A MESSAGE FROM THE BOARD OF EXAMINERS:

We are reaching out to our constituents including licensees, interns, and applicants, as well agencies seeking verifications and those who may have filed complaints. The Board acknowledges significant room exists for improvement in the organizational performance to reach achieve our mission.

In the past 16 months the Board has been eager to implement strategies to meet the needs of our stakeholders more effectively by improving responsiveness and becoming more efficient. This has included technology and staffing, as well as structure, processes, office policy and procedure, and proposed changes to the Nevada Administrative Code.

With all the enthusiasm for planned changes unfortunately the organization has been also faced a number of unplanned changes in recent weeks, including a workforce reduction by two-thirds, two separate financial audits, and an address move. The Board and staff ask for patience and assures everyone our upcoming meeting will address as many of the needs as possible and we invite your attendance. By the end of the year licenses will be renewed, and we will prioritize the course for improvement to be the effective organization we require and deserve.

The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors exists for the protection of the public and is empowered under the Nevada Revised Statute Chapter 641A to set standards for licensing and oversee ethical conduct of its licensees in the State of Nevada.
As requested at the October Health Care commission meeting, the Boards affected by AB457 were requestec to provide some clarifying information. The below questions were provided by Dr. Abelsar through email. Please find the questions and the Nevada Board of Psychological Examiners answers below.

1. Process and timeline for regulations and appeals of applications and renewals.
2. Volume of regulations and appeals of applications and renewals.
3. Your perspective of submitting regulations simultaneously with LCB and the Commission.

1a. Timeline for regulations:
   Development of language/Public Workshop: 15 day notice required for workshop
   Send language to LCB: Unknown amount of time 7-45 days
   Review language received from LCB at Board meeting: 15-45 days
   If language approved: Public Hearing Notice: At least 30 day notice.

1b. Timeline for appeals of applications and renewals:
   If an appeal to a denial is filed, it is required to be heard at a Board meeting: 15-60 days depending on the date of the next scheduled Board meeting.

2a. Volume of regulations: In the recent years we have filed an average of 1-3 regulation changes during the 18 months between legislative sessions.

2b. Volume of denied renewals: In the past 10 years, the Board has not denied a renewal. There have been requests to redo continuing education hours, or fix mistakes made to the renewal form, but the Board has never been denied.

2c. Volume of denied applications: The Board rarely denies applications. However, if an application is denied, it is due to the applicant not meeting the educational and training requirements for licensure as outlined in state rules and regulations.

3. I believe that there could be a severe delay in the process if the Health Care Commission only meets quarterly; as this Commission is required to approve all regulations prior to the submission to the Legislative Commission. As you can see, as addressed above, even in the tightest of schedules a regulation can take 2-3 months to pass through the required procedures. If this Commission caused a Board who had reached the hearing stage to return to the drawing board, it could be longer and could possibly cause a Board to miss the window for regulation change. I believe it would be helpful if a Commissioner was designated (preferably within the profession) and given the authority to review and approve the final language. If concerns arise, those concerns can be brought to the Commission. A
designated Commissioner to work with the Board outside of the commission meetings expedite meeting the needs of the professions.

State of Nevada Board of Psychological Examiners Facts:

Currently licensed:
Psychologists: 468
Licensed Behavior Analyst: 106*
Licensed assistant Behavior Analyst: 8*

*effective 1/1/2019 Behavior Analyst levels will be removed from this Board.

Currently registered*:
Psychological Interns: 10
Psychological Assistants: 23

*The Board requires registration for all persons obtaining supervised training in Nevada. There is an exception that Interns working in Federal institutions are not required to register with the Board.

2017: 83 Applications for psychologist, intern and assistant
34 applications for LBA and LaBA
STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

To: Commission on Behavioral Health

From: Sandy Lowery, LCSW, LADC
Interim Executive Director

Date: November 6, 2017

Re: November 17, 2017 Commission Meeting Presentation

Per the request of the Commission, the Boards have been asked to provide some information about the following:

- License and renewal volume, denials and appeals (attachment)
- Disciplinary case volume (attachment)
- Perspective on submitting regulations simultaneously to LCB and Commission
- Thoughts about process for managing stipulations of AB457

A meeting was held with Mr. Ableser regarding the proposal he intends to present related to AB457. We shared the following observations with Mr. Ableser as a Meeting Summary which included further suggestions upon reflection.

With regard to the Process for Rules of Practice, we made the following suggestions –

1. We discussed the benefits of DPBH creating two separate forms for appellants to complete, one to address denials of an application and one to address a disciplinary decision of the Board. The information needed for the two types of appeal are markedly different. We did not discuss a timeline for these forms to be developed. We also did not address whether the Boards would have an opportunity to review what these forms might look like.
   a. Mr. Ableser’s proposal accepted our suggestion that the types of appeal were significantly different and warranted separate forms. We have not yet been afforded an opportunity to review what these forms might look like.

2. We suggested that DPBH notify the applicable Board within the same timeline (3 business days) that they will use to notify the Commission.
   a. Mr. Ableser’s proposal accepted our suggestion that the timelines for notification be identical.

3. We suggested that the appellant be notified at each step of the process, similar to the notification process that is in existence for disciplinary complaints.
   a. Mr. Ableser’s proposal accepted our suggestion that the appellant be notified of receipt of the appeal. We did not see any plan beyond the first notification so that the appellant is fully informed as to the process and timelines of his/her appeal.

4. We also suggested that a timeline be established that will guide each step of the process from submission to Commission resolution, not to exceed three months (since the Commission meets quarterly).
   a. Mr. Ableser’s proposal accepted our suggestion of a ninety day timeline.
With regard to the **Commission's Appeal Investigation Responsibility**, we made the following suggestions –

1. DPBH is proposing that the sub-committee to review appeal investigations will include the following -
   a. A licensee from a pool of licensed practitioners, the list of which will be developed by DPBH and the relevant Board.
   - **We have a number of concerns about this member.**
     i. Most licensees are not familiar with the NRS / NAC at a level that they can interpret whether a finding by the Board violates constitutional / statutory provisions, is in excess of statutory authority, is unlawful, etc. (as specified in AB457).
     ii. The Social Work Board would need to then develop a list of specialists that the Commission could use to solicit the appropriate licensed specialists for any given appeal. We wonder how difficult it will be to find a pool of qualified individuals who are also willing to serve in this capacity.
     iii. We recommend that the third person NOT be a currently licensee within a specialty group, rather than they also be a Behavioral Health Commission member. These individuals have some basic familiarity with reading, understanding and interpreting NRS / NAC.
        a. Mr. Ablaser's proposal accepted our suggestion that the Board could determine whether their third member be a content expert or another Commission Member.
   iv. We suggested that there to be a DAG, familiar with disciplinary process of Boards, be included in any subcommittee meetings. The members of the Commission, while very talented and knowledgeable, do not necessarily understand the disciplinary process and will not have the legal background to determine the points of law as described in AB457.
        a. Mr. Ablaser accepted our suggestion that a DAG be available to provide guidance. There was no identification of this DAG being an individual familiar with Boards.
   v. The Social Work Board has no regulation that currently allows for continuing education units to be awarded for "Commission work." The Social Work Board would have to initiate a regulation to enable us to award these CEU credits.
        a. Mr. Ablaser amended the language of the proposal to note that Boards could provide continuing education units if they so choose.

2. There is currently not timeframe proposed for this process.
   a. Mr. Ablaser accepted our suggestion and established a timeframe for review.

3. We identified that there is not a process by which the licensing board and their DAG will present information regarding the appeal at the Commission meeting, before a decision is rendered.
   a. This has not been addressed in the proposal.

With regard to the **Commission's Review of Board's Regulations**, we made the following suggestions –

1. There was nothing specified in the information proposed by Mr. Ablaser to determine the timeframe for review of proposed regulation changes, and the process for notifying the Board regarding any recommendations that will be made.
   a. Mr. Ablaser has provided a timeline in the proposal.

2. Identified that there was no process identified for the Commission to be able to discuss with the applicable Board the nature of the regulation changes before final recommendations are made.
   a. Mr. Ablaser has identified that the licensing Board will receive an email of the recommendations made by the commission.
The Board has provided several other pieces of information for the Commission. These items include –

- A flowchart that details the licensing process
- A chart with both licensing and disciplinary numbers for the past three years

The Board welcomes the opportunity to be at the table with the Commission and is available to answer any questions.
Initial Licensure Process for a Social Work License

1. Applicant completes application (forms are online)
2. Submit application to the Board with required documents and payment
3. Once application is completed, Board sends out an "exam approval letter" and "fingerprint cards".
4. Applicant does each of the following (in no particular order):
   - Submits fingerprint cards with a certified check / money order to the Board
   - Requests a certified copy of university transcripts be sent directly to the Board.
   - Contacts ASWB and schedules / pays for their exam (Applicant has one year from point of exam approval to take exam)
5. Board submits fingerprint cards
6. Board receives the state and FBI background check report
7. Board is notified of exam score within 10 days (if applicant fails the exam, s/he must wait 90 days to retake exam)**
8. Board compares application with the background check information
9. If applicant (1) passes exam; (2) has verification of degree; and (3) a clean background check, license will be issued
10. E.D. and Board President will review the information provided by applicant, and if explanation is sufficient, the license application will be moved forward. (If the explanation is not sufficient, the applicant will be invited to attend a Board meeting)
11. If applicant (1) passes exam; (2) has verification of degree; and (3) a clean background check, license will be issued

** 90-day delay on re-testing set by testing vendor.
Board of Examiners for Social Workers

Licensing

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<th>Year</th>
<th>Applications Received</th>
<th>New Licenses</th>
<th>Renewals Granted</th>
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<tr>
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<td>269</td>
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</table>

* Denials – all related to education.
** Through October 31, 2017

Licensing totals in the state (as of 09/30/2017) -- 2868
- LCSW – 954
- LCSW Provisional – 7
- LISW – 19
- LSW – 1796
- LSW Provisional – 10
- LASW - 83

Disciplinary

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<tr>
<th>Year</th>
<th>Cases Filed</th>
<th>Cases Closed</th>
<th>Cases to Settlement / Hearing</th>
<th>Cases Remaining Open</th>
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** Through October 31, 2017