by Jacqueline Sanders to approve the minutes. Roll call vote: Sanders – Aye, Holland Browne – Aye, Klimas – Aye, Langston – Aye. Motion passed unanimously.

Langston asked **Oppenlander** to introduce **Review and Discuss BESW Licensure Processes and Other Items Regarding Workforce Shortages in Mental Health Professions. (For Discussion Only)**. **Oppenlander** referred to **Agenda Item “i” - Understanding the Challenge of Significant Shortages in All Mental Health Professions” – an Updated Report**. The Board is currently in the process of preparing for the upcoming 2023 Legislative Session. To that end, BESW is reviewing new items monthly and this report is being updated accordingly. Ideas have included suggestions regarding internship process improvements, opportunity from ASWB (and etcetera) to participate in the Social Work Interstate Compact, and requests/ ideas directed to the Board for BESW to join collective efforts to reduce workforce shortage. With this summarized information, the Board may determine how to provide support as it moves into the Legislative Session and insert its intentions into its July 1, 2023 – June 30, 2026, BESW Strategic Plan. **Oppenlander** then highlighted specific items that were covered during the July 20th Board meeting that were condensed for this summary report (while captured in full in the July 20, 2022, Board minutes). Additionally, she covered some related items that occurred in between July and August Board meetings.

Next, the Board looked at **(ii) State of Nevada Commission on Behavioral Health Letter to the Governor Approved July 28th, 2022**. This letter was included in the Board’s meeting packet. **Oppenlander** pointed to portions of the letter that she highlighted. Board members made related comments to this information. **Langston** summarized the Board’s discussion as follows, “So as we move into technology..., how do we service the population effectively so that they can get the services that they need? And I

think that needs to be our focus...; How do we bring quality services to those populations and how can we do that in the most effective and efficient manner that benefits the consumer?"

Following this discussion, **Oppenlander** drew attention to **(iii) Division of Child and Family Services, Nevada Children's Behavioral Health Consortium Meeting Minutes, April 7, 2022, approved August 4, 2022**. This document was highlighted and draws attention to the need for additional school social workers. **Lowery** provided background about the approval of school districts as postgraduate internship sites. Clark County was the first school district to work through the internship process with BESW. Following, the Board worked with Amber Reid (Department of Education) to develop a template for other school districts. This template has been successfully introduced in six rural school districts. Most recently, Board staff has had to close the Clark County School District program until modifications in their agreement could be approved by their human resources department and their attorney for postgraduate internship sites. As BESW and CCSD HR has approved the updated site agreement, BESW awaits the attorney's approval. **Oppenlander** stated that because the Board's staff experience is different than what was presented in these meeting minutes, staff intends to contact the committee chair to discuss further. **Lowery** added that another piece that further complicates postgraduate internships in Nevada school districts is that the Department of Education has hired someone specifically to assist the school districts in becoming Medicaid providers so that they can bill for mental health services. Once this new billing process is cleared, BESW will need to have social worker internship sites approved or there can end up being a 30,000 foot disconnect. A discussion followed about role confusion and other difficulties being experienced within the school social work system in Nevada.

Next, **Lowery** covered a handout for discussion **(iv) Post-Graduate Internship Program - 3 Issues for Consideration (Discussion only)**. She indicated that internships generally move along efficiently. However, several issues have arisen that need Board discussions, decisions about changing existing policies and protocols that we have operated with for decades. As we know, the Rural Regional Behavioral Health Policy Board presented one issue that they see as an internship site barrier is the BESW requirement for an onsite licensed mental health professional. BESW has historically wanted a clinical supervisor to be on site to protect the clinical supervisor, the intern, the public and the client if there is an acute psychiatric crisis. Historically, we have not approved for office clerical staff to fill this role.

Based on the requests BESW has received, **Lowery** suggested that the Board may decide to reconsider its stance due to workforce challenges in rural Nevada. She submitted draft language for review:

An intern may not engage in direct practice with clients unless the clinical supervisor or licensed on-site mental health professional is on-site and available for immediate consultation. After the intern has completed 1000 clinical hours, 500 non-clinical hours and 50 hours of supervision, the licensed on-site mental health professional may be available for immediate consultation indirectly, e.g., the use of cellular phones, video conferencing, etc., if the clinical supervisor is agreeable. Since the practice of the intern is under the clinical supervisor's license, it is up to him/her to determine if the intern is ready for more independent practice.

Lowery explained that she had recently offered a supervision training for 63 licensed clinical social workers. She asked them what their thoughts were on this issue and the majority said that they like having a licensed onsite mental health professional as a backup for those LCSW supervisors that are offsite.

Lowery moved forward to the second item for Board consideration which is a review of the BESW policy around closure of postgraduate internship sites. Currently, we have a couple of reasons why BESW would close a postgraduate internship site. The first one is if the site receives a Medicaid sanction. BESW routinely receives and reviews the Medicaid exclusions list that indicates when social workers

and/ or sites are sanctioned by Medicaid. Historically, BESW has considered that when a site loses its Medicaid approval, that it is suggestive that there are some problems at the site. The second reason that BESW removes an approved internship site is that Medicaid is the primary payer source that can't be used for the billing of services by an intern when it is sanctioned. Essentially that agency has limited options for billing for intern's services. When a site gets the sanctions lifted, BESW could consider putting the site back on our approved site list. Another reason BESW may remove a site is if the agency is cited, sanctioned by JCAHO – the Joint Commission on Accreditation of Healthcare Organizations -- and this would be based on a subsequent evaluation by BESW.

The third post-graduate clinical internship issue to be considered is to allow the internship to be completed solely with remote practice. The Board is being asked to weigh in on whether they believe that this constitutes a comprehensive internship. During COVID, all internships moved to remote platforms. With the removal of the Governor's Emergency Directive, agencies have generally moved to offering a blend of in-person treatment and remote treatment. Board staff checked with the VA, DPBH Rural Clinics and several private agencies to determine their current practice model. None of them are doing remote-only treatment; most are doing a hybrid model. A related question has arisen about the Board's position on allowing a postgraduate internship to be solely completed on via telehealth. In this situation, a social work intern would never actually sit in an office and do face-to-face sessions with clients. We realize that during the lockdown portion of the pandemic, we were all doing our practice from home offices. Checking with the VA, which is the organization that does the largest amount of telehealth, we asked them what they are doing now. Their interns are doing a blend. **Lowery** commented that she is comfortable with a hybrid blend of inpatient sessions and telehealth. She also checked with State of Nevada Rural Clinics, and they are also now offering a blend of inpatient or in-person sessions and telehealth. And finally, **Lowery** checked with three or four of the larger outpatient clinics in Nevada and they are all offering a blended approach - both in-person and telehealth. So, the question will be, how does BESW want to proceed?

Holland Browne addressed the issue of onsite supervision stating that she has been fortunate to have supervised internships that were in a hospital setting with other healthcare professionals available to her e.g., psychiatrists, psychologists, and so on. In her experience, if the clinical supervisor was not physically in the building, she had other people she could turn to. You need to have someone you can call on when you have a client who's in a crisis because so often there may be alcohol and drugs involved as well as all kinds of other things. You just can't be out there in a mental health clinic by yourself with a secretary. My worry is that just isn't going to be sufficient.

Langston considered that technology might give us better opportunities to be certain that the worker, the client, and the profession are protected. She used an analogy of the two-way mirror formerly utilized for supervision (old school). Everyone knew that there was a supervisor behind the scenes on the other side of the two-way mirror. Now, a technology solution may offer a substitute supervision method. **Lowery** added that supervisors were asked if they routinely join a session via Zoom or via phone in lieu of going onsite. These are not the supervisors that are of concern. The concern is the absence of an onsite mental health professional when a situation warrants it.

Klimas commented that she would feel more comfortable if there was a regional/ rural mobile crisis unit that was responsive that could be called; that you knew that you had a Plan B if a supervisor wasn't readily available. It seems that if you are an intern, you would need to have some sort of clinical support so that you know that you're not alone in making decisions in a crisis.

The Board continued a conversation on the third question for consideration with additional information provided about what may happen with other payor sources when a licensee or an agency is sanctioned

by Medicaid. Then there was a brief conversation about the Medicaid appeals process. **Ward** suggested that BESW would not necessarily proceed with a disciplinary action against a licensee until the licensee has exhausted all their appeals regarding Medicare, Medicaid, or any other sanction. But, when it comes to postgraduate internship, that's a somewhat different question and this would be up to the Board regarding postgraduate internships programs at these facilities.

Sanders shared a concern as a large portion of information is given to social workers from body cues; and we must pay attention to body language that is not always present via telehealth. For example, a person may be using a cell phone and we can only see them from the shoulders on up. As a social worker, we need to look at the entire picture to assess a patient (e.g., in an acute care setting or during a home visit). So, I would recommend a good portion of the postgraduate internship be in-person and not just telehealth because it would not be as effective.

Klimas indicated that she supports a hybrid model for postgraduate internships. It's apparent that we are leaning more towards telehealth and that requires a different skillset. We will want social workers to be prepared to be able to assess in-person as well as conduct a telehealth assessment. Also, they will need to know how to create a therapeutic environment via telehealth. To wrap up, **Lowery** asked for the group to consider the three issues presented; and that this will be on an upcoming Board agenda.

Next, **Agenda Item 3C - Board Review of Hearing for Virgilio DeSio, License No. 6200-C. (For Possible Action)**. Deputy Attorney General **Harry Ward** reported that he is still negotiating a settlement in this matter and requested that this item be kept on the agenda for next month. He continued that if the negotiations regarding the consent decree fail, he will bring this matter to the Board for a hearing. However, he is confident that this matter will resolve by consent decree; and this would save the Board time, money, and energy regarding getting to an optimal position to resolve this matter. If necessary, he will give the Board at least one month notice saying this matter is unable to resolve, and that we will be having a long meeting when it's put on the agenda. This is because some of these matters can take up to eight to ten hours or up to two days depending on the complexity of the issues and the law. Hearing no opposition, the Board thus allowed the item to be moved forward to a future agenda.

Following was **Agenda Item 3D - Association of Social Work Boards Updates**. **Oppenlander** highlighted a handout re: **Stacey Hardy-Chandler, Ph.D., J.D., LCSW, named ASWB's next CEO**. Ms. Hardy-Chandler is a Nevada licensee and BESW has recognized her for this achievement.

Next, **Langston** briefly updated the Board re: her attendance at a recent **ASWB Special Meeting of the Online Delegate Assembly** that was strictly about data analysis that is included in the Board Packet about examination pass rates across the nation and what's happening with social workers. **Oppenlander** indicated that the latest detailed information was released by ASWB to the public this morning so the Board will need to wait for a deeper dive into the most recent data. **Lowery** did provide the Board with reports that BESW has received from ASWB in recent times. In the Board packet are the last two years (2019 and 2020). 2021 will be available in a new format. Typically, we have received the North American pass rate listed by exam type, and then we get the university reports for Nevada. When we receive that information, we have sent UNLV's report to Dr. Carlton and have sent the UNR report to the Dean of the School of Social Work for their student populations. **Lowery** proceeded to explain the overall pass rates for Nevada and asked the Board to stay tuned for more statistics.

Langston further recapped the ASWB meeting by stating that the whole purpose was for ASWB to be transparent by giving out a snapshot of what's happening with the exams. Now that they have this data,

what are the kinds of analysis, and how they're going to use this data to deal with the national, as well as state university average pass rates, and what that will mean. We will be able to look at ways, particularly the universities and colleges, to strengthen pass rates. As a former university professor, most problems when I gave practice exams in my classes were because the students didn't read the question well and needed test taking tips. **Holland Browne** commented that it will be interesting to see how the advent of COVID impacts test scores because there are some students who did not set foot on campus for as long as two years.

Oppenlander covered **Agenda Item 3D iii - Online Engaging with ASWB Session on August 18, 2022, for Social Work Licensing Compact Development Updates** by letting the Board know that registration is open to ASWB member Board Members and staff; no registration fee to attend the sessions.

She followed with **Agenda Item 3D iv - Review and Discuss Selection of Attendee at New Board Member Training Session, ASWB Pre- Approval of Dr. Langston for September 15-17, 2022. (For Possible Action)**. She updated the Board that President **Langston** has received eligibility for full funding to attend the New Board Member Training session to be held September 15-17, 2022, in Alexandria, VA. Her travel to and from the training, hotel reservations, and meals included during training will be directly billed to ASWB. Other expenses incurred to attend will be reimbursed following the training according to the ASWB Travel Arrangements and Expenses policy. Association funding shall be awarded on a first-come, first-served basis to eligible participants and may be limited to one participant per Member Board to benefit the largest number of ASWB Member Boards.

A Motion was made by Jacqueline Sanders and seconded by Linda Holland Browne to Approve Dr. Esther Langston as Attendee for ASWB New Board Member Training Session for September 15-17, 2022, in Alexandria, Virginia. Roll Call Vote: Klimas – Aye, Sanders – Aye, and Holland Browne – Aye. Motion Passed by Majority.

Next, **Agenda Item 3D – v, Review and Discuss Selection of Delegate for ASWB 2022 Annual Meeting of the Delegate Assembly – November 18-19, 2022, Scottsdale, AZ. (For Possible Action)**. **Oppenlander** referred to the "Serving as a Delegate Handout" from the Board Packet. The handout covers what a delegate is, what ASWB delegates do, and what delegates vote on. She asked for Board Members to consider if they may want to be a delegate representing BESW at the next ASWB Annual Meeting - Delegate Assembly on November 18th through 19th, 2022 in Scottsdale, Arizona meeting.

Klimas made a Motion to send either Jacqueline Sanders or Linda Holland Brown to the ASWB Delegate Assembly - November 18th, 19th in Scottsdale, Arizona, Seconded by Dr. Esther Langston. Roll Call Vote: Langston – Aye, Klimas – Aye, Holland Browne – Aye, Sanders – Aye. Motion approved unanimously.

Following, **Agenda Item 3 E - Review and Discuss Board Compensation Payment Process. (For Possible Action)**. **Oppenlander** reminded the Board of the Board Compensation process that was approved during the last meeting. After the meeting, she went back to the Board that she had 'borrowed' the policy from. They offered to give BESW a copy of their Payment Log that they had designed in 2018. The top portion outlines what their Board had decided to pay for. If you concur, then each month you will fill out your time sheet and send it to me. Then I will submit it for your payment. I was also asked to provide some IRS Tax information about 1099s and will do so after today's meeting. She also reminded the Board that the pay scale is \$18.75 per hour capped at \$150 per day.

Jacqueline Sanders made a Motion to Approve the Board Compensation Payment Log, Seconded by Abigail Klimas. Roll Call Vote: Sanders – Aye, Langston – Aye, Klimas – Aye, Holland Browne – Aye, Motion approved unanimously.

Next, **Agenda Item 3 F - Executive Director's Report (Informational)**. **Oppenlander** had sent a handout from NASW – Nevada Chapter to share information about an upcoming 2022 Social Work Virtual Mental Health Conference, October 13th and 14th, being hosted by Nevada and North Dakota. The handout also refers to ASWB testing data and pass rates. She mentioned that she has an appointment with Kyle Hillman, NASW- NV Director tomorrow morning to discuss ways for BESW and ASWB to work together. **Langston** commented that NASW and BESW are two separate organizations that operate independently. NASW will make recommendations in terms of the direction, or things that social workers may be involved in and do. And NASW is taking a lead in developing an interstate compact whether BESW does that or not. We can inform people that we they're two separate entities that serve two separate different purposes.

Agenda Item 3F – ii - Pending Litigation Matter in the United States District Court for the District of Nevada - Case No. 3:20-cv-571-MMD-WG update from DAG Bhalla is that he and his colleague are waiting for a response to their request to dismiss this case.

Agenda Item 3F – iii – We are currently finalizing our contract with our new lobbyist, Flynn Giudici Government Affairs, LLC which is good news as we'll be working again with Nick Vander Poel and Mendy Elliott. The contract is \$43,500, and there are different monthly rates depending on whether we're in session or not in session.

Agenda Item 3F – iv - Future agenda items: Addressing items outlined by the previous auditor, Revisiting relinquishment, should that group come back to us and ask us for support during session, NRS and NAC changes that are forthcoming, Financial Management of board's reserves e.g., checking accounts, savings accounts, money market accounts, certificate of deposit accounts, et cetera for good strong financial management as part of your fiduciary responsibilities.

And last, **Item 3F – v – The next Board meeting is 9:00 AM Wednesday, September 21st, 2022.** **Langston** indicated that she may have a previous commitment and **Holland Browne** indicated that she could cover the September meeting if needed.

Agenda Item 4G – Public Comment. There was no in-person or online public comment, so **Langston** moved to **Agenda Item 4H - Adjournment** and adjourned the Board Meeting at 11:27 a.m.

Respectfully submitted by Karen Oppenlander, Executive Director.
