

NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Meeting Minutes

Friday, February 12, 2021

1. Call to Order/Roll Call to Determine the Presence of a Quorum.

Call to Order: The meeting of the Nevada State Board of Psychological Examiners was called to order by President Whitney Owens, PsyD, at 8:35 a.m. Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada, this meeting was conducted online via Zoom.

Roll Call:

Board President Whitney Owens, PsyD, Board Secretary/Treasurer John Krogh, PhD, and Members Monique McCoy, LCSW, Soseh Esmaeili, PsyD, Stephanie Holland, PsyD, and Stephanie Woodard, PsyD, were present at roll call.

Also present were Harry B. Ward, Deputy Attorney General, Gary Lenkeit, PhD, Board Investigator, Sheila Young, Board Investigator, Lisa Scurry, Executive Director, and members of the public: Bethany Schlinger, Brian Lech, Stephen Benning, Robert Mirabella, Lauren Wecker, Alicia Brown, Teri Belmont, and Sara Hunt.

Note: Stephanie Holland left the meeting at 11:30 p.m.

2. Public Comment

There was no public comment provided, nor had any public comment had been received by the Board Office as of the start of the meeting.

3. (For Possible Action) Public Hearing to Solicit Comments on Regulations (Legislative Counsel Bureau File Numbers R115-19, R173-20, And R114-19) Proposed for Adoption; and Possible Action to Make Revisions To and/or Forward any/all of The Proposed Regulations to the Legislative Counsel Bureau in Accordance with NRS Chapter 233b. (See Attached Public Notice for Information on Each Draft Regulation)

The public hearing to solicit comments on the regulations listed was called to order by President Owens at 9:11 a.m.

A. R114-19: Foreign Graduates

President Owens explained that the intent of this regulation is to ensure that the education of foreign graduates is equivalent to that of a program at a school within the United States. Once adopted, the regulation would allow the Board Office to refer foreign graduates to the National Register of Health Service Psychologist for the educational review to ensure equivalency. This process would remove the burden from the Board Office, particularly as staff is not trained or experienced in the review of transcripts from a school in a foreign country. That candidate would still have to meet

the other Nevada requirements such as the national examinations (EPPP Parts 1 and 2) as well as the State Exam.

There was discussion about the service offered by the National Register such as verification of education and supervisors.

Public Comment:

- Robert Mirabella inquired about the ability of the National Register to evaluate a foreign applicant including what types of methodologies are used to ensure the individual can relate to patients in the American culture.
 - President Owens responded that the National Registry shall ensure the education and training are equivalent and not the area of cultural competency.
- Alicia Brown stated her agreement that the Board office cannot evaluate a foreign transcript. She added there is no course to allow someone to assimilate into American culture and that the way to assimilate is in a university setting.

Dr. Lenkeit provided historical perspective on the origins of the draft regulation. He stated that in the past the Board had no way to look at educational equivalency. Having the National Register handle that aspect of review gives those applicants the ability to become licensed where that had not been available or had been very difficult in past years. He added that cultural competency is beyond the scope of the regulation and should be addressed in another way.

President Owens stated there will potentially be legislation introduced during the current Legislative Session that would require cultural competency through continuing education course.

Public Comment:

- Harry Ward, Deputy Attorney General, commented about the original diploma requirement in the regulation and questioned if an applicant would necessarily be able to obtain such an original.
- Bethany Schlinger asked if there is a way to require post-doctoral training in the United States.
 - President Owens responded that would be outside the scope of this regulation.

President Owens stated that there is currently no process for the evaluation of a foreign graduate and this regulation would provide that pathway.

Member Dr. Holland clarified that the regulation would allow the Board to consider an applicant and would not remove the ability to consider cultural competency.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved forwarding draft Regulation R114-19 to the Legislative Counsel Bureau for the next step in

the adoption process in accordance with NRS 433B. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

B. R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.

Draft Regulation R173-20 was originally developed in 2015 but has never received final adoption.

Public Comment:

- Alicia Brown stated she liked the regulation related to individuals providing clinical services. She added her concern that it is not specific enough.

Member Dr. Woodard inquired if the Board has received feedback from the universities.

President Owens explained that the regulation was originally proposed by Dr. Paul at UNLV. Over the past years both UNR and UNLV have worked to ensure that psychologists who are teaching and providing direct supervision are licensed. This regulation would put current practice into regulation.

The Board reviewed a proposed language change submitted by Alicia Brown. That change would require a person engaged in teaching or research that involves the delivery or supervision of psychological services be licensed.

President Owens responded that the intent of the regulation was that an individual in a university setting who is not involved in direct clinical care would not have to be licensed.

Member Dr. Holland commented that the Board would not have any authority over such a person who was unlicensed person. President Owens responded that the university or other institution would be responsible for discipline related to concerns within the classroom.

Member Dr. Holland asked about the intent behind the regulation. President Owens explained that requiring instructors who are not providing direct services to be licensed places an undue burden on the universities. She added that requiring licensure for those individuals can also reduce the available talent pool of instructors.

The Board did not suggest any changes nor accept the changes proposed through public comment.

On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved forwarding draft Regulation R173-20 to the Legislative Counsel Bureau for the next step in the adoption process in accordance with NRS 433B. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

C. R115-19: Supervision, payment of psychological assistant, Closure of a Practice

The Board reviewed language proposed by Dr. Emily Slife at the December 2020 public workshop. The proposed change to Section 6 (NRS 641.152) would change #6 related to supervisor to read, "If not employed by the supervisor or the agency the psychological assistant or psychological intern is based at, there will be a formal written agreement that specifies payment and the role of the supervisor and/or Training Committee over the training. The supervisor/Training Committee will have access to patient medical records and full oversight of the psychological assistant or psychological intern. The PA or PI may not be an independent contractor."

Member Dr. Woodard thanked Dr. Slife for the proposed language and stated her agreement with the changes.

Public Comment:

- Dr. Emily Slife thanked the Board for the work and feedback on the suggested changes to the regulations.
- Dr. Brian Lech asked for clarification on Section 3(2)(a) related to maintenance of health care records in the event of the death of the psychologist or discontinuation of practice. He asked if the Board would be keeping a list of those individuals named as maintaining such records. Secondly, he asked about the language in Section 6 related to the supervisor being employed at the same agency as the psychological intern or assistant. He added that he felt the clinical supervisor should maintain some control.

President Owens clarified that he was speaking about language related to the psychological intern or assistant being "subject to the control and direction" of the supervisor. She stated that the new language states that the supervisor or training committee "will have access to patient medical records and full oversight of the psychological assistant or psychological intern."

Member Dr. Holland suggested changing the language to, "The supervisor/Training Committee will have access to patient medical records and full oversight *and responsibility* of the psychological assistant or psychological intern *and caseload*." (suggested changes in italics)

Dr. Slife commented that she wouldn't want the section to be narrowly defined by caseload as it also includes other training needs and disciplinary action.

It was suggested that "caseload" be changed to "training plan." The new language would read, "The supervisor/Training Committee will have access to patient medical records and full oversight and responsibility of the psychological assistant or psychological intern and training plan."

President Owens moved the discussion back to Section 3 related to patient records.

There was discussion about the way in which patients would be notified who would have their records, how/if the Board office would maintain a list, etc.

Director Scurry explained that during the renewal process, each licensee is asked to provide the name of the individual that would be responsible for the medical records.

There was discussion about the ways in which patients would be notified of how their records would be retained if the psychologist died or discontinued the practice. Options included including information in the informed consent paperwork, on the psychologist's website, and sending a letter.

Public Comment: Alicia Brown submitted proposed language that would read, "provide documented notification to his/her patients at least 30 days before."

Dr. Lenkeit agreed that the informed consent document should include the information. He added that an individual who retains a license should still be responsible for the records, even if no longer seeing patients.

Member Dr. Esmaeili asked if there is language defining who a custodian of a record can be or a requirement that it be a licensed psychologist.

Public Comment: Teri Belmont asked if someone besides a licensed psychologist can be the custodian of the records.

Dr. Krogh stated that the item was originally discussed by the Board as a result of records being left with a spouse versus someone who understood the importance of the records, how they should be stored, etc.

The following language was proposed for Section 3(2)(b): "Provide documented informed consent to the patient informing them who the custodian of records will be in the event of death or incapacitation of the psychologist or discontinuation of the practice."

There was discussion related to defining a custodian of records, as well as who controls the records such as with a government agency that employs a licensed psychologist.

The following was added as Section 3(2)(d): "'Custodian of health care records" refers to a licensed psychologist or agency familiar with the legal and ethical guidelines for maintaining and releasing medical records."

On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved forwarding draft Regulation R115-19 with revisions to Sections 3 and 6 to the Legislative Counsel Bureau for the next step in the adoption process in accordance with NRS 433B. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

President Owens closed the Hearing at 10:42 a.m.

4. (For Possible Action) Discussion and Possible Approval of the Minutes of the Meetings of the Nevada State Board of Psychological Examiners from January 15, 2021.

There was no discussion nor recommended changes to the minutes.

On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the meeting minutes from January 15, 2020. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

5. Financial Report

A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report For F/Y 2021 (July 1, 2020, Through June 30, 2021).

Board Secretary / Treasurer John Krogh presented the budget to actuals financial report. He explained that the actual expenses are aligning very closely to the budgeted amounts. He added that two items that read higher than expected are PERS and bank charges.

Executive Director Scurry explained that the bank charges line item is including both actual bank charges the Board pays as well as the bank charges paid by licensees and applicants as a result of service charges. She added that it is a result of the way expenses are entered into the accounting software that makes it look as though the Board has paid several thousand dollars in bank charges. Those charges are actually backed out of the deferred revenue line item.

President Owens inquired if the office is researching alternatives to using PayPal in an attempt to lower those service charges. ED Scurry replied she is looking at the bank as well as other online systems.

On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the Treasurers Report for Fiscal Year 2021. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

B. (For Possible Action) Discussion and Possible Action to Provide Direction to the Board Office Regarding the Status of Recouping Outstanding Legal Fees Owed To The Board From Disciplinary And Unlicensed Practice Cases.

There was no report on this item.

6. (For Possible Action) Discussion and Possible Action to Provide Guidance On Matters Related To The Covid-19 Pandemic And Governor Sisolak's Directive 011. Discussion May Include Licensure Renewal, Continuing Education Credits, Temporary Licensure, Supervision Concerns, Obtaining Clinical Hours for Licensure, and the Use of Telepsychology and Interjurisdictional Practice.

Member Dr. Woodard spoke about the State's new roadmap to recovery for dealing with the pandemic.

President Owens stated that the Board is still encouraging psychologists to follow the guidelines of the CDC related to masks, distancing, and other safety measures.

7. (For Possible Action) Discussion and Possible Action Related to Consideration of Temporary Licensure to Ensure Continuity Of Care for Patients Being Seen By Out-Of-State Providers When the Provisions Of Directive 011 Expire

There was no report on this item.

8. (For Possible Action) Discussion and Possible Action To Approve The Online State Examination, Based On The Evaluation And Validation Of The Examination By Dr. Stephen Benning, Consultant / Psychometrician. Possible Action May Be Taken To Approve One To Three Versions Of The Exam To Be Used In The Online Format

(This item was taken out of order.)

Dr. Stephen Benning was introduced to present his finding of the evaluation and validation of the State Examination. (Note: Dr. Benning is a psychometrician previously contracted by the Board. At the last meeting of the Board, recommendations were made related to the passing score of the exam as well as the time allotted to take the exam. Dr. Benning was asked to validate three versions of the exam and return to this meeting for approval of the three versions by the Board.)

Dr. Benning presented the findings of his research. Using the 140 questions in the question bank, he developed three forms of the exam using the same distribution of items by the pre-established categories (confidentiality, record keeping, risk assessment, patient rights, licensing and supervision, and professional standards).

Another area of concern discussed by Dr. Benning was test security. He suggested the board consider the use of a lockdown browser. A lockdown browser only allows the test taker to access pre-determined sites on the internet. It uses algorithms to flag suspicious behavior, such as the applicant taking screen shots of the questions.

There was some discussion about the potential cost for such a security system and whether or not use of such test security was cost effective against any potential benefits.

Member Dr. Krogh made comment that test security is important but questioned if the need justified the expensive. He added that the test being open book allows the test taker to look for the answers making the benefit limited to only preventing someone from copying the questions.

Member Dr. Holland asked if there are other options such as a proctor of the exam.

President Owens stated the cost looked to be begin at close to \$3,000 per year and wouldn't necessarily eliminate someone from copying the test questions. She also explained the intent of the exam and stated she was comfortable approving the three versions of the exams and not adopting an online security system.

Member Dr. Holland agreed with the need to have test security, at least as a short-term trial.

Member Dr. Woodard agreed and added that opportunities should be reduced for candidates to influence test security.

Dr. Lenkeit described his experience with the Washington state exam, which did not appear to have such security.

Public Comment:

- Alicia Brown made comment in favor of using a proctor.
- Brian Lech added that test takers have many forms of technology available to get around some of the test security options being discussed.

Executive Director Scurry commented that the Board currently charges a fee for applicants to take the exam so the charge for such a system would likely be covered by that fee. She added, however, that individuals who fail the exam do have the ability, in accordance with state law, to review those questions through the Board Office.

Dr. Woodard suggested approving the exam and bringing security options to the Board meeting in March for further consideration.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the three versions of the State Examination as validated by the psychometrician, Dr. Stephen Benning, and directed the Executive Director to research testing security software. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

Executive Director Scurry asked for action to approve an expenditure for the monitoring software.

On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved an allocation of up to \$3,500 for online test security to begin administering the examination once security is in place. Once a test security option is recommended by the Executive Director, implementation shall be contingent upon the approval of the Board's Testing Coordinator, Stephanie Holland. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

9. (For Possible Action) Discussion and Possible Action To Allow Registered Psychological Interns To Take The EPPP Exams Rather than Waiting Until Becoming a Post-Doctoral Psychological Assistant

President Owens explained that UNLV staff has suggested that psychological interns be allowed to take the EPPP Part-1. This would allow the universities an additional measurement to ensure students are acquiring the knowledge to be licensed. It could also ease the pathway to licensure.

Under this proposal registered psychological interns would be allowed to take the EPPP Part-1. Candidates to take the EPPP Part-2 would do so once they become a psychological assistant. The Nevada State Exam is available once a psychological assistant has reached at least 1,400 of their supervised hours.

Member Dr. Krogh asked about the original rationale for making students wait until they become a psychological assistant. President Owens stated she thought it was to delay the financial burden of taking the EPPP. She added that there would be no requirement that an intern take the EPPP Part-1 but would make it available to them.

Dr. Krogh stated that he supported the idea of allowing registered interns take the test while the information is fresh in their mind.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved allowing registered psychological interns to take the EPPP Part-1. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, John Krogh, and Stephanie Woodard. Not Present at Vote: Stephanie Holland) Motion Carries: 5-0

10. Board Needs and Operations

A. Update on the Activities of the Application Tracking Equivalency and Mobility (ATEAM) Committee

President Owens discussed how the ATEAM Committee is making adjustments to the licensure by endorsement application and review process. The work has included revision of the online application and how they are reviewed when the applicant is from

a state whose licensure requirements are substantially equivalent to those in Nevada or not equivalent (yellow and red states).

B. Update and Report from the Nevada Psychological Association

Sara Hunt presented an update from the Nevada Psychological Association. She informed the Board that elections for the NPA Board will occur soon; and the Legislative Committee is monitoring the Legislative Session.

Ms. Hunt asked if about the process and ability of the NPA to partner with the Utah Association to sponsor continuing education opportunities.

Dr. Krogh, the Board's past CE Coordinator, responded that the application for the course would be reviewed as with any outside organization. Areas reviewed include instructors, objectives of the course, etc.

Member McCoy, the Board's CE Coordinator, agreed and stated that the Board cannot provide a blanket approval and suggested each course be submitted for review and approval.

C. Report on Board Office Operations

Executive Director Scurry informed the Board that the online application for licensure is being revamped in an attempt to make the process more streamlined for applicants.

The licensure renewal process has completed and there were approximately 20 licensees who did not renew. Ms. Scurry stated that letters have gone out reminding them to renew and stating the consequences for failure to renew.

D. (For Possible Action) Notice of The ASPPB Midyear Meeting Scheduled For April 9 And 10, 2021; and Possible Action to Approve the Registration of Interested Board Members and Staff at a Cost of \$50 Per Registration and not More than a Total Expense of \$500

President Owens informed the members that the annual midyear meeting of ASPPB will be held on April 9 and 10, 2021. The cost for registration is \$50 per person.

On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved registration for the ASPPB midyear meeting at a cost of \$50 per registrant and not more than a total of \$500 (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

11. (For Possible Action) Discussion and Possible Action to Provide Revision To and/or Adopt a Policy Related to Board Staff and Employment Practices

The draft policy on Board Staff and Employment Practices was discussed at the January meeting. At that time, approval was held as two members were absent.

Director Scurry stated that the policy itself was not changed since the January meeting but a salary schedule was included as an addendum. She explained that as a result of a 2019 PERS audit, the Board was required to adopt a salary schedule with a contribution plan. The two types of contribution plans are employer paid or employer/employee paid. In the former, the Board would pay the full retirement into PERS. In the latter, that cost is split between the Board and the employee. Ms. Scurry explained that as she came from a local government entity where her PERS was fully employer paid, and due to how many years in the system she had already accrued, she was required to stay on the employer paid plan. She added, though, that typically on an employer/employee paid plan, the employee's salary is higher resulting in the Board having roughly the same bottom-line expenditure.

The salary schedule was developed based on Ms. Scurry's current salary and using the rate provided by PERS. Based on the policy provision that would allow for a 2% annual salary increase, the salary schedule was developed to go out five years. It also included an annual increase for the Board investigators and a salary schedule in the event part-time staff is ever hired.

Ms. Scurry added that the policy will return in the future to include provisions for part-time office staff and the Board Investigators. She stated that it was important to get the policy adopted related to her position and to satisfy the PERS audit.

President Owens commented about inclusion of the Board investigators in the salary schedule and the intent to pay them for the hours they are working. She expressed gratitude for the work they are doing.

Dr. Krogh asked about the steps in the salary schedule. Ms. Scurry explained that for budgeting purposes she wanted to establish the minimum salary costs each year, assuming an evaluation of satisfactory or better.

Dr. Krogh asked if there are only 5 steps or a 5-year salary schedule. Ms. Scurry responded she wanted to start with a 5-year schedule but can go back and make adjustments if the Board wanted the schedule to be capped after additional years of employment.

Dr. Holland asked if a 2% increase was standard. Ms. Scurry responded that she wanted to get something in place and wanted it to be appropriate to the Board's budget.

President Owens stated that the Board could choose to give a higher salary increase if they chose based on the performance evaluation. A satisfactory evaluation will result in not less than a 2% increase, however.

Dr. Lenkeit expressed gratitude that the investigators were included in the salary schedule. He also clarified that the investigators are allowed up to 72 hours per year and are not limited to 6 hours per month. The hours can be rolled over from month to month. He added that the policy should be expanded in the future to include provisions related to the investigators and any other office staff.

Dr. Krogh asked about how vacation and sick leave will be calculated as the pay is every two weeks but the accrual in the policy is monthly. Ms. Scurry explained that she keeps her vacation and sick leave on a monthly basis and that information is shared in a folder with the Board President.

Dr. Holland left the meeting and missed the vote but expressed her support for the policy

On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved Approve the adoption of a Board Staff and Employment Practices Policy (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, John Krogh, and Stephanie Woodard. Not present at vote: Stephanie Holland) Motion Carries: 5-0

12. (For Possible Action) DISCUSSION AND POSSIBLE ACTION REGARDING NON-RENEWAL OF A LICENSE AND WHETHER A CORRESPONDING SUSPENSION OF LICENSE SHOULD BE DOCUMENTED AS DISCIPLINARY

This item was not heard.

13. (For Possible Action) REVIEW, DISCUSSION, AND POSSIBLE ACTION ON PENDING CONSUMER COMPLAINTS:

Harry Ward, Deputy Attorney General, explained that the 2019 complaints (Items A, B, C, D, and E) have been set for a hearing in March. He explained that there will be a separate Deputy Attorney General present representing the Board while Mr. Ward will oversee the hearings.

Items F through K are pending.

- A. Complaint #19-0514
- B. Complaint #19-0626
- C. Complaint #19-0709
- D. Complaint #19-1106
- E. Complaint #19-1223
- F. Complaint #20-0501

- G. Complaint #20-0728
- H. Complaint #20-0818
- I. Complaint #20-0819
- J. Complaint #20-1130
- K. Complaint #20-1229

14. (For Possible Action) Review and Possible Action on Applications for Licensure as A Psychologist or Registration as A Psychological Assistant, Intern or Trainee. The Board May Convene in Closed Session to Receive Information Regarding Applicants, Which May Involve Considering the Character, Alleged Misconduct, Professional Competence Or Physical Or Mental Health of The Applicant (NRS 241.030). All Deliberation and Action Will Occur in An Open Session.

(This item was taken out of order.)

The following names were presented for approval of licensure pending satisfactory completion of the licensure application requirements: Jose Arauz, Stephanie Bellusa, Douglas Grant, Monica Parkins Mousa, Janina Scarlet, Vahe Sukiasyan, and Samantha Swanson.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the following applicants contingent upon completion of licensure application requirements: Jose Arauz, Stephanie Bellusa, Douglas Grant, Monica Parkins Mousa, Janina Scarlet, Vahe Sukiasyan, and Samantha Swanson. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

The following names were recommended for approval by the ATEAM Committee for approval of licensure pending satisfactory completion of the licensure application requirements: Luz Robles Gonzalez and Lauren Wecker.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the following applicants based on the recommendation of the ATEAM Committee and contingent upon completion of licensure application requirements: Luz Robles Gonzalez and Lauren Wecker. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

The following name was recommended for approval by the Board contingent upon the recommendation of the ATEAM Committee at the upcoming meeting on February 23, 2021 and pending satisfactory completion of the licensure application requirements: Leah York.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the following applicant contingent upon approval by the ATEAM Committee on February 23, 2021 and completion of all other licensure application requirements: Leah York.

(Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, John Krogh, and Stephanie Woodard) Motion Carries: 6-0

15. (For Possible Action) Consideration and Possible Approval of A Request For Testing Accommodations. The Board May Convene in Closed Session To Receive Information Regarding Applicants, Which May Involve Considering The Character, Alleged Misconduct, Professional Competence Or Physical Or Mental Health Of The Applicant (Nrs 241.030). All Deliberation and Action Will Occur In An Open Session.

A. Cynthia Cameron For the EPPP Part 1

Applicant Cynthia Cameron submitted an accommodation request for the EPPP Part-1. The request was for time and a half and a separate room for the test.

There were no questions from the Board.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the request for a testing accommodation for Cynthia Cameron for the EPPP Part 1. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, John Krogh, and Stephanie Woodard) Motion Carries: 5-0

B. Candis Carswell-Mitchell for the EPPP Parts 1 And 2

Applicant Candis Carswell-Mitchell submitted an accommodation request for the EPPP Part-1 and Part-2. The request was for temperature regulation, a separate room for the test, and extra breaks.

Director Scurry stated that the she wasn't sure that temperature regulation was possible but the Board may consider giving extra time to allow for the requested extra breaks.

Dr. Esmaeili suggested providing an accommodation for time and a half.

On motion by Soseh Esmaeili, second by John Krogh, the Nevada State Board of Psychological Examiners approved the request for a testing accommodation for Candis Carswell-Mitchell for the EPPP Parts 1 and 2. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, John Krogh, and Stephanie Woodard) Motion Carries: 5-0

16. (For Possible Action) Correspondence

- A. (For Possible Action) Discussion And Possible Action To Consider A Proposal To Change The Current Renewal Process From All Licensees Renewing At The End Of Each Even Numbered Year To Having Licensees Renew Every Two Years From The Licensure Anniversary**

This item was not discussed.

17. (For Possible Action) Discussion and Possible Action To Create A Psychological Assistant (Post-Doctoral) License

This item was not discussed.

18. Legislative Update

- A. (For Possible Action) Discussion and Possible Action Related To The 2021 Session Of The Nevada Legislature Scheduled To Begin February 1, 2021**

Director Scurry explained that the Session has begun and several bills are being tracked. The bill by the Rural health

- B. (For Possible Action) Discussion and Possible Action On Bill Draft Request (BDR) 456 Which Proposes Changes To Nevada Revised Statutes To Clarify Purpose, Scope Of Use, And Use Of Audio And Video Recordings In Therapy And Assessment Training For Psychological Trainees, Psychological Interns And Psychological Assistants.**

This bill, proposed by the Board had not been released as of the meeting date.

- C. (For Possible Action) Discussion and Possible Action On Bill Draft Request (BDR) 55-428 Of The Rural Health Board In Which Provisions Of NRS Chapter 641, Psychologists, Are Proposed For Revision Related To Data Collection And Licensure By Endorsement.**

This bill, proposed by the Rural Health Board, has been submitted and staff has been attending meetings to ensure there is no negative impact. The bill is now Senate Bill 44.

- D. (For Possible Action) Discussion And Possible Action On A Proposal To Remove Language From NRS 641.390, Representation Or Practice Without License Or Registration Prohibited, During A Future Session Of The Nevada State Legislature.**

Lisa Scurry, Executive Director, explained that meetings have occurred with leadership of the State Corrections Department. The proposed language change will potentially be addressed in the 2023 Legislative Session. Until then, meetings will continue in an attempt to work on any concerns and to ensure a successful outcome.

19. (For Possible Action) Discussion and Possible Action On Regulations Submitted To The Legislative Counsel Bureau (LCB) For Changes To Nevada Administrative Code (NAC) Chapter 641

Lisa Scurry, Executive Director, explained that the regulations listed as Items A and B below are pending with the Legislative Counsel Bureau and will be addressed following the current Legislative Session.

Items C, D, and E will be submitted to the Legislative Counsel Bureau following the earlier public hearing. As items D and E had further changes, they may need to come to a future meeting for an additional hearing.

Items F and G are pending until the conclusion of the Legislative Session.

A. R057-19: Fees

B. R058-19: Endorsement Language

C. R114-19: Foreign Graduates

D. R115-19: Supervision, payment of psychological assistant, Closure of a Practice

E. R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.

F. R174-20: Code of Conduct

G. R175-20: Removal of "Moral"

20. (For Possible Action) Discussion of U.S. District Court Case 2:20-CV-00651-KJD-VCF Where the State Of Board Psychological Examiners Is A Named Defendant.

Harry Ward, Deputy Attorney General, informed the Board that a Hearing was held related to counsel withdraw. Plaintiff was given until April 25 to retain new counsel. The matter is stayed until then.

21. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates

A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, March 12, 2021 at 8:30 a.m.

Due to a schedule conflict, President Owens suggested the next meeting be moved to March 26, 2021 rather than March 12.

All members agreed on changing the date.

On motion by Stephanie Woodard, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved moving the next meeting to March 26, 2021. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, John Krogh, and Stephanie Woodard) Motion Carries: 5-0

22. Requests for Future Board Meeting Agenda Items (No Discussion Among The Members Will Take Place On This Item)

There were no suggestions for future agenda items.

23. Public Comment

There was no public comment at this time.

24. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 11:57 a.m.

INTRODUCTION

Appreciation for efforts to enhance access to high-quality psychological care within Nevada is boundless. The community has long suffered from a scarcity of widely available high-quality psychology services. There exist two critical dimensions to the scarcity dilemma: 1) access, and 2) quality of services. In all logicality, the NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS (i.e., the board) and the cumulative body of psychologists licensed in Nevada conjointly bear the responsibility of supporting both dimensions. The board has endeavored to propose legislation defining policies and procedures for vetting foreign graduates. The issue is nuanced and complex. Full consideration of the intricacies therein requires time and well-defined methods of deliberation, including effective use of data.

The board has recently sought public comment. It may be reasonable to assert that that current comment period has been deficient in length. Additionally, in talking with colleagues, it is unclear that all psychologists (i.e., those licensed in Nevada) were notified of the comment period for this legislation. A review of board minutes suggests the board has a sub-committee that has been addressing the issue to a certain degree, the NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS APPLICATION TRACKING EQUIVALENCY AND MOBILITY (ATEAM). Minutes seem to indicate there has been no public comment (e.g., see minutes dated 10/20/20). The seemingly inadequate comment period and the lack of commentary warrant remedy.

Relatedly, board minutes for December of 2020 included a substantial number of applications for licensure (i.e., greater than 75). This does not include individuals in training or applications for psychological assistants. This may suggest a shift in market dynamics and access availability across time.

Therefore, we humbly request that the comment period be re-advertised and substantially extended. We also request that the board consider additional ad-hoc meetings to hear and consider commentary from the general public and Nevada licensed psychologists. Further, given the number of psychologist applicants of late, it is unclear that scarcity will be an enduring condition under the current licensing law. Therefore, we also request that the board publicly present data regarding current access conditions, population growth, and forecasting for the current and the anticipated psychology work force over time.

UNINTENDED CONSEQUENCES OF CULTURAL DIFFERENCES: AN EDUCATIONAL EXPERIENCE

One of our dear collaborating colleagues studied to become a physician in the United States. He shared an experience with us that we believe is relevant to the issue facing the board as board members propose changes to Chapter 641 specifically related to regulating the licensure of Foreign Graduates. Below is his experience in his own words.

The rules governing both education and the practice of medicine and psychology are more extensive and cultural than we might want them to be.

I have studied in Europe and the United States and ascertained first-hand how culture plays a role in the treatment or provision of the best care for clients.

I had an experience back in college that made me aware that there is more to education and professional training than meets the eye. I took one year of Calculus as part of required pre-requisites for premed. This was many years ago in the 1980s.

I had taken general calculus the previous semester and needed to get into the second part of the calculus curriculum. The class was full, and I had an option to take Business Calculus instead, a class that was taught by a French professor who had no experience teaching in the United States. The professor was an aeronautical engineer back in France who had taught math as well. He was a good teacher, but calculus is not a class for the faint at heart. He did not care how many students passed or failed as that was “not his problem” as he used to say. This is a European approach to education. If a student wants to learn, he or she must be prepared for the class and do all that is required to pass the class. No one is spoon-fed so to speak.

The class began with close to 50 students enrolled, and by the end of the first partial exam, close to 50% of the initially enrolled students dropped out. At the end of the third partial exam, and prior to the final exam, just about 25 students were left. Nine students passed the class on a standard curve. I was one of the students who passed. I went to check my grade posted by the classroom in the Science Department a few days after the exam. I passed with a B- (B minus) grade, enough for me never to see a mathematics professor’s face ever again!

Walking and floating on air down the hall I heard my professor call my name. I turned around, saw him, and said hello to him. He beckoned me to come over and chat with him; he appeared to have been crying. He said, “I need you to please come and talk with the dean of the department because I am about to lose my job.” The dean wanted the opinion of a student who passed the class. “What could I possibly tell the dean?” I asked myself.

Well, as it turned out, I had a lot of insight to share. So, I had this talk with the dean, and he asked me what I thought of my professor. I said, “He is a good teacher for those who want to learn. However, for those who are not prepared for the intensity of a class such as calculus, his teaching the class could be a hellish experience.” The dean told me what I had never heard prior to that time. He said, “Here, in America, up to 15% of any class or any discipline cannot fail the class otherwise the professor or teacher is not good enough. **Now, because you passed the class, and you have had a European educational experience I am willing to give him a second chance.**”

The take away for me with this is that the process of education, and some training, is based on culture. I had post medical school educational training in psychiatry, and it is quite obvious that to be a good psychiatrist or psychologist, we must limit the licensure of our mental health providers (1) to those who are extremely knowledgeable about the American culture and (2) to those who have assimilated well into the American culture. In a diverse culture like that which exists in the United States, it is not fair or just to give subpar treatment to our clients or patients. Understanding the American culture is a necessary and important key to best of practice.

R114-19

PROPOSED CHANGES & OUR RECOMMENDATIONS TO PROPOSED CHANGES

R114-19: Foreign Graduates. A regulation relating to psychology; establishing requirements for applications for licensure as a psychologist submitted by an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association; and providing other matters properly relating thereto.

The spirit of **R114-19: Foreign Graduates** appears to be to allow “an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association” to qualify and obtain a license. We are concerned the proposed language will be interpreted to allow foreign graduates to obtain a psychology license that does not meet the requirements of psychologists trained in the United States. This would potentially discriminate unfairly against those trained in programs located within the United States. Furthermore, it would endanger recipients of psychological services to potentially harmful treatments administered by those foreign graduates as well as potentially disenfranchising those recipients from seeking psychological services in the future.

Significant cultural differences exist between training programs located within the United States to include Alaska and Hawaii and training programs located in provinces and territories of the United States. Therefore, individuals trained in programs located in provinces or territories (e.g., Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States) must be defined as “foreign graduates”.

Proposed language:

Sec. 2. *For the purposes of this chapter, a training program is completed within the United States if the program is completed within the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Suggested changes:

Sec. 2. *For the purposes of this chapter, a training program is completed within the United States if the program is completed within the geographic boundaries of the United States to include the states of Alaska and Hawaii.*

We propose that Section 3 be removed entirely. The risk of harm to the public is not sufficiently mitigated by the proposed requirements listed in Section 3. The effective delivery of Psychological services, moreso than any other healthcare service, requires an effective therapeutic relationship. The efficacy of the therapeutic relationship has been shown to be the most relevant component in Psychotherapy, more important than the therapeutic technique, the arrangement of the therapeutic environment, or the physical attributes of the provider. A provider’s adroit facility in the cultural aspects of the environment in which Psychotherapy is delivered figures prominently in the development and maintenance of the therapeutic relationship. Without it, the relationship will be inadequate, the efficacy of care diminished, or worse the recipient of care will not return for a second session. For the consumer of Psychological services, an intimate sensitivity for the development and maintenance of the therapeutic relationship via a focus on the cultural competency of the provider cannot be overemphasized. It is for these reasons that the licensing of Foreign Graduates must carefully consider

not only the quality and consistency of the applicant's training, but also his/her skills in cultural competency.

In addition to ensuring that education standards and clinical skills are commensurate with those prescribed for U.S. Psychologists, Foreign Graduates should be required to complete training in the cultural practices of U.S. citizens. This training is to be completed in the U.S., taught by a U.S. national, and authorized by the APA. Such training should lead to a minimum level of mastery in U.S. cultural practices, this level of mastery evaluated by the Foreign Graduate's supervisor. Competency will be demonstrated through the passing of a written examination and acceptable performance in live interactions with patient(s). Finally, cultural competency should be demonstrated by the Foreign Graduate by way of his/her acclimation to U.S. culture. This acclimation is for the purpose of ascertaining the Foreign Psychologist's assimilation in the U.S. culture and to exclude those candidates who are 'book smart' but lacking the requisite skills to effectively navigate within the psychotherapy milieu.

Proposed language:

~~Sec 3. 1. The Board may issue a license to practice as a psychologist to an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association if the applicant:~~

~~(a) Submits to the Board with his or her application evidence satisfactory to the Board that the applicant:~~

~~(1) Meets the requirements of subsection 1 of NRS 641.170;~~

~~(2) If the training program completed by the applicant was not conducted in English, has obtained a score of not less than 80 on the Test of English as a Foreign Language, internet Based Test, administered by the Educational Testing Service;~~

~~(3) Has not been convicted of a felony;~~

~~(4) Has not been subject to disciplinary action in another jurisdiction;~~

~~(5) Does not have any outstanding complaints or charges pending against him or her in another jurisdiction;~~

~~(6) Has not previously been denied licensure by the Board;~~

~~(7) Has passed the state examination administered by the Board pursuant to NAC 641.112; and~~

~~(8) Has passed the national examination required by NRS 641.180;~~

~~(b) Submits to the Board with his or her application three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant;~~

~~(c) Submits to the Board with his or her application evidence satisfactory to the Board that the applicant has complied with section 4 of this regulation and that the Board has determined that the training program completed by the applicant is equivalent to a program accredited by the American Psychological Association; and~~

~~(d) Complies with subsection 1 of NRS 641.160 by submitting:~~

~~(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or~~

~~(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking fingerprints.~~

~~2. The Board may require an applicant pursuant to this section to appear before the~~

~~Board to demonstrate the applicant's:~~

- ~~(a) Moral character;~~
- ~~(b) Current fitness to practice psychology; and~~
- ~~(c) Intent to practice psychology in a manner consistent with his or her education, training and experience.~~

We propose the removal of Section 4. Neither the Board nor a contractor designated by the Board has the expertise to evaluate foreign training. In the service of protecting the public and to mitigate this concern, we propose Chapter 641 of NAC follow a set of requirements similar to those set forth by the Nevada State Board of Medical Examiners for International Medical Graduates (IMGs) defined as physicians who received the basic medical degree from a medical school located outside the United States and Canada. According to the American Medical Association (<https://www.ama-assn.org/education/international-medical-education/state-licensure-board-requirements-international-medical>), the Nevada State Board of Medical Examiners is one of the 25 states with the most stringent requirements for graduates of foreign medical schools: "All state licensing jurisdictions require a graduate of a foreign medical school to complete...accredited U.S. or Canadian graduate medical education before licensure...25 states require 3 years of accredited graduate medical education..." Following completion of this accredited U.S. or Canadian graduate medical education, the IMG seeking Nevada State medical licensure must meet the requirements for Educational Commission for Foreign Medical Graduates (ECFMG) certification. The ECFMG certification is the standard for evaluating qualifications of IMGs who seek to join the United States healthcare system. The Application for ECFMG certification includes obtaining a notarized Certification of Identification Form (Form 186). The IMG must be enrolled or have graduated from a medical school that meets the ECFMG requirements, must have entered residency or fellowship programs that are accredited by the Accreditation Council for Graduate Medical Education (ACGME), must successfully complete the United States Medical Licensing Examination (USMLE) requirements, and must have primary source verification of medical education credentials.

These requirements ensure public safety of the consumers of medical services. Consumers of psychological services by Psychologists licensed in the State of Nevada deserve the same safeguards. Therefore, we propose Foreign Graduates of psychology programs located outside the United States are required to complete 3 years of graduate psychology education from a program accredited by the American Psychological Association. In addition, the Foreign Graduate must meet the supervision of clinical practice requirements specified in NRS 641.170 Section 1 (d) "Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board." The Foreign Graduate must obtain these 2 years of co-located, supervised clinical practice experience within the United States (i.e., they must provide the service within the United States, provide service to individuals who reside within the State of Nevada, and be supervised by a supervisor located in the State of Nevada with DIRECT supervision consisting of no less than 1 hour/week of audio recordings, a minimum of at least once monthly direct live-observation of the delivery of clinical services, and a one hour supervision session conducted either live or via teleconference monthly).

~~Sec. 4. 1. An applicant for licensure as a psychologist who has completed a training program outside the United States that is not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association.~~

~~2. The applicant must submit to the Board:~~

~~(a) An original diploma or other certificate of graduation from the training program, which will be returned to the applicant, and a photocopy of the document, which will be retained by the Board.~~

~~(b) A transcript or other appropriate document of all coursework completed in the training program.~~

~~(c) Satisfactory evidence of the completion of the supervised and documented experience required by NAC 641.080.~~

~~(d) A statement, based on the documents listed in this subsection, that describes the chronological sequence of studies, training and research engaged in by the applicant. This statement must be comparable to and communicate the same information as a transcript issued by a university in the United States and must highlight how the education and doctoral internship experience of the applicant conforms to the educational requirements set forth in this section.~~

~~(e) Suitable documents showing that the training program completed by the applicant substantially complies with the accreditation standards for doctoral programs in the Standards of Accreditation for Health Service Psychology of the American Psychological Association, which is available, free of charge, at the Internet address~~

~~<http://www.apa.org/ed/accreditation/index.aspx>, and Section C of the Implementing Regulations of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address~~

~~<http://www.apa.org/ed/accreditation/index.aspx>.~~

~~(f) A certified translation of any documents submitted pursuant to this subsection which is written in a language other than English.~~

~~(g) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 4, except as otherwise provided in subsection 5.~~

~~3. For the purposes of paragraph (e) of subsection 2, a training program “substantially complies with the accreditation standards for doctoral programs” if the applicant submits to the Board, without limitation, proof:~~

~~(a) Of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to paragraph (b) or (c) of subsection 3 of NAC 641.050.~~

~~(b) That the primary purpose of the training program is to provide broad and general training in scientific psychology and in the foundations of practice in health service psychology. The program materials must demonstrate:~~

~~(1) The integration of empirical evidence and practice;~~

~~(2) That the training is sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training; and~~

~~(3) That the program requires respect for and understanding of cultural and individual differences and diversity.~~

~~(c) That the program:~~

~~(1) Is a recognizable, coherent organizational entity within the institution where the program is conducted.~~

~~(2) Is an integrated, organized sequence of study.~~

~~(3) Has stable leadership provided by one or more designated doctoral-level psychologists who:~~

- ~~(I) Are members of an identifiable core faculty of the program; and~~
~~(II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.~~
~~(4) Has an identifiable body of students who are matriculated in the program for the purpose of earning a degree.~~
~~(5) Includes supervised practicums which must include, without limitation:~~
- ~~(I) Supervised experience working with diverse persons who display a variety of presenting problems, diagnoses and issues;~~
 - ~~(II) Supervised experience in settings committed to training and providing experiences consistent with health service psychology competencies, including, without limitation, those competencies listed in paragraphs (e) and (f);~~
 - ~~(III) Supervision provided by appropriately trained and credentialed persons; and~~
 - ~~(IV) Practicum evaluations which are based, at least in part, on direct observation, which may occur in person or via electronic means.~~
- ~~(d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional competence. Experience in a program that was conducted entirely through electronic means may not be used to satisfy the requirements of this paragraph.~~
~~(e) That the applicant, while in the program, acquired and demonstrated substantial graduate-level understanding and competence in discipline-specific knowledge in the following areas:~~
- ~~(1) The history and systems of psychology.~~
 - ~~(2) Affective aspects of behavior.~~
 - ~~(3) Biological aspects of behavior.~~
 - ~~(4) Cognitive aspects of behavior.~~
 - ~~(5) Social aspects of behavior.~~
 - ~~(6) Developmental aspects of behavior across the lifespan.~~
 - ~~(7) Advanced integrative knowledge in scientific psychology.~~
 - ~~(8) Research methods.~~
 - ~~(9) Quantitative methods.~~
 - ~~(10) Psychometrics.~~
- ~~(f) That the applicant, while in the program, achieved and demonstrated profession-wide competency in the following areas:~~
- ~~(1) Research.~~
 - ~~(2) Ethical and legal standards.~~
 - ~~(3) Individual and cultural diversity.~~
 - ~~(4) Professional values, attitudes and behaviors.~~
 - ~~(5) Communication and interpersonal skills.~~
 - ~~(6) Assessment.~~
 - ~~(7) Intervention.~~
 - ~~(8) Supervision.~~
 - ~~(9) Consultation, interprofessional and interdisciplinary skills.~~

- ~~4. Except as otherwise provided in subsection 5, to determine whether the training program completed by an applicant is equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by the National Register of Health Service Psychologists. Information regarding obtaining a review is available, free of charge, at the Internet address <https://www.nationalregister.org/apply/credentialing-requirements/national-register-doctoraldegree-guidelines/>. Upon completion of the evaluation the applicant shall cause the National Register of Health Service Psychologists to submit the evaluation directly to the Board. The Board will review the evaluation and determine whether the program completed by the applicant is equivalent to a program that is accredited by the Association.~~
- ~~5. The Board may, upon written request, waive the requirement for an applicant to obtain an evaluation of his or her academic credentials pursuant to subsection 4 if the applicant graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.~~
- ~~6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider any recommendation from the National Register of Health Service Psychologists and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.~~
- ~~7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.~~
- ~~8. The applicant is responsible for paying all fees and costs incurred to obtain an evaluation or translation of his or her academic records.~~
- ~~9. It is the responsibility of the applicant to sufficiently demonstrate that the training program completed by the applicant is equivalent to a program accredited by the American Psychological Association.~~

In proposing the removal of Section 4, we also propose the removal of Sec. 8. 2.a.(3). Thus, the language in Sec. 8. 2.a.(3) in blue below is to be deleted.

Sec. 8. NAC 641.120 is hereby amended to read as follows:

~~2.a.(3) Section 4 of this regulation if the applicant graduated from a program completed outside the United States; or~~

R115-19

PROPOSED CHANGES & OUR RECOMMENDATIONS TO PROPOSED CHANGES

R115-19: Supervision, payment of psychological assistant, Closure of a Practice. A regulation relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or psychological research; requiring that, if a psychological assistant or psychological intern is not an employee of the supervisor, the psychological assistant or psychological intern be employed at the same agency or institution that employs the supervisor. requiring a psychologist to designate a custodian of health care records; requiring a psychologist who intends to cease providing services to provide certain notice to the Board and to his or her patients; requiring the custodian of the records of a psychologist who has died or discontinued practice to maintain such records for a period of time; revising provisions governing the education and experience required to be completed by an applicant for licensure as a psychologist; and providing other matters properly relating thereto.

Proposed language:

Sec. 2. 1. Except as otherwise provided in subsection 2, a person who is engaged in the teaching of psychology or in psychological research is not required to obtain a license to practice psychology pursuant to chapter 641 of NRS.

2. A person shall not engage in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services unless he or she:

(a) Holds a license to practice psychology pursuant to chapter 641 of NRS;

(b) Is actively registered as a psychological assistant pursuant to chapter 641 of NRS; or

(c) Has obtained approval from the Board to engage in such teaching or research without holding a license to practice psychology or being actively registered as a psychological assistant.

Suggested changes:

Sec.2. 2. A person shall not engage in a) the direct clinical supervision and teaching of specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person or b) in supervising the conduct of psychological research that involves specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person unless he or she:

(a) Holds a license to practice psychology pursuant to chapter 641 of NRS;

(b) Is actively registered as a psychological assistant pursuant to chapter 641 of NRS; or

(c) Has obtained approval from the Board to engage in such teaching or research without holding a license to practice psychology or being actively registered as a psychological assistant.

From our perspective (i.e., psychologist clinicians and supervisors working in the field for decades), this proposed regulation places unrealistic expectations and hardship on the licensee. Unforeseen and/or severe circumstances may place the practicing clinician in a position whereby patient records are unable to be maintained for the specified period of time following such events. The clinician cannot and should not be responsible for the designated custodian of health's obligation since the custodian of health has no legal obligation to follow through to maintain health care records. The custodian of health may abdicate his or her obligation for

personal reasons shortly before or after the clinician may become incapacitated or die leaving the designation of another custodian of health care records incomplete. Under such circumstances, neither the patient nor the board would have legal recourse to prescribe another designated custodian to maintain and/or retrieve requested records since the records are the property of the clinician's estate.

The obligation to notify the board 30 days before the cessation of clinical services under such circumstances is unrealistic. We propose changes to Sec 3. 2. (a) and Sec. 3. 2. (b).

Proposed language:

Sec. 3. 1. A psychologist shall designate a custodian of health care records to maintain the patient records of the psychologist for the period required by NRS 629.051 and NAC 641.219 in the event of the death of the psychologist or discontinuation of practice, whether temporary or permanent.

2. A psychologist who intends to cease providing services to patients, whether on a temporary or permanent basis, shall:

~~***(a) Notify the Board in writing at least 30 days before he or she ceases to provide services to patients and specify in the notice the person who or facility that will maintain the patient records of the psychologist for the period required by NRS 629.051 and NAC 641.219.***~~

~~***(b) Notify his or her patients in writing at least 30 days before he or she ceases to provide services to patients and provide an opportunity for patients to request and receive their records.***~~

Suggested changes:

Sec 3. 2. A psychologist who intends to cease providing services to patients, whether on a temporary or permanent basis, shall:

(a) At the time of licensure, the Psychologist shall inform the board the means in which patient records will be kept-

(b) Insure that NRS 629.051 is followed. Specifically, the psychologist will ensure that health care records are retained in written form, or by microfilm or any other form of size reduction, including without limitation, microfiche, computer disc, magnetic disc and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system that meets the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

(c) At the time of licensure, the Psychologist will sign a release allowing a board authorized and designated individual access to patient records if the Psychologist is incapacitated or deceased. Under such restricted access, a civil court judge must grant the Board permission to retrieve those and only those patient records in question. During retrieval, the board designee must be accompanied by an authorized individual such as an officer designated by the court, a business partner, or a family member. The latter two individuals should be identified by the Psychologist at the time of licensure. However, these individuals do not have any legal obligation to comply with access.

(d) Provide documented notification to his or her patients at least 30 days before he or she ceases to provide services to patients and provide an opportunity for patients to request and

receive their records. The documented notification must provide the following information instructing the patient to contact the Board for their records in the event of the death or incapacitation of the psychologist as stated below:

- 1) In the event that the Psychologist is deceased or incapacitated at the time of the request, the client shall summon the Board to initiate access to his/her file as described in 2(c) above.*

In proposing the changes in Section 2 above, we propose the removal of Sec. 3. 3. Thus, the language in Sec. 3. 3. in blue below is to be deleted.

~~*3. A custodian of health care records who takes custody of the patient records of the psychologist upon the discontinuation of practice, whether temporary or permanent, or death of the psychologist must retain such records for a period of time not less than the period of time that the psychologist would have been required to retain such records pursuant to this section and NRS 629.051.*~~

R173-20

PROPOSED CHANGES & OUR RECOMMENDATIONS TO PROPOSED CHANGES

R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting. A regulation relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or in psychological research; and providing other matters properly relating thereto.

R173-20 (Previously R131-15) which “requires those teaching or engaging in research to be licensed if providing supervision in a university setting” appears to have the intention of requiring individuals who provide clinical supervision of psychotherapy or neuropsychological assessment to students in a university setting to be licensed psychologists. Furthermore, the spirit of the proposed language appears to be requiring individuals conducting clinical research of psychotherapy techniques to hold a Nevada State psychology license.

We are concerned that the proposed language “...clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or in psychological research; and providing other matters properly relating thereto” will be interpreted to mean persons teaching psychology (including, but not limited to specialties like experimental, psycholinguistic, cognitive, biostatistical, social, forensic, organizational) will be forced to obtain a Nevada State psychology license if they are teaching clinical psychology students in a university setting. A concrete statutory interpretation of the current proposed language would potentially limit the faculty allowed to legally teach clinical psychology students. Furthermore, those engaged in psychology research will be required to hold a Nevada State psychology license. Research scientists that conduct research in the areas of experimental, evolutionary, psycholinguistics, cognitive, social, educational, forensic, methodology and program evaluation, and sports psychology (as a short list of examples) would be required to obtain a Nevada State psychology license. We are concerned that, by law, this would limit mentorship opportunities for clinical psychology students seeking research opportunities in related and relevant specialty areas of psychology.

Proposed language:

2. A person who is engaged in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services to a person must obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.

Suggested changes:

- 2. A person who is engaged in the direct clinical supervision and teaching of specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person must obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.***
- 3. A person who is engaged in supervising the conduct of psychological research that involves specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person must obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.***

From: [REDACTED]
To: [NBOP ED](#)
Subject: comments regarding foreign graduates
Date: Wednesday, February 3, 2021 12:07:42 PM

To whom it may concern,

An email was recently sent out by a Dr. Brown regarding comments made, I assume previously, at a Board meeting regarding foreign graduates. I read the comments regarding a "class on culture" suggested as part of accepting foreign graduates. I read this with horror and shock to see someone attempting to put into law ethnic and cultural nationalism that borders on racism. Any attempts to tender such "class" or place into law will make this board applauded in some of the darkest corners of American but lambasted and mocked by any reasonable conscientious parts of society. I implore you not to even give this a moment in the sun. It will not turn out well and will find its way onto the national media.

Sung Cho, PsyD

From:

To: [NBOP ED](#)

Subject: Re: Board Update: Proposed Changes To NAC

Date: Thursday, January 14, 2021 12:24:06 PM

Hello,

I do have one concern about the proposed changes to requiring a custodian of records. For some of us in private practice it has been challenging to find a psychologist who will agree to be a custodian of records. It would be nice if there will be a requirement, that there will also be service that we can pay for to accommodate this if another option cannot be found. My rationale for this is that in order to require continuing education, there are continuing education providers that we go to for our ce. We don't have to ask our colleagues to provide ce for us.

Thank you for your consideration

Sandra Branton, EdD