

NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Meeting Minutes

Friday, June 11, 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 8:30 a.m. at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste B-116, Reno, Nevada 89502. Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada, this meeting was also conducted online via "Zoom."

Roll Call: Board President Whitney Owens, PsyD, Secretary/Treasurer John Krogh, Ph.D. and Members Stephanie Holland, PsyD, Monique McCoy, LCSW, and Stephanie Woodard were present at roll call. Soseh Esmaeili, PsyD, was absent.

Also present were Sophia Long, Senior Deputy Attorney General, Gary Lenkeit, Board Investigator, Lisa Scurry, Executive Director, Neena Laxalt, Board Lobbyist, and members of the public: Bernadette Hinojos, Donald Hoier, Brian Lech, Sara Hunt, and Shanel Harris.

2. Public Comment

There was no public comment at this time. Lisa Scurry, Executive Director, stated no public comment had been received by the Board Office as of the start of the meeting.

3. (For Possible Action) Discussion and Possible Approval of the Minutes of the Meetings of the Nevada State Board of Psychological Examiners from May 14, 2021.

There was no discussion nor recommended changes to the minutes.

On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the meeting minutes from May 14, 2021. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, and Stephanie Woodard) Motion Carries: 5-0

4. 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).

Secretary/Treasurer Dr. John Krogh presented the financial report. He noted that as fiscal year 2021 is nearing the end, the overall revenues reached 100% of what was budgeted. Expenditures, to date, were approximately 80% of what was budgeted leaving the Board in a positive financial position.

Dr. Krogh added that there are some categories that, while accurate, are misleading, such as bank fees. Those categories will be corrected for the fiscal year 2022 budget.

On motion by Monique McCoy, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the treasurer's report for Fiscal Year 2021. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

B. (For Possible Action) Discussion and Possible Action to Approve the Renewal of the Independent Contractor Agreement of Michelle Fox to perform Bookkeeper Services for Fiscal Year 2022 in an Amount not to Exceed \$2,000

Lisa Scurry, Executive Director, explained that having a bookkeeper has been positive for the office. Michelle Fox, the office bookkeeper, has provided an additional layer of oversight of the financial accounts, trained staff, and assisted during the annual audit. As a result, Ms. Scurry recommended extending Ms. Fox's contract for an additional year in an amount not to exceed \$2,000, including an hourly increase from \$40 to \$42.50. She added that the increased amount should not result in the budgeted amount exceeding \$2,000 for the fiscal year.

On motion by Monique McCoy, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved renewal of the bookkeeper contract with Michelle Fox for an amount not to exceed \$2,000 and to include an hourly rate increase from \$40 to \$42.50. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

C. (For Possible Action) Discussion and Possible Action to Provide Direction to the Executive Director Related to obtaining the services of an accounting firm to perform the Fiscal Year 2021 external auditor, including approval of the potential cost at not more than \$12,000

Lisa Scurry, Executive Director, presented information on the annual external financial audit that is required by law. For the audit of Fiscal Year 2020, the Board paid \$10,500 for the external audit. After the posting of this agenda, Ms. Scurry explained that she was notified that the firm would be increasing their rate for the audit of Fiscal Year 2021 to \$15,000. As a result, she is in the process of contacting alternative firms in search of a lower cost.

Ms. Scurry explained that if the Board must retain a firm that charges \$15,000 for the audit, they could use a balance sheet submission versus a full audit in non-renewal years where revenues are low. The cost for a balance sheet review would be nearly half resulting in a two-year estimate of approximately \$23,000.

The Board was asked for action to allow Ms. Scurry to search for and begin negotiations with a firm to conduct the fiscal year 2021 audit. A final contract and amount will return to the Board at a future meeting for final approval.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners provided direction to the Executive Director to seek the services of an accounting firm to perform the Fiscal Year 2021 external auditor and negotiate a cost of not more than \$12,000. (Yea:

Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard)

Motion Carries: 5-0

D. (For Possible Action) Discussion and Possible Action to Approve a Pay Raise of Not Less than 2% of the Current Annual Salary for Executive Director Lisa Scurry Beginning July 1, 2021, for Fiscal Year 2022

President Whitney Owens explained that in accordance with the policy adopted by the Board, the executive director shall be given a salary increase of at least 2% if the performance evaluation is scored as Average or better. Ms. Scurry's recent performance evaluation was scored as Above Average warranting the salary increase.

On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved a salary increase of 2% of the current annual salary of executive director Lisa Scurry beginning July 1, 2021, for Fiscal Year 2022. (Yea: Whitney Owens, John Krogh, Stephanie Holland,

Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

5. Board Needs and Operations

A. (For Possible Action) Discussion and Possible Action to Select Officers for the State of Nevada Board of Psychological Examiners for a One-Year Term from July 1, 2021, through June 30, 2022, from the Current Board Membership. Officers to be Selected may Include President, Secretary/Treasurer, Continuing Education Officer, and Exam Officer.

President Owens explained that as is done each year, the following officers would be selected to serve a term beginning July 1, 2021, through June 30, 2022. She asked the members to consider the various positions.

Dr. Holland stated she would like to remain the Exam Officer or would consider taking the role of Continuing Education Officer.

Member McCoy stated she would like to remain the Continuing Education Officer.

President Owens asked if anyone would be interested in taking the role of Secretary / Treasurer. Specifically, she asked Dr. Woodard if she would be interested, adding that having that position in the North is helpful to the office staff. Dr. Woodard stated she would like to be considered for the role of Secretary / Treasurer.

President Owens stated her interest in remaining president. Dr. Holland offered her support in keeping Dr. Owens as president of the Board.

On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners elected Whitney Owens, President, Stephanie Woodard, Secretary / Treasurer, Stephanie Holland, Exam Officer, and Monique McCoy, Continuing Education Officer, for a term beginning July 1, 2021, through June 30, 2022. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

B. (For Possible Action) Discussion and Possible Action to Renew the Current ATEAM Members (Whitney Owens, Stephanie Holland, Stephanie Woodard) for an additional One-Year Term from July 1, 2021, through June 30, 2022.

President Owens explained that that current membership of the Application Tracking Equivalency and Mobility (ATEAM) Committee consists of herself, Stephanie Holland, and Stephanie Woodard. Both Dr. Holland and Dr. Woodard expressed interest in continuing.

Member McCoy expressed interest in being on the Committee. As the agenda item title didn't allow for consideration of new members, the item will return on the July meeting agenda.

C. (For Possible Action) Discussion and Possible Action to Select the PsyPact Commissioner from Current Board Membership or Other Licensed Psychologists in the State of Nevada for a One-Year Term Beginning July 1, 2021, and Ending June 30, 2022, from the Current Board Membership.

Dr. Gary Lenkeit expressed interested in remaining the PsyPact Commissioner for an additional year.

On motion by Stephanie Woodard, second by John Krogh, the Nevada State Board of Psychological Examiners selected Gary Lenkeit as the PsyPact Commissioner for an additional term beginning July 1, 2021, through June 30, 2022. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

D. Update and Report from the Nevada Psychological Association

Sara Hunt, Past President of the Nevada Psychological Association (NPA), provided an update on the association's activities. The NPA held a strategic planning meeting and voted to continue the current objectives for another year. In 2022, a new set of objectives will be adopted. They also discussed moving continuing education events back to in-person opportunities.

President Owens mentioned that the Board has been discussing licensure at the master's level and/or post-doctoral students to allow for insurance reimbursement by commercial insurance. She added that without such licensure there is a potential for fraudulent billing on the part of supervisors. Dr. Owens asked if the subject of billing

by supervisors under those conditions was something NPA would like to consider as well.

Dr. Holland asked how the Board can help to educate supervisors, particularly if they are not aware such billing could be a problem. She also asked if the Board could contact insurance companies about changing the way in which insurance can be billed.

Dr. Lenkeit suggested that the Board is regulatory and should be cautious about promoting practice. President Owens agreed, adding that is the reason she wanted to bring it to the attention of NPA.

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

President Owens, who also serves as the Chair of the ATEAM Committee, shared that the Committee is working to streamline the process for reviewing applications for licensure by endorsement. That includes developing procedures related to when the executive director has the authority to approve an application based on the requirements outline in Nevada Administrative Code, and specifically NAC 641.080.

F. Report From the Executive Director on Board Office Operations

Lisa Scurry, Executive Director, presented data on the activities of the Board Office. Through April and May, 17 new psychologist licenses were issued, and 21 applications accepted. Six psychological assistant, intern, and trainee registrations were approved, with 11 new applications. Other data presented included the number of temporary registrations under Directive 011, non-resident consultant applications, continuing education applications, and administration of state exams.

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.

The Board discussed the current status of the Governor's state of emergency Directive 011 and the temporary registration of individuals licensed in another jurisdiction to practice in Nevada via telehealth.

Member Dr. Woodard stated she had not heard of any potential end date for the Directive but had heard of similar directives in other states ending with little warning. She suggested the Board begin preparing for the directive's end.

Director Scurry informed the Board that at the previous meeting she obtained approval for a revised registration form should proposed legislation related to temporary

licensure be adopted by the Nevada Legislature. As that legislation had failed, she asked for new direction as to changes to the registration form, any other data that should be collected, etc.

There was discussion about transitioning to a new registration application that would allow for the capture of additional data about applicants. The revised application could also be used in the future should the individual decide to pursue licensure. Member Woodard suggested adding questions to the registration application to assist the Board in collecting data and to define applicant needs for the pathway to licensure. She asked if it would be in the Board's purview to create a regulation to extend the registration process to take the place of the Directive and ensure continuity of care for patients.

President Owens suggested all registrants complete the new registration form, alerting them that if the directive is rescinded, full licensure would be required. The notification should include a request that they make plans for care of their patients upon termination of the directive to include the steps for gaining licensure in Nevada. That communication should also encourage registrants to apply for PsyPact, if applicable.

7. (For Possible Action) Discussion and Possible Action to Consider Options for Temporary Licensure to Ensure Continuity of Care for Patients Being Seen by Out-Of-State Providers when the Provisions of Directive 011 Expire

This discussion was merged with Item 6, above.

8. (For Possible Action) Review, Discussion, and Possible Action on Pending Consumer Complaints:

Sophia Long, Senior Deputy Attorney General, provided an update on behalf of Harry Ward, Deputy Attorney General and the Board's legal counsel.

- A. Complaint #19-0626. This matter is still in discovery phase. The proposed hearing officers are being discussed, as is the location and date of the hearing.
- B. Complaint #19-0709. This matter is pending.
- C. Complaint #19-1106. A cease and desist was issued in this matter. It will be monitored for six more months. This matter is pending.
- D. Complaint #19-1223. This matter is pending.
- E. Complaint #20-0501. This matter is pending.
- F. Complaint #20-0818. This matter is pending.
- G. Complaint #20-0819. This matter is pending.

9. (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.

The following candidates were presented for approval of licensure contingent upon successful completion of licensure requirements: Adam Bradford, Billie Ivra, Laura LaPiana, Katharine Miller, Shehroo Pudumjee, Vincent Rodriguez, and La Tanya Takla.

Member Dr. Krogh recused himself from voting on candidate Adam Bradford.

On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the following candidates for licensure contingent upon successful completion of licensure requirements: Billie Ivra, Laura LaPiana, Katharine Miller, Shehroo Pudumjee, Vincent Rodriguez, and La Tanya Takla. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved Adam Bradford for licensure contingent upon successful completion of licensure requirements. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

- **Consideration of Nino Chkhaidze's Requirement to take EPPP Part-2**

Lisa Scurry, Executive Director, explained that applicant Nino Chkhaidze has asked for clarification as whether she must take and pass the EPPP Part-2 in order to be licensed in Nevada. Currently candidates who are licensed in another jurisdiction are not subject to the EPPP Part-2 and Dr. Chkhaidze is licensed in Virginia. However, licensure requirements in Virginia do not include post-doctoral training so she will need to register as a psychological assistant. Generally, psychological assistants must take the EPPP Part-2 as part of the licensure requirements.

President Owens stated that, as it is a licensure requirement, Dr. Chkhaidze would need to take the exam. She added, however, that she could support the opposite argument because she is licensed in another jurisdiction.

Member Dr. Krogh stated that as she had been practicing for more than three years, he felt the requirement should be waived.

Member Dr. Woodard suggested that additional information be sought prior to the Board making a decision to consider her experience. As the EPPP Part-2 is based on practice, she suggested the Board receive information as to any continuing education

Dr. Chkhaidze has obtained, the type of practice in which she has been working, and whether access to other licensed professionals was available.

The item will return at the next meeting.

A. (For Possible Action) Discussion and Possible Action to Approve Bernadette Hinojos, Psy.D., For A One-Year Extension of Her Registration as a Psychological Assistant Through July 1, 2022, and a One-Year Extension of her Application for Licensure through October 1, 2022

(This item was taken out of order.)

Lisa Scurry, Executive Director, presented the following requests of Dr. Bernadette Hinojos. The Board was asked to consider approval of a new supervisor and Supervised Practice Plan (SPP), extension of her registration as a psychological assistant to allow time to complete the licensure requirements, and extension of her application for licensure. Ms. Scurry explained that the application for licensure had lapsed due to an error in the Board office when the application was received in 2019.

There was discussion about compensation and services to be provided. The submitted SPP did not accurately reflect a guaranteed pay/stipend amount. Dr. Hinojos was asked to correct the SPP and employment agreement and submit the new documents to the Board office.

It was recommended that the registration of Dr. Hinojos be extended through July 9, 2021, the date of the next meeting of the Board. In the interim, Dr. Hinojos will provide the Board office revised copies of the SPP and employment agreement for review by a Board member. The item will return on July 9 to consider the one-year extension of the registration and the application for licensure.

On motion by Monique McCoy, second by John Krogh, the Nevada State Board of Psychological Examiners approved the extension of the registration of Bernadette Hinojos as a psychological assistant through July 9, 2021, pending review of the new Supervised Practice Plan. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

B. (For Possible Action) Discussion and Possible Action to Approve Jamie Wong, Ph.D. For A One-Year Extension of Her Registration as a Psychological Assistant Through July 1, 2022

Dr. Jamie Wong has requested an extension of her registration as a psychological assistant to allow time to take and pass the EPPP. The Board previously approved her study plan in August 2020.

There was discussion about the original start date of her registration as well as when Dr. Wong planned to take the exam.

Member Dr. Holland inquired as to what happens if Dr. Wong does not pass the exam. Ms. Scurry explained that per state law, she would have to wait 18 months to re-take the exam and would need to re-apply.

President Owens stated her concern that if Dr. Wong failed the exam, she could consider to work as a psychological assistant for up to a year. Ms. Scurry suggested that if she fails the exam, the item return to the Board for consideration.

On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the extension of the registration of Jamie Wong, Ph.D., as a psychological assistant until the results of the EPPP Part-1 are known. If she fails the exam a 4th time, consideration of the extension of the registration as a psychological assistant will return to the Board. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

C. (For Possible Action) Discussion and Possible Action to Approve the Application for Licensure of Leigh Lustig, Psy.D., as Recommended by the Application Tracking Equivalency and Mobility (ATEAM) Committee on May 25, 2021, and Contingent Upon the Satisfactory Completion of all Other Licensure Requirements

The Board's Application Tracking Equivalency and Mobility (ATEAM) Committee recommended approval of the application of Leigh Lustig at the May 25, 2021, meeting. Director Scurry explained that Dr. Lustig was from a state with equivalent licensure requirements and was found to meet the provisions of Nevada Administrative Code (NAC) 641.080 which allows for a reduced number of completed internship and post-doctoral training hours.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the application for licensure of Leigh Lustig, Psy.D., contingent upon satisfactory completion of other licensure requirements, as recommended by the ATEAM Committee. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Stephanie Woodard) Motion Carries: 5-0

10. (For Possible Action) Discussion and Possible Action to Create a Masters' Degree Level License

President Owens presented an update on past discussion on creation of a master's degree level license. She explained that the American Psychological Association (APA) is working on a model act. Two states have adopted a master's degree level license – Texas and Virginia.

There was brief discussion about the timeline for the development of the APA model, how such a license would be developed in Nevada to meet the needs of the state, etc.

11. (For Possible Action) Discussion and Possible Action to Create a Psychological Assistant (Post-Doctoral) License

There was no discussion on this item.

12. (For Possible Action) Discussion and Possible Action to Adopt Procedures Related to Registration and Supervision of Psychological Assistants in accordance with Nevada Administrative Code (NAC) Chapter 641

Lisa Scurry, Executive Director, presented a draft procedure related to the registration and supervision of psychological assistants. She explained that the document was created using state law, regulations, and past practice of the Board. Sections of the procedure include the process for application and registration, supervision requirements, and renewal of registration.

It was decided that the Board would take the month to review the document and it would return for discussion and action at the July meeting.

13. Legislative Update

(This item was taken out of order.)

A. (For Possible Action) Discussion and Possible Action Related to the 2021 Session of the Nevada Legislature, Including Next Steps for Implementation of New and/or Revised Statutes

Neena Laxalt, Board Lobbyist, presented a final report of the activities of the 2021 Session of the Nevada Legislature.

Of the 21 bills that were tracked, 11 have been enrolled or are before the Governor for signature. The other 10 failed and were dismissed. Bills dealt with a variety of areas such as data collection related to providers, open meeting law provisions, and provisions specific to licensing and licensees.

B. (For Possible Action) Discussion and Possible Action on Assembly Bill 366 Which Clarifies the Purpose, Scope of Use, and Use of Audio and Video Recordings in Therapy and Assessment Training for Psychological Trainees, Psychological Interns, and Psychological Assistants.

The Board's bill, Assembly Bill 366, passed after some revision during Committee. The bill will allow for the destruction of audio / video recordings used for training and specific excludes such recordings from the definition of medical record. The revisions require additional informed consent provisions and language related to how recordings will be maintained and destroyed.

C. (For Possible Action) Discussion and Possible Action on Senate Bill 44 Related to Licensure by Endorsement.

Senate Bill 44 adds provisions related to data collection on applicants and licensees. Sections related to licensure by endorsement and licensure of those from the armed services were combined for clarity purposes.

The bill revised the licensure by endorsement provision to state that an applicant will be issued a license by endorsement not later than 45 days after the Board receives "all the additional information required by the Board to complete the application." President Owens asked the Board's legal counsel, Senior Deputy Attorney General Long, if "additional information" would include passage of the Nevada State Examination. The concern being that if the state exam was considered outside the definition of "additional information," an applicant could take up to two years to take the exam but have been issued the license under this provision.

SDAG Long agreed that the state exam, as a requirement for licensure would be considered "additional information."

14. (For Possible Action) Discussion and Update on Regulations Previously Submitted to the Legislative Counsel Bureau (LCB) For Changes to Nevada Administrative Code (NAC) Chapter 641.

Lisa Scurry, Executive Director, provided a brief update on the status of proposed changes to Nevada Administrative Code. Regulations A through G are with the Legislative Counsel Bureau in various stages of the process. She explained that now that the Legislative session has concluded, the process should start moving forward again.

- 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"
- H. Language Related to Behavior Analysts (No Number Assigned)

15. (For Possible Action) Discussion of U.S. District Court Case 2:20-Cv-00651-Kjd-Vcf Where the State of Nevada Board Psychological Examiners is a Named Defendant.

Sophia Long, Senior Deputy Attorney General, provided an update on behalf of Harry Ward, Deputy Attorney General and the Board's legal counsel. The case is in the discovery phase and production of documents is occurring.

16. Recognition of Outgoing Board Member John H. Krogh, Ph.D.

Member Dr. John Krogh’s term on the Board has ended after a four-years. The Board recognized and expressed their appreciation for his service and thoughtful consideration of items before the Board.

17. (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, July 9, 2021, at 8:30 a.m.

There was no discussion nor suggested changes to the next meeting date or time.

18. Requests for Future Board Meeting Agenda Items (No Discussion Among the Members will Take Place on this Item)

There were no requests for future Board meeting items.

19. Public Comment

There was no public comment at this time.

20. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 10:54 a.m.