



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

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Board Meeting Minutes, Wednesday, October 19, 2022

The October 19, 2022, Board Meeting was called to order by Dr. Esther **Langston** at 9:05 a.m. A **Roll Call** was taken. Board members in attendance: Linda **Holland Browne**, Esther **Langston**, Susan **Nielson**, and Jacqueline **Sanders**. BESW Staff in attendance were Sandra **Lowery** and Karen **Oppenlander**. In attendance was Harry B. **Ward**, Deputy Attorney General and Board Counsel. Consultants in attendance: Nick **Vander Poel** and Omar **DeLaRosa** from Flynn Giudici; Cara **Sanner** and Jennifer **Henkel** from Association of Social Work Boards. Board member Abigail **Klimas** had an excused absence.

Public Comment: There was no public comment in person or online.

Langston moved to **Agenda Item 3A – Review, Discussion of September 21, 2022, Board Meeting Minutes (For Possible Action)** and asked for a motion to approve.

Motion was made by Linda Holland Browne to approve September 21, 2022, Minutes as presented, Seconded by Susan Nielsen. Minutes were approved unanimously.

Next, **Langston** moved to **Agenda Item 3B – Review, Discussion of Preferred Style for Presentation of Board Minutes (For Possible Action)**. After a brief discussion about abbreviating the format for board minutes vs keeping a format with more specificity, a motion was submitted.

Motion was made by Linda Holland Browne to Continue the Board Minute Presentation in the Current Format, Seconded by Jacqueline Sanders. Motion was Approved Unanimously.

Following, **Langston** moved forward to **Agenda Item 3C, Review and Discuss BESW Q1 Financials July 1, 2022 — September 30, 2022. (For Possible Action)**. **Lowery** presented the financials starting with a graphic representation of how we are doing with income to budget and expenses to budget. Income numbers have been above budgetary expectations and actual expenses have been below. After the first quarter, we are at 25% of the year based on 12-month budget for income and income is better at 29%. As we look at line item 62450 – Internet is at 416% of projected expense. **Lowery** committed to analyzing this item further. Other than that, BESW is at 15% for the quarter, 19% total overall with salaries. **Langston** asked for a motion to approve.

Motion was made by Jacqueline Sanders to approve the BESW Q1 Financials July 1, 2022 — September 30, 2022; seconded by Susan Nielsen. Roll Call Vote: Langston – Aye, Nielsen – Aye, Holland Browne – Aye, Sanders – Aye. Motion was approved unanimously.

Next, **Langston** moved to **Agenda Item 3D - 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 (Bhalla previously served as BESW Deputy Attorney General and Board Counsel). (Information Only).** **Oppenlander** read the following information provided by Bhalla into the record: 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.

Langston asked for discussion. **Ward** recommended that BESW take this item off the agenda now. He added that it is not uncommon for Board Members and the Executive Director to be named in a federal lawsuit, as well as the whole board, whether it's the current board or former board, and then also the Attorney General's office. And by statute, we will be representing you. If you do leave the Board and you are sued in the future, our office will be representing you. And hopefully that in cases like this one, it will be expedited and dismissed similar to this case. **Langston** thanked **Ward** and stated that based on the recommendation of our DAG, this matter will be removed from future agendas.

Ward requested that **Agenda Item 3E - Board Review of Hearing for Virgilio DeSio, License No. 6200-C. (For Possible Action)** be continued on the agenda and recommends that the item be kept on the agenda until it is resolved. **Langston** stated that this matter will be on future agendas until it is resolved.

Next, **Langston** moved to **Agenda Item 3F – Review and Discussion of the 2023 Legislative Session. Flynn Giudici Government Affairs Advocates. (For Discussion Only).** **Oppenlander** introduced Nick **Vander Poel**, Principal and Omar **DeLaRosa**, Vice President from Flynn Giudici. **Vander Poel** explained that the points of contact will be **Vander Poel**, **DeLaRosa**, and Mendy **Elliott** who was unable to join the meeting today. Currently as of October 14th, 2022, there's been 466 bill draft requests. We've identified nine BDRs that could have potential impact to the social worker's statute. For example, we are aware of one BDR through the Joint Interim Standing Committee on Commerce and Labor that will provide the issuance of temporary licenses for certain occupational licensing boards to members of the military and their spouses. Social workers are included in that BDR. BDRs that are on our radar will get drafted by the Legislative Council Bureau. And when they are released, we'll review the language and see if there is any impact to BESW. Next, we will bring these BDRs to the Board's attention. Right now, we're 20 days until the election.

The Interim Finance Committee has three items that we believe will have direct or indirect impact to BESW. The first is the transfer of \$14.5 million for loss of revenue category for Health and Human Services to fund a consultant to assist with development of requests for proposals and intensive behavioral support homes to provide services to individuals with dual diagnosis of intellectual and developmental disabilities and behavioral health disorders. Second, is \$2.6 million for Health and Human Services, Child and Family Services to community based, youth focused behavioral healthcare services statewide. And the third item that we've identified is through from the Office of the Governor and it is a transfer of \$4 million to the Nevada Department of Education to provide supplemental funding for school based mental health providers.

Of the 63 legislative seats for both the Assembly and the Senate in 2023, there will be a minimum of 15 freshmen legislators i.e., almost 25% of the legislature will be freshmen. So, there's the opportunity to bring awareness and education to them about BESW. We will meet with them individually once they get to Carson City. We've already had meetings with them as they are on

the campaign trail but not in the deep context as relates to policy and what their focus would be if they get to Carson City.

I brought up the bill draft requests that were at 466. Those are from various legislators, local governments, etcetera. BESW does not have a bill draft request this legislative session but with the nine BDRs we will be busy watching what comes out. Of those freshmen that we identify, I think it's an important to bring to the Board's attention that each freshman in the Senate receives 12 bill draft requests, and the in the Assembly each freshman receives six bill draft requests. And those need to be submitted by December 7th, 2022.

DeLaRosa spoke next. As he was a caucus policy director, he's had experience in the legislative building working with members. He is looking forward to working with Board Members and will apprise you of new BDRs if they relate to the Board.

Vander Poel added that Senator Pete Goicoechea will continue to be on the Rural Regional Behavioral Health Policy Board and will be advocating for a bill that the Board is watching. This will be his last legislative session due to term limits.

Langston thanked Flynn Giudici for their presentation this morning and moved to **Agenda Item 3G – Understanding the Challenges and Opportunities in Light of the 2022 Release of the Association of Social Work Boards Demographic Data**. **Oppenlander** stated that Kyle Hillman will not be with us today to present as he is out sick; but we discussed rescheduling his presentation in December. We do have two representatives here from ASWB and a logical place for them to speak due to the changes in this agenda will be in Agenda Item 3H or perhaps they will prefer to stay until there is Public Comment at the end of the agenda.

Langston moved to **Agenda Item 3H - Review and Discuss BESW Licensure Processes and Other Items Regarding Workforce Shortages in Mental Health Professions. (For Discussion Only)**. **Oppenlander** referred to a report that is updated monthly as listed in the Board Packet under Understanding the Challenge. The updates for September included: the Rural Regional Behavioral Health Policy Board (RRBHPB) submitted a concept paper using the mental health workforce development model as previously presented to BESW; and BDR # 351 was 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. Also, in September the Board went through the first phase of its new July 1, 2023 – June 30, 2026, BESW Strategic Plan. And under “Deploying the ‘Solution’(s)”, BESW made several changes to its Internship Policy.

Next, **Oppenlander** read a letter into the record, dated October 3, 2022, that had been sent to the BESW Board from the Council on Social Work Education, dated October 3, 2022:

Dear Social Work Licensing Examiners,

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 providers) 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).
 - i. 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 the ASWB exam remains central to this process, further analysis of the descriptive data must also occur for this category to identify possible issues
- 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,

Darla Spence Coffey, PhD, MSW President and Chief Executive Officer

Langston asked for discussion. **Sanders** commented that it seems appropriate for ASWB to address the letter for her to have clarity. She understands that it looks like there are racial disparities and the numbers are telling, but it's not always because of the education. There are barriers outside of educational system that could cause someone to have a lower score. But I also know that when we start taking away licensure in general, it lowers the standards. I'm in support of the ASWB testing overall. I would like to hear what their thoughts are. Thank you.

Jennifer **Henkel**, Senior Director of Member Engagement and Regulatory Services at the Association of Social Work Boards thanked **Langston** and the Board Members for the opportunity to address them today, especially in light of reading the CSWE letter into the record. We understand that there are a lot of questions about the exam data that was shared this August. We also understand that ASWB'S member boards are under pressure because of the data. So, we're happy to be here today, and we look forward to a more robust conversation in November when our CEO, Dr. Stacy Hardy Chandler, and our attorney Dale Atkinson, will be joining you all for that presentation. I do want to take a moment to highlight several pieces from ASWB'S official position statement, and I want to encourage you all to review information on ASWB.org, specifically on the [Contributing to the conversation](#) page. If you want to dig into the data on your own, ASWB acknowledges and calls out systemic and institutional racism as being core to the racial disparities evidenced by the licensing exam pass rate data. While other pass rate data disparities exist, the most jarring and disappointing gap was those rates reported for Black candidates. However, ASWB stands firm that this revelation does not in any way reflect on the ability of Black candidates to demonstrate competence. Rather, it illuminates the historical burdens of racial trauma, marginalization, and social injustice to which Black candidates have been disproportionately subjected along their journey to licensure. So, in November 2021, the ASWB board of directors

made this groundbreaking decision to invest in the compilation and reporting of the disaggregated pass rate data.

The board acted knowing that they were venturing into territory unprecedented in health and human service professions, and that given the oppressive histories in both the US and Canada, that disparities would most certainly be reflected in the results. ASWB took the steps to make the pass rate data reports public because this decision serves a greater good. Sharing the data provides a pivotal opportunity for the profession of social work to advance upstream solutions that may mitigate the ravages of systemic and institutional racism. It is dangerous to draw conclusions based on limited information, misinformation, or disinformation. The Association shared descriptive data knowing that it was only a first step. There's now an opportunity to learn more and we plan to lead those efforts in collaboration with researchers and educators. Similarly committed to informed substantive change, ASWB contends that failing to honor people's histories and experiences prior to exam candidacy not only does a disservice to the profession, but it also dishonors the candidates themselves.

So we're calling for all relevant communities to collaborate toward meaningful change. Shining a light on the disparities reveals that many more questions need to be asked through future research. This is a historic opportunity for social work to address the systemic and institutional factors that disproportionately affect Black licensure candidates and those of other historically marginalized groups. ASWB is seeking both short-term and long-term solutions by taking concerted actions such as exploring how the professional standard of competency is defined and measured, researching and understanding upstream factors, accounting for differences in pass rates, revisiting the exam structure to increase equitable access, including possible alternative assessment formats, and providing multiple avenues for engagement and respectful collaboration with the diverse voices of individuals and organizations, including educators, practitioners, and regulators. Thank you for your time.

Next from ASWB was Cara **Sanner**, the Regulatory Support Services Program Manager who prepared some brief remarks while knowing that Dr. Stacy Hardy Chandler has a robust presentation around the data publication that will be shared with the Board in November. ASWB is comprised of government boards that regulate the practice of social work, including the Nevada Board, by carrying out the intent of legislation that establishes their regulatory authority. That legislation requires among other prerequisites successful completion of both an education program, and an examination validated to assess entry level competence. ASWB adheres to industry standards and the development, administration, scoring and maintenance of the social work licensing examinations. Many professions from medicine to accounting rely upon entry level competence examinations and adhere to these encompassing income standards to maintain examination validity. ASWB undertakes a rigorous process of surveying the profession and updating the content areas covered by the examinations every five to seven years. ASWB is currently preparing to undertake the process to inform the next iteration of the social work licensing exams. In addition to periodic surveys of the profession, each examination question is continuously statistically analyzed. Questions that do not perform within the standards are removed. ASWB licensing examination outcomes highlight the need to address the larger societal issues that can impact candidates long before they take a social work licensing exam. Prerequisites to licensure are set in law, serve an essential component of public protection, and cannot simply be ignored or waived.

The ASWB examination program, due to its rigorous standards, is defensible. As a defensible measure of competency, it can be relied upon by government, and is one requirement for licensure as a social worker. ASWB, along with its membership, asks that all social work organizations assess and reveal their own relevant data. In the spirit of ASWB's recent examination data publication to address the effects of racism on marginalized populations, ASWB

looks forward to collaborating with all social work organizations as they assess and understand their respective roles in social work, in social work regulation. ASWB welcomes inquiries about the examination program and the data, and we are taking action to advance diversity, equity, and inclusion in numerous ways. The publication of the data is groundbreaking, and we look forward to engaging with the Board more fully in November when our CEO can present on the data publication.

In addition, I will follow up with a number of links to resources around the data publication, and especially highlighting some of the initiatives that we have launched in tandem with the publication of the data as short term efforts to try to address these troubling outcomes that we're seeing. (See links below).

*Following are Web URLs of interest to the data release provided by **Sanner** after the close of BESW Board Meeting:*

- *Official statement on behalf of the ASWB Board of Directors and Dr. Hardy-Chandler* <https://www.aswb.org/beyond-data-a-call-to-action/>
- *The "home page" for the data release* <https://www.aswb.org/exam/contributing-to-the-conversation/>
- *The full report "2022 ASWB Exam Pass Rate Analysis"* <https://www.aswb.org/wp-content/uploads/2022/07/2022-ASWB-Exam-Pass-Rate-Analysis.pdf>
- *Exam pass rates by state/province* <https://www.aswb.org/exam/contributing-to-the-conversation/aswb-exam-pass-rates-by-state-province/>
- *Exam performance reports for social work schools and programs* <https://www.aswb.org/exam/contributing-to-the-conversation/exam-performance-reports-for-social-work-schools-and-programs/>
- *Free resources for educators* <https://www.aswb.org/exam/getting-ready-for-the-exam/exam-materials-for-faculty/>
- *Future exam initiatives related to the practice analysis* <https://www.aswb.org/exam/exams-for-the-future-of-social-work/>

Sanner concluded: We really are working and hope to work with all the communities within the social work profession to make a difference in the outcomes that we're seeing over the long term. And we're committed to continuing to publish this data so that we can track our progress towards closing those gaps and outcomes. Thank you for your time.

Langston asked for discussion. **Holland Browne** commented that one of her concerns is that we – licensed clinical social workers and licensed independent social workers– are considered the experts in our field. Some of us work very hard at being supervisors. I have had 18 interns in my career of which I'm very proud. Part of my responsibility (I felt at as a supervisor) was to assist my interns in preparing for that exam.

The masters level folks who opt to not follow the LISW or LCSW path, generally come out fairly well prepared to jump into their professional role. It seems to me that the issue for bachelor's level is that it seems to me to be more of an accreditation issue; and it is more about being sure that students are getting what they need than it is anything else. That seems to be where our breakdown comes, at least based on the material that I've read, because there seems to be greater difficulty getting past that first LSW level exam than the others that come after. Granted, there are advantages and disadvantages. There are good and better and excellent schools along the way. But so much of getting through that exam to me is about assisting people in preparing. And I don't mean, here's a DVD, here's a video, here's a notebook, and study. I'm talking about

the reality of taking the exam. When I took my LCSW exam, I ordered all the material available at that time. I didn't study the materials at all. The material still sits in a box in my garage because I was prepared by my supervisor. And maybe that's where we need to put our energies for assisting folks through the exam process.

Langston commented about a meeting she was at this past weekend in Washington, DC with the CEOs of these agencies present. And of course, we all engaged in a discussion about this. My remark to CSWE and to ASWB is that CSWE should have sent this letter to ASWB directly and not to the boards of social work examiners without having some input from ASWB.

Langston continued and thought that CSWE is changing their accreditation standards and that CSWE has a right to do that. And in our discussion, we all agreed that further discussion is needed, and analysis is needed, to come up with something that may impact how this is done. We all know that individual's study and retain information at individual rates. CSWE requires that all schools of social work teach the same content. We all know that all teaching is not equal. We all know that all the textbooks that are out there are not equal. So that the whole notion of pass rates, of standardized etcetera has some flaws. And I think this needs to be addressed.

And, as we go down the road to address interstate compact agreements, there's a lot of things in this process that needs to be fleshed out. We are just at the beginning of this process and how it's going to play out because as we all know that most states will need legislative changes to do some of the things that they may propose. And we know for the State of Nevada, we will not have any legislative changes until 2025 because of timing.

Langston thanked both **Henkel** and **Sanner** for coming and sharing information with us at today's Board Meeting. We are looking forward to more discussions. She then moved to **Agenda Item 3-I – Executive Directors Report (For Information Only)**. **Oppenlander** reiterated that the Association of Social Work Boards CEO will be on the agenda in November. And as discussed, the Board has been preparing for the 2023 legislative session for Nevada; And we are considering other things that are happening on a national level so that the Board Members can make educated decisions; and some of these decisions will result in NAC and NRS changes that will show up on future agendas; And also in November, we will continue working on our 2023 - 2026 Strategic Plan and this will lead to a strategic planning workshop early in 2023. And an Audit presentation is scheduled. Next Board Meeting is scheduled for Wednesday, November 16th, 2022, at 9 a.m. and will be a Zoom meeting.

Langston moved to **Agenda Item 4 – Public Comment**. There was no in-person or online public comment.

Langston moved to **Agenda Item 5 – Adjournment** at 10:15 a.m.

Minutes Respectfully Submitted by Karen **Oppenlander**.