

**STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS**  
**MEETING MINUTES**

Friday, July 9, 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, and Members Stephanie Holland, PsyD, Monique McCoy, LCSW, and Soseh Esmaeili, PsyD, were present. Secretary/Treasurer Stephanie Woodard, Psy.D., was absent.

Also present were Harry Ward, Deputy Attorney General, Sheila Young, Board Investigator, Lisa Scurry, Executive Director, Neena Laxalt, Board Lobbyist, and members of the public: Michelle Zochowski, James Tenney, Valerie Balen, Andrew Hickman, Shehroo Pudumjee, Wilma David, Lauren Chapple-Love, and Lea Cartwright.

**2. Public Comment**

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

**3. (For Possible Action) Workshop to Solicit Comments on a Proposed Regulation (See Attachment A); and Possible Action to Forward the Proposed Regulation to a Hearing at a Future Meeting of the Nevada Board of Psychological Examiners in Accordance with NRS Chapter 233B**

**A. Proposed Removal of Language Referencing Behavior Analysts from Nevada Administrative Code (NAC) Chapter 641**

President Owens explained that behavior analysts were removed from the Board's purview in 2019. References to behavior analysis remain within Nevada Administrative Code (NAC). The workshop was conducted to allow for public comments on the proposed removal of all language related to behavior analysis and behavior analysts. The following sections of the NAC are proposed for deletion as they deal solely with those areas: NAC 641.003, 641.008, 641.085, 641.029, 641.031, 641.063, 641.083, 641.113, 641.1363, 641.209, 641.213, and 641.255. Sections of the NAC to be revised are: NAC 641.019, 641.050, 641.132, 641.133, 641.1503, 641.200, 641.204, 641.206, 641.219, 641.224, 641.229, 641.234, 641.239, 641.241, and 641.245.

There were no questions or comments from the Board members nor the public.

In accordance with NRS Chapter 233B, once approved, proposed revisions will be forwarded to the Legislative Counsel Bureau and then return to a future meeting of the Board for a public hearing.

**On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the proposed deletions/revisions to NAC Chapter 641 related to behavior analysis and behavior analysts.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

## **PUBLIC COMMENT**

At the conclusion of the public workshop, President Owens opened the floor for additional public comment. There was no public comment at this time.

### **4. (For Possible Action) Discussion and Possible Approval of the Minutes of the Meetings of the Nevada State Board of Psychological Examiners from June 11, 2021.**

There was no discussion nor recommended changes to the minutes.

As she was not present for the June 11, 2021, meeting, Member Dr. Esmaeili stated she would approve the minutes as to form but not as to content.

**On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the meeting minutes from June 11, 2021.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

## **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).**

Lisa Scurry, Executive Director, presented the financial report in the absence of Secretary Treasurer Woodard. She noted that this would be the final report of Fiscal Year 2021. She explained that the budget to actual report is not intended to be exact but, rather, a picture of the overall expenses and revenues. The reason it is not exact is that items in July may actually be bills from the previous fiscal year, just as items in June may actually be relevant to the following year. The general ledger and actual account reports were provided to the members.

The overall revenues for the year came in at 3% more than what was budgeted. Expenditures were approximately 85% of what was budgeted leaving the Board in a positive financial position moving into Fiscal Year 2022. Ms. Scurry explained that there were some unexpected expenses that were not budgeted, such as the psychometrician contract.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners accepted the treasurer’s report for Fiscal Year 2021.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**B. (For Possible Action) Discussion and Possible Action to Accept the Audit Engagement Letter from *Campbell, Jones, Cohen CPAs* to perform the Fiscal Year 2021 external audit for a contracted amount of \$10,000**

Director Scurry proposed the Board engage the firm Campbell, Jones, Cohen, CPAs, to perform the annual external audit. The firm has proposed a cost of \$10,000 to do the work. The firm that conducted the audit in the past estimated their cost at \$15,000.

Ms. Scurry explained that informal bids were solicited from several firms. The selected group, that has its offices in Las Vegas, were recommended by another state board.

**On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the firm of *Campbell, Jones, Cohen CPAs* to perform the Fiscal Year 2021 external audit for a contracted amount of \$10,000.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**C. (For Possible Action) Discussion and Possible Action to Authorize Bank of America to Place Secretary/Treasurer Stephanie Woodard as a Signer on the Board Bank Accounts and to Assign a Credit Card in her Name for the Purpose of Carrying out Board Business and to Remove John Krogh from the Same**

Director Scurry explained that Bank of America requires Board approval, through written meeting minutes, to add Dr. Stephanie Woodard, the new Secretary Treasurer, as a signer on the bank accounts and a holder of a Board credit card.

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners authorized Bank of America to place Secretary/Treasurer Stephanie Woodard as a Signer on the Board Bank Accounts and to Assign a Credit Card in her Name for the Purpose of Carrying out Board Business and to Remove John Krogh from the Same.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

## **6. Board Needs and Operations**

### **A. Update and Report from the Nevada Psychological Association**

(This item was taken out of order.)

Dr. Lauren Chapple-Love, President of the Nevada Psychological Association (NPA), presented a report on behalf of that organization. Areas NPA is discussing include the creation of a member survey regarding how meetings will be conducted in the future

(e.g. in-person, online); consideration of a master's level license; and insurance credentialing for post-doctoral students.

**B. (For Possible Action) Discussion and Possible Action to Select the Three Members of the Application Tracking Equivalency and Mobility (ATEAM) Committee for a one-year term beginning July 9, 2021, through June 30, 2022, from the current Board members: Whitney Owens, Stephanie Woodard, Stephanie Holland, Soseh Esmaeili, and Monique McCoy**

At the June meeting of the Board, the renewal of the membership of the past committee members, Dr. Owens, Dr. Holland, and Dr. Woodard, was discussed. As the agenda item did not allow for consideration of new members, no action was taken when two other members expressed interest in joining the committee.

President Owens stated her intention not to renew her membership due to time commitments and a desire to allow other members to be part of the committee. Member Dr. Holland stated she would stay, if needed, but time commitments have made participation difficult. Member McCoy and Member Esmaeili each expressed interest in joining the Committee in their place.

The new members will take their place on the Committee once a training session could be held.

**On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners selected the following Board members to serve on the Application Tracking Equivalency and Mobility (ATEAM) Committee for a one-year term beginning in August 2021 through June 30, 2022: Stephanie Woodard, Soseh Esmaeili, and Monique McCoy.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**C. Report From the Executive Director on Board Office Operations**

Director Scurry presented the Board with information about the activities of the Board office including the numbers of applications received, state exams administered, and licenses/registrations issued. Since April, the office has received 29 psychologist applications and licensed 25. Since March, 43 candidates have taken the state exam for licensure.

There were no comments or questions.

**D. (For Possible Action) Discussion and Possible Action to consider adding the federal holiday of Juneteenth as a holiday and paid vacation day for office staff**

President Owens stated that the federal government recently adopted Juneteenth as a federal paid holiday and Nevada Governor Sisolak issued a proclamation declaring June

19, 2021, as Juneteenth National Freedom Day. She suggested that the Board proactively name June 20, 2022, as a paid holiday for the Board office.

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners approves June 20, 2022, as a paid holiday for staff in recognition of Juneteenth National Freedom Day.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**E. (For Possible Action) Discussion and Possible Action to consider a change to the Board Office Hours**

Director Scurry presented a proposal to change the Board office hours. Under the proposal, the office would be open for visitors Monday through Thursday from 9:00 a.m. until 5:00 p.m. or by appointment. Staff hours would be from 8:30 a.m. until 6:00 p.m. On Fridays, the office would be open to visitors from 8:00 a.m. until 12:00 p.m. but staff hours would continue until 2:00 p.m.

The change in visitor hours seeks to ensure individuals who wish to visit the office have access as the office complex doors are typically locked at 5 p.m. The change on Fridays would allow staff to run errands such as to the bank or post office.

It was suggested that the staff lunch hour be adjusted from 12:00 – 1:00 to 1:00 – 2:00 as many licensees call the office during the traditional lunch hour time.

**On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the change to office hours by directing the executive director to designate “visitor” hours and to change the staff lunch hour to 1:00 – 2:00 p.m. Monday through Thursday.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**7. (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.**

Director Scurry provided an update on the status of Directive 011 and the registration of individuals who are licensed in other states/jurisdictions. An online registration form was created that includes additional questions related to complaints and conduct. A survey of those currently registered will be created to check on the status of their registration, if they are still using it, etc.

There was some discussion about protocols related to the pandemic such as mask wearing and whether or not the Board should provide guidance to licensees. It was decided that the Board could direct licensees to posted state and federal protocols.

**8. (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**

Director Scurry explained that the Board has discussed the need for a temporary licensure process to provide for continuity of care once Directive 011 expires. The proposed legislation discussed as part of the 2021 Nevada Legislative Session was not enacted. That legislation would have provided a path for temporary licensure for those individuals who are currently practicing via telehealth in Nevada.

One option the failed legislation would have provided would be to provide a temporary license for one year while the applicant completes the licensure process, including passage of the state exam.

Harry Ward, Deputy Attorney General, stated that he did not believe state law allowed for the Board to create a temporary license. Rather, the Board could provide a provisional license on a case-by-case basis. Such applicants would have to petition the Board individually for a provisional license.

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

Harry Ward, Deputy Attorney General, provided an update, as available, on the complaints listed below.

- A. Complaint #19-0626. This matter is currently in heavy litigation. There is potential for a hearing at the end of 2021 or the beginning of 2022.
- B. Complaint #19-0709. This matter is in negotiations for potential resolution.
- C. Complaint #19-1106. This matter is currently being monitored and is pending.
- D. Complaint #19-1223. This matter is currently being monitored and is pending.
- E. Complaint #20-0501. There was no update.
- F. Complaint #20-0818. There was no update.
- G. Complaint #20-0819. There was no update.
- H. Complaint #21-0513. There was no update.
- I. Complaint #21-0524. There was no update.

**10. (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.**

President Owens stated the following candidates were being considered for licensure contingent upon completion of licensure requirements: Luke Allen, Jennifer Berg, Lucas Cylke, Eric Diddy, Andrew Hickman, Debra Maddox, and Robert McGahey.

Member Dr. Esmaeili stated she would need to recuse herself from voting on Andrew Hickman. As a result, Dr. Hickman's application will be considered at a future meeting of the Board as no quorum existed due to the recusal.

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Luke Allen, Jennifer Berg, Lucas Cylke, Eric Diddy, Debra Maddox, and Robert McGahey.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**A. (For Possible Action) Discussion and Possible Action to Approve the Request of Sylvia Chang to take the EPPP Part-1 a Fourth Time. Discussion may include the submitted study guide and plan.**

Dr. Sylvia Chang submitted an application to take the EPPP Part-1 a 4<sup>th</sup> time. She provided a study plan that included information such as her study schedule, study program, and individualized coaching.

**On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the application and study plan of Dr. Sylvia Chang to take the EPPP Part-1 a 4<sup>th</sup> time.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**B. (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 8, 2022, and a One-Year Extension of her Application for Licensure through October 1, 2022**

Dr. Bernadette Hinojos submitted a request for a one-year extension of her registration as a Psychological Assistant Through July 8, 2022, and a one-year extension of her application for licensure through October 1, 2022. At the July meeting, the Board requested that the supervised practice plan and employment agreement be updated to reflect changes in regulation related to stipends.

Director Scurry stated that the new SPP and employment agreement were submitted and reviewed and approved by Member Dr. Holland, as requested at the July meeting.

The request for the extension will provide Dr. Hinojos time to complete licensure requirements.

**On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved Bernadette Hinojos, Psy.D., For A One-Year Extension of Her Registration as a Psychological Assistant Through July 8, 2022, and a One-Year Extension of her Application for Licensure through October 1, 2022.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**C. (For Possible Action) Discussion and Possible Action to Approve the Request of Rory Newlands for an Accommodation to take the Nevada State Examination**

Dr. Rory Newlands submitted a request for an accommodation to take the Nevada State Examination. The accommodation would provide an additional 1.5 hours to the standard 3-hour exam.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the accommodations request of Dr. Rory Newlands to provide an additional 1.5 hours when taking the Nevada State Examination.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**11. (For Possible Action) Discussion of the Status of the EPPP Part-2 Beta Testing and Black Out Period; and Possible Action on Requests by Applicants Related to the EPPP Part-2 Licensure Requirement**

**A. (For Possible Action) Discussion and Possible Action to Determine if Applicant Nino Chkhaidze is Required to take the EPPP Part-2 as part of licensure**

Dr. Nino Chkhaidze filed a request to waive the EPPP Part-2 as a requirement of licensure. The request centered on the fact that she is a licensed psychologist in the state of Virginia. Because Virginia does not require post-doctoral training hours, Dr. Chkhaidze will register as a psychological assistant to complete those hours for licensure in Nevada. As a result, her application is unique in that psychological assistants must take the EPPP Part-2 but licensed psychologists from other jurisdictions are not required.

At the July meeting, Member Dr. Woodard asked for additional information as to any continuing education Dr. Chkhaidze has received and whether or not she has been working with other licensed professionals. Director Scurry confirmed she has taken the required continuing education and her license was in good standing. She was licensed in 2017 and since then she has completed 14 continuing education credits annually. Additionally, she has been teaching at the master's level and supervising students who are seeking behavioral analyst certification.



There was discussion about whether her experience as a licensed psychologist in Virginia would be sufficient to justify the waiver of the EPPP Part-2 which is a skills-based assessment.

President Owens stated she was in favor of waiving the requirement. Member Dr. Esmaeili agreed that requiring Part-2 would be excessive.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the request of Dr. Nino Chkhaidze to have the EPPP Part-2 waived as a requirement for licensure.**

(Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**B. (For Possible Action) Discussion and Possible Action to Determine if Applicant Debra Maddox is Required to take the EPPP Part-2 as part of licensure**

Dr. Debra Maddox originally applied for licensure in 2017. After two years, her application file was closed for non-completion. At the time, the only pending requirement was the EPPP. She has since re-applied and was requesting that she be considered an applicant from 2017 which would result in a waiver of the EPPP Part-2.

Member Dr. Esmaeili inquired if Dr. Maddox was currently working as a psychological assistant. Director Scurry responded that she was not working as a psychological assistant in Nevada. Dr. Esmaeili stated that as Dr. Maddox was not working and still receiving training, she would not support waiving the exam.

President Owens agreed and stated there did not appear to be a good reason to waive the EPPP Part-2 for the applicant.

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners denied the request of Dr. Debra Maddox to have the EPPP Part-2 requirement for licensure waived.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**C. (For Possible Action) Discussion and Possible Action to Issue a License to Practice Psychology to Applicant Shehroo Pudumjee Under the Supervision of a Licensed Psychologist until she obtains a passing score on the EPPP Part-2 and contingent upon completion of all other licensure requirements**

(This item was taken out of order.)

Director Scurry explained that Dr. Shehroo Pudumjee requested permission to obtain her license while remaining under supervision until such time as she passed the EPPP Part-2. She had satisfied all requirements for licensure with the exception of the EPPP Part-2. The beta testing period for the exam was coming to an end but appointments

to take the exam were already running into September. This would mean that, without the exception, Dr. Pudumjee would not be license eligible until mid-September or later. As was done with a previous applicant, Dr. Pudumjee had secured a licensed psychologist, Dr. Justin Miller, to serve as her supervisor for the purpose of the requested waiver.

Dr. Pudumjee explained that she is on a Visa, allowing her to work in the United States. Without licensure, she could lose the right to work in the U.S. As her ability to take the EPPP Part-2 is delayed, she asked the Board to consider allowing her to take a different national exam, the Board Exam for Clinical Neuropsychology.

President Owens explained that the EPPP Part-2 cannot be waived and another exam taken in its place. However, as requested, the Board could entertain a request to allow for licensure with the applicant remaining under supervision until Part-2 is passed.

Dr. Justin Miller spoke in support of Dr. Pudumjee and confirmed that he would serve as the supervisor until the license is granted.

There was some discussion regarding temporary and provisional licenses. It was explained that Nevada law no longer provides for temporary licenses. The Board can provide a waiver of a licensure requirement on a case-by-case basis.

**On motion by Soseh Esmaili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved a waiver for Dr. Shehroo Pudumjee to receive a provisional license until she receives a passing score on the EPPP Part-2. While working under the provisional license, she shall be supervised by Dr. Justin Miller for one hour per week, and the provisional license shall expire in one year or upon passing of the EPPP Part-2.** (Yea: Whitney Owens, Soseh Esmaili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

**D. (For Possible Action) Discussion of the Status of Dr. Michelle Zochowski who was issued a license to practice Psychology Under the Supervision of a Licensed Psychologist until she obtains a passing score on the EPPP Part-2**

(This item was taken out of order.)

Dr. Michelle Zochowski was issued a license, by action of the Board, as she had completed all requirements for licensure except for the EPPP Part-2. She provided the Board with an update that that she did not pass the EPPP part-2 during the Beta phase of the test. She will be re-taking the exam in early September and will continue to be supervised by Dr. Beasley in the interim.

Director Scurry explained that the motion of the Board in May 2021 was to allow for licensure until Dr. Zochowski passes Part-2 of the EPPP.

President Owens proposed that the Board be provided an additional update after the score of the 2<sup>nd</sup> attempt is known, likely at the October meeting.

The members expressed no concerns with continuing the plan as previously approved.

- **Request by Andrew Hickman for a waiver of the EPPP Part-2 requirement**

(This item was taken out of order.)

Director Scurry explained Andrew Hickman is a registered psychological assistant (PA) and was requesting the EPPP Part-2 requirement be waived. Recently, after he passed the State Exam, Dr. Hickman was encouraged to submit his application for licensure, as that process can take several weeks. Although he was eligible to apply for licensure, he had not applied for licensure prior to November 1, 2020, which would have waived the requirement to take the EPPP Part-2.

Dr. Hickman stated that he mistakenly believed he had applied for licensure in the fall of 2020 when he completed the PLUS document as part of the PA registration process. He will be taking the EPPP Part-1 in the coming weeks.

As member Dr. Esmaili is Dr. Hickman's supervisor, she would need to abstain from voting on the item. As a result, there was not a quorum and the item was referred to the August meeting.

## **12. (For Possible Action) Discussion and Possible Action to Create a Master's Degree Level License and/or a Psychological Assistant (Post-Doctoral) License**

President Owens described the research she had been doing related to master's degree level licenses issued in Texas and Virginia. The University of Nevada, Las Vegas, was also contacted regarding their status for creating a program for such a license.

The research was provided to the members to review for discussion at a future meeting.

Director Scurry provided information from the Nevada Psychological Association (NPA) on the status of work being done by the American Psychological Association (APA). It was stated that the APA is working on what form accreditation would take for a master's level license.

## **13. (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**

Director Scurry presented a draft procedure related to the registration and supervision of psychological assistants. The Board previously reviewed the draft document and it was brought back with revisions. Revisions included the addition of language the a

psychological assistant cannot work until the application is completed and the required documents received by the Board office.

The section of the expiration and/or renewal of the application/registration was also revised. Ms. Scurry explained that the current Nevada Administrative Code states that requests to extend the registration of a psychological assistant must have Board approval if the renewal would result in the PA being registered for more than three years. The procedure was revised to indicate that an extension for a second or third year of registration could be approved by the Board office, but that staff could refer such requests to the Board when deemed appropriate. Language was also added that any change in supervisor would require Board approval.

There was discussion about the point in the application process at which a psychological assistant can begin working to accrue hours and when a registration number can be issued. Member Dr. Holland asked the board to consider those requirements that can cause significant delays in registration. As an example, Dr. Holland spoke about the time it may take between completion of internship hours and the conferment of the degree. Dr. Holland also expressed concern that although a grace period is provided to allow the candidate to work, without the registration number they cannot bill Medicaid which can become a concern for the supervisor or work location.

President Owens suggested that the potential risk to the public in registering psychological assistants should be low as they are being supervised. She added that the registration number could be issued at the outset but if, once the PLUS report is received by the Board office, any issues are found, the registration could be suspended.

Director Scurry suggested adding a statement to the supervised practice plan alerting the candidate and the supervisor of the potential for suspension of the registration.

Suggested revisions to the draft procedure were made as follows:

- An applicant may be registered but the registration may be suspended if the required documents have not been provided within an established time frame;
- An applicant may register initially for two years upon request.

#### **14. (For Possible Action) Discussion and Possible Action to Authorize the Board's State Exam Chair and the Executive Director to Correct an Error on a Question in the State Exam Question Bank**

Director Scurry informed the Board that while reviewing the state exam, she realized that one of the questions needed revision. The question corresponded to a revision to Nevada Administrative Code (NAC) that occurred in 2019. The issue was reviewed with Dr. Holland, the Board's Exam Chair, and a correction was proposed. Board approval to allow Dr. Holland and Ms. Scurry to make the correction was sought.

Ms. Scurry added that she reviewed the test results of applicants and found that no one was negatively impacted by the error.

Member Dr. Holland added that the particular question is information that should be kept in the exam. She agreed that the question should be revised rather than removing the question completely. She also clarified that the error was in the correct answer and not the question itself. A minor adjustment to the wording will bring the item in alignment with the current NAC.

President Owens asked if the revision would impact the test or the recent review by a psychometrician. Dr. Holland stated that the test construction would not be impacted.

Note: Neither the question nor the proposed revision could be shared with the Board in order to maintain test security.

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners directed the executive director to work with the Board's exam chair to make a specific correction in the Nevada State Exam question bank.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

## **15. Legislative Update**

### **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. Discussion may include changes that resulted from Assembly Bill 327, Assembly Bill 366, and Senate Bill 44.**

Director Scurry explained that three bills that were enacted during the 2021 Legislative Session - Assembly Bill 327, Assembly Bill 366, and Senate Bill – will require adoption of or revision to Chapter 641 of Nevada Administrative Code.

Assembly Bill 327 made changes to continuing education by adding requirements in cultural competency and diversity, equity, and inclusion. Director Scurry proposed two changes. The first proposed revision, to NAC 641.136, would add the following language to subsection 1: "At least 2 hours must include instruction relating to cultural competency and diversity, equity, and inclusion." The second would be added to NAC 641.137, subsection 2, and would add to the list of acceptable continuing education courses the following language:

(k) Cultural competency and diversity, equity, and inclusion. Instruction in cultural competency and diversity, equity, and inclusion:

- 1) May include the training provided pursuant to NRS 449.103, where applicable.
- 2) Must be based upon a range of research from diverse sources.
- 3) Must address persons of different cultural backgrounds, including, without

limitation:

- I. Persons from various gender, racial and ethnic backgrounds;
- II. Persons from various religious backgrounds;
- III. Lesbian, gay, bisexual, transgender and questioning persons;
- IV. Children and senior citizens;
- V. Veterans;
- VI. Persons with a mental illness;
- VII. Persons with an intellectual disability, developmental disability, or physical disability; and
- VIII. Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Neena Laxalt, Board Lobbyist, and Harry Ward, Deputy Attorney General, supported the proposed language as it essentially copied the change to law.

There were no comments or questions.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the proposed revision to NAC 641.136 and 641.137 related to continuing education and moved it forward to a future public workshop.** (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, and Monique McCoy) Motion Carries: 4-0

#### Assembly Bill 366

Assembly Bill 366 was a bill proposed by the Board to exempt recordings of certain training activities from requirements concerning health care records. The bill required the Board to adopt regulations prescribing requirements for informed written consent, the length of time such recordings may be retained prior to destruction, and to define "training activity." Ms. Scurry added that after the bill was adopted, it was realized that "recordings" were not defined. As a result, that definition will be placed within the proposed regulation.

The Board discussed assigning the bill to a Board member who would draft the language. President Owens volunteered to create the draft regulation(s).

#### Senate Bill 44

Director Scurry explained that Senate Bill 44 may require several changes to various areas of Nevada Administrative Code Chapter 641. The bill speaks to application and submission of transcripts, authorizing remote supervision, and changes to application for licensure by endorsement.

The Board assigned creation of the revised language to Executive Director Scurry and requested the item return at a future meeting of the Board.

**B. (For Possible Action) Discussion and Possible Action on the Proposed Revision of Nevada Revised Statutes (NRS) 641.390, Representation or Practice Without License or Registration Prohibited, During the 2023 Session of the Nevada State Legislature**

There was no update on this item.

**16. (For Possible Action) Discussion and Possible Action on Regulations Proposing Changes to Nevada Administrative Code (NAC) Chapter 641 in Accordance with Nevada Revised Statutes (NRS) Chapter 233B**

Director Scurry explained that there has been no movement of the following regulations. Items A, B and C are with the Legislative Counsel Bureau pending final adoption. Items D, E, F, and G are with the Legislative Counsel Bureau in various stage of revision, and each will require a public hearing. Item H was reviewed previously in the meeting and will be submitted to the Legislative Counsel Bureau.

Ms. Scurry added that items A through D will need extensions as proposed regulations are given two years for adoption. As they were each started in 2019, they will be expiring in 2021.

- 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. Behavior Analysts...

**17. (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.**

Harry Ward, Deputy Attorney General, provided an update on the status of a case where the Board is a named defendant. He explained that Discovery has begun with information, documents, and depositions being exchanged. Plaintiff has asked to amend the complaint, likely to add an additional defendant.

**18. (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, August 13, 2021, at 8:30 a.m.

There were no suggested changes to the date/time of the next Board meeting.

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

There were no items suggested for future meetings.

**20. Public Comment**

There was no public comment.

**21. (For Possible Action) Adjournment**

There being no further business before the Board, President Owens adjourned the meeting at 11:19 a.m.