



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

9:00 am on Wednesday, October 19, 2022

BESW strives to maintain government transparency and protect public safety. We are offering a virtual option for attendance via Zoom conference. Cameras will be on for the duration of the meeting. Supporting materials will be available electronically at the BESW website: <http://socwork.nv.gov/board/Mtgs/>.

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

Date and Time: October 19, 2022, 09:00 AM Pacific Time (US and Canada).

Topic: BESW October Board of Directors Meeting via Zoom

Invite Link: <https://us02web.zoom.us/j/88030355808>

Meeting ID: 880 3035 5808

One tap mobile

+16694449171,,88030355808# US

+16699006833,,88030355808# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Find your local number: <https://us02web.zoom.us/j/kdgg0MBI8h>

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, 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

Items may be taken out of order; Items may be combined for consideration by the public body; Items may be pulled or removed from the agenda at any time; the public body may place reasonable restrictions on the time, place, and manner of public comments, but may not restrict comments based upon viewpoint. ***NOTE: Per Open Meeting Law, before speaking, please state your full name for the record.**

Pursuant to NRS 241.030 the Board may conduct a closed session to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

1. Call to Order, Roll Call.

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 Discuss September 21st, 2022, Board Minutes. (For Possible Action).

B. Review and Discuss Preferred Style for Presentation of Board Minutes (For Possible Action).

C. Review and Discuss BESW Q1 Financials – July 1, 2022 – September 30, 2022. (For Possible Action).

D. Review Litigation Matter - United States District Court for the District of Nevada - Case No. 3:20-cv-571-MMD-WG from Director Asheesh S. Bhalla (Previously served as BESW Deputy Attorney General and Board Counsel). (Information Only).

E. Board Review of Hearing for Virgilio DeSio, License No. 6200-C. (For Possible Action).

F. Review and Discussion of the 2023 Legislative Session. Flynn Giudici Government Affairs Advocates. (For Discussion Only).

G. Review and Discuss “Understanding Challenges and Opportunities in Light of the 2022 Release of Association of Social Work Boards Demographic Data” – Kyle Hillman, Executive Director, National Association of Social Workers – Nevada. (For Discussion Only).

H. Review and Discuss BESW Licensure Processes and Other Items Regarding Workforce Shortages in Mental Health Professions. (For Discussion Only).

I. Executive Director’s Report (Informational).

- i. Future Agenda Items: 1) NRS and NAC changes; 2) Strategic Planning Workshop.
- ii. Next Board Meeting is 9 a.m. Wednesday, November 16, 2022.

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/>.

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

**Review and Discuss September 21st, 2022, Board Minutes.
(For Possible Action).**



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, September 21, 2022

The September 21, 2022, Board Meeting was called to order by Linda **Holland Browne** at 9:00 a.m. A **Roll Call** was taken. Board members in attendance: Linda **Holland Browne**, Abigail **Klimas**, Jacqueline **Sanders**, and due to technical difficulties Dr. Esther **Langston** and Susan **Nielson** arrived after a few minutes. BESW Staff in attendance were Sandra **Lowery** and Karen **Oppenlander**. In attendance was Harry B. **Ward**, Deputy Attorney General and Board Counsel. Guests in attendance: Megan Jones and Kelly Marschall from Social Entrepreneurs; Omar DeLaRosa and Mendy Elliott from Flynn Guidici. The meeting was turned over to **Langston**.

Langston asked for **Public Comment**. There was no online public comment; one request by **Holland Browne** for clarification about an upcoming meeting date that is currently scheduled to occur on Wednesday, December 21, 2022.

Next, **Langston** turned to Board Operations. She postponed Agenda Item 3A Review Litigation Matter - United States District Court for the District of Nevada - Case No. 3:20-cv-571-MMD-WG until a future time as the presenter was not available.

Langston moved to **Agenda Item 3B, Review and Discuss August 17th, 2022, Board Minutes. (For Possible Action)** and asked for a motion; and a motion was made and seconded to approve the Board Minutes. There was a brief discussion regarding the style for presentation of board minutes (summary minutes vs detailed minutes) and it was determined that this discussion item will be placed on the October agenda.

Motion was made by Linda Holland Browne to approve August 17, 2022, Minutes as presented, Seconded by Jacqueline Sanders. Minutes were approved.

Next, **Langston** moved to **Agenda Item 3C, Review and Discuss BESW Strategic Plan July 1, 2023— June 30, 2026. (For Possible Action)**. Megan Jones and Kelly Marschall from Social Entrepreneurs were available to guide the Board through a segment of the strategic planning process that will cover the period from July 1, 2023, through June 30, 2026.

Jones covered slides identifying critical issues that have been called out during the SEI data information gathering from the survey and key one-on-one interviews. Jones reminded attendees that strategic planning is intended to operate as a communication and management tool that guides the prioritization goal setting and future work of the Board and the Board Members. This is meant to be a living, breathing document that allows an organization to evaluate and adapt to changes. And the strategic plan will appropriately identify the resources available. Jones went over the SWOT analysis. Board and Board Staff asked questions, made comments, and some corrections were noted.

Marschall next provided information about establishing "scaffolding" for the strategic plan: concepts/ goals/ priorities/ strategies. First the Board looked at the updated strategic plan that was developed and adopted for July 1, 2022 – June 30, 2023. Starting there, she helped the Board to look at the themes of the SWOT Analysis along with the themes in the current plan. The intention was to find issue areas and potential critical issues that the strategic plan should address over the next one to three years. Also, the other piece was to think about the strengths and opportunities. Strengths are things that can be leveraged to mitigate a weakness, or to improve performance. We don't want to just push those off to the side. We want to think about those strengths in terms of what have we done well, that has worked,

that we could apply to these other critical issues. You're holding all this contextual knowledge, as you begin planning. The question was: What current critical issues should we move forward and are there critical issues that are not addressed in the current strategic plan that you would like to elevate? She suggested that what the Board was doing is building a menu. And that at the next session, we will prioritize that menu, start to build out goals and then define strategies, timing, resources, etcetera.

After a thorough discussion, the Board concluded the planning process for September 2022. In closing, Marschall stated that this was Megan's last week with SEI. **Langston** thanked Megan Jones and appreciated all she had done in working with BESW. **Klimas** wished her good luck in California.

Langston then moved to **Agenda Item 3D - Board Review of Hearing for Virgilio DeSio, License No. 6200-C. (For Possible Action)**. **Ward** stated that we are still trying to resolve this matter and asked that this matter be put on the next agenda by the Executive Director. **Langston** indicated that this matter will be placed on the next agenda.

Langston moved to **Agenda Item 3E - Board Review of License Renewal for Eyob Ayele, License No. LMSW #6592-M (For Possible Action)**. **Oppenlander** stated that the Board has received a confidential packet and the licensee has requested that the matter be heard in Closed Session. The Closed Session was commenced at 10:32 a.m. with Board Members **Holland Browne, Klimas, Langston, Nielson, and Sanders** in attendance. They were joined by Executive Director **Oppenlander** and Deputy Attorney General and Board Counsel **Ward**. Closed Session was concluded at 11:14 a.m.

At 11:15 a.m., **Langston** returned to Open Session for **Agenda Item 3E - Board Review of License Renewal for Eyob Ayele, License No. LMSW #6592-M (For Possible Action)**.

Motion was made by Linda Holland Browne to Approve License Renewal for Eyob Ayele, License No. LMSW #6592-M, Seconded by Jacqueline Sanders. Roll Call Vote: Sanders – Aye, Holland Brown – Aye, Klimas – Aye, Nielsen – Aye, and Langston – Aye. Motion was approved unanimously.

Langston moved to **Agenda Item 3F - Review and Discuss BESW Licensure Processes and Other Items Regarding Workforce Shortages in Mental Health Professions. (For Discussion Only)**. **Oppenlander** covered "Understanding the Challenge of Significant Shortages in All Mental Health Professions" – an Updated Report with two reports from August 2022; then, Nevada Current Report – School Social Worker Guidelines that gives 'ideal' recommendations about improving school social work in all states; in the meantime, BESW has learned that Clark County has restored the agreement between BESW and the Clark County School District; next, we included a reference to BDR # 351 submitted by State of Nevada Committee on Commerce and Labor to provide for the issuance of temporary licenses by certain occupational licensing boards to members of the military and their spouses; and finally, the Board received the concept paper and the submission paper from the Rural Regional Behavioral Health Policy Board. **Elliott** commented that Flynn Giudici Government Affairs is gearing up to submit the BDRs to the Board in October, September.

Langston moved to **Agenda Item 3G - Review and Discuss Post-Graduate Internship Program - Issues for Consideration (For Possible Action)**. During this agenda item, President **Langston** turned the meeting over the Vice President **Holland Browne**. **Oppenlander** referred to three items for the Board: Amend requirement for onsite licensed mental health professional when the clinical supervisor is offsite; Reconsideration of policy for closing an internship site when the site appears on a Medicaid sanction / exclusion list; and reconsideration of expanded policy that includes sanctions made by any payor source; also, consideration of how a site may reopen as a teaching location for post-graduate interns; Consideration of allowing post-graduate clinical internship to be completed solely with remote practice; and Board is being asked to weigh in on whether this will constitute a comprehensive internship. Deputy Director **Lowery** facilitated the discussion stating that she had presented information to the Board in August 2022 regarding some internship issues that are surfacing and that she had made some initial recommendations on policy changes that the Board might ponder

between August and September meetings.

Lowery said that during August, we discussed the request from the Rural Regional Behavioral Health Board to remove the existing requirements for onsite licensed mental health professionals when the clinical supervisor isn't onsite. **Lowery** offered a middle ground response to the BESW Board: Reduce the requirement for onsite licensed mental health professional based on the intern having completed 1500 hours of their supervised 3000-hour internship. After discussion a motion was made.

Motion was made by Jacqueline Sanders to revise the Supervised Internship Policy on a one year trial basis that would require Onsite Supervision for the first 1000 hours of Clinical and 500 hours of Non-clinical until the intern is essentially exam eligible; and after that point, if the Clinical Supervisor is comfortable, that BESW would ease the requirement to having offsite supervision via a hybrid model for emergency access by other form of communication e.g. video conference, telephone and etcetera; or the Supervisor could decide to continue in the current manner of having Onsite Supervision for the entire 3000-hour internship; Seconded by Klimas. All in favor. Motion passed.

Lowery clarified that the second internship matter for the Board's consideration is in three parts: Reconsideration of policy for closing an internship site when the site appears on a Medicaid sanction exclusion list; Reconsideration of closing an internship site when sanctions are made by other regulatory agencies; and consideration of how a site may be reopened as a teaching location for postgraduate interns when the sanction is lifted.

Motion was made by Abigail Klimas to close an internship site when the site appears on a Medicaid sanction exclusion list; also, close an internship site when sanctions are made by other regulatory agencies; and reopen a site as a teaching location for postgraduate interns when the sanction is lifted; Seconded by Jacqueline Sanders. All in favor. Motion passed.

The third portion of agenda item was the review by the Board of whether it would consider a postgraduate internship of purely remote telehealth as an adequate internship in the State of Nevada. **Lowery** made a recommendation to the Board to not accept an internship site that is purely remote based. Instead, she recommended that BESW require internships sites to be hybrid; a mix of both in-person and remote. A brief discussion led to a motion.

Motion was made by Abigail Klimas to accept a fully in-person internship or an internship that is part in-person, part telehealth. Seconded by Jacqueline Sanders. All in favor. Motion passed.

Holland Browne moved to **Agenda Item 3H - Review and Discuss Association of Social Work Boards 2022 Exam Pass Rate Analysis of Findings in Nevada – Deputy Director Sandra Lowery. (For Discussion Only).** **Lowery** discussed a large supplementary packet of information from ASWB that is Nevada specific. She also discussed several terms utilized in the reports: Self report is when a test taker can choose to self-report demographic information or select an option to choose not to answer. These self-reports are not verified. She also clarified the use of 'first time passing' and 'eventual pass rate'. First time passing refers to those who pass the exam the first time they take it. Eventual passing will include the first time but also includes those who took the exam a second, third time or more. For Nevada, during the 10-year period of 2011- 2021, ASWB had 844 test takers at the bachelor's level. Overall pass rate for the State of Nevada was 78.8%. When we look at the master's level exam for the same time, we had 1,760 test takers with an overall pass rate of 80.7%. And then, when you look at the clinical exam over that 10-year period, there were 779 individuals that took that exam with an overall pass rate of 81%. So that's the first set of information that you got in that report. The second set divides it by UNR and UNLV. One of the things to understand is that we have

approximately about 20% - 25% of our licensees that do not go to either UNR or UNLV. They will go through one of the national online programs. So, we do not ever see how that data filters into the exam totals. Board Members took a deeper dive into the data with **Lowery**. **Holland Browne** commented on the potential effect made by COVID on the examinations as so many students were unable to set foot on campus for an extended period.

Holland Brown moved to **Agenda Item 3I - Executive Director's Report (Informational)**. **Oppenlander** briefly recapped the NASW – NV Meeting on September 19th, 2022. She stated that that Kyle Hillman, the NASW Executive Director introduced a listening session to discuss the release of data from ASWB. Various NASW Nevada members shared their personal ASWB examination experiences with several sharing about exam preparation.

She continued by reminding Board Members that in August, the BESW Board selected two Board Members to fill in for one spot at an upcoming ASWB meeting. We have since learned that **Holland Browne** is not able to attend the meeting. As BESW has already selected an alternate, Board Member **Sanders** will be attending the November 18-19, 2022, Annual Meeting of the Delegate Assembly in Scottsdale, Arizona.

BESW is in the process of preparing an extension to our current licensure software contract with Big Picture Software through December 31, 2023. We expect the one-year extension to cost under \$2000 for calendar year 2023.

Future Agenda Items: 1) Address items outlined by previous auditor; 2) Revisiting relinquishments (if requested); 3) NRS and NAC changes; 4) Financial Management of Board's Reserves (Checking accounts, Savings accounts, Money market deposit accounts, Certificate of deposit accounts); and etcetera; 5) Upcoming Strategic Planning Workshop; and 6) Look at bill draft requests that are being developed. Next Board Meeting is 9 a.m. Wednesday, October 19, 2022.

Holland Browne moved to **Agenda Item 4 - Public Comment**. **Oppenlander** indicated that there was no online public comment.

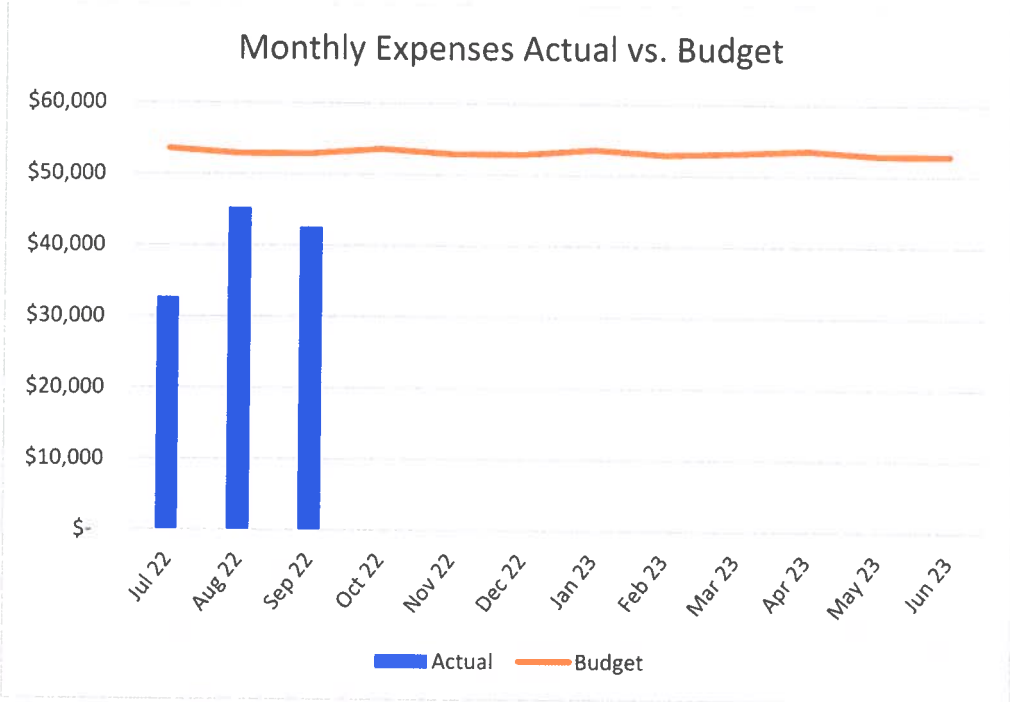
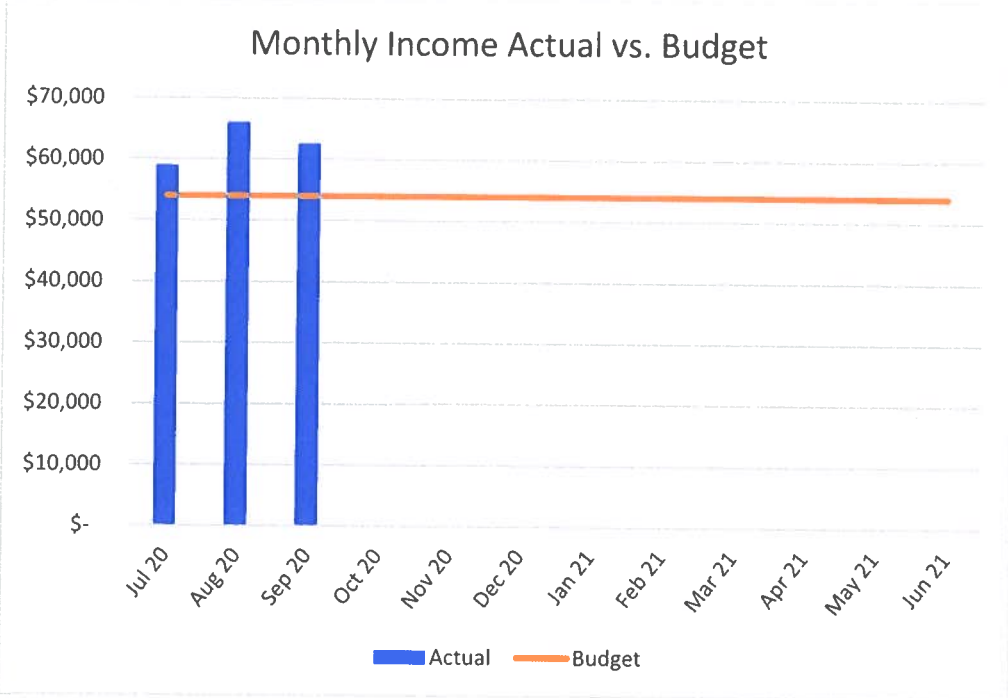
Holland Browne adjourned the meeting at 12:30 p.m.

Minutes Respectfully Submitted by Karen Oppenlander.

**Review and Discuss Preferred Style for Presentation of Board Minutes.
(For Possible Action).**

**Review and Discuss BESW Q1 Financials –
July 1, 2022 – September 30, 2022.
(For Possible Action).**

First Quarter Financial Information Graphs



September		Annual Budget FY 22/23	Monthly Budget - September	Monthly Actual - September	Monthly Variance Dollars	Monthly Variance Percent	Annual Year to Date	Annual Variance Dollar	Annual Variance Percent
Fund Balance		\$ 580,770.05					25%		

INCOME									
40000 · RENEWAL FEES		505,125.00	42,093.75	46,762.50	-4,668.75	111%	138,137.50	-366,987.50	27%
41000 · APPLICATION FEE		35,000.00	2,916.67	3,437.50	-520.83	118%	11,587.50	-23,412.50	33%
42000 · INITIAL LICENSE FEE		75,000.00	6,250.00	7,437.50	-1,187.50	119%	24,750.00	-50,250.00	33%
43000 · ENDORSEMENT FEE		18,000.00	1,500.00	2,000.00	-500.00	133%	8,500.00	-9,500.00	47%
44000 · PROVISIONAL LICENSE FEES		1,000.00	83.33	0.00	83.33	0%	375.00	-625.00	38%
45000 · RENEWAL LATE FEE		3,500.00	291.67	400.00	-108.33	137%	1,400.00	-2,100.00	40%
46000 · RESTORATION OF LICENSE		600.00	50.00	200.00	-150.00	400%	400.00	-200.00	67%
47000 · DISCIPLINARY COSTS		2,000.00	166.67	0.00	166.67	0%	0.00	-2,000.00	0%
48000 · MISCELLANEOUS		7,500.00	625.00	2,285.00	-1,660.00	366%	2,305.00	-5,195.00	31%
49000 · INTEREST		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
Total Income		\$ 647,725.00	\$ 53,977.09	\$ 62,522.50	\$ (8,545.41)	116%	\$ 187,455.00	\$ (460,270.00)	29%
Sub-Account Total		\$ 1,228,495.05					\$ 768,225.05		

EXPENSES									
50050 · Wages		258,986.00	21,582.16	20,542.34	194.70	93%	58,708.20	-26,756.10	23%
50102 · Group Health Insurance		34,896.00	2,908.00	2,713.30	6.74	99%	8,139.90	-4,332.94	23%
50103 · Ins Regis		5,620.00	468.34	461.60	6.74	99%	1,287.06	-4,332.94	23%
50104 · Medicare		3,780.00	315.00	306.98	8.02	97%	920.95	-2,859.05	24%
50105 · PERS-Employer paid		37,600.00	3,133.33	2,918.82	214.51	93%	5,837.64	-31,762.36	16%
50106 · Unemployment Ins.		2,000.00	166.67	175.09	-8.42	105%	612.73	-1,387.27	31%
50300 · Workman's Comp.		2,750.00	0.00	425.93	-425.93	0%	425.93	-2,324.07	15%
Sub Account Total		\$ 345,632.00	\$ 28,573.50	\$ 27,544.06	\$ 1,029.44	96%	\$ 75,932.41	-269,699.59	22%
61050 · Contract-Labor		80,000.00	6,666.67	2,165.63	4,501.04	32%	10,538.54	-69,461.46	13%
61100 · Contract-Auditor		25,000.00	2,083.33	0.00	2,083.33	0%	0.00	-25,000.00	0%
61150 · Contract-Legal		35,000.00	2,916.66	1,287.70	1,628.96	44%	4,140.20	-30,859.80	12%
61200 · Contract-Lobbyist		14,200.00	1,183.34	2,000.00	-816.66	169%	2,000.00	-12,200.00	14%
61250 · Contract-Payroll Service		2,000.00	166.67	0.00	166.67	0%	0.00	-2,000.00	0%
61300 · Court Reporting		5,500.00	458.33	0.00	458.33	0%	0.00	-5,500.00	0%
61350 · Investigations		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
61400 · LCB		8,000.00	666.67	0.00	666.67	0%	0.00	-8,000.00	0%
62000 · Operating Costs		9,000.00	750.00	434.89	315.11	58%	2,133.08	-6,866.92	24%
62050 · Printing		5,000.00	416.66	222.72	193.94	53%	447.20	-4,552.80	9%
62100 · Copying		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
62150 · TORT Claim Fund		2,400.00	200.00	0.00	200.00	0%	0.00	-2,400.00	0%
62200 · Rent		21,600.00	1,800.00	1,850.00	-50.00	103%	5,350.00	-16,250.00	25%
62250 · B and G Assessment		500.00	41.67	0.00	41.67	0%	0.00	-500.00	0%
62300 · Records Storage		3,000.00	250.00	114.07	135.93	46%	229.85	-2,770.15	8%
62350 · Postage		9,500.00	791.67	0.00	791.67	0%	1,733.37	-7,766.63	18%
62400 · Telephone		15,000.00	1,250.00	27.49	1,222.51	2%	516.25	-14,483.75	3%
62450 · Internet		1,500.00	125.00	332.96	-207.96	266%	6,240.25	4,740.25	416%

62500 · Computer Software		20,000.00	1,666.66	5,141.99	-3,475.33	309%	5,603.97	-14,396.03	28%
62550 · Transcription		0.00	0.00	285.25	-285.25	0%	383.75	383.75	0%
62600 · COVID 19 UNK		0.00	0.00	0.00	0.00	0%	1,250.00	1,250.00	0%
63050 · Dues & Registration		0.00	0.00	0.00	0.00	0%	0.00	0.00	0%
63100 · Professional Dues (ASWB)		15,000.00	0.00	0.00	0.00	0%	0.00	-15,000.00	0%
64050 · Bank Charges		120.00	10.00	0.00	10.00	0%	0.00	-120.00	0%
64100 · Credit Card Processing		12,000.00	1,000.00	1,107.49	-107.49	111%	3,157.21	-8,842.79	26%
65000 · Host Fund		1,000.00	83.34	0.00	83.34	0%	0.00	-1,000.00	0%
66050 · In State Travel		5,000.00	416.67	0.00	416.67	0%	0.00	-5,000.00	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%	693.70	693.70	0%
68100 · Computers		1,500.00	125.00	0.00	125.00	0%	0.00	-1,500.00	0%
Sub Account Total		\$ 291,820.00	\$ 23,068.34	\$ 14,970.19	\$ 8,098.15	65%	\$ 44,417.37	\$ (247,402.63)	15%
Total Expenses		\$ 637,452.00	\$ 51,641.84	\$ 42,514.25	\$ 9,127.59	82%	\$ 120,349.78	\$ (245,402.63)	19%

Net Position *		10,273.00	2,335.25	20,008.25			67,105.22		
Net Position - Adjusted **		591,043.05					647,875.27		
* Net Position	Income and Expenses without Fund Balance								
**Net Position - Adjusted	Income and expenses with prior year Fund Balance								

CASH BALANCES									
Checking							614,740.92		
Savings							5,885.91		
CD							27,248.44		
Total Cash Balance							\$ 647,875.27		

3D

**Review Litigation Matter
United States District Court for the District of Nevada
Case No. 3:20-cv-571-MMD-WG.
(Information Only).**

Karen Oppenlander

From: Karen Oppenlander
Sent: Monday, October 10, 2022 1:58 PM
To: Karen Oppenlander
Subject: Activity in Case 3:20-cv-00571-ART-CSD Freelove et al v. Weishaupt et al Order on Motion to Dismiss

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Board

Thursday, September 29, 2022, 8:33 AM

Director Oppenlander,

I hope all is well and thank you for reaching out. Below is language that you may read into the record regarding this case.

On August 29, 2022 the District Court ordered that Defendant Karen Oppenlander's motion to dismiss be granted. Defendants Kathryn Beatty, Leslie Reyes, Senon Rubio, and Kelli Weishaupt's motion to dismiss is also granted. The Plaintiffs' Amended Complaint is dismissed, in its entirety, with prejudice and without leave to amend. This case is administratively closed. Signed by District Judge Anne R. Traum on 8/29/2022. Pursuant to Rule 4 of the Federal Rules of Civil Procedure the Plaintiffs' have 30 days from the notice of entry of judgement to file an appeal with the Ninth Circuit Court of Appeals.

Please let me know if any questions or concerns.

Kind regards,

Asheesh S. Bhalla
Executive Director
Nevada State Infrastructure Bank



3E

**Board Review of Hearing for Virgilio DeSio,
License No. 6200-C.
(For Possible Action).**

**Review and Discuss 2023 Legislative Session. Flynn Giudici
Government Affairs Advocates. (For Discussion Only).**

Review and Discuss “Understanding Challenges and Opportunities in Light of the 2022 Release of Association of Social Work Boards Demographic Data” – Kyle Hillman, Executive Director, National Association of Social Workers – Nevada. (For Discussion Only).

3H

Review and Discussion BESW Licensure Process and Other Items Regarding Workforce Shortages in Mental Health Professionals (For Discussion Only)

“Understanding the Challenges of Significant Shortages in all Mental Health Professionals” – Updated Report

Letter from Council on Social Work Education (CSWE) to the Board

I. Understanding the Challenge: There are significant shortages in all mental health professions across the State of Nevada.

a. Mental Health Providers Ratios

- i. Overall: Mental Health Workforce Availability in Nevada is 420:1 (professionals per population)
- ii. Top US Performers 250:1 (90th percentile).
- iii. 95% of Nevadans live in a mental health professional shortage area.

II. Brainstorming Solutions to Challenge

a. Mental Health Workforce Development in the State of Nevada

- i. On June 15, 2022, a presentation was made to BESW by Dr. Sarah Hunt from UNLV, Assistant Dean of Behavioral Health Sciences at the Kerkorian School of Medicine, Director of UNLV Mental and Behavioral Health Training Coalition.
- ii. Presentation focused on how Nevada can grow its own mental health workforce. Focus was on expanding opportunities for mental health students to have practicum sites or internship sites in integrated healthcare settings; development of a mentor/ ambassador process (proven to work in Nebraska).to attract and then help interested students from K-12 through college; intent is to increase the mental health workforce in Nevada; Encourage graduating students to be licensed in Nevada and work in primary care settings, providing mental health services especially in the rural/ frontier areas and underserved urban areas.
- iii. In July, the Board read a letter from SAPTA (Substance Abuse Prevention and Treatment Agency) Advisory Board into the Minutes.
- iv. In July, Board Staff presented an updated PowerPoint that was originally delivered March 2022 as requested by Rural Regional Behavioral Health Policy Board.
- v. Reviewed Nevada Current Report re: optimal School Social Worker Guidelines.
- vi. In September, the Rural Regional Behavioral Health Policy Board (RRBHPB) submitted a concept paper using the mental health workforce development model briefly described above.
- vii. In September, BDR # 351 was submitted by State of Nevada Committee on Commerce and Labor provides for the issuance of temporary licenses by certain occupational licensing boards to members of the military and their spouses.

b. Interstate Compact

- i. The Council of State Governments (CSG) is partnering with Department of Defense (DoD) and the Association of Social Work Boards (ASWB) to support the mobility of licensed social workers through the development of a new interstate compact. Current Status is that an initial draft of the social work compact is under development. CSG anticipates that a preliminary draft of the compact will be available for public comment and review in July of 2022.
- ii. An interstate compact is an initiative to create a legal contract among states / territories enabling social workers to practice in each other's jurisdiction, once practitioners demonstrate that they meet the compact requirements.

- iii. CSG is hosting regular webinars and other public review sessions to provide information, review the draft and solicit feedback. BESW staff is attending.
- iv. Goal is to complete the editing process in fall of 2022 to make the finalized model legislation available to states for their 2023 legislative sessions. Typically, seven to 10 states, must pass the enabling legislation. State legislatures must enact compact legislation to become a member state of a compact.
- v. RRBHPB has indicated that the Interstate Compact is the gold standard for making sure that we have high quality providers that can either be in Nevada or may also practice in other states. This is ideal due to the rural region they serve and represent. RRBHPB has offered to lend BESW any support necessary in entering interstate compacts for licensure.
- vi. In July, the Board was updated on the Social Work Interstate Compact by CSG via ASWB. The 2-page national announcement makes interstate compacts easy to understand.
- vii. In reviewing the draft legislation (23 pages), BESW learned that the language in Chapter 641B that may be materially different and will have to be reviewed and we will have to change 641B to participate. However, we do not know certain things about the final version yet. Ward has helped in understanding a concept that he referred to as a "conflict of laws". BESW staff also called on the Majority Leader of the Nevada Assembly (and Nevada social worker) for analytic assistance.
- viii. Ultimately, BESW may be able to work through the interstate compact language successfully, but that doesn't mean that we will be able to get it done immediately and be able to be one of the initial states that launches the compact for the nation in 2023. After the conversation, it seemed that perhaps it might be better for our Board to not go too fast. It may be better to take time to do it right. Ultimately, BESW may be able to be part of the social work interstate compact, but we will want to make sure that the way it's written after it comes out of the draft is going to be beneficial for our licensees. And that can't be determined at this time.
- ix. We know that ultimately that federal government (especially the Department of Defense and the Council of State Governments) do want this to happen. It is probable that we will receive some pressure to move in this direction. In consideration, we are going to be able to show good effort with an intent to be able to dovetail into the social work interstate compact down the road as: (1) the information is forthcoming, and (2) as Nevada's biennial legislative sessions give us opportunities to move forward.

c. Other Ideas to Address Challenge

- i. RRBHPB concerns were shared with BESW after its presentation to the Commission on Behavioral Health as they make recommendations for the Commission's letter to the Governor so that he can take this into consideration when building out his budget; And information on this topic was presented to the Joint Interim Committee on Health and Human Services regarding workforce development and professional licensure. A similar letter went out to the other behavioral Boards e.g., MFT/ CPC Board, the Board of Psych Examiners and the Drug and Alcohol Board.

1. Licensure by endorsement: RRBHPB intent to make permanent the licensure by endorsement processes from Governor's emergency declaration.
2. Improve ability of interns in rural, frontier communities to find supervision.
 - a. Simplify e.g., with the Governor's emergency declaration, as all interns could work with completely remote supervision.
3. BESW was thanked for the presentation to the Rural RBHPB during its March 2022 meeting finding it helpful to hear about the "ins and outs" of current licensure processes.
4. RRBHPB indicates that further work remains to be done to align with both the spirit and the letter of SB 44, as well as other areas outside of the bill to ensure that all possible efforts are being made to remediate Nevada's chronic shortage of treatment providers (in this case, primarily focusing on LCSWs).
5. RRBHPB wanted to use SB 44 to ensure that the components of the Governor's emergency directive that allowed for remote supervision and expedited licensure for endorsement were made permanent to improve paths to licensure for both experienced and potential professionals. RRBHPB does not believe this was accomplished.
 - a. They have heard stories from both individuals who have attempted to complete their clinical hours, as well as treatment organizations which choose to host interns, that the requirements for clinical supervisors are very difficult to meet.
 - b. With few clinicians in the region, and even fewer of them willing to take on the responsibilities of supervision, the number of available supervisors does not meet the volume of potential interns.
 - c. Furthermore, the requirements for administrative supervisors for interns that can connect with a clinical professional to offer remote supervision are equally challenging, as the region is not just at a loss for enough LCSWs, but also for all other mental and physical health care provider types.
 - d. The RRBHPB perspective was that the spirit of the remote supervision component of SB 44 was to allow interns to work in a setting where they would have access to their clinical supervisor by phone or other electronic means, but an administrative supervisor would be just that; someone who facilitates human resources activities and administrative tasks, for which professional licensure as a treatment provider is not necessary.
 - e. RRBHPB is under the impression that the purpose of having the role of administrative supervisor filled by a licensed provider is likely related to many concerns, including safety of the intern and/ or the patient during crisis; liability; and enrichment of the clinical internship experience. However, there are other solutions that should be considered in place of requiring another clinician on-site. These solutions might include:

- i. Requiring that the intern and at least one staff member on the premises have sufficient training in crisis de-escalation.
 - ii. Other licensing boards have been clear that the administrative or secondary supervisor for clinical interns needs only to be available by phone. (Perhaps RRBHPB has misunderstood the BESW terminology in 641B that is different than other boards).
 - iii. Requests for BESW to participate in a collaborative being developed between NSHE institutions and licensing Boards to build a stronger network of approved clinical supervisors and clinical supervision sites.
 6. Allow for a provisional, "temporary" licensure type for applicants for licensure by endorsement whose applications are currently being processed by BESW. While RRBHPB recognized that this step has not been taken by BESW and the other three licensing Boards affected by SB4 due to patient safety concerns, it must also be understood that the Nevada State Board of Nursing allows for provisional licensure.
 7. Recommends the streamlining of all licensure processes through the implementation of a one-stop portal for all of Nevada's occupational licensure. And later Haskins added: An online portal could have a checklist when the paperwork is uploaded, then applicants could see where they are at in their process to help improve communications.
- ii. Substance Abuse Prevention and Treatment Agency (SAPTA) Advisory Board concerns (under authority of Administrator Whitley):
 1. Understanding that workforce development is not inherently in the purview of regulatory boards, and we also know that work around licensure, policy, and regulation are multifaceted.
 2. Nevada continues to rank 51st in the nation for Mental Health, according to Mental Health America.
 3. This cannot be a problem we collectively continue to neglect. We all should require action in the areas we have oversight or influence on. The areas of concern generally fall into one of five categories, listed below:
 - a. A better workforce pipeline from high school and higher education, through job placement
 - b. Increased availability of Internships and practicums
 - c. Supervision tailored toward workforce development
 - d. More efficiency and smoother transitions in certifications
 - e. Increased exposure to the field of behavioral health to increase interest in the field across the lifespan.
 4. SAPTA requests for BESW to lean on the expertise of the stakeholders assembled at the SAPTA Advisory Board to help systemically address the gaps and shortages in our behavioral health workforce to create a safer and healthier Nevada.

- iii. Linda Holland Browne (BESW Board member)
 - 1. Stated that one process that worked successfully was to provide supervision by going to the rural community and spending four hours or a day with a clinician with some prearrangements. For example, she'd sit in on a session with a client that had signed a release or participated in a group review of records. She would do this in chunks of time and then was available by phone to intermittently answer questions.
 - 2. She also discussed that rural providers are often in a peculiar position ethically as they must contend with dual relationships in small communities; and she doesn't think that people are prepared for that.
 - 3. Also, she hears complaints about how long it takes to get things done at the Board, to get paperwork pushed through, to get approval for licensure. She doesn't think anybody has any idea how sophisticated the process is and that the Board is frequently at the mercy of other agencies and institutions submitting things in a timely fashion.

- iv. Jamie Ross suggested using CERTEMYs online portal. This is based on her being on the executive committee of the Nevada certification Board for peer recovery support specialists that uses this online portal.

- v. Karen Oppenlander outlined how the use of a 'portal'/ database may be influenced in the future and that the Board will need to discuss this further.
 - 1. BESW will need to release a new RFP for software provision soon creating an opportune time to look at all software providers including the current company (Albertsons/ Big Picture Software) that BESW has invested time and money with that has helped BESW to digitize its process (moving from paper to the computer to the clouds). And the current company has helped BESW to already establish a licensee checklist on the online portal.
 - 2. Another BDR may be introduced for a Composite Board again. An 'online portal' may be influenced by another entity e.g., Business and Industry (as was presented during the 2021 legislative session).
 - 3. Nevada may move forward as part of the Interstate Compact for Social Workers, and this may influence the 'portal' / database discussion.
 - 4. The State of Nevada is aware of these bigger issues and has put into effect a new review process for future software vendor selections requiring an extra level of review by EITS (Nevada's Enterprise IT System).
 - 5. Sanders brought up another national option vs moving to a composite type of Board. BESW may want to look to ASWB to see how they may be able to help address BESW needs and be a resource to minimize unnecessary expense.
 - 6. In August, BESW Staff went through several demos from Thentia (database software) for upcoming competitive RFP process.
 - 7. In October, BESW is extending its current licensing database software contract. This will allow it to be flexible during next RFP process and improve its ability to respond to 2023 legislative session.

vi. Jacqueline Sanders (BESW Board member)

1. Sanders suggested revisiting provisional licensing to take a closer look at it so that we better address people's needs.
2. Sanders shared that BESW is already in a new environment in remote supervision. She realized that Reno had it in place for someone that she had trained a few weeks ago; and that sort of thing is new and may help to expand the number of LMSW or LCSW licenses that we offer.
3. Sanders added that it may be good to see if we can send out additional notices automatically via the database (if affordable) to reduce incoming phone calls by letting individuals know that information has been received by the Board.
4. Sanders spoke in favor of enhancements so that others would not issue statements that could justify a composite board at this point. While BESW can look at a composite board later, right now we want to look at how we can get people to pay to be licensed in the State of Nevada, and to be able to work from outside of the state.
5. She emphasized that BESW has removed quite a few restrictions already as we were compliant with the Governor's mandate throughout the COVID epidemic. She added that the Board is aware that some did not renew after the directive was lifted. We can research this to better understand how to reduce concerns using simple measures to remove barriers (e.g., reviewing provisional license option).

III. Picking the Best Strategy for BESW Support

- a. Nevada's 2022 County Health Rankings and Roadmaps: To learn more about what works to improve the ratio of population to mental health providers, please link to: <https://www.countyhealthrankings.org/app/nevada/2022/measure/factors/62/policies>
 - i. Some of the 34 suggested strategies include topics referred to in previous Board meetings and during recent conversations with Board staff:
 1. Higher education financial incentives for health professionals serving underserved areas
 2. Rural training in medical education
 3. Support of Federally qualified health centers (FQHCs)
 4. Support of Medical homes
 5. Tele-mental health services.
- b. And please see Roman Numeral "II" above.
- c. In July, Social Entrepreneurs presented an overview of the strategic planning process for July 1, 2023 – June 30, 2026, BESW Strategic Plan.
- d. In September, the Board went through the first phase of its new July 1, 2023 – June 30, 2026, BESW Strategic Plan.

IV. Deploying the 'Solution'(s).

- a. In September, BESW made changes to Internship Policy:
 - i. Revise the Supervised Internship Policy on a one year trial basis that would require Onsite Supervision for the first 1000 hours of Clinical and 500 hours of

Non-clinical until the intern is essentially exam eligible; and after that point, if the Clinical Supervisor is comfortable, that BESW would ease the requirement to having offsite supervision via a hybrid model for emergency access by other form of communication e.g. video conference, telephone and etcetera; or the Supervisor could decide to continue in the current manner of having Onsite Supervision for the entire 3000-hour internship.

- ii. Close an internship site when the site appears on a Medicaid sanction exclusion list; also, close an internship site when sanctions are made by other regulatory agencies; and reopen a site as a teaching location for postgraduate interns when the sanction is lifted.
- iii. Accept a fully in-person internship or an internship that is part in-person, part telehealth.



COUNCIL ON SOCIAL WORK EDUCATION
 STRENGTHENING THE PROFESSION OF SOCIAL WORK
Leadership in Research, Career Advancement, and Education

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Nevada Board of Examiners for Social Workers
 4600 Kietzke Lane, #C121
 Reno, NV 89502

RECEIVED

OCT 11 2022

NV Board of Examiners
 for Social Workers

October 3, 2022

Dear Social Work Licensing Examiner:

As president and chief executive officer of the Council on Social Work Education (CSWE), I write to you on behalf of social work education programs across the country. As you are likely aware, the Association of Social Work Boards (ASWB) recently released a report documenting examination pass rates across different levels of the social work profession. Although the data needs further analysis, the descriptive statistics suggest alarming disparities for exam-takers in several categories. The most egregious disparity impacts Black test takers. In addition, Indigenous, and other People of Color also pass at lower rates than White test-takers; those that speak English as a second language pass at lower rates than native English speakers; and older test-takers pass at lower rates than younger ones. Given that the ASWB exam is the only national licensing examination available, these data raise grave concern that the need for a diverse health, behavioral health, and social service workforce (of which social workers are a considerable portion of providers¹) is being significantly impeded.

As the national body for social work education in the United States, Puerto Rico, and Guam, the CSWE urges you to:

- a. Suspend the use of the ASWB exam until a thorough analysis has been completed which will suggest evidenced-based recommendations to correct for inequities.
- b. Consider graduation from a CSWE-Accredited social work education program evidence of beginning competence to practice social work as a professional social worker (granting all graduates licensure or pre-licensure status).
 - a. The only exception to the above involves the license to practice clinical social work. CSWE supports the need for a post-graduate process to license practice at this level, however if the ASWB exam remains central to this process, further analysis of the descriptive data must also occur for this category to identify possible issues.

¹ U.S. Bureau of Labor Statistics ([bls.gov](https://www.bls.gov)) 2020 report indicates there are 715,600 social workers that work in Child, Family, School, Healthcare, Mental Health, and Substance abuse treatment settings.



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- c. Consider the action taken by the state of Illinois (January 1, 2022) through the Public Act 102-0326, whereby a licensing examination is no longer required for licensure as an Illinois Licensed Social Worker (LSW).
- d. Consider decoupling the Interstate Compact, currently in development, from the ASWB licensure exam.

Thank you for your consideration. I would be happy to engage with you further about the concerns and/or recommendations I offer.

Sincerely,

A handwritten signature in black ink that reads "Darla Spence Coffey". The signature is written in a cursive, flowing style.

Darla Spence Coffey, PhD, MSW
President and Chief Executive Officer
dcoffey@cswe.org

Executive Director's Report (Informational).

- i. Future Agenda Items: 1) Potential NRS and NAC changes; 2) Strategic Planning Workshop.
- ii. Next Board Meeting is 9 a.m. Wednesday, November 16, 2022.