

**PUBLIC NOTICE OF A MEETING FOR
STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS**

DATE OF MEETING: Friday, May 12, 2023 Time: 8:00 a.m.

The meeting of the State of Nevada Board of Psychological Examiners (Board) will be conducted and may be attended through a remote technology system (video- or teleconference). To participate remotely, individuals are invited to enter the meeting from the Zoom website at: <https://us06web.zoom.us/j/86072641188>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID:

860 7264 1188. The meeting may also be attended at the physical location of the Board Office at 4600 Kietzke Lane, Suite B-116, Reno, Nevada, 89502. (The Board office recommends that individuals unfamiliar with ZOOM should visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs. To learn more about Zoom, go to <https://zoom.us/>.)

The Board will accept public comment via email. Those wishing to make public comment should email their public comments to the Board office at nbop@govmail.state.nv.us. Written public comments must be received prior to the start of the meeting and will be forwarded to the Board for their consideration. Public comments will be included in the public record (meeting minutes) but will not necessarily be read aloud during the meeting. In compliance with Nevada Revised Statutes (NRS) Chapter 241 (Open Meeting Law), the Board is precluded from taking action on items raised by public comment which are not already on the agenda.

The Board may take items out of order, combine items for consideration, and items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and end of the meeting. The public may provide comment on any matter whether or not that matter is a specific topic on the agenda. However, prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment on that item. (NRS 233B.126) Public comment that is willfully disruptive is prohibited, and individuals who willfully disrupt the meeting may be removed from the meeting. (NRS 241.030(5)(b)). The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030). Once all items on the agenda are completed, the meeting will adjourn.

AGENDA

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

2. Public Comment. Note: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

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 all Language Referencing to Behavior Analysts from Nevada Administrative Code (NAC) Chapter 641.
- B. Removal of the regulation that requires firms, partnerships, or corporations to register with the Nevada Board of Psychological Examiners

4. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on April 7, 2023.

5. Financials

- A. (For Possible Action) Discussion and Possible Action to Approve Recommended Changes to the Fiscal Year 2023 Budget.
- B. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2023 (July 1, 2022, Through June 30, 2023).
- C. (For Possible Action) Discussion and Possible Action to Approve the Proposed Budget for Fiscal Year 2024.
- D. (For Possible Action) Discussion and Possible Action to Approve the purchase of a new computer for the Board Office.
- E. (For Possible Action) Discussion and Possible Action to Approve hiring a Part-Time employee for the Board Office.

6. Legislative Update

- A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, the 2023 Session of the Nevada Legislature, and any position the Board may take on Bills and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.
- 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.

7. Board Needs and Operations

- A. Report from the Nevada Psychological Association.
- B. Report From the Executive Director on Board Office Operations.

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

- A. Complaint #19-0626
- B. Complaint #22-0804
- C. Complaint #22-0930
- D. Complaint #23-0303
- E. Complaint #23-0315

- 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.** *Note: Applicant names are listed on the agenda to allow the Board to discuss applicants when necessary to move the applicant through the*

licensure process. The listing of an applicant's name on the agenda indicates only that an application for licensure/registration has been received. It does not mean that the application has been approved or that the applicant must appear at the meeting in order for the applicant's application to move forward through the licensure process. If an applicant needs to attend the meeting for the Board to take action, the applicant will be notified in writing prior to the meeting. Please, direct questions or comments regarding licensure applications to the Board office.

PSYCHOLOGISTS

Gera Anderson	Gila Frank	George Lazo	Jen Schafer
Ashley Arcoleo	Matthew Gibbons	Rose Leung	Shelly Sheinbein
Erick Arguello	Dov Gold	Karen Levine	David Shoup
Quintin Bailey	Nancy Grau	George Lough	Nancy Small
John Barona	Dehnad Hakimi	Debra Maddox	DeAnn Smetana
Kimberly Bergman	Alexia Holovatyk	Gina Manguno-Mire	Michael Stein
Sarah Brennan	Alberto Ibarra	Viola Mejia	Melissa Stolsig
RaeLynn Brister	Billie Ivra	Kimberly Miller	LaTanya Takla
Corby Bubp	Saira Jhorn	Samuel Montano	Jessica Taverniti
Colleen Character	Lori Johnson	Patrick Murphy	Kelly Thomas
Si Arthur Chen	Samantha Johnson	Jonine Nazar-Biesman	Donna Truong
Filippo Cieri	Natalie Jones	Ana Ochoa	John Tsanadis
Pegeen Cronin	Ta Tanisha Jones	Ariel Ogilvie-McSweeney	Deepti Vaswani
Edward De Anda	William Kaiser	Akira Olsen	Michael Villanueva
Hector De Los Santos	Carolyne Karr	Brian Olsen	Ann Watters
Nicola De Paul	Patricia Keeler	Stephanie Orbon	Jessica Weis
Roman Dietrich	Daphne Kendricks	Jessica Patel	Michael Whitman
Adrienne DiFabio	Christine Kim	Rachel Powers	Jennifer Wilcox
Mark Dillon	Donald Kincaid	Kilynda Ray	Michele Wilkens
Mary Dinerman	John King	Tatsiana Razzhavaikina	Stephen Winston
Christopher Estep	Ashley Kirby-Ward	Ellen Rechberger	Christine Winter
Allison Faris	Sandra Kubicki	Lisa Rhee	Jamie Wong
Daniel Fenton	Laura LaPiana	Vincent Rodriguez	Wendy Worrell
Stephen Francis	Timothy Law	Keri Ross	Lindsay Wray

PSYCHOLOGICAL ASSISTANTS

Ines Acevedo	Jacqueline Friar	Blanca Naudin	Farnaz Samavi
Tracy Basile	Joseph Henrich	Leilani Puentes	Sharon Simington
Jessica Crellin	Ashley Key	Jacquelyn Rinaldi	Lydia Stevenson
Kaleb Cusack	Desiree Misanko	Shannon Rojas	Toi Williams

PSYCHOLOGICAL INTERNS

Shannon Colon	Erica Marino	Barbara Sommer
Mario De Souza	Ruby Sharma	Candice Thomas
Michelle Harden	Jasmin Smith	Rachel Wiggins

PSYCHOLOGICAL TRAINEES

Marissa Alvarez	Suzette Lynch
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- 10. (For Possible Action) Discussion and Possible Action on Dr. Leeanne Earnest's Application for Reactivation of her License.**
- 11. (For Possible Action) Discussion and Possible Action on Dr. Dorothy Parriott's Application for Reactivation of her License.**
- 12. (For Possible Action) Discussion and Possible Action to Approve Erica Marino's Application to Register as a Psychological Intern.**
- 13. (For Possible Action) Discussion and Possible Action to Approve Changes to the Board's Background Checks and Fingerprinting Policy**
- 14. (For Possible Action) Discussion and Possible Action to Adopt the Policy on Finance: Budgeting.**
- 15. (For Possible Action) Discussion and Possible Action on a Request for the Board to Submit Briefing in a Pending Matter Before the Nevada Supreme Court regarding Rule 35 of the Nevada Rules of Civil Procedure.**
- 16. (For Possible Action) Discussion and Possible Action on the Board's Answer to a Question from the ASPPB regarding Certificate of Professional Qualification (CPQ) Eligibility.**
- 17. (For Possible Action) Discussion and Possible Action on the May 3, 2023, meeting of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.**
- 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, June 2, 2023, at 8:00 a.m.

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

20. Public Comment - Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in his sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

21. (For Possible Action) Adjournment

The Board may recess for lunch for approximately one hour, at a time to be determined.

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If such arrangements are necessary, please contact the board office at (775) 688-1268 no later than 4 p.m. on Thursday, May 11, 2023.

For supporting materials, visit the Board's website at <http://psyexam.nv.gov/Board/> or contact Laura Arnold, Executive Director at the Board office by telephone (775-688-1268), e-mail (nbop@govmail.state.nv.us), or in writing at Board of Psychological Examiners, 4600 Kietzke Lane, Suite B-116, Reno, Nevada 89502.

In accordance with NRS 241.020, this public meeting notice was properly posted at or before 9 a.m. on Tuesday, May 9, 2023, at the following locations:

- Board office located at 4600 Kietzke Lane, Bldg. B-116, Reno;
- Nevada Public Notice website: <https://notice.nv.gov/>; and
- Board's website at <http://psyexam.nv.gov/Board/2023/2023/>.

In addition, this public meeting notice has been sent to all persons on the Board's meeting notice list, pursuant to NRS 241.020(3)(c).

ATTACHMENT A

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

DATE OF MEETING: Friday, May 12, 2023 Time: 8:05 a.m.

The Nevada State Board of Psychological Examiners is proposing the amendment of certain regulations in Chapter 641 of the Nevada Administrative Code.

A workshop has been scheduled for Friday, May 12, 2023, at 8:05 a.m. The workshop will be conducted and may be attended through a remote technology system (video- or teleconference). To participate remotely, individuals are invited to enter the meeting from the Zoom website at: <https://us06web.zoom.us/j/86072641188>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: **860 7264 1188**. The meeting may also be attended at the physical location of the Board Office at 4600 Kietzke Lane, Suite B-116, Reno, Nevada, 89502. (The Board office recommends that individuals unfamiliar with ZOOM should visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs. To learn more about Zoom, go to <https://zoom.us/>.)

The purpose of the workshop is to solicit comments from interested persons on the following general topic that is in response to Nevada Governor Lombardo's Executive Order 2023-00 and is addressed as follows:

- Removal of all language related to behavior analysis and behavior analysts, which the Nevada Board of Psychological Examiners no longer governs or regulates.
 - The NAC sections to be revised to remove reference to "Behavior Analysts," "Assistant Behavior Analysts," and "Autism Behavior Interventionists" from NAC Chapter 641 are the Chapter's Title, NAC 641.019, 641.050, 641.132, 641,133, 641.1503, NAC 641.200, NAC 641.204, 641.206, 641.219, NAC 641.224, 641.229, 641,234, 641.239, 641.241, and 641.245.
 - The NAC sections to be repealed in their entirety are 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.
- Removal of the regulation that requires firms, partnerships, or corporations register with the Nevada Board of Psychological Examiners.
 - The NAC section to be repealed from NAC Chapter 641 is NAC 641.1505; provided, however, that NRS 641.2265, which requires the Board to adopt regulations that require registration of firms, partnerships, or corporations, is first repealed.

Language has been developed outside of the workshop and will be discussed during the workshop. If you are unable to attend the workshop but wish to submit any questions, concerns or general input, please submit them in writing to the Board office State of Nevada Board of Psychological Examiners, 4600 Kietzke Lane, B-116 Reno, Nevada 89502 or NBOP@govmail.state.nv.us, not later than Thursday, May 11, 2023, at 5 p.m. All statements received will be provided to the Board during the workshop.

Please contact the Board office if you are interested in reviewing the language that will be presented to the Legislative Counsel Bureau (LCB).

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the Board office located at 4600 Kietzke Lane, Bldg. B-116, Reno; the Nevada Public Notice website (notice.nv.gov); and the Board's website (https://psyexam.nv.gov/Board/2023/2023_BOARD_MEETINGS/)

Date: April 12, 2023

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

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 all Language Referencing to Behavior Analysts from Nevada Administrative Code (NAC) Chapter 641.
- B. Removal of the regulation that requires firms, partnerships, or corporations to register with the Nevada Board of Psychological Examiners

SUMMARY:

In response to the Governor's Executive Order 2023-003, the Board has submitted a report to his office that details various Nevada Administrative Code Provisions in Chapter 641 that can be revised or removed ensure that they provide for the general welfare of the State without unnecessarily inhibiting economic growth. In its report, the Board identified:

- 1. all of the NAC 641's regulations that reference Behavior Analysts, which the Board no longer governs, and addressed which of those regulations were appropriate to be repealed and those that required revisions in order to remove from NAC Chapter 641 all language that references Behavior Analysts; and
- 2. the regulation that requires firms, partnerships, or corporations to register with the Board.

In providing the list of NAC Chapter 641 provisions that the Board identified for revision or removal, the Board was also required to report to the Governor the Board's actions in revising or removing those provisions. The Board reported to the Governor that it had scheduled a workshop that NRS Chapter 233B requires to solicit comments on the proposed changes during its May 12, 2023, Board meeting and in advance of being able to hold a hearing to effect those changes. This agenda item is what has been noticed for that purpose.

M E M O R A N D U M

Regulations identified in response to the Governor’s Executive Order 2023-003

*Created for the Nevada Board of Psychological Examiners’
May 12, 2023, Regulations Workshop*

In response to Governor Lombardo’s Executive Order 2023-003 (EO 2023-003), the Nevada State Board of Psychological Examiners (NBOPE) has identified in its Response to EO 2023-003 the following of its regulations in NAC Chapter 641 for: (1) revision; and (2) repeal. The regulations identified below will be the subject of a workshop on May 12, 2023, in advance of the hearing NBOPE will subsequently hold on them.

1. Regulations to be Revised.

Prior to the 2017 Legislative Session, NBOPE governed licensing and oversight of both psychologists and behavior analysts. During that session, however, the Legislature transferred the licensing and oversight of behavior analysts from NBOPE to the Board of Applied Behavior Analysts it created. Behavior Analysts are now regulated by the Division of Aging and Disability. Because Behavior Analysts are no longer under NBOPE’s purview, the provisions of NAC Chapter 641 that concern, relate, or include reference to them should be revised to remove any such references, as follows:

NAC 641.019 Fees.¹ (NRS 641.100, 641.110, 641.228)

1. The Board will charge and collect the following fees:

For an application for licensure.....	\$100
For the state examination for licensure administered by the Board pursuant to NAC 641.112 or 641.113.....	Actual costs to the Board plus \$100 25

¹ While the changes noted below to NAC 641.019 (Fees) were made in NBOPE’s revisions reflected in R057-19, those changes do not appear in the current published and publicly-available version of NAC Chapter 641.

For the issuance of an initial license.....	
For the biennial renewal or reinstatement of a license as a psychologist...	500
[For the biennial renewal or reinstatement of a license as a licensed behavior analyst.....]	—[400]
[For the biennial renewal or reinstatement of a license as a licensed assistant behavior analyst.....]	—[275]
For the registration of a firm, partnership or corporation.....	300
For the placement of a license on inactive status.....	100
For the biennial renewal of a license on inactive status.....	100
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	400
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	150
[For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....]	—[300]
[For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....]	—[100]
[For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....]	—[175]
[For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....]	—[40]
For the registration of a nonresident consultant.....	100

For reproduction and mailing of material for an application.....	25
For a dishonored check.....	15
For a change of name on a license.....	25
For a duplicate license.....	25
For copies of the provisions of NRS relating to the practice of psychology [and applied behavior analysis] and the rules and regulations adopted by the Board.....	25
For a letter of good standing.....	15
For the review and approval of a course or program of continuing education.....	25

NAC 641.050 Education: Adoption of list of accredited programs; accredited educational institutions. (NRS 641.100, 641.110, 641.170)

1. For the purposes of paragraph (d) of subsection 1 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the American Psychological Association. This current list of programs may be obtained, free of charge, from the American Psychological Association, at the Internet address <http://www.apa.org/ed/accreditation>.

~~[2.—For the purposes of paragraph (d) of subsection 2 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the Association for Behavior Analysis International. This list is available at the Internet address <http://www.abainternational.org/BA/education/Education.asp>.]~~

2. For the purposes of subsections 1, 2 and 3 of NRS 641.170, the Board considers the following to be accredited educational institutions:

- (a) In the United States, all institutions which are regionally accredited by regulatory bodies approved by the Council for Higher Education Accreditation and the United States Department of Education;
- (b) In Canada, all institutions holding membership in the Association of Universities and Colleges of Canada; or
- (c) In any other country, all institutions accredited by the respective official organization having such authority.

NAC 641.132 Renewal of license. (NRS 641.100, 641.110, 641.220, 641.232)

1. To renew his or her license, a psychologist ~~[, licensed behavior analyst or a licensed assistant behavior analyst]~~ must submit to the Board an application for renewal, the required fees and the form for the biennial report of continuing education required pursuant to subsection 2. The licensee shall retain evidence of the completion of the continuing education required by NAC 641.136 ~~[or 641.1363, as applicable,]~~ for at least 5 years after the completion of that

continuing education. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, and a certificate of completion approved by the Board pursuant to NAC 641.138. Upon the request of the Board, the licensee must provide evidence of completion of the continuing education.

2. The Board will mail to each licensee, before the expiration of his or her license, a form for the biennial report of continuing education. Each applicant for renewal must sign the form certifying that:

- (a) He or she has completed the continuing education required by NAC 641.136 or 641.1363, as applicable; and
- (b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate.

3. If a licensee misrepresents the completion of continuing education, he or she will be subject to disciplinary action, including, without limitation, suspension, revocation or nonrenewal of his or her license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NAC 641.136 ~~[or 641.1363, as applicable,]~~ before the Board will consider whether to reinstate his or her license.

4. If a licensee does not satisfy the continuing education requirement, his or her license will not be renewed and he or she will be subject to disciplinary action. The Board may grant a licensee a 60-day extension if the licensee submits to the Board, on or before December 1 immediately preceding the expiration of his or her license, a written request for an extension which includes a compelling explanation for his or her inability to complete the continuing education requirement during the immediately preceding 2 years.

NAC 641.133 Placement of license on inactive status; renewal or restoration to active status. (NRS 641.100, 641.110, 641.160, 641.170)

1. Upon written request to the Board and payment of the fee prescribed by the Board, a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may have his or her license placed on inactive status.

2. A person whose license is placed on inactive status shall not engage in the practice of psychology ~~[or applied behavior analysis, as applicable,]~~ during the period in which the license is on inactive status.

3. A person who wishes to renew a license that is placed on inactive status must submit to the Board:

- (a) An application for the renewal of the license; and
- (b) The fee for the biennial renewal of a license on inactive status.

4. A person whose license is placed on inactive status may apply to the Board to have the license restored to active status. The Board will restore the license to active status upon:

- (a) The submission of an application for the restoration of the license;
- (b) The payment of the appropriate fee as set forth in NAC 641.019 for the restoration to active status of a license on inactive status;
- (c) The submission of proof of completion of the requirements for continuing education for the 2 years immediately preceding the date of the application;
- (d) If the applicant has engaged in the practice of psychology ~~[or applied behavior analysis, as applicable,]~~ in another jurisdiction during the period his or her

license was on inactive status, the submission of proof that he or she is in good standing and that there are no disciplinary proceedings pending against him or her in that jurisdiction;

(e) Submission of any other proof the Board may require to determine whether the applicant is qualified and competent to engage in the practice of psychology ~~for applied behavior analysis, as applicable~~; and

(f) If the Board considers it necessary, the successful completion of the national examination or the state examination administered by the Board pursuant to NAC 641.112 ~~or 641.113, as applicable~~.

NAC 641.1503 Incomplete application; failure to take national examination; reapplication. (NRS 641.100, 641.110, 641.170, 641.172)

1. An application for licensure as a psychologist shall be deemed withdrawn and all fees for the application are forfeited if:

(a) The application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application materials; or

(b) The applicant has not taken the national examination required pursuant to NRS 641.180 within 2 years after the date on which the Board first received the application materials.

~~[2.—An application for licensure as a licensed behavior analyst or a licensed assistant behavior analyst shall be deemed withdrawn and all fees for the application are forfeited if the application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application.]~~

2. An application for registration as a psychological assistant shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.

3. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such licensure or registration and must pay any application fees in effect at the time of the reapplication.

NAC 641.200 Applicability. (NRS 641.100, 641.232)

1. The provisions of NAC 641.200 to 641.255, inclusive:

(a) Apply to the conduct of any licensee or any applicant for licensure pursuant to this chapter and chapter 641 of NRS, including conduct during any period of education, training or employment required for licensure.

(b) Constitute the standards of conduct which a psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to 641.255, inclusive, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or the renewal of a license.

NAC 641.204 Determination of organization as patient or client. (NRS 641.100, 641.232)

An organization is a patient or client of a psychologist ~~licensed behavior analyst or licensed~~

~~assistant behavior analyst~~ if the professional contract between the organization and the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ requires the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ to provide services primarily to the organization rather than to the persons in the organization.

NAC 641.206 Authority of parent or legal guardian to make decisions concerning treatment; issues for which child or protected person is patient or client. (NRS 641.100, 641.232) If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is treating a child or protected person, the parent or legal guardian of the child or protected person is the patient or client for the purpose of making decisions concerning treatment. The child or protected person who is receiving services from the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is also the patient or client for:

1. Issues directly affecting the physical or emotional safety of the child or protected person, including, without limitation, sexual relationships or other exploitive dual relationships.
2. Issues which the parent or legal guardian has specifically agreed, before the child or protected person receives professional services, must be reserved to the child or protected person, including, without limitation, confidential communications between the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ and the child or protected person during the course of the professional relationship.

NAC 641.219 Maintenance and availability of records. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall maintain a record for each patient or client that includes:
 - (a) The presenting problem or purpose or diagnosis;
 - (b) The fee arrangement, if any;
 - (c) The date and type of evaluation or treatment provided to the patient or client;
 - (d) The results of tests or other evaluations and the data from which the results were derived;
 - (e) A description of any consultations with other professionals regarding the patient or client and the results of such consultations; and
 - (f) A copy of all tests and other evaluative reports which were prepared in the course of the professional relationship.
2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall maintain the record of each patient or client for not less than 5 years after the last date that service was rendered to the patient or client, except that the record of a patient or client who is a minor must be maintained for not less than 5 years after the last date that service was rendered or 1 year after the patient or client reaches 21 years of age, whichever is longer. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall comply with all other state and federal laws and regulations concerning the maintenance of records, including a law or regulation which requires him or her to maintain records for a longer period than required by this subsection.
3. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall comply with all state and federal laws governing a patient's or client's right to have access to his or her records.

4. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ who provides supervision of a licensed behavior analyst or licensed assistant behavior analyst shall maintain for not less than 5 years after the last date of supervision, a record of the supervisory session, including, but not limited to, information regarding the type, place and general content of the session.

NAC 641.224 Confidential information. (NRS 641.100, 641.232)

1. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ provides services to an organization, information he or she obtains in the course of providing the services is confidential, including any personal information concerning a person in the organization if the information was properly obtained within the scope of his or her professional contract with the organization. Personal information concerning a person in the organization is subject to the confidential control of the organization unless the person who disclosed the information had a reasonable expectation that the information was disclosed pursuant to a separate professional relationship with the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ and would not be disclosed to the organization.

2. During the course of a professional relationship with a patient or client and after the relationship is terminated, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall protect all confidential information obtained in the course of his or her practice, teaching or research, or in the performance of any other services related to his or her profession. Except as otherwise provided in this section, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information only if he or she obtains the informed written consent of the patient or client.

3. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information without the informed written consent of a patient or client if the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ believes that disclosure of the information is necessary to protect against a clear and substantial risk of imminent serious harm by the patient or client to the patient or client or another person and:

(a) The disclosure is limited to such persons and information as are consistent with the standards of the profession of psychology ~~[or applied behavior analysis]~~ in addressing such problems.

(b) If the patient or client is an organization, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information without the informed written consent of a patient or client if:

(a) A member of the judiciary, or a court magistrate or administrator to whom authority has been lawfully delegated, orders the disclosure; or

(b) Disclosure is required by a state or federal law or regulation, including a law or regulation that requires a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ to report the abuse of a child or elderly person.

5. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall, before he or she begins to render the services, explain to each

person the relevant limitations on confidentiality during the course of the professional relationship. If appropriate, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall grant to each person an opportunity to discuss and accept the limitations on confidentiality that will apply.

6. If a patient or client is a child or has a legal guardian, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall, before he or she renders services, inform the patient or client to the extent that the patient or client can understand, of any legal limitations on the confidentiality of communications with the psychologist.

7. With the written consent of a patient, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall provide in a timely manner to another responsible professional who is treating the patient or client any information which is important for the professional to know in making decisions concerning the ongoing diagnosis and treatment of the patient or client.

8. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ uses the case history of a patient or client in his or her teaching, research or published reports, he or she shall exercise reasonable care to ensure that all confidential information is appropriately disguised to prevent the identification of the patient or client.

9. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall:

(a) Store and dispose of any written, electronic or other records in a manner which ensures the confidentiality of the content of the records;

(b) Limit access to the records of his or her patients or clients to protect the confidentiality of the information contained in the records;

(c) Ensure that all persons working under his or her authority comply with the requirements of this section to protect the confidentiality of each patient or client; and

(d) Obtain the informed written consent of a patient or client before the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ electronically records or allows another person to observe a diagnostic interview or therapeutic session with the patient or client.

10. As used in this section, “confidential information” means information disclosed by a patient or client to a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ during the course of a professional relationship, or otherwise obtained by the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ during the course of the relationship, if there is a reasonable expectation that because of the relationship between the patient or client and the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ or the circumstances under which the information was obtained, the information will not be disclosed by the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ without the informed written consent of the patient or client.

NAC 641.229 Impairment of licensee; limitation on contact with current or former patient or client. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not begin or continue a professional relationship with a patient or client if the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is impaired, or has received notification from the Board that the Board reasonably suspects him or her to be impaired, because of mental, emotional, physiological, pharmacological or substance abuse problems. If

such a problem develops during the course of a professional relationship, the psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ shall:

- (a) Terminate the relationship;
- (b) Notify the patient or client in writing of the termination; and
- (c) Assist the patient or client in obtaining services from another professional.

2. A psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ shall not begin or continue a professional relationship with a patient or client if the objectivity or competency of the psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ is impaired, or if the psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ has received notification from the Board that the Board reasonably suspects his or her objectivity or competency to be impaired, because the psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ has or had a family, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the patient or client or a person associated with or related to the patient or client.

3. If a psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ has rendered professional services to a person, the psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ shall not:

- (a) Engage in any verbal or physical behavior with the person which is sexually seductive, demeaning or harassing;
- (b) Engage in sexual contact with the person; or
- (c) Enter into a financial or other potentially exploitive relationship with the person,

for at least 2 years after the termination of the professional relationship, or for an indefinite time if the person is clearly vulnerable to exploitive influence by the psychologist~~;~~
~~licensed behavior analyst or licensed assistant behavior analyst~~ because of an emotional or cognitive disorder.

NAC 641.234 Assessment procedures: Communication of results to patient or client; limitations on use. (NRS 641.100, 641.232)

1. If a psychologist ~~or licensed behavior analyst~~ communicates the results of an assessment procedure to a patient or client or to the legal guardian, parents or agent of a patient or client, he or she shall:

- (a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and
- (b) Include in the explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.

2. A psychologist ~~or licensed behavior analyst~~ shall not reproduce or describe in any popular publications, lectures or public presentations, psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures.

3. If a psychologist ~~or licensed behavior analyst~~ offers to other professionals an assessment procedure or automated interpretation service, he or she shall:

- (a) Provide a manual or other written material which fully describes the development of the procedure or service, the rationale therefor, evidence of the validity and reliability thereof, and characteristics of the group of persons which the procedure or service uses as a norm;

- (b) Explicitly state the purpose and application for which the procedure or service is recommended;
- (c) Identify special requirements which are necessary to administer and interpret the procedure or service properly; and
- (d) Ensure that advertisements for the procedure or service provide an accurate description of the procedure or service.

NAC 641.239 Misrepresentation of professional qualifications, affiliations, services, products or psychological findings. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not directly or by implication misrepresent:
 - (a) His or her professional qualifications, including the education he or she has received, the experience he or she has acquired or the areas of his or her professional competence.
 - (b) His or her affiliations or the purposes or characteristics of the institutions and associations with which he or she is associated.
2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall correct any other person who the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ knows has misrepresented the professional qualifications or affiliations of the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~.
3. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not include false or misleading information in his or her public statements concerning the professional services he or she offers.
4. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not guarantee that satisfaction or a cure will result from the performance of his or her professional services.
5. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not associate with or permit his or her name to be associated with any service or product in a manner which misrepresents:
 - (a) The service or product;
 - (b) The degree of his or her responsibility for the service or product; or
 - (c) The nature of his or her association with the service or product.
6. A psychologist shall not distort, misuse or suppress any psychological finding, and shall attempt to prevent, using all reasonable means, the distortion, misuse or suppression of any psychological finding by any institution of which he or she is an employee.

NAC 641.241 Aiding in unlawful practice of psychology or applied behavior analysis; improper delegation of professional responsibilities; reporting of violation and exception. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not aid or abet another person in misrepresenting the person's professional credentials or illegally engaging in the practice of psychology~~[or applied behavior analysis]~~.
2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not delegate any of his or her professional responsibilities to a person he or she knows, or

has reason to know, is not qualified because of a lack of adequate education, training or experience.

3. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has substantial reason to believe that another person has violated any provision of this chapter or chapter 641 of NRS, he or she shall inform the Board in writing of the violation, except that if the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has knowledge of the violation because of his or her professional relationship with a patient or client, he or she may report the violation only if he or she has the informed written consent of the patient or client. The provisions of NAC 641.200 to 641.255, inclusive, do not relieve a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ of the duty to file any report otherwise required by state or federal law or regulation.

NAC 641.245 Violation of law or regulation; use of fraud, misrepresentation or deception; improper filing of reports; violation of probation; failure to pay child support or to comply with certain warrants or subpoenas relating to determination of paternity or child support. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not violate any law or regulation which governs the practice of psychology~~[or applied behavior analysis, as applicable]~~.

2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not use fraud, misrepresentation or deception:

- (a) To obtain a license or pass an examination required for licensure;
- (b) To assist another person in obtaining a license or passing an examination required for licensure;
- (c) In billing a patient or client or other person who is responsible for payment;
- (d) In providing his or her professional services;
- (e) In reporting the results of any evaluation or service related to the practice of psychology~~[or applied behavior analysis, as applicable]~~; or
- (f) To conduct any other activity related to the practice of psychology~~[or applied behavior analysis, as applicable]~~.

3. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not willfully make or file any false report, fail to file any report required by law or by the Board, willfully impede or obstruct any such filing, or induce another person to engage in any act prohibited by this subsection.

4. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not violate any condition, limitation or term of probation imposed upon him or her by the Board.

5. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not:

- (a) Fail to make timely payments for the support of one or more children pursuant to a court order; or
- (b) Fail to comply with any warrant or subpoena relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of one or more children.

2. *Regulations to be Repealed.*

Because NBOPE no longer regulates or oversees the field of behavior analysis and, therefore, does not regulate behavior analysis practitioners (licensed behavior analysts and licensed assistant behavior analysts), NBOPE will be seeking to repeal the following NAC Chapter 641 code sections in their entirety:

~~[NAC 641.003 — “Applied behavior analysis” defined. (NRS 641.100) — “Applied behavior analysis” has the meaning ascribed to it in NRS 689A.0435.]~~

~~[NAC 641.008 — “Licensed assistant behavior analyst” defined. (NRS 641.100) — “Licensed assistant behavior analyst” has the meaning ascribed to it in NRS 689A.0435.]~~

~~[NAC 641.0085 — “Licensed behavior analyst” defined. (NRS 641.100) — “Licensed behavior analyst” has the meaning ascribed to it in NRS 689A.0435.]~~

~~[NAC 641.029 — Issuance of license to behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)~~

~~1. The Board will issue a license as a licensed behavior analyst to an applicant who:~~

~~(a) Meets the requirements of subsection 2 of NRS 641.170;~~

~~(b) Has been certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;~~

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

~~(d) Has not been subject to disciplinary action as a behavior analyst in another jurisdiction;~~

~~(e) Does not have any outstanding complaints or charges pending against him or her as a behavior analyst in another jurisdiction;~~

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

~~(g) Has passed the state examination administered by the Board pursuant to NAC 641.113;~~

~~(h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and~~

~~(i) 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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.~~

~~2. The Board may require an applicant to appear before the Board to demonstrate the applicant's:~~

~~(a) Moral character;~~

~~(b) Current fitness to practice as a licensed behavior analyst; and~~

~~(c) Intent to practice as a licensed behavior analyst in a manner consistent with the applicant's education, training and experience.~~

~~3. The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 2 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.~~

~~4. The Board will, in addition to issuing a license to an applicant who meets the requirements of this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.]~~

~~[NAC 641.031—Issuance of license to assistant behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)~~

~~1. The Board will issue a license as a licensed assistant behavior analyst to an applicant who:~~

~~(a) Meets the requirements of subsection 3 of NRS 641.170;~~

~~(b) Has been certified as an assistant behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;~~

~~(c) Has not previously been convicted of a felony;~~

~~(d) Has not been subject to disciplinary action as an assistant behavior analyst in another jurisdiction;~~

~~(e) Does not have any outstanding complaints or charges pending against him or her as an assistant behavior analyst in another jurisdiction;~~

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

~~(g) Has passed the state examination administered by the Board pursuant to NAC 641.113;~~

~~(h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and~~

~~(i) 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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.~~

~~2. The Board may require an applicant to appear before the Board to demonstrate the applicant's:~~

- ~~(a) Moral character;~~
- ~~(b) Current fitness to practice as a licensed assistant behavior analyst; and~~
- ~~(c) Intent to practice as a licensed assistant behavior analyst in a manner consistent with the applicant's education, training and experience.~~

~~3.—The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 3 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.~~

~~4.—The Board will, in addition to issuing a license to an applicant who meets the requirements of this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.]~~

~~**[NAC 641.063—Educational requirements for behavior analysts and assistant behavior analysts: Submission of proof that unaccredited program is equivalent to accredited program. (NRS 641.100, 641.170)**~~

~~—1.—An applicant for licensure as a licensed behavior analyst or a licensed assistant behavior analyst who has completed a training program not accredited by the Board must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association for Behavior Analysis International or its successor organization.~~

~~—2.—The applicant must present to the Board transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other documents deemed suitable by the Board showing that the program substantially complies with the standards of the Association for Behavior Analysis International or its successor organization, including, without limitation, proof that the program requires at least as many hours covering specific subjects as required for accreditation by the Association for Behavior Analysis International or its successor organization.]~~

~~**[NAC 641.083—Supervision of licensed assistant behavior analysts and autism behavior interventionists. (NRS 641.100, 641.110, 641.395)**~~

~~—1.—A licensed assistant behavior analyst must be supervised by a psychologist or a licensed behavior analyst during at least 5 percent of the hours he or she works each month.~~

~~—2.—A psychologist, a licensed behavior analyst or a licensed assistant behavior analyst who supervises an autism behavior interventionist must supervise the autism behavior interventionist during at least 10 percent of the hours the autism behavior interventionist works each month.~~

~~—3.—The supervision required by subsections 1 and 2 must include, without limitation:~~

~~—(a) At least 1 hour each month of one-on-one supervision; and~~

~~—(b) At least 4 hours each month of additional direct supervision, which may include, without limitation:~~

~~—(1) Videoconferencing, except that this must not constitute more than one-half of the time supervised each month; and~~

~~—(2) Group meetings of not more than 10 persons, including each licensed assistant behavior analyst or autism behavior interventionist who is being supervised by the supervisor.]~~

~~[NAC 641.113—State examination of applicants for licensure as licensed behavior analyst or licensed assistant behavior analyst: Content; reexamination; fee; prohibited acts. (NRS 641.100, 641.110, 641.170, 641.172)~~

~~—1.—The Board will administer a state examination to each applicant for a license as a licensed behavior analyst or a licensed assistant behavior analyst.~~

~~—2.—The state examination will consist of questions addressing the practice of applied behavior analysis, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to the practice of applied behavior analysis in this State. At least 30 days before the state examination is administered, the Board will furnish a description of the content to be covered in the examination to each applicant.~~

~~—3.—An applicant who fails the state examination:~~

~~—(a) Once or twice may retake the state examination.~~

~~—(b) Three times may not retake the state examination unless the applicant requests permission and obtains approval from the Board to retake the state examination for a fourth time. The applicant must submit to the Board a written request to retake the state examination and a written plan explaining the steps the applicant will take to pass the state examination. The Board will approve the request to retake the state examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the state examination.~~

~~—(c) Four or more times may not retake the state examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Board that he or she failed that state examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the state examination. The Board will, if good cause is shown, approve the request.~~

~~—4.—The fee for the state examination must be paid before the examination is administered. A fee must be paid each time the applicant takes the state examination.~~

~~—5.—An applicant shall not:~~

~~—(a) Remove any notes taken during the state examination;~~

~~—(b) Record the state examination by electronic or other means; or~~

~~—(c) Engage in any other conduct that results in the disclosure of the contents of the state examination.]~~

*** NOTE – R057-19 deleted reference to NAC 641.113 from NAC 641.019 (Fees), but NAC 641.113, itself, still remains in NAC Chapter 641.*

~~[NAC 641.1363—Continuing education: Requirements for renewal of license as a licensed behavior analyst or licensed assistant behavior analyst; courses and programs. (NRS 641.100, 641.110, 641.220)~~

~~—1.—To renew his or her license, a licensed behavior analyst or licensed assistant behavior analyst must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, the applicant has completed 30 hours of continuing education that is approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. At least 2~~

~~hours must include instruction in evidence-based suicide prevention and awareness. Not more than 15 hours may be obtained from an approved distance education course.~~

~~—2.— A licensed behavior analyst or licensed assistant behavior analyst may not receive continuing education credit for a workshop, seminar, class or course in which he or she is the instructor.~~

~~—3.— Except as otherwise provided in subsection 4, the continuing education required pursuant to this section may include, without limitation:~~

~~—(a) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which maintains an attendance roster and which is:~~

~~——(1) Conducted under the auspices of an accredited college or university offering undergraduate or graduate-level instruction; or~~

~~——(2) Certified or recognized by a state, regional, national or international accrediting agency, including, without limitation:~~

~~——(I) The American Association for Marriage and Family Therapy;~~

~~——(II) The American Counseling Association;~~

~~——(III) The American Medical Association;~~

~~——(IV) The American Psychiatric Association;~~

~~——(V) The American Psychological Association;~~

~~——(VI) The Association for Behavior Analysis International;~~

~~——(VII) The Behavior Analyst Certification Board, Inc.;~~

~~——(VIII) The International Congress of Psychology; and~~

~~——(IX) The National Association of Social Workers; or~~

~~—(b) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which is approved by the Board.~~

~~—4.— Before a licensed behavior analyst or a licensed assistant behavior analyst may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct or a course in evidence-based suicide prevention and awareness, he or she must submit information concerning the course to the Board for approval of the course, unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.]~~

~~[NAC 641.209— Scope of practice for licensed behavior analyst or licensed assistant behavior analyst: Competency required; use of new method, service or technique; referral of certain clients; basis for rendering formal professional opinion. (NRS 641.100, 641.232, 641.395)— A licensed behavior analyst or licensed assistant behavior analyst:~~

~~—1.— Shall limit his or her practice and supervision to the areas in which he or she has acquired competence through education, training and experience.~~

~~—2.— Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her license, or perform any professional service which the licensed behavior analyst or licensed assistant behavior analyst knows, or has reason to know, that he or she is not competent to perform.~~

~~—3.— Shall not engage in conduct in the practice of applied behavior analysis which evidences moral unfitness to practice the profession.~~

- ~~— 4. — Shall maintain competence in the areas in which he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.~~
- ~~— 5. — Shall use every reasonable effort to ensure that all services provided to clients are adequate in degree and scope, and conform to the highest professional standards.~~
- ~~— 6. — Shall, if acquiring experience in a method, service or technique for treatment or evaluation that is either new to the licensed behavior analyst or licensed assistant behavior analyst or new to the profession:

 - ~~— (a) Engage in continuing consultation with other licensed behavior analysts or licensed assistant behavior analysts or relevant professionals;~~
 - ~~— (b) Seek appropriate education and training in the new method, service or technique for treatment or evaluation; and~~
 - ~~— (c) Inform clients of the innovative nature and known risks of the new method, service or technique for treatment or evaluation to provide the clients with the freedom of choice concerning applied behavior analysis services.~~~~
- ~~— 7. — Shall not claim or use any secret or special method, service or technique for treatment or evaluation not previously disclosed to the Board.~~
- ~~— 8. — Shall not, except for the purpose of research, use any method, service or technique for treatment or evaluation for which there is no adequate basis in research.~~
- ~~— 9. — If a referral is clearly in the best interest of the client or upon request of a client, shall refer or recommend referral of a client to:

 - ~~— (a) Another professional; or~~
 - ~~— (b) Appropriate technical or administrative resources.~~~~
- ~~— 10. — Shall not render a formal professional opinion about a person who is not a client without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.]~~

~~**[NAC 641.213 — Display of license by licensed behavior analyst or licensed assistant behavior analyst; response to communications from Board and availability of records relating to inquiries and complaints; notification of change of address or telephone number; professional fees; supervision of certain persons. (NRS 641.100, 641.232)**~~

- ~~— 1. — A licensed behavior analyst or licensed assistant behavior analyst:

 - ~~— (a) Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment. A licensed behavior analyst or licensed assistant behavior analyst practicing outside of an office must have his or her wallet card, obtained pursuant to NAC 641.029 or 641.031 available for production upon request.~~
 - ~~— (b) Shall respond within 30 days after receiving communication from the Board and shall make available any relevant records with respect to an inquiry or complaint about his or her professional conduct.~~
 - ~~— (c) Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.~~
 - ~~— (d) Shall not mislead or withhold from a client, prospective client or other person who will be responsible for payment of the services of the licensed behavior analyst or licensed assistant behavior analyst information concerning the fee for professional services.~~~~

- ~~—(e) Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a client.~~
- ~~—2. A licensed behavior analyst or licensed assistant behavior analyst who is a supervisor:~~
 - ~~—(a) Shall exercise appropriate supervision over any person who is authorized to practice applied behavior analysis under his or her supervision.~~
 - ~~—(b) Shall not exploit a person who is authorized to practice applied behavior analysis under his or her supervision.]~~

~~**[NAC 641.255 — “Professional and Ethical Compliance Code for Behavior Analysts”:
Adoption by reference; controlling provisions; revision. (NRS 641.100, 641.232)**~~

- ~~—1. The provisions which set forth the guidelines for conduct for behavior analysts which are contained in the most recent version of the “Professional and Ethical Compliance Code for Behavior Analysts” provided by the Behavior Analyst Certification Board, Inc., or its successor organization, are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent version is not suitable for this State pursuant to subsection 2, and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, will control. A copy of the publication may be obtained free of charge from the Behavior Analyst Certification Board, Inc., at the Internet address <http://bacb.com/ethics-code/>.~~
- ~~—2. If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing to all licensed behavior analysts and licensed assistant behavior analysts. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference in subsection 1.]~~

NAC Chapter 641 includes a regulation regarding the registration of firms, partnerships, and corporation with the Board (NAC 641.1505), and includes in its fees regulation an accompanying registration fee (NAC 641.019). The Board, however, has chosen not to register firms, partnerships, and corporations, rendering NAC 641.1505 unnecessary. For that reason, and in order to reflect the reality of NBOPE’s operations, it is a regulation NBOPE identifies for removal, as follows:

~~**[NAC 641.1505 — Registration; notification of certain changes; exemption from requirements. (NRS 641.100, 641.113)**~~

- ~~—1. Except as otherwise provided in subsection 3, a firm, partnership or corporation that engages in or offers to engage in the practice of psychology must register with the Board and pay~~

~~the fee for registration before it commences to engage in or offer to engage in the practice of psychology.~~

~~—2.—A firm, partnership or corporation shall notify the Board of any change in ownership or of the addition or departure of any psychologist associated with the firm, partnership or corporation within 30 days after the change. The firm, partnership or corporation must complete a new registration for any change in ownership.~~

~~—3.—The following entities are exempt from the requirements of this section:~~

~~—(a) A federal, state or local governmental agency or institution.~~

~~—(b) A firm or corporation that bears the name of a psychologist who is the only person practicing under the name of the firm or corporation.~~

~~—(c) A firm, partnership or corporation that is formed for the sole purpose of sharing administrative expenses, including, without limitation, rent, services for billing patients and clerical support, if:~~

~~—(1) The place of business of the firm, partnership or corporation is not identified by the name of the firm, partnership or corporation;~~

~~—(2) Records of patients, correspondence concerning patients and materials for billing patients do not display the name of the firm, partnership or corporation;~~

~~—(3) The name of the firm, partnership or corporation is not used in any advertising by the firm, partnership or corporation;~~

~~—(4) The firm, partnership or corporation does not hold a business license issued by a county, city or town to engage in the practice of psychology; and~~

~~—(5) Professional liability insurance is not held in the name of the firm, partnership or corporation.]~~

**** It should be noted, however, that NAC 641.1505 cannot be removed until NBOPE seeks to repeal NRS 641.2265, which:**

- *requires* a business entity that engages in the practice of psychology to register with the Board,
- *requires* the Board to adopt a regulation for business entity registration, and
- *makes it a misdemeanor* for psychological practice business entities to violate the requirement that they register with the Board.

NBOPE intends to address NRS 641.2265 in a future Legislative session, after which NAC 641.1505 can be removed. When that occurs, the following provision of NAC 641.090, which governs the Board’s fees and is cited in its entirety in Section 1(A) above, should be removed as well:

NAC 641.019 Fees. (NRS 641.100, 641.110, 641.228)

1. The Board will charge and collect the following fees:

...

~~For the registration of a firm, partnership or corporation..... 300~~

....

**** END OF MEMORANDUM ****

**STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS**

**Response to Governor Joe Lombardo's
Executive Order 2023-003**

May 1, 2023

**STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS**

**Response to Governor Joe Lombardo’s
Executive Order 2023-003**

May 1, 2023

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STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS

Response to Governor Joe Lombardo's
Executive Order 2023-003

May 1, 2023

The Nevada Board of Psychological Examiners (NBOPE) responds to Governor Joe Lombardo's Executive Order 2023-003, as follows:

Section 1: Comprehensive Review of Regulations - Regulations that can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

NBOPE values streamlined and clear regulations, as they improve clarity for both licensees and provide protection of the public. In its review of its regulations, NBOPE has identified several provisions that can be streamlined, clarified, reduced, or otherwise improved. Those regulation revisions reflect what NBOPE has identified: (1) to be clear about the profession it regulates; and (2) concern supervision and training.

A. Regulation revisions that will reflect what NBOPE has identified in Section 2 for removal to clarify and avoid confusion about NBOPE's regulation of only Psychologists.

Prior to the 2017 Legislative Session, NBOPE governed licensing and oversight of both psychologists and behavior analysts. During that session, however, the Legislature transferred the licensing and oversight of behavior analysts from NBOPE to the Board of Applied Behavior Analysts it created. Behavior Analysts are now regulated by the Division of Aging and Disability.

Initially, NRS Chapter 437 governed Applied Behavior Analysis. NRS Chapter 641D has since replaced that chapter, and is what currently governs Applied Behavior Analysis. NRS Chapter 641D does not cite to any accompanying administrative code provisions, and other than what is included in NAC Chapter 641, there do not appear to be any such published administrative code provisions.

As a result of the creation of what is now NRS Chapter 641D, NRS Chapter 641, which governs Psychologists, no longer has any reference to Applied Behavior Analysis or its practitioners, except to state that its provisions ***do not apply*** to anyone:

“...who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080[.]”

See NRS 641.029. Thus, the field of behavior analysis is outside the purview of NBOPE’s oversight and authority.

The published version of NAC Chapter 641 that is publicly available reflects the version as it was updated in 2016. That is not to say NAC Chapter 641 has not been updated numerous times since 2016. It has, and those adopted changes can be found on NBOPE’s website (psyexam.nv.gov) as “NAC 641 Changes” under the Rules/Regs tab (psyexam.nv.gov/About/Amendments/). They are:

- R133-17 (Approved Regulation of the Board of Psychological Examiners, Effective December 19, 2018)
- R074-18 - Approved Regulation of the Board of Psychological Examiners, Effective January 30, 2019
- R169-18 - Approved Regulation of the Board of Psychological Examiners, Effective January 30, 2019
- R171-18 - Approved Regulation of the Board of Psychological Examiners, Effective January 30, 2019
- R057-19 - Approved Regulation of the Board of Psychological Examiners, Filed December 22, 2021
- R114-19 - Approved Regulation of the Board of Psychological Examiners, Filed December 22, 2021

The Legislature, however, has not yet integrated those changes into the publicly available version of NAC Chapter 641. Thus, the current, published version of NAC Chapter 641 is as it was in 2016.

Of the regulations’ updates, only R057-19 addressed that 2017 legislation separating the field of Applied Behavior Analysis from Psychology. To that end, R057-19 made conforming changes to NAC 641.019 by removing references to the fees NBOPE charged to and collected from Behavior Analysts. NAC Chapter 641, however, remained replete with regulations that address Applied Behavior Analysis, Behavior Analysts, and Assistant Behavior Analysts. As a result, in 2021, NBOPE sought to revise and/or repeal those regulations from NAC Chapter 641 to reduce confusion and streamline its regulations. To that end, NBOPE noticed and held a public workshop related to those regulations for the Board’s July 9, 2021. The Legislative Counsel

Bureau, however, denied the Board’s efforts to make those changes, resulting in NAC Chapter 641 containing numerous regulation provisions that are obsolete and that create confusion for both Behavior Analysts and the public.

Because Behavior Analysts are no longer under NBOPE’s purview, the provisions that concern or relate to them should be revised or removed from NAC Chapter 641. Those provisions that should be revised for purposes of Section 1 of this report are as follows¹:

1. *Revise the Chapter Title to remove “Behavior Analysts,” “Assistant Behavior Analysts,” and “Autism Behavior Interventionists”² from the chapter’s Title, leaving only “Psychologists.”*

~~CHAPTER 641 – PSYCHOLOGISTS[, LICENSED BEHAVIOR ANALYSTS, LICENSED ASSISTANT BEHAVIOR ANALYSTS, AUTISM BEHAVIOR INTERVENTIONISTS, PSYCHOLOGICAL ASSISTANTS, PSYCHOLOGICAL INTERNS AND UNLICENSED PERSONNEL]~~

This revision to NAC Chapter 641’s title would make it consistent with NRS Chapter 641’s title, which is “Psychologists.”

2. *Revise NAC Chapter 641 provisions that include reference to Behavior Analysts, assistant Behavior Analysts, and/or Autism Behavior Interventionists.*

In addition to conforming changes that may be required, some of which are included below, the provisions of NAC Chapter 641 that should be revised to remove reference to Behavior Analysts, assistant Behavior Analysts, and/or Autism Behavior Analysts are as follows:

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¹ Those provisions related to Behavior Analysts that should be removed in their entirety are identified in Section 2 of this Report.

² It does not appear that “Autism Behavior Interventionists” is a term that continues to be used. There is only one provision in NAC Chapter 641 that specifically addresses it (NAC 641.083, identified in Section 2 for removal), and there are no other NAC Chapter titles that include that title. The only reference a search of the NRS revealed is how that term was previously defined in NRS Chapter 641 before it was repealed.

NAC 641.019 Fees.³ (NRS 641.100, 641.110, 641.228)

1. The Board will charge and collect the following fees:

For an application for licensure.....	\$100
For the state examination for licensure administered by the Board pursuant to NAC 641.112 or 641.113.....	Actual costs to the Board plus \$100
For the issuance of an initial license.....	25
For the biennial renewal or reinstatement of a license as a psychologist...	500
For the biennial renewal or reinstatement of a license as a licensed behavior analyst.....	400
For the biennial renewal or reinstatement of a license as a licensed assistant behavior analyst.....	275
For the registration of a firm, partnership or corporation.....	300
For the placement of a license on inactive status.....	100
For the biennial renewal of a license on inactive status.....	100
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	400
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	150
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	300

³ The changes noted below were made in the R057-19 update, cited above. For the reasons explained above, however, those changes do not appear in the published and publicly-available version of NAC Chapter 641.

~~[For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....] —[100]~~

~~[For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....] —[175]~~

~~[For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....] —[40]~~

For the registration of a nonresident consultant..... 100

For reproduction and mailing of material for an application..... 25

For a dishonored check..... 15

For a change of name on a license..... 25

For a duplicate license..... 25

For copies of the provisions of NRS relating to the practice of psychology ~~[and applied behavior analysis]~~ and the rules and regulations adopted by the Board..... 25

For a letter of good standing..... 15

For the review and approval of a course or program of continuing education..... 25

NAC 641.050 Education: Adoption of list of accredited programs; accredited educational institutions. (NRS 641.100, 641.110, 641.170)

1. For the purposes of paragraph (d) of subsection 1 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the American Psychological Association. This current list of programs may be obtained, free of charge, from the American Psychological Association, at the Internet address <http://www.apa.org/ed/accreditation>.

~~[2.—For the purposes of paragraph (d) of subsection 2 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the Association for Behavior Analysis International. This list is available at the Internet address <http://www.abainternational.org/BA/education/Education.asp>.]~~

2. For the purposes of subsections 1, 2 and 3 of NRS 641.170, the Board considers the following to be accredited educational institutions:

(a) In the United States, all institutions which are regionally accredited by regulatory bodies approved by the Council for Higher Education Accreditation and the United States Department of Education;

(b) In Canada, all institutions holding membership in the Association of Universities and Colleges of Canada; or

(c) In any other country, all institutions accredited by the respective official organization having such authority.

NAC 641.132 Renewal of license. (NRS 641.100, 641.110, 641.220, 641.232)

1. To renew his or her license, a psychologist ~~[, licensed behavior analyst or a licensed assistant behavior analyst]~~ must submit to the Board an application for renewal, the required fees and the form for the biennial report of continuing education required pursuant to subsection 2. The licensee shall retain evidence of the completion of the continuing education required by NAC 641.136 ~~[or 641.1363, as applicable,]~~ for at least 5 years after the completion of that continuing education. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, and a certificate of completion approved by the Board pursuant to NAC 641.138. Upon the request of the Board, the licensee must provide evidence of completion of the continuing education.

2. The Board will mail to each licensee, before the expiration of his or her license, a form for the biennial report of continuing education. Each applicant for renewal must sign the form certifying that:

(a) He or she has completed the continuing education required by NAC 641.136 or 641.1363, as applicable; and

(b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate.

3. If a licensee misrepresents the completion of continuing education, he or she will be subject to disciplinary action, including, without limitation, suspension, revocation or nonrenewal of his or her license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NAC 641.136 ~~[or 641.1363, as applicable,]~~ before the Board will consider whether to reinstate his or her license.

4. If a licensee does not satisfy the continuing education requirement, his or her license will not be renewed and he or she will be subject to disciplinary action. The Board may grant a licensee a 60-day extension if the licensee submits to the Board, on or before December 1 immediately preceding the expiration of his or her license, a written request for an extension which includes a compelling explanation for his or her inability to complete the continuing education requirement during the immediately preceding 2 years.

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NAC 641.133 Placement of license on inactive status; renewal or restoration to active status. (NRS 641.100, 641.110, 641.160, 641.170)

1. Upon written request to the Board and payment of the fee prescribed by the Board, a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may have his or her license placed on inactive status.
2. A person whose license is placed on inactive status shall not engage in the practice of psychology ~~[or applied behavior analysis, as applicable,]~~ during the period in which the license is on inactive status.
3. A person who wishes to renew a license that is placed on inactive status must submit to the Board:
 - (a) An application for the renewal of the license; and
 - (b) The fee for the biennial renewal of a license on inactive status.
4. A person whose license is placed on inactive status may apply to the Board to have the license restored to active status. The Board will restore the license to active status upon:
 - (a) The submission of an application for the restoration of the license;
 - (b) The payment of the appropriate fee as set forth in NAC 641.019 for the restoration to active status of a license on inactive status;
 - (c) The submission of proof of completion of the requirements for continuing education for the 2 years immediately preceding the date of the application;
 - (d) If the applicant has engaged in the practice of psychology ~~[or applied behavior analysis, as applicable,]~~ in another jurisdiction during the period his or her license was on inactive status, the submission of proof that he or she is in good standing and that there are no disciplinary proceedings pending against him or her in that jurisdiction;
 - (e) Submission of any other proof the Board may require to determine whether the applicant is qualified and competent to engage in the practice of psychology ~~[or applied behavior analysis, as applicable,]~~; and
 - (f) If the Board considers it necessary, the successful completion of the national examination or the state examination administered by the Board pursuant to NAC 641.112 ~~[or 641.113, as applicable]~~.

NAC 641.1503 Incomplete application; failure to take national examination; reapplication. (NRS 641.100, 641.110, 641.170, 641.172)

1. An application for licensure as a psychologist shall be deemed withdrawn and all fees for the application are forfeited if:
 - (a) The application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application materials; or
 - (b) The applicant has not taken the national examination required pursuant to NRS 641.180 within 2 years after the date on which the Board first received the application materials.

~~[2.—An application for licensure as a licensed behavior analyst or a licensed assistant behavior analyst shall be deemed withdrawn and all fees for the application are forfeited if the application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application.]~~

2. An application for registration as a psychological assistant shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.

3. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such licensure or registration and must pay any application fees in effect at the time of the reapplication.

NAC 641.200 Applicability. (NRS 641.100, 641.232)

1. The provisions of NAC 641.200 to 641.255, inclusive:

(a) Apply to the conduct of any licensee or any applicant for licensure pursuant to this chapter and chapter 641 of NRS, including conduct during any period of education, training or employment required for licensure.

(b) Constitute the standards of conduct which a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to 641.255, inclusive, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or the renewal of a license.

NAC 641.204 Determination of organization as patient or client. (NRS 641.100, 641.232)

An organization is a patient or client of a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ if the professional contract between the organization and the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ requires the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ to provide services primarily to the organization rather than to the persons in the organization.

NAC 641.206 Authority of parent or legal guardian to make decisions concerning treatment; issues for which child or protected person is patient or client. (NRS

641.100, 641.232) If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is treating a child or protected person, the parent or legal guardian of the child or protected person is the patient or client for the purpose of making decisions concerning treatment. The child or protected person who is receiving services from the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is also the patient or client for:

1. Issues directly affecting the physical or emotional safety of the child or protected person, including, without limitation, sexual relationships or other exploitive dual relationships.

2. Issues which the parent or legal guardian has specifically agreed, before the child or protected person receives professional services, must be reserved to the child or protected person, including, without limitation, confidential communications between the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ and the child or protected person during the course of the professional relationship.

NAC 641.219 Maintenance and availability of records. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall maintain a record for each patient or client that includes:
 - (a) The presenting problem or purpose or diagnosis;
 - (b) The fee arrangement, if any;
 - (c) The date and type of evaluation or treatment provided to the patient or client;
 - (d) The results of tests or other evaluations and the data from which the results were derived;
 - (e) A description of any consultations with other professionals regarding the patient or client and the results of such consultations; and
 - (f) A copy of all tests and other evaluative reports which were prepared in the course of the professional relationship.
2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall maintain the record of each patient or client for not less than 5 years after the last date that service was rendered to the patient or client, except that the record of a patient or client who is a minor must be maintained for not less than 5 years after the last date that service was rendered or 1 year after the patient or client reaches 21 years of age, whichever is longer. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall comply with all other state and federal laws and regulations concerning the maintenance of records, including a law or regulation which requires him or her to maintain records for a longer period than required by this subsection.
3. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall comply with all state and federal laws governing a patient's or client's right to have access to his or her records.
4. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ who provides supervision of a licensed behavior analyst or licensed assistant behavior analyst shall maintain for not less than 5 years after the last date of supervision, a record of the supervisory session, including, but not limited to, information regarding the type, place and general content of the session.

NAC 641.224 Confidential information. (NRS 641.100, 641.232)

1. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ provides services to an organization, information he or she obtains in the course of providing the services is confidential, including any personal information concerning a person in the organization if the information was properly obtained within the scope of his or her professional contract with the organization. Personal information concerning a person in the organization is subject to the confidential control of the organization unless the person who disclosed the information had a reasonable expectation that the information was disclosed pursuant to a separate professional relationship with the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ and would not be disclosed to the organization.
2. During the course of a professional relationship with a patient or client and after the relationship is terminated, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall protect all confidential information obtained in the course of his or her practice, teaching or research, or in the performance of any other services related to his or her profession.

Except as otherwise provided in this section, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information only if he or she obtains the informed written consent of the patient or client.

3. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information without the informed written consent of a patient or client if the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ believes that disclosure of the information is necessary to protect against a clear and substantial risk of imminent serious harm by the patient or client to the patient or client or another person and:

(a) The disclosure is limited to such persons and information as are consistent with the standards of the profession of psychology ~~[or applied behavior analysis]~~ in addressing such problems.

(b) If the patient or client is an organization, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information without the informed written consent of a patient or client if:

(a) A member of the judiciary, or a court magistrate or administrator to whom authority has been lawfully delegated, orders the disclosure; or

(b) Disclosure is required by a state or federal law or regulation, including a law or regulation that requires a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ to report the abuse of a child or elderly person.

5. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall, before he or she begins to render the services, explain to each person the relevant limitations on confidentiality during the course of the professional relationship. If appropriate, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall grant to each person an opportunity to discuss and accept the limitations on confidentiality that will apply.

6. If a patient or client is a child or has a legal guardian, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall, before he or she renders services, inform the patient or client to the extent that the patient or client can understand, of any legal limitations on the confidentiality of communications with the psychologist.

7. With the written consent of a patient, a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall provide in a timely manner to another responsible professional who is treating the patient or client any information which is important for the professional to know in making decisions concerning the ongoing diagnosis and treatment of the patient or client.

8. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ uses the case history of a patient or client in his or her teaching, research or published reports, he or she shall exercise reasonable care to ensure that all confidential information is appropriately disguised to prevent the identification of the patient or client.

9. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall:

(a) Store and dispose of any written, electronic or other records in a manner which ensures the confidentiality of the content of the records;

(b) Limit access to the records of his or her patients or clients to protect the confidentiality of the information contained in the records;

(c) Ensure that all persons working under his or her authority comply with the requirements of this section to protect the confidentiality of each patient or client; and

(d) Obtain the informed written consent of a patient or client before the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ electronically records or allows another person to observe a diagnostic interview or therapeutic session with the patient or client.

10. As used in this section, “confidential information” means information disclosed by a patient or client to a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ during the course of a professional relationship, or otherwise obtained by the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ during the course of the relationship, if there is a reasonable expectation that because of the relationship between the patient or client and the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ or the circumstances under which the information was obtained, the information will not be disclosed by the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ without the informed written consent of the patient or client.

NAC 641.229 Impairment of licensee; limitation on contact with current or former patient or client. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not begin or continue a professional relationship with a patient or client if the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is impaired, or has received notification from the Board that the Board reasonably suspects him or her to be impaired, because of mental, emotional, physiological, pharmacological or substance abuse problems. If such a problem develops during the course of a professional relationship, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall:

- (a) Terminate the relationship;
- (b) Notify the patient or client in writing of the termination; and
- (c) Assist the patient or client in obtaining services from another professional.

2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not begin or continue a professional relationship with a patient or client if the objectivity or competency of the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is impaired, or if the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has received notification from the Board that the Board reasonably suspects his or her objectivity or competency to be impaired, because the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has or had a family, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the patient or client or a person associated with or related to the patient or client.

3. If a psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has rendered professional services to a person, the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not:

- (a) Engage in any verbal or physical behavior with the person which is sexually seductive, demeaning or harassing;

- (b) Engage in sexual contact with the person; or
- (c) Enter into a financial or other potentially exploitive relationship with the person,

for at least 2 years after the termination of the professional relationship, or for an indefinite time if the person is clearly vulnerable to exploitive influence by the psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ because of an emotional or cognitive disorder.

NAC 641.234 Assessment procedures: Communication of results to patient or client; limitations on use. (NRS 641.100, 641.232)

1. If a psychologist ~~[or licensed behavior analyst]~~ communicates the results of an assessment procedure to a patient or client or to the legal guardian, parents or agent of a patient or client, he or she shall:
 - (a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and
 - (b) Include in the explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.
2. A psychologist ~~[or licensed behavior analyst]~~ shall not reproduce or describe in any popular publications, lectures or public presentations, psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures.
3. If a psychologist ~~[or licensed behavior analyst]~~ offers to other professionals an assessment procedure or automated interpretation service, he or she shall:
 - (a) Provide a manual or other written material which fully describes the development of the procedure or service, the rationale therefor, evidence of the validity and reliability thereof, and characteristics of the group of persons which the procedure or service uses as a norm;
 - (b) Explicitly state the purpose and application for which the procedure or service is recommended;
 - (c) Identify special requirements which are necessary to administer and interpret the procedure or service properly; and
 - (d) Ensure that advertisements for the procedure or service provide an accurate description of the procedure or service.

NAC 641.239 Misrepresentation of professional qualifications, affiliations, services, products or psychological findings. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not directly or by implication misrepresent:
 - (a) His or her professional qualifications, including the education he or she has received, the experience he or she has acquired or the areas of his or her professional competence.
 - (b) His or her affiliations or the purposes or characteristics of the institutions and associations with which he or she is associated.
2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall correct any other person who the psychologist~~[, licensed behavior analyst or licensed~~

~~assistant behavior analyst~~ knows has misrepresented the professional qualifications or affiliations of the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst].~~

3. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not include false or misleading information in his or her public statements concerning the professional services he or she offers.

4. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not guarantee that satisfaction or a cure will result from the performance of his or her professional services.

5. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not associate with or permit his or her name to be associated with any service or product in a manner which misrepresents:

- (a) The service or product;
- (b) The degree of his or her responsibility for the service or product; or
- (c) The nature of his or her association with the service or product.

6. A psychologist shall not distort, misuse or suppress any psychological finding, and shall attempt to prevent, using all reasonable means, the distortion, misuse or suppression of any psychological finding by any institution of which he or she is an employee.

NAC 641.241 Aiding in unlawful practice of psychology or applied behavior analysis; improper delegation of professional responsibilities; reporting of violation and exception. (NRS 641.100, 641.232)

1. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not aid or abet another person in misrepresenting the person's professional credentials or illegally engaging in the practice of psychology ~~[or applied behavior analysis].~~

2. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not delegate any of his or her professional responsibilities to a person he or she knows, or has reason to know, is not qualified because of a lack of adequate education, training or experience.

3. If a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has substantial reason to believe that another person has violated any provision of this chapter or chapter 641 of NRS, he or she shall inform the Board in writing of the violation, except that if the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has knowledge of the violation because of his or her professional relationship with a patient or client, he or she may report the violation only if he or she has the informed written consent of the patient or client. The provisions of NAC 641.200 to 641.255, inclusive, do not relieve a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ of the duty to file any report otherwise required by state or federal law or regulation.

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NAC 641.245 Violation of law or regulation; use of fraud, misrepresentation or deception; improper filing of reports; violation of probation; failure to pay child support or to comply with certain warrants or subpoenas relating to determination of paternity or child support. (NRS 641.100, 641.232)

1. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not violate any law or regulation which governs the practice of psychology~~[or applied behavior analysis, as applicable]~~.

2. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not use fraud, misrepresentation or deception:

- (a) To obtain a license or pass an examination required for licensure;
- (b) To assist another person in obtaining a license or passing an examination required for licensure;
- (c) In billing a patient or client or other person who is responsible for payment;
- (d) In providing his or her professional services;
- (e) In reporting the results of any evaluation or service related to the practice of psychology~~[or applied behavior analysis, as applicable]~~; or
- (f) To conduct any other activity related to the practice of psychology~~[or applied behavior analysis, as applicable]~~.

3. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not willfully make or file any false report, fail to file any report required by law or by the Board, willfully impede or obstruct any such filing, or induce another person to engage in any act prohibited by this subsection.

4. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not violate any condition, limitation or term of probation imposed upon him or her by the Board.

5. A psychologist~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not:

- (a) Fail to make timely payments for the support of one or more children pursuant to a court order; or
- (b) Fail to comply with any warrant or subpoena relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of one or more children.

B. NBOPE's efforts toward regulation revisions that will clarify and streamline provisions addressing the supervision and training of psychological trainees, interns, and assistants.

Since January 2022, NBOPE has undertaken the strategic plan goal of streamlining regulations relating to supervision and training of psychological trainees, interns, and assistants. Some of the current regulations pertaining to supervision are unclear and overly restrictive in nature, resulting in confusion and need for clarification.

In November of 2022, our Board voted to create a supervision subcommittee comprised of Board members, as well as psychologists in the community, to work on streamlining and revamping

these regulations to provide clearer guidelines for supervision and training. During its February 2023 Board Meeting, NBOPE selected the members of the subcommittee, and is currently creating the subcommittee's meeting schedule. The subcommittee had its first meeting on April 5, 2023, and has planned its second meeting for May 3, 2023. NBOPE expects to have the subcommittee's recommendations to the board by August of 2023, when the subcommittee is expected to have completed its work, and with the goal of completing the regulation changes by the beginning of 2024. Through its subcommittee, NBOPE will be reviewing and streamlining the following regulations⁴:

- NAC 641.1519 Qualifications of supervisor.
- NAC 641.152 Supervision; assignment of psychological assistant to specialist.
- NAC 641.153 Agreement regarding employment.
- NAC 641.154 Wages; compensation of supervisor; emphasis of supervision.
- NAC 641.156 Psychological assistants: Presence of supervisor.
- NAC 641.1567 Duties of supervisor regarding preparation and maintenance of records and notification of Board.
- NAC 641.157 Duties of supervisor regarding weekly meetings and individual supervision; grounds for discipline of supervisor.
- NAC 641.158 Limitations on number of assistants, interns and supervisors.
- NAC 641.159 Log of experience.

Section 2: Regulations for Removal – The Regulations NBOPE recommends for removal, in order of priority.

In addition to its review of NAC Chapter 641 in reference to its efforts to streamline, clarify, reduce, or otherwise improve its regulations, NBOPE has identified several provisions for removal from its regulations. Those regulations identified for removal: (1) concern or address the behavior analysis field, over which NBOPE no longer has regulatory authority; and (2) reflects the reality of NBOPE's operations.

A. Code provision removals that will clarify and avoid confusion about NBOPE's specific regulatory authority.

As more fully explained above, NBOPE no longer regulates the field of behavior analysis and, therefore, does not regulate behavior analysis practitioners (licensed behavior analysts and

⁴ Until NBOPE's subcommittee is able to substantively undertake its review and make its recommendations for revisions, the specific changes that will be recommended and made will not be known and, therefore, cannot be specified in the form requested in Executive Order 2023-003.

licensed assistant behavior analysts). Thus, in addition to the NAC Chapter 641 provisions identified in Section 1(A), above, to be revised to be streamlined and clearer, and for the same reasons discussed in Section 1(A), the following twelve (12) NAC Chapter 641 code sections should be removed in their entirety:

~~[NAC 641.003 – “Applied behavior analysis” defined. (NRS 641.100) – “Applied behavior analysis” has the meaning ascribed to it in NRS 689A.0435.]~~

~~[NAC 641.008 – “Licensed assistant behavior analyst” defined. (NRS 641.100) – “Licensed assistant behavior analyst” has the meaning ascribed to it in NRS 689A.0435.]~~

~~[NAC 641.0085 – “Licensed behavior analyst” defined. (NRS 641.100) – “Licensed behavior analyst” has the meaning ascribed to it in NRS 689A.0435.]~~

~~[NAC 641.029 – Issuance of license to behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)~~

~~1. The Board will issue a license as a licensed behavior analyst to an applicant who:~~

- ~~(a) Meets the requirements of subsection 2 of NRS 641.170;~~
- ~~(b) Has been certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;~~
- ~~(c) Has not been convicted of a felony;~~
- ~~(d) Has not been subject to disciplinary action as a behavior analyst in another jurisdiction;~~
- ~~(e) Does not have any outstanding complaints or charges pending against him or her as a behavior analyst in another jurisdiction;~~
- ~~(f) Has not previously been denied licensure by the Board;~~
- ~~(g) Has passed the state examination administered by the Board pursuant to NAC 641.113;~~
- ~~(h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and~~
- ~~(i) 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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.~~~~

~~2. The Board may require an applicant to appear before the Board to demonstrate the applicant’s:~~

- ~~(a) Moral character;~~
- ~~(b) Current fitness to practice as a licensed behavior analyst; and~~
- ~~(c) Intent to practice as a licensed behavior analyst in a manner consistent with the applicant's education, training and experience.~~

~~3.—The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 2 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.~~

~~4.—The Board will, in addition to issuing a license to an applicant who meets the requirements of this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.]~~

~~[NAC 641.031—Issuance of license to assistant behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)~~

~~1.—The Board will issue a license as a licensed assistant behavior analyst to an applicant who:~~

- ~~(a) Meets the requirements of subsection 3 of NRS 641.170;~~
- ~~(b) Has been certified as an assistant behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;~~
- ~~(c) Has not previously been convicted of a felony;~~
- ~~(d) Has not been subject to disciplinary action as an assistant behavior analyst in another jurisdiction;~~
- ~~(e) Does not have any outstanding complaints or charges pending against him or her as an assistant behavior analyst in another jurisdiction;~~
- ~~(f) Has not previously been denied licensure by the Board;~~
- ~~(g) Has passed the state examination administered by the Board pursuant to NAC 641.113;~~
- ~~(h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and~~
- ~~(i) 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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.~~~~

~~2.—The Board may require an applicant to appear before the Board to demonstrate the applicant's:~~

- ~~(a) Moral character;~~
- ~~(b) Current fitness to practice as a licensed assistant behavior analyst; and~~
- ~~(c) Intent to practice as a licensed assistant behavior analyst in a manner consistent with the applicant's education, training and experience.~~

~~3.—The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 3 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.~~

~~4.—The Board will, in addition to issuing a license to an applicant who meets the requirements of this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.]~~

~~**[NAC 641.063—Educational requirements for behavior analysts and assistant behavior analysts: Submission of proof that unaccredited program is equivalent to accredited program. (NRS 641.100, 641.170)**~~

~~—1.—An applicant for licensure as a licensed behavior analyst or a licensed assistant behavior analyst who has completed a training program not accredited by the Board must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association for Behavior Analysis International or its successor organization.~~

~~—2.—The applicant must present to the Board transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other documents deemed suitable by the Board showing that the program substantially complies with the standards of the Association for Behavior Analysis International or its successor organization, including, without limitation, proof that the program requires at least as many hours covering specific subjects as required for accreditation by the Association for Behavior Analysis International or its successor organization.]~~

~~**[NAC 641.083—Supervision of licensed assistant behavior analysts and autism behavior interventionists. (NRS 641.100, 641.110, 641.395)**~~

~~—1.—A licensed assistant behavior analyst must be supervised by a psychologist or a licensed behavior analyst during at least 5 percent of the hours he or she works each month.~~

~~—2.—A psychologist, a licensed behavior analyst or a licensed assistant behavior analyst who supervises an autism behavior interventionist must supervise the autism behavior interventionist during at least 10 percent of the hours the autism behavior interventionist works each month.~~

~~—3.—The supervision required by subsections 1 and 2 must include, without limitation:~~

~~—(a) At least 1 hour each month of one-on-one supervision; and~~

~~—(b) At least 4 hours each month of additional direct supervision, which may include, without limitation:~~

~~—(1) Videoconferencing, except that this must not constitute more than one-half of the time supervised each month; and~~

~~—(2) Group meetings of not more than 10 persons, including each licensed assistant behavior analyst or autism behavior interventionist who is being supervised by the supervisor.]~~

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~~[NAC 641.113—State examination of applicants for licensure as licensed behavior analyst or licensed assistant behavior analyst: Content; reexamination; fee; prohibited acts. (NRS 641.100, 641.110, 641.170, 641.172)~~

- ~~—1.—The Board will administer a state examination to each applicant for a license as a licensed behavior analyst or a licensed assistant behavior analyst.~~
- ~~—2.—The state examination will consist of questions addressing the practice of applied behavior analysis, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to the practice of applied behavior analysis in this State. At least 30 days before the state examination is administered, the Board will furnish a description of the content to be covered in the examination to each applicant.~~
- ~~—3.—An applicant who fails the state examination:~~
- ~~—(a) Once or twice may retake the state examination.~~
- ~~—(b) Three times may not retake the state examination unless the applicant requests permission and obtains approval from the Board to retake the state examination for a fourth time. The applicant must submit to the Board a written request to retake the state examination and a written plan explaining the steps the applicant will take to pass the state examination. The Board will approve the request to retake the state examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the state examination.~~
- ~~—(c) Four or more times may not retake the state examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Board that he or she failed that state examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the state examination. The Board will, if good cause is shown, approve the request.~~
- ~~—4.—The fee for the state examination must be paid before the examination is administered. A fee must be paid each time the applicant takes the state examination.~~
- ~~—5.—An applicant shall not:~~
- ~~—(a) Remove any notes taken during the state examination;~~
- ~~—(b) Record the state examination by electronic or other means; or~~
- ~~—(c) Engage in any other conduct that results in the disclosure of the contents of the state examination.]~~

*** NOTE – R057-19 deleted reference to NAC 641.113 from NAC 641.019 (Fees), but NAC 641.113, itself, still remains in NAC Chapter 641.*

~~[NAC 641.1363—Continuing education: Requirements for renewal of license as a licensed behavior analyst or licensed assistant behavior analyst; courses and programs. (NRS 641.100, 641.110, 641.220)~~

- ~~—1.—To renew his or her license, a licensed behavior analyst or licensed assistant behavior analyst must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, the applicant has completed 30 hours of continuing education that is approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. At least 2~~

~~hours must include instruction in evidence-based suicide prevention and awareness. Not more than 15 hours may be obtained from an approved distance education course.~~

~~—2.— A licensed behavior analyst or licensed assistant behavior analyst may not receive continuing education credit for a workshop, seminar, class or course in which he or she is the instructor.~~

~~—3.— Except as otherwise provided in subsection 4, the continuing education required pursuant to this section may include, without limitation:~~

~~—(a) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which maintains an attendance roster and which is:~~

~~—(1) Conducted under the auspices of an accredited college or university offering undergraduate or graduate-level instruction; or~~

~~—(2) Certified or recognized by a state, regional, national or international accrediting agency, including, without limitation:~~

~~—(I) The American Association for Marriage and Family Therapy;~~

~~—(II) The American Counseling Association;~~

~~—(III) The American Medical Association;~~

~~—(IV) The American Psychiatric Association;~~

~~—(V) The American Psychological Association;~~

~~—(VI) The Association for Behavior Analysis International;~~

~~—(VII) The Behavior Analyst Certification Board, Inc.;~~

~~—(VIII) The International Congress of Psychology; and~~

~~—(IX) The National Association of Social Workers; or~~

~~—(b) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which is approved by the Board.~~

~~—4.— Before a licensed behavior analyst or a licensed assistant behavior analyst may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct or a course in evidence-based suicide prevention and awareness, he or she must submit information concerning the course to the Board for approval of the course, unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.]~~

~~[NAC 641.209— Scope of practice for licensed behavior analyst or licensed assistant behavior analyst: Competency required; use of new method, service or technique; referral of certain clients; basis for rendering formal professional opinion. (NRS 641.100, 641.232, 641.395)— A licensed behavior analyst or licensed assistant behavior analyst:~~

~~—1.— Shall limit his or her practice and supervision to the areas in which he or she has acquired competence through education, training and experience.~~

~~—2.— Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her license, or perform any professional service which the licensed behavior analyst or licensed assistant behavior analyst knows, or has reason to know, that he or she is not competent to perform.~~

~~—3.— Shall not engage in conduct in the practice of applied behavior analysis which evidences moral unfitness to practice the profession.~~

- ~~— 4. — Shall maintain competence in the areas in which he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.~~
- ~~— 5. — Shall use every reasonable effort to ensure that all services provided to clients are adequate in degree and scope, and conform to the highest professional standards.~~
- ~~— 6. — Shall, if acquiring experience in a method, service or technique for treatment or evaluation that is either new to the licensed behavior analyst or licensed assistant behavior analyst or new to the profession:~~
 - ~~— (a) Engage in continuing consultation with other licensed behavior analysts or licensed assistant behavior analysts or relevant professionals;~~
 - ~~— (b) Seek appropriate education and training in the new method, service or technique for treatment or evaluation; and~~
 - ~~— (c) Inform clients of the innovative nature and known risks of the new method, service or technique for treatment or evaluation to provide the clients with the freedom of choice concerning applied behavior analysis services.~~
- ~~— 7. — Shall not claim or use any secret or special method, service or technique for treatment or evaluation not previously disclosed to the Board.~~
- ~~— 8. — Shall not, except for the purpose of research, use any method, service or technique for treatment or evaluation for which there is no adequate basis in research.~~
- ~~— 9. — If a referral is clearly in the best interest of the client or upon request of a client, shall refer or recommend referral of a client to:~~
 - ~~— (a) Another professional; or~~
 - ~~— (b) Appropriate technical or administrative resources.~~
- ~~— 10. — Shall not render a formal professional opinion about a person who is not a client without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.]~~

~~**[NAC 641.213 — Display of license by licensed behavior analyst or licensed assistant behavior analyst; response to communications from Board and availability of records relating to inquiries and complaints; notification of change of address or telephone number; professional fees; supervision of certain persons. (NRS 641.100, 641.232)**~~

- ~~— 1. — A licensed behavior analyst or licensed assistant behavior analyst:~~
 - ~~— (a) Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment. A licensed behavior analyst or licensed assistant behavior analyst practicing outside of an office must have his or her wallet card, obtained pursuant to NAC 641.029 or 641.031 available for production upon request.~~
 - ~~— (b) Shall respond within 30 days after receiving communication from the Board and shall make available any relevant records with respect to an inquiry or complaint about his or her professional conduct.~~
 - ~~— (c) Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.~~
 - ~~— (d) Shall not mislead or withhold from a client, prospective client or other person who will be responsible for payment of the services of the licensed behavior analyst or licensed assistant behavior analyst information concerning the fee for professional services.~~

- ~~—(e) Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a client.~~
- ~~—2.—A licensed behavior analyst or licensed assistant behavior analyst who is a supervisor:~~
 - ~~—(a) Shall exercise appropriate supervision over any person who is authorized to practice applied behavior analysis under his or her supervision.~~
 - ~~—(b) Shall not exploit a person who is authorized to practice applied behavior analysis under his or her supervision.]~~

~~[NAC 641.255 — “Professional and Ethical Compliance Code for Behavior Analysts”:
Adoption by reference; controlling provisions; revision. (NRS 641.100, 641.232)~~

- ~~—1.—The provisions which set forth the guidelines for conduct for behavior analysts which are contained in the most recent version of the “Professional and Ethical Compliance Code for Behavior Analysts” provided by the Behavior Analyst Certification Board, Inc., or its successor organization, are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent version is not suitable for this State pursuant to subsection 2, and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, will control. A copy of the publication may be obtained free of charge from the Behavior Analyst Certification Board, Inc., at the Internet address <http://baacb.com/ethics-code/>.~~
- ~~—2.—If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing to all licensed behavior analysts and licensed assistant behavior analysts. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference in subsection 1.]~~

B. Code provision removals that will reflect the reality of NBOPE’s operations.

NAC Chapter 641 includes a regulation regarding the registration of firms, partnerships, and corporation with the Board (NAC 641.1505), and includes in its fees regulation an accompanying registration fee (NAC 641.019). The Board, however, has chosen not to register firms, partnerships, and corporations, rendering NAC 641.1505 unnecessary. For that reason, it is a regulation NBOPE identifies for removal, as follows:

~~[NAC 641.1505 — Registration; notification of certain changes; exemption from requirements. (NRS 641.100, 641.113)~~

- ~~—1.—Except as otherwise provided in subsection 3, a firm, partnership or corporation that engages in or offers to engage in the practice of psychology must register with the Board and pay the fee for registration before it commences to engage in or offer to engage in the practice of psychology.~~

~~—2.— A firm, partnership or corporation shall notify the Board of any change in ownership or of the addition or departure of any psychologist associated with the firm, partnership or corporation within 30 days after the change. The firm, partnership or corporation must complete a new registration for any change in ownership.~~

~~—3.— The following entities are exempt from the requirements of this section:~~

~~—(a) A federal, state or local governmental agency or institution;~~

~~—(b) A firm or corporation that bears the name of a psychologist who is the only person practicing under the name of the firm or corporation;~~

~~—(c) A firm, partnership or corporation that is formed for the sole purpose of sharing administrative expenses, including, without limitation, rent, services for billing patients and clerical support, if:~~

~~—(1) The place of business of the firm, partnership or corporation is not identified by the name of the firm, partnership or corporation;~~

~~—(2) Records of patients, correspondence concerning patients and materials for billing patients do not display the name of the firm, partnership or corporation;~~

~~—(3) The name of the firm, partnership or corporation is not used in any advertising by the firm, partnership or corporation;~~

~~—(4) The firm, partnership or corporation does not hold a business license issued by a county, city or town to engage in the practice of psychology; and~~

~~—(5) Professional liability insurance is not held in the name of the firm, partnership or corporation.]~~

**** It should be noted, however, that NAC 641.1505 cannot be removed until NBOPE seeks to repeal NRS 641.2265, which:**

- *requires* a business entity that engages in the practice of psychology to register with the Board,
- *requires* the Board to adopt a regulation for business entity registration, and
- *makes it a misdemeanor* for psychological practice business entities to violate the requirement that they register with the Board.

NBOPE intends to address NRS 641.2265 in a future Legislative session, after which NAC 641.1505 can be removed. When that occurs, the following provision of NAC 641.090, which governs the Board’s fees and is cited in its entirety in Section 1(A) above, should be removed as well:

NAC 641.019 Fees. (NRS 641.100, 641.110, 641.228)

1. The Board will charge and collect the following fees:

...

~~For the registration of a firm, partnership or corporation..... 300~~

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Section 3: Public Hearing on NBOPE's Recommended Changes.

As noted above, NBOPE previously noticed a public workshop during its July 9, 2021, Board meeting to address the same NAC Chapter 641 provisions identified above regarding its regulations that include reference to or govern Behavior Analysts and Assistant Behavior Analysts. The Legislature, however, prevented NBOPE from being able to make those changes, resulting in NAC Chapter 641 continuing to include reference to Behavior Analysts and Assistant Behavior Analysts despite that NBOPE no longer governs or regulates that profession. After the Governor issued Executive Order 2023-003 and prior to the May 1, 2023, deadline to submit its response, NBOPE had a turnover in its staff, *the entirety of which is comprised of one (1) person*. Specifically, NBOPE's previous executive director retired and was replaced by a new executive director. Between beginning and learning her role as NBOPE's only staff member (who has administrative and other responsibility for all of NBOPE's operations) in the midst of following the 2023 Legislative Session and responding to the Executive Orders issued by Nevada's new Governor⁵, and in light of the confusion that came with NBOPE's previous efforts to revise/repeal the NAC provisions identified in this report, another workshop and a required public hearing will not have been conducted prior to the May 1, 2023, due date for this Report. While NBOPE reviewed and considered its substantive response to Executive Order 2023-003 during its March 10, 2023, and April 7, 2023, public meetings, its workshop to again consider revising/repealing the above-referenced NAC provisions is currently noticed and scheduled to occur during NBOPE's May 12, 2023, meeting. NBOPE intends to then hold its public hearing on the revision/repeal of those NAC provisions during its currently-scheduled June 2, 2023, meeting. As a result, NBOPE will supplement this Report with the information from that hearing as required by Executive Order 2023-003, and respectfully requests that it be given that additional time in which to fully comply with Executive Order 2023-003.

*** END OF REPORT ***

⁵ NBOPE was also required to, and did, respond to Executive Order 2023-004, which was due on or before April 1, 2023.

**PUBLIC NOTICE OF A MEETING FOR
STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES**

April 7, 2023

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

The meeting of the Nevada State Board of Psychological Examiners was called to order by President Whitney Owens, PsyD, at 8:02 a.m. online via “zoom” and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste B-116, Reno, Nevada 89502.

Roll Call: Board President Whitney Owens, Psy.D., and members Monique Abarca, LCSW, Lorraine Benuto, Ph.D., Soseh Esmaeili, Ph.D., and Catherine Pearson, Ph.D. were present at roll call. Secretary/Treasurer, Stephanie Woodard, Psy.D., and member Stephanie Holland were absent. Despite the two member absences at roll call, there was a quorum of the Board members.

Also present were Deputy Attorney General (DAG) Harry Ward, Board Investigator Dr. Gary Lenkeit, and Executive Director Laura Arnold.

Members of the public present were Dr. Thomas (UNR counseling services director of training), Dr. Yvonne Fritz (Mojave Meadows Psychological Services in Henderson, Nevada) and Dr. Tara Borsh (Nevada Psychological Association).

2. Public Comment.

There was no public comment at this time.

3. Minutes

**A. (For Possible Action) Discussion and Possible Approval of the
Minutes of the Regular Meeting of the State of Nevada Board of
Psychological Examiners on March 10, 2023.**

There were no comments or changes suggested for the minutes of the March 10, 2023, meeting.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on March 10, 2023. Member Catherine Pearson

approved the minutes as to form, not content. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

4. Financials

A. (For Possible Action) Discussion and Possible Action to Approve Recommended Changes to the Fiscal Year 2023 Budget.

Director Arnold had no changes to the amended budget as it was reviewed and approved in February. Going forward she will be focusing on the Fiscal Year 23 budget and actual expenditures as they relate to preparing the Fiscal Year 24 budget, and expects to have something to present at the May meeting. Showing the spreadsheet that was brought forward in June 2022 approving the FY 23 budget, she said the only changes in the condensed spreadsheet being the actual revenue and expenditures over the past month.

B. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2023 (July 1, 2022, through June 30, 2023).

Director Arnold stated that the checking account balance as of March 31, 2023, was just over \$419,000, and that the Board is still operating on \$171,000 of the deferred revenue that the previous executive director discussed in February's meeting. She said nothing has changed regarding the next expected allocations for the next biennium quarters. Director Arnold also said that the savings account balance is just over \$105,000, and that there have been no unforeseen expenses, almost all line item expenditures being under budget and at this point, being three fourths of the way through this fiscal year, revenues are at 106% and the total expenditures are 73%.

Chair Owens reminded the Board members and the public that we are in the first quarter after renewals, when it has its highest amount of money and then the Board spends it down through the year and through the biennium. She explained that the Board gets flush again with renewals, and said If it looks like the Board has a lot of money, it does because it is at the beginning of the biennium cycle.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2023. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

5. Legislative Update

A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, the 2023 Session of the Nevada Legislature, and any position the Board may take on Bills and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.

In going through the table of bills that the Board is following, Chair Owens stated that:

- AB37, for which the Board wrote a letter of support, passed through the assembly to the Senate.
- The Board continues to monitor AB198, which is the bill that would allow for the unified telehealth act. She explained that states not in PsyPact would be able to register through the unified telehealth act and provide telehealth in Nevada, and that the Board was concerned about establishing education and training equivalency, especially given that California applicants often get routed to our ATEAM for equivalency determination.
- SB150, which Senator Buck wrote, provides for provisionally licensed Psychological Trainees, Psychological Interns, and Psychological Assistants. Chair Owens noted that the Board does not necessarily have any concerns about it, as provisional licensure would allow for billing commercial insurance and not just Medicaid, but that the Board sought to clean up some of the language because it would have created overly restrictive measures, particularly for Psychological Trainees. She also noted that the bill has not been heard, and probably will not be heard.
- AB236 is the Board's bill. It passed unanimously in the Assembly, and is waiting to go to the Senate be heard.

Dr. Lenkeit asked about AB219, which he understood had been discussed in the last meeting. He queried about the motivation for that bill, as it seems to be a solution in search of a problem. Dr. Owens said it looks like it was heard in the Assembly, but did not know if they took a vote. She also noted that there were a lot of concerns about the bill, and asked the executive director to share the concerns from the board collective.

Director Arnold stated that a basis for the portion of the bill about which there was concern was the public's ability to access members of boards and commissions. She said there was a lot of opposition to the bill, and some of the concern about the bill's

requirements was that the public already has access to board and commission members, and that it would discourage people who are unable to physically get to meetings from participating on boards and commissions. There was also concern that the physical attendance requirement was disjointed from where in the legislation this bill seeks to be and the problems it would create.

Dr. Lenkeit noted that, in terms of access, the requirements in this bill would seem to decrease that in rural areas – i.e., they would have to drive to Vegas or Reno for a meeting to access the members rather than participate in a Zoom call. Director Arnold said there was discussion around that in the meeting, that there were written materials that were submitted in opposition to the bill, and that the hearing can be viewed on the NELIS site.

DAG Ward said that some of his boards felt that if they had to meet in person 25% of the time, they were going to meet less often and have longer meetings because they are going to have to make sure their travel budget is in order.

President Owens stated that, at this point, it is unclear where the bill is, and there is enough opposition to it that they might be re-writing particular pieces. She said she can understand there being something about facing your accusers in person, so to speak, but that requiring Board members to be in the same place at the same time is cumbersome and not efficient. She explained that the Board used to have a model where people could come in person both in the north and the south, but it would be a location in the north and one location in the south, and it required one board member to be in each location and then people could travel. She thought going back to a model like that where people could join virtually would make more sense.

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.

President Owens gave another update on AB 236, stating that she and the executive director met with the Department of Human Resource Management a few weeks ago, and that they are already working on title changes for those who are labeled Psychologist I, Psychologist II, Psychologist III. She hoped the Board would get an update from them in the next month or so on what those title changes look like and scope of practice, and said the Board will be able to be active in that process, as they have been very cooperative.

6. Board Needs and Operations

A. Report from the Nevada Psychological Association

Dr. Tara Borsh gave an update from the Nevada Psychological Association. She stated that May 5th is NPA's 35th annual conference and business meeting that it will be an in-person and provide 6 continuing education credits, the programs being Clinical Considerations with Transgender and Nonbinary Youth and a few other topics. She said there will be a few presenters that day. Dr. Borsh added that on April 19th, there is a continuing education webinar Assessment and Treatment Considerations for Youth with Atypical Anorexia, and on April 28th, there is another continuing education webinar on Use of Attachment Based Family Therapy for Adolescents Struggling with Depression and Suicidal Thoughts. She said the NPA encourages everyone to come to the annual conference.

B. Report from the Executive Director on Board Officer Operations

Director Arnold highlighted the spreadsheet that is used from month to month for everything that the Board office tracks and noted that those items remain steady. She said there is not too much to report, and that everything the Board office receives gets processed quickly and put into the system so that tracking remains fluid and current.

On a different topic, Director Arnold said it was her understanding that Board member elections are slated for June, so it is a good time for the Board's members to be thinking about positions as they relate to investment of time and effort the members willing to put in.

President Owens stated she wanted everyone to be thinking about the positions the members want or are interested in. She said that, if the Board will have her, she is willing to continue as president for her last year on the Board, but that she wants someone to be shadowing that position so that there is a fluid transition when she rotates off the board next June. President Owens asked everyone to be thinking about that and considering that, and that the shadowing process would mean an extra meeting or two per month with her and the executive director.

Dr. Benuto asked about President Owens' level of commitment, which seems really high, and wondered what that looks like on a week-to-week basis. President Owens explained that she and the executive director meet weekly, just as she did, with a few exceptions, with the prior executive director. Dr. Owens said her hope would be that as the new executive director continues to get more knowledgeable and settled in her role as executive director, those meetings can be shifted to every other week so that the executive director can have more autonomy, but that the weekly meetings are very helpful, especially during the legislative session. Outside of that, Dr. Owens said she

puts in about an hour to 2 hours per week of reviewing materials, but that it feels like more during the legislative session.

7. (For Possible Action) Discussion and Possible Action to approve the employment agreement of Laura M. Arnold.

DAG Ward stated that some boards use an employment contract and some do not, and that he got this contract from the Attorney General's office's form bank and used it as boilerplate, so it is up to the Board if they want to go ahead with it. He said the good thing about this Board is that it has internal policies in terms of review of the executive director's pay, etc., and that many of his other boards do not have that. He added that it is very good that this Board has those policies and he can refer to them in this agreement.

On motion by Soseh Esmaili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the Employment Agreement of Laura M. Arnold. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaili, and Catherine Pearson.) Motion Carried: 5-0.

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

A. Complaint #19-0626

Discussion of this case was included in the discussion regarding Agenda Item 8-B, Complaint # 19-0709.

B. Complaint #19-0709 – **(For Possible Action) Discussion and Possible Action to Approve Settlement Agreement**

DAG Ward started with Agenda items 8-A and 8-B. He explained that they are similar, and that he is trying to resolve 8-A. He said he hoped that with the resolution of and approval of 8-B, 8-A will come along. Mr. Ward said he spoke with Dr. Lenkeit, Dr. Young, and the executive director in reference to the other complaints, and that there would be updates on those as well. Mr. Ward highlighted Item 8-B, complaint No. 19-0709 for possible action, and asked the Board, as an action item, to approve the settlement agreement in that matter.

President Owens asked if the Board members had a chance to review the settlement agreement in that case and if they had any questions for Mr. Ward. Mr. Ward stated

that in settlements like this, he gets a lot of input from the investigators, as they are in a good position to give recommendations for, i.e., continuing education or examples of what they believe would help the licensee in the future, and thanked the investigators for their input in trying to resolve the case.

President Owens asked Mr. Ward to provide a backdrop on settlement agreements and how the Board comes to them.

DAG Ward stated that the process starts when the Board office receives a complaint from a member of the public or a licensee. He explained that the complaint is given a number based on the year and the date the complaint is received. The Board's executive director then allocates the complaint to one of the investigators, who does a background contact with the complainant and lets the licensee know that a complaint has been filed and gets feedback. Mr. Ward said that sometimes the licensee gets an attorney, noting that many licensees have an errors and omissions insurance rider and will get an attorney involved, which can be good or bad. He said it can be bad when attorneys are in a large firm and know the licensee has \$25,000-\$50,000 to spend through the errors and omissions policy and will fight it tooth and nail and aggressively. The attorneys know the insurance company will pay and the licensee feels comfortable that nothing is coming out of his or her pocket – the licensee having paid for malpractice insurance for many years and finally gets to use it. Mr. Ward went on to explain that the complaint goes out to the licensee who is asked to provide a response, after which he and the investigator meet and make a decision on where they want to go with it. In so doing, they discuss possible recommendations for settlement and ideas on how to resolve it. He said once he has that information and reviews the investigator's report, he contacts the licensee and/or attorney. If it is a settlement agreement, Mr. Ward drafts and offers the settlement agreement, it is signed, and it goes before the Board for approval. The licensee knows that it has to be done in an open meeting. If it is not settled, the complaint goes to a hearing.

The meeting was disrupted by a member of the public, and President Owens said it looked like the meeting got Zoom-bombed.

President Owens moved on to ask if there were questions about or concerns with the content of the settlement agreement.

On motion by Lorraine Benuto, Second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Settlement Agreement in Case # 19-0709. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

At the end of the discussion on Agenda Item 8-E (Complaint # 22-0930), Board Investigator Dr. Young inquired with DAG Ward on Agenda Item 8-B, Complaint # 19-0709, asking if it was written into the consent decree that the respondent would work out the arrangements with her as to what class to take or what mentoring to do. She asked whether the respondent would contact her or if she should contact him. DAG Ward said either/or, and the only time it would be a problem is if the respondent has an attorney involved and she would have to go through the attorney. Mr. Ward explained that if he gets involved, he has to bill for it, and he is trying to be conservative in reference to knowing what he has to do without spending a lot of billed time doing it. Because Dr. Young will approve of the continuing education course or whatever he is going to do, Mr. Ward recommended she get in touch with the respondent. Dr. Young said she is happy to do it, and will get the respondent's contact information from the executive director.

C. Complaint #21-0726

[This item was discussed out of order, after Agenda Item 8-E]

Prior to providing her report on Complaint # 21-0726, Board Investigator Dr. Young stated that she had submitted her written report, but that she wanted to amend it to say her determination is pending her receipt of the response from the third psychologist, whose response has not yet been received, because she does not want this to come back month after month. She confirmed that was appropriate.

Board Investigator Dr. Young provided her report on Agenda Item 8-C, Complaint # 21-0726, as follows:

The situation was initially submitted in 2021 for a situation that has been going on since at least 2019. The complainant is a father who was engaged in a high conflict custody case in Family Court. It moved as far as it did because he repeatedly wrote and called the Board Office after submitting the complaint, and was very distressed and claiming that the three psychologists involved in this case violated ethics codes and Nevada Statutes. In the initial complaint, he complained about a number of perceived events he experienced in this process, and submitted to the Board what he considered evidence that his child was abused by her mother and the mother's boyfriend. While upset with everyone involved in his custody case (and there are concerns about the safety of the people involved), he was unable to identify any specific behaviors or acts that any of those professionals engaged in that would meet the criteria for legal or ethical violations. He thinks no one turned their evidence into Child Protective

Services, but they were and there were no findings regarding the people he accused of the abuse.

When the Board asked him to clarify exactly what these individuals had done that were illegal or unethical, he again wrote back to the Board with a list of stated run-on ethics and statutory violations, some of which were contrived and did not really exist, but could not identify actual behavior that anyone did or did not do that met the criteria for legal and ethical violations.

The psychologists were asked to respond to the materials provided by the complainant, which was a difficult task because he was unable to identify what they had done that was wrong or illegal. Their reports describe a pattern of behavior consistent with the behavior exhibited by the complainant in his writings and interactions with the Board Executive Director.

There is no evidence to support the allegations of violations of statutes or ethics codes. She understands people get upset in these situations and feel like they have been wronged or harmed, but he was given repeated opportunities to identify wrong-doing and was unable to do so. And none of it was supported by the information provided.

She recommended dismissal pending receipt and review of the response from the third psychologist because the complaint is unsubstantiated.

President Owens asked Dr. Young if it is put plainly, it sounds like the complainant does not have any substantiated claims, that there is no evidence to show any ethical or legal wrongdoing on the part of the psychologists. Dr. Young confirmed.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners dismissed Complaint # 21-0726 pending the Receipt of the Statement from the Third Psychologist. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

D. Complaint #22-0804

There was no discussion on Agenda Item 8-D.

E. Complaint #22-0930

Board investigator Dr. Lenkeit provided his report on Agenda Item 8-E, Complaint # 22-0930, as follows:

The Allegations: The Complainants are a couple involved in a relationship who sought relationship therapy with the psychologist beginning in November 2019. They indicated that the psychologist recommended Gottman therapy and EMDR for couples. The initial Complainant indicated that he was concerned that the psychologist was doing EMDR with his significant other. He indicated that he found EMDR to be "disturbing, painful, and damaging," indicating that the psychologist attempted to "insert memories that never happened." He indicated that the psychologist was informally trained in EMDR by her father and had limited experience with adults. According to the first Complainant, joint counseling lasted until March 2020 and he found it to be ineffective and "humiliating." However, he then entered individual therapy with the psychologist. On May 20, 2022, he asked his significant other to become involved in his counseling session with the psychologist and she came to this session with him. The psychologist asked why his significant other attended the session. At some point during the session, the first Complainant indicated that the psychologist stood up and screamed at his significant other and told her to leave the session, scaring her.

The first Complainant's significant other indicated that joint counseling began in November 2019 and ended in October 2021 with a negative outcome. She reported that in November 2021, the initial Complainant began individual counseling with the psychologist. The second Complainant indicated that on March 22nd, 2022, the first complainant asked the psychologist to talk to her on the phone. She indicated that the psychologist escalated the conflict between her and the first Complainant and "raged" at her. She reported that on May 20, 2022, the first Complainant invited her to his session with the psychologist. The second Complainant reported that the psychologist repeatedly told her that she was incompetent and told her that she had destroyed the relationship between the Complainants. The second Complainant accused the psychologist of abusing both herself and the first Complainant and had done harm to them through her actions.

The Response: The Respondent indicated that the allegations are untrue and exaggerated. She indicated that she allowed the second Complainant to attend the session in question though her attendance was unexplained and she indicated that the first Complainant was her primary patient at that point. The Respondent indicated that the second Complainant became upset when the psychologist said she was ruining the relationship. The psychologist indicated she regretted making this statement, reporting she had done so after the second Complainant "became harshly critical in session and could not take direction." She indicated the second Complainant became upset and said she was going to leave the session but then did not do so. The Respondent indicated she then "firmly told her to leave."

The Respondent indicated she has received formal training in EMDR from Advanced Education Institute in California and in Gottman therapy to Level 3.

Case Analysis: The Complainants initially sought couples counseling. The sessions were later terminated with the first Complainant then becoming the patient of the psychologist. Such an arrangement constitutes multiple relationships between the psychologist and the Complainants. Specifically, the first Complainant became an individual client of the psychologist after being a client in couples counseling with the psychologist. The second Complainant became a collateral to the first Complainant's treatment following termination of couples counseling. The multiple relationships involved in this situation constitute a violation of the American Psychological Association Code of Ethics Guidelines 3.05 and 10.02. Guideline 10.02 specifically outlines the necessity for a psychologist to be very clear regarding their relationships with family members during any form of family treatment.

Regarding the psychologist's training in Gottman therapy and EMDR for couples, there are no specific guidelines established by any licensing entity for proficiency in these methodologies. Therefore, this Investigator cannot reach conclusions regarding the sufficiency of the psychologist's level of training. The psychologist confirmed that she received formal training in both methodologies. It appears that during one of multiple sessions, the psychologist placed responsibility for the demise of the relationship between the Complainants on the second Complainant. The Respondent indicated she regretted making this statement. Is this Investigator's opinion that this comment did not rise to a level to violate any ethical standards.

After consultation with Harry Ward, the Board's Deputy Attorney General, this Investigator informed the Respondent that a recommendation would be made to Board that the Respondent complete an additional course in Ethics, specifically dealing with dual relationships, or, in the alternative, participate in formal consultation with a psychologist who specializes in couples therapy, in order to resolve this matter. The Respondent indicated a willingness to comply with this recommendation if this is the decision of the Board.

Conclusion/Opinion: As the Respondent has violated Guidelines 3.05 and 10.02 of the American Psychological Association Code of Ethics, it is recommended that she either complete an additional 3 to 6 unit course in Ethics specifically focused on dual relationships, or participate in formal consultation with a psychologist who specializes in couple's therapy. As this is a primarily educative and remedial issue for the Respondent, it is recommended that this violation is not reported to the national board as a disciplinary issue.

DAG Ward stated this is a good example of the procedure in this case. He said that he and Dr. Lenkeit met and talked about this case, and because Dr. Lenkeit has a

recommendation, they will get in touch with the licensee and/or attorney and provide recommendations to resolve the case. If the licensee does not approve of the recommendation or consent to resolve the complaint, then it will go to a formal hearing. Mr. Ward noted that they were not seeking the Board's approval at this point because it would be premature. In order to seek the Board's approval, it would have to be in a consent agreement brought before the Board, as in Agenda item 8-B. He said he hopes it will resolve as in Agenda Item 8-B with consent agreement.

President Owens asked if the Board needs to take a vote, to which DAG Ward said the Board does not get involved at this point. He explained that this was just an update, and that they are hoping to bring a consent agreement, as the licensee appears to be accepting the recommendations. If the licensee backs out, however, then the Board will put it on for a hearing on the matter.

Dr. Lenkeit added to what Mr. Ward said by seeking feedback from the Board. He said there are two possible settlements, and if any Board members strongly opposes one or the other, he wants to know that before they write it up for settlement.

DAG Ward explained that because they want the licensee to be educated in what he or she did wrong and make sure it does not happen again, they can get creative. For instance, instead of requiring the licensee to take a certain continuing education class on, i.e., dual relationships and there is no such course, they may recommend some sort of supervised on the job training. Something that is equivalent. He said that they are not asking the board to make that decision at this point, but those are two options that might be included in a consent decree. Because it is on the agenda, however, the issue can be brought for the Board's discussion regarding whether resolution should always require continuing education units or if resolution options can be at the discretion of the investigator and counsel.

President Owens asked if there were any concerns about the supervised practice or continuing education, or if anyone had additional recommendations for remediation. She said both recommendations make sense to her and that she did not have any additional potential ideas to add.

Board investigator Dr. Young circled back to Agenda Item 8-B, Complaint # 19-0709, as an example of a case in which they needed to get creative. She said the violation was something that was so simple that there is not really a continuing education course about it.

F. Complaint #23-0303

There was no discussion on Agenda Item 8-F.

G. Complaint #23-0315

There was no discussion on Agenda Item 8-G.

President Owens applauded DAG Ward, the Board investigators, and the executive director for moving some of the complaints forward and shortening the list. She said she is heartened by that.

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. Note: Applicant names are listed on the agenda to allow the Board to discuss applicants when necessary to move the applicant through the licensure process. The listing of an applicant's name on the agenda indicates only that an application for licensure/registration has been received. It does not mean that the application has been approved or that the applicant must appear at the meeting in order for the applicant's application to move forward through the licensure process. If an applicant needs to attend the meeting for the Board to take action, the applicant will be notified in writing prior to the meeting. Please, direct questions or comments regarding licensure applications to the Board office.

President identified the following applicants as recommended for approval of licensure contingent upon completion of licensure requirements: Melissa Stolsig, Colleen Character, Kelly Thomas, Adrienne DiFabio, Lindsay Wray, Quintin Bailey, and George Lazo.

On motion by Catherine Pearson, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the following applicants for approval of licensure contingent upon the completion of licensure requirements: Melissa Stolsig, Colleen Character, Kelly Thomas, Adrienne DiFabio, Lindsay Wray, Quintin Bailey, and George Lazo. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

10. (For Possible Action) Discussion and Possible Action to Approve the Application of Dr. Krystal Smith to take the EPPP-2 a fourth time.

President Owens stated that Dr. Krystal Smith has applied to take the EPPP-2 a fourth time. She said that according to her application, Dr. Smith passed the EPPP-1 in July 2022, and the Nevada State Exam in January 2023. However, Dr. Smith took and did not pass the EPPP-2 in September 2022, October 2022, and February 2023, although all three scores were close to the passing score.

Dr. Owens highlighted Dr. Smith's outlined study schedule, her explanation about how she intends to re-approach the exam based on where she scored lowest in her prior attempts, and that she notes the lack of information or programs available to assist in studying for the EPPP-2. Dr. Owens said that Dr. Smith requests any information regarding resources that can help her pass the EPPP-2.

President Owens stated that if they look at Dr. Smith's study plan, it looks like she plans to continue to study one hour per day during the week and two hours a day on the weekends, continues to read about ethics, intervention, assessment and coaching, and reads relevant research articles and breaks down key points as it relates to the scientific orientation to practice. Dr. Owens confirmed Dr. Smith's statement that there are currently no practice tests for the EPPP-2. Dr. Benuto asked what the passing score is for the EPPP-2, to which Dr. Owens answered 500, and Dr. Benuto noted that Dr. Smith is close to that score.

Dr. Owens said she recommended that the Board connect her with psychologists who have taken the test as it might be a helpful resource as to what they did to prepare for the test. She noted that Dr. Smith is certainly putting in the time and that there are currently no study guides. Dr. Smith's application identifies the areas with which she needs more contact and study.

Dr. Owens said that she is OK to approve the application for Dr. Smith to take the EPPP-2 a fourth time, and wants to make sure she is contacting others who have recently passed it.

DAG Ward stated that is permissible.

President Owens asked the executive director to tell Dr. Smith that the Board approved her request and that it recommends she reach out to others who have taken the test. If she does not know anyone, the Board can ask others who have passed if they would be willing to talk to Dr. Smith.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the application of Dr. Krystal Smith to take the EPPP-2 for a Fourth Time. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

11. (For Possible Action) Discussion and Possible Action to Approve the Application for Reactivation of License by Dr. Michael Unger, PY0853.

Director Arnold stated that Dr. Michael Unger has applied for reactivation of his license. She said that according to his application and the Board's database, Dr. Unger's license was issued in 2018, and became expired January 1, 2021, after apparent non-renewal. She noted from Dr. Unger's application that he is currently also licensed in Washington (effective January 2023, currently active), Oregon (Effective March 2020, currently active), and North Carolina (effective January 2018, currently inactive), and that those have been verified through the states' respective psychological boards.

Director Arnold explained that upon reviewing the continuing education credits Dr. Unger submitted with his application, she noticed a minor discrepancy was noted on his continuing education attendance record. On the second page of the CE attendance record (page 5 of 6 of the application), Dr. Unger identified a total of 15 live CE credits. However, the total count in the itemized list and the accompanying CE certificates was 14 live CE credits. As a result, the executive director said she wrote to Dr. Unger and inquired about whether he inadvertently omitted one of his live CE credits. Dr. Unger responded with:

- an additional live CE certificate and credit that had been omitted from his application; and
- additional information that, if approved, he will be seeking credentialing with an insurance provider in Nevada so that he can serve a more diverse clientele.

President Owens stated that his application shows that Dr. Unger has taken all of the required courses for reactivation.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the application of Dr. Michael Unger, PY0853, for the Reinstatement of his license. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

12. (For Possible Action) Discussion and Possible Action on Master's Level Licensure Update.

In giving the Board an update, President Owens said she serves on a preliminary committee for the ASPPB, which is the task force working on master's level licensure model language, and that there is a subcommittee of the preliminary committee that is working on drafting language for licensure of master's level applicants. According to Dr. Owens, it is looking like the current trend is working on different kinds of licensure for master's level applicants. She said they have not yet come up with the title, as they are working on the scope, but the tracks would include a therapy track, an assessment track, and a school track. Dr. Owens was not sure that the school track would work for Nevada, but the therapy track and the assessment track would each include 3,000 hours of post-graduation supervised experience. For instance, if someone went through an APA accredited master's program and focused on assessment, he or she would be able to do their 3,000 hours of internship in assessment and then be independently licensed to practice after that in that particular modality. The same would go for the therapy track. If someone concentrated on therapy, they would do 3,000 post-graduation supervised experience and then be able to practice independently in therapy. With that update on the conversation that is currently happening, Dr. Owens said she is happy to continue to provide updates. She explained that their goal is to align as closely as they can once they adopt master's level licensure with ASPPB's recommendations, and thinks that would help with portability and mobility in the future and probably provide ease of access for moving from state to state.

Member of the public Jodi Thomas asked if what Dr. Owens is saying is that the ASPPB will be improving master's level clinicians to do the same kind of assessments as psychologists. Dr. Owens said no, there would be a limitation in terms of assessment. She explained that they are still looking at how to define that and what the limited scope would be in terms of assessment. She went on to explain that what is being figured out right now is limiting neuropsychological testing and other kinds of assessment, but that is yet to be determined.

Dr. Young asked if this is being done in concert with APA Committees, to which Dr. Owens answered yes. Dr. Young stated that APA is having this push to accredit master's level training programs and then in turn what the committee Dr. Owens is on is working to determine how to license them. Dr. Owens said that is exactly right. She reiterated that none of the language is fully written or formed yet, but that she just wanted to give an update on where they are in the process. She said if anyone has any glaring concerns, she can take that back to the committee, but the direction it is going is ensuring competency and specificity in what those at the master's level can do so that they can increase workforce and also protect the public. Dr. Owens clarified that it

is not dulling down the practice of psychology, but rather creating additional pathways for people to practice.

13. (For Possible Action) Discussion and Possible Action on the April 5, 2023, meeting of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

Dr. Owens stated that the ad hoc committee to consider the registration of supervisors met this week and did an overview of what the committee is looking at and orienting the committee as to what the Board is looking at terms of registration of supervisors and cleaning up rules and regulations around supervision. At this point, she had nothing too exciting to report, and noted the committee will meet again in a month. She said the committee has homework to do in terms of looking at our current regulations, looking at the suggestions, and looking at some of the model language that the ASPPB has created around supervision. She hoped that next time the committee will be able to dig in and do a little more work on suggestions around how to streamline some of the supervision language.

When asked if she had anything to add, Dr. Benuto stated that the meeting went well and that the committee would have success in accomplishing its task. Dr. Owens agreed, and stated that everyone is looking forward to the challenge and creating meaningful and clear language to make things easier.

14. (For Possible Action) Discussion and Possible Action to Adopt the Policy on Finance: Budgeting.

President Owens moved this item to the May meeting, when Dr. Woodard returns and can review that with the Board.

15. (For Possible Action) Discussion and Possible Action on Governor Lombardo's Executive Orders:

Director Arnold stated that the Board has 2 executive orders to which it is responding.

A. 2023-003 Requiring the Board's Comprehensive Review of its Regulations, due May 1, 2023.

Director Arnold explained that the first Executive Order is Executive Order 2023-003, which requires the Board's comprehensive review of its regulations, and that is due May 1, 2023. The Governor's office has required each executive branch department, agency, board, and commission undertake a comprehensive review of its regulations and provide a report to his office by May 1, 2023, that details how those regulations can be streamlined, clarified, reduced or otherwise improved to ensure that they provide for the general welfare of the State without unnecessarily inhibiting economic growth. She and President Owens prepared a draft report in response to the Executive Order, and have completed the template the Governor's office provided that needs to accompany the report. The report and completed template will be submitted to the Governor's office by the May 1, 2023, deadline. That will be before the next meeting, so we have submitted that report for this meeting for approval so that we can get it submitted.

President Owens paused the meeting for 10 minutes to allow the Board members to review the report in response to Executive Order 2023-003.

President Owens gave an overview of the Board's proposed response to Executive Order 2023-003. She said she and the executive director went through the Board's regulations. She stated that the Board is pretty lean – or as lean as it can be – on its regulations. What she and the executive director sought to do was to pull regulations out that create confusion and lack of clarity for psychologists and the public. Dr. Owens said that, as it stands, we still have all of the regulations in our chapter for Behavior Analysts, which were taken off of our Board in 2019. She explained that it creates a lot of additional and cumbersome language in our NRS and NAC that creates confusion for both Behavior Analysts and the public, and makes it more difficult for those seeking licensure in Nevada to get through the Board's regulations and understand them thoroughly due to the extra cumbersome language. As a result, the report identified those provisions for removal to make it more clear.

President Owens also stated that the Board still has in its regulations a provision for registering corporations and businesses with our Board, but that it is something the Board does not do or has ever done. She said that the Board has had conversations about what that would look like and if there would be any benefit or additional protection of the public by doing that, but that it was never conclusive that it would provide any additional protection for the public. She also said that because there are other governing bodies that can restrict businesses or business licenses if someone is providing bad business, the Board decided that the regulation requiring business registration with the Board was one to recommend to the Governor for removal.

President further stated that the Board added language about how it is currently in the process of streamlining its regulations around supervision. She explained that the

Board is taking that on, and it is not that the Board wants to eliminate the supervision provisions, but they want to make them more readable, user friendly, and more meaningful to the practice of supervision.

DAG Ward stated that he has other boards that are also doing same thing. In regards to their recommendations to the Governor, he said they are going to have public hearings for the removal of regulation. Mr. Ward explained that it is opposite to a regulation, so the Board would have to have a hearing with 30 days' notice to the public that the Board is going to eliminate regulations. Sometimes that is premature because the Governor may say no to accepting certain removals. Mr. Ward said it is something to think about for the future.

Dr. Owens asked if there were any comments, questions, concerns about what the executive director has drafted. She said for the record that the executive director did an excellent job of drafting the Board's response. It is very clean, thorough, and readable, and Dr. Owens appreciated her tremendous work. She noted that it is not easy to come into a new job and two months later write a 25-page executive order response. She told the executive director that the Board is exceptionally appreciative.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved for submission on or before May 1, 2023, the Draft Report to the Governor as required by Executive Order 2023-003 that Identifies the Regulations and References in the Regulations that Concern Behavior Analysts for Removal, and to Streamline the Regulations Regarding Supervision. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

B. 2023-004 Requiring Nevada the Board's report to the Office of the Governor and the Director of the Legislative Counsel Bureau detailing all regulations that restrict entry into the profession the Board regulates, due April 1, 2023.

Director Arnold stated that we had a second Executive Order that was directed to the Board and other occupational professional licensing boards. She said the Governor's office has also required that the Board provide to him and the Director of the Legislative Counsel Bureau a report that details regulations that restrict entry into any occupation or profession, in the Board's case, the profession of Psychology. That report was due April 1, 2023. Director Arnold explained that she and President Owens prepared the required report and completed the Excel spreadsheet template that the Governor's office provided to accompany the report. The report was addressed in the Board's last meeting and the Board gave approval for the report and anything we needed to submit

because it was due April 1, 2023. She and Dr. Owens have submitted that report. Both the report and the template were submitted via email and U.S. Mail to the Governor's office and the Director of the Legislative Counsel Bureau on March 30, 2023. Director Arnold said she received confirmation from both that they received the submissions to them. The report and template are now before the Board for approval as submitted, or for approved revisions that can be incorporated into the report for submission as a supplement to what was originally submitted.

President Owens added that Executive Order 2023-004 wanted the Board to identify the regulations that restrict access to licensure in Nevada. She noted that toward the end of the report is information and discussion around reciprocity and how the Board is addressing that in the State via PsyPact and endorsement. Dr. Owens said that the executive director did a nice job of including the PsyPact map to show participation across the country, and that the consensus of the mental health boards in Nevada is that the Board is doing a good job given the avenues that we have. She explained that even though the report has been submitted, the Board can make revisions if there are any concerns with the document. Dr. Pearson stated that she was comfortable moving forward with a motion to approve the report.

On motion by Monique Abarca, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the report and Excel Spreadsheet Template that Details the Board's Regulations that Restrict Entry into the Profession the Board Regulates as Required by Executive Order 2023-004, and that the Board Submitted to the Governor and the Director of the Legislative Counsel Bureau on March 30, 2023. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

President Owens thanked the executive director for her work on that report. She said even though it is only a six page document, there is a lot in that document to show the amazing work our Board has done to help increase mobility and reciprocity with other states.

16. (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, May 12, 2023, at 8:00 a.m.

President Owens stated that the next meeting of the Board is scheduled for May 12, 2023, at 8:00 a.m. Dr. Pearson stated that she would not be available on that date. No one else stated they would be unavailable.

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

There were no requests for future meeting agenda items.

18. Public Comment - Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in his sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

There was no public comment at this time.

19. (For Possible Action) Adjournment.

There being no further business before the Board, President Owens adjourned the meeting was adjourned at 9:31 a.m.

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

5A. (For Possible Action) Discussion and Possible Action to Approve Recommended Changes to the Fiscal Year 2023 Budget

SUMMARY:

There are no changes to the budget as it was reviewed and approved in February 2023. As of the end of April, the Board continues to outpace the budgeted revenue, and generally remain on par or below the budgeted expenditures. The focus going forward is the proposed budget for FY24, which will be addressed in Agenda Item 5c.

**NV State Board of Psychological Examiners
Budget - Fiscal Year 2023**

4/30/23

		FY23 Budgeted Amount	Actual	% actual to budget	FY23 Q1 Budgeted	FY23 Q2 Budgeted	FY24 Q3 Budgeted	FY24 Q4 Budgeted
					7/1 - 12/31/22	1/1 - 6/30/23	7/1 - 12/31/23	1/1 - 6/30/24
INCOME								
2600	Deferred Revenue - 7/1/22	83,480.15	170,959.93		83,480.00			
	Deferred Revenue - 1/1/23	83,000.00				83,000.00		
40100	Psychologist Application	7,500.00	9,555.61	127.41%	4,000.00	3,500.00	4,000.00	3,500.00
40101	PA Application	3,500.00	3,999.32	114.27%	2,000.00	1,500.00	2,000.00	1,500.00
40102	Intern Application	1,250.00	925.50	74.04%	625.00	625.00	625.00	625.00
40103	Trainee Application	1,250.00	2,430.60	194.45%	625.00	625.00	625.00	625.00
4020	Psych Biennial (licenses, registrations)	7,500.00	8,399.78	112.00%	5,000.00	2,500.00	95,000.00	95,000.00
40203	Reinstatement of Psych	500.00	1,387.58	277.52%	250.00	250.00	250.00	250.00
4050	Late Fees	0.00	3,600.00	0.00%	0.00	0.00	0.00	0.00
4025, 40251, 40252	New License	1,000.00	1,268.10	126.81%	500.00	500.00	750.00	750.00
4030	Non-Resident Consultant	1,000.00	902.95	90.30%	500.00	500.00	500.00	500.00
4015	Psychologist State Exam	6,000.00	9,025.38	150.42%	3,000.00	3,000.00	6,000.00	6,000.00
4040	CE App Fee	750.00	1,210.58	161.41%	400.00	350.00	500.00	500.00
4045	Verification of Licensure	200.00	207.07	103.54%	100.00	100.00	100.00	100.00
4078	Cost Recovered (Disciplinary)	0.00	0.00		0.00	0.00	0.00	0.00
xxxx	Mediation Review	0.00	0.00		0.00	0.00	0.00	0.00
4999	Interest, Misc	50.00	31.54	63.08%	25.00	25.00	25.00	25.00
Total Income		\$ 196,980.15	\$ 213,903.94	108.59%	\$ 100,505.00	\$ 96,475.00	\$ 110,375.00	\$ 109,375.00

Payroll Expenses		FY23 Budgeted Amount	Actual	% actual to budget	FY23 Q1 Budgeted	FY23 Budgeted Amount	FY23 Budgeted Amount	FY23 Budgeted Amount
5100	Board Salary/Per Diem	9,000.00	6,200.00	68.89%	4,500.00	4,500.00	4,500.00	4,500.00
5175, 51751	Wages, Staff Salary (Exec Dir)	60,000.00	53,948.99	89.91%	30,000.00	30,000.00	30,600.00	30,600.00

	Wages, Staff Salary (Part-Time)	3,900.00	0.00		0.00	3,900.00	7,800.00	7,800.00
xxxx	Staff Benefits Reserve	1,500.00	0.00	0.00%	0.00	1,500.00	1,500.00	1,500.00
51753	Investigator Salary	7,500.00	6,833.50	91.11%	2,500.00	5,000.00	5,000.00	5,000.00
5250	Workers Compensation	1,000.00	481.29	48.13%	500.00	500.00	500.00	500.00
5300	PERS	17,500.00	14,135.65	80.78%	8,500.00	9,000.00	10,000.00	10,000.00
xxxx	Payroll Taxes (SS, Medicare)	1,000.00	1,980.85	198.09%	500.00	500.00	500.00	500.00
xxxx	Other	250.00	612.00	244.80%	250.00	250.00	250.00	250.00
	Total Payroll	101,650.00	84,192.28	82.83%	46,750.00	55,150.00	60,650.00	60,650.00

Operating Expenses		FY23 Budgeted Amount	Actual	% actual to budget	FY23 Q1 Budgeted	FY23 Budgeted Amount	FY23 Budgeted Amount	FY23 Budgeted Amount
6200	Out of State	5,000.00	2,833.60	56.67%	2,500.00	2,500.00	2,500.00	2,500.00
	Meals							
	Lodging							
	Airfare							
	In-State Travel	1,000.00				1,000.00		1,500.00
7015	Supplies	500.00	280.79	56.16%	250.00	250.00	250.00	250.00
7020, 70202, 85100	Office Expense (Office Furniture, Shredding, Office Equipment)	2,000.00	1,767.47	88.37%	1,000.00	1,000.00	1,000.00	1,000.00
7040	Print-Copy	600.00	530.38	88.40%	500.00	100.00	100.00	100.00
7500	Copy Lease	1,500.00	1,088.79	72.59%	750.00	750.00	750.00	750.00
7050	Rent	15,000.00	9,835.38	65.57%	7,500.00	7,500.00	7,500.00	7,500.00
7100	Postage	250.00	517.79	207.12%	200.00	50.00	50.00	50.00
7210	DoIt Web SV	1,000.00	892.64	89.26%	500.00	500.00	500.00	500.00
7290, 72901, 72902	Telephone & Internet	1,250.00	1,395.53	111.64%	625.00	625.00	625.00	625.00
7770	Software & Database	5,000.00	5,381.42	107.63%	2,500.00	2,500.00	5,000.00	2,500.00
8000, 8010	Legal & Professional Fees	30,000.00	14,786.7	49.29%	15,000.00	15,000.00	20,000.00	20,000.00
8015	Tort Claim	1,000.00	0.00	0.00%	1,000.00	0.00	1,000.00	0.00
8050	Professional Services (Auditor, Bookkeeper, Lobbyist)	25,000.00	20,036.88	80.15%	7,500.00	17,500.00	7,500.00	17,500.00
8250	Dues & Reg (ASPPB, Conf, Continuing Ed)	4,000.00	5,008.00	125.20%	1,000.00	3,000.00	1,000.00	4,000.00

ITEM 5A

7111, 8500, 8520	Admin Services (LCB)	1,000.00	850.00	85.00%	500.00	500.00	500.00	500.00
9001, 9002	Banking Fees	250.00	126.60	50.64%	125.00	125.00	125.00	125.00
9011	PayPal Fees		11,308.28					
90100	Miscellaneous Expense	500.00	-667.02	-133.40%	250.00	250.00	250.00	250.00
xxxx	Uncategorized Expense	300.00	96.00		150.00	150.00	150.00	150.00
Total Expenses		\$95,150.00	\$76,069.19	79.95%	\$41,900.00	\$53,350.00	\$48,850.00	\$59,850.00
Total Expenses + Payroll		\$196,800.00	\$160,261.47	81.43%	\$88,650.00	\$108,500.00	\$109,500.00	\$120,500.00
Total Income		\$ 196,980.15	\$ 213,903.94	108.59%	\$ 100,505.00	\$ 96,475.00	\$ 110,375.00	\$ 109,375.00
Final Balance		\$180.15	\$53,642.47		\$11,855.00	-\$12,025.00	\$875.00	-\$11,125.00

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

5B - (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2023 (July 1, 2022, Through June 30, 2023).

SUMMARY:

As of April 30, 2023, the checking account balance was \$ 399,676.06. We are still operating on \$170,959.93 of the deferred revenue primarily from renewals that the previous executive director addressed in February's meeting. Nothing has changed regarding the next expected allocations from the deferred revenue from renewals for the next biennium quarters.

The savings account balance was \$105,038.38.

As I noted in reference to the FY23 budget, generally remain on par or below the budgeted amount, and almost all line items remain under budget. At this point, being five-sixths of the way through the fiscal year, revenues are at almost 109% of the expected monies for this fiscal year, and total expenses are at about 81% of what has been budgeted.

NV State Board of Psychological Examiners
Budget-to-Actual - Fiscal Year 2023

4/30/23

		FY23 Budgeted Amount	Actual	% actual to budget
INCOME				
2600	Deferred Revenue - 7/1/22	83,480.15	170,959.93	
	Deferred Revenue - 1/1/23	83,000.00		
40100	Psychologist Application	7,500.00	9,555.61	127.41%
40101	PA Application	3,500.00	3,999.32	114.27%
40102	Intern Application	1,250.00	925.50	74.04%
40103	Trainee Application	1,250.00	2,430.60	194.45%
4020	Psych Biennial (licenses, registrations)	7,500.00	8,399.78	112.00%
40203	Reinstatement of Psych	500.00	1,387.58	277.52%
4050	Late Fees	0.00	3,600.00	0.00%
4025, 40251, 40252	New License	1,000.00	1,268.10	126.81%
4030	Non-Resident Consultant	1,000.00	902.95	90.30%
4015	Psychologist State Exam	6,000.00	9,025.38	150.42%
4040	CE App Fee	750.00	1,210.58	161.41%
4045	Verification of Licensure	200.00	207.07	103.54%
4078	Cost Recovered (Disciplinary)	0.00	0.00	
xxxx	Mediation Review	0.00	0.00	
4999	Interest, Misc	50.00	31.54	63.08%
Total Income		\$ 196,980.15	\$ 213,903.94	108.59%

Payroll Expenses		FY23 Budgeted Amount	Actual	% actual to budget
5100	Board Salary/Per Diem	9,000.00	6,200.00	68.89%
5175, 51751	Wages, Staff Salary (Exec Dir)	60,000.00	53,948.99	89.91%
	Wages, Staff Salary (Part-Time)	3,900.00	0.00	
xxxx	Staff Benefits Reserve	1,500.00	0.00	0.00%
51753	Investigator Salary	7,500.00	6,833.50	91.11%
5250	Workers Compensation	1,000.00	481.29	48.13%
5300	PERS	17,500.00	14,135.65	80.78%
xxxx	Payroll Taxes (SS, Medicare)	1,000.00	1,980.85	198.09%
xxxx	Other	250.00	612.00	244.80%
	Total Payroll	101,650.00	84,192.28	82.83%

Operating Expenses		FY23 Budgeted Amount	Actual	% actual to budget
6200	Out of State	5,000.00	2,833.60	56.67%
	Meals			
	Lodging			
	Airfare			
	In-State Travel	1,000.00		
7015	Supplies	500.00	280.79	56.16%
7020, 70202, 85100	Office Expense (Office Furniture, Shredding, Office Equipment)	2,000.00	1,767.47	88.37%
7040	Print-Copy	600.00	530.38	88.40%
7500	Copy Lease	1,500.00	1,088.79	72.59%
7050	Rent	15,000.00	9,835.38	65.57%
7100	Postage	250.00	517.79	207.12%
7210	DoIt Web SV	1,000.00	892.64	89.26%

7290, 72901, 72902	Telephone & Internet	1,250.00	1,395.53	111.64%
7770	Software & Database	5,000.00	5,381.42	107.63%
8000, 8010	Legal & Professional Fees	30,000.00	14,786.7	49.29%
8015	Tort Claim	1,000.00	0.00	0.00%
8050	Professional Services (Auditor, Bookkeeper, Lobbyist)	25,000.00	20,036.88	80.15%
8250	Dues & Reg (ASPPB, Conf, Continuing Ed)	4,000.00	5,008.00	125.20%
7111, 8500, 8520	Admin Services (LCB)	1,000.00	850.00	85.00%
9001, 9002	Banking Fees	250.00	126.60	50.64%
9011	PayPal Fees		11,308.28	
90100	Miscellaneous Expense	500.00	-667.02	-133.40%
xxxx	Uncategorized Expense	300.00	96.00	
Total Expenses		\$95,150.00	\$76,069.19	79.95%
Total Expenses + Payroll		\$196,800.00	\$160,261.47	81.43%
Total Income		\$ 196,980.15	\$ 213,903.94	108.59%
Final Balance		\$180.15	\$53,642.47	

NV State Board of Psychological Examiners

ITEM 5B

Balance Sheet As of April 30, 2023

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
1100 Cash in Bank	399,676.06
3309 Savings	105,041.83
Total Bank Accounts	\$504,717.89
Accounts Receivable	
1200 Accounts Receivable	0.00
Total Accounts Receivable	\$0.00
Other Current Assets	
12000 Undeposited Funds	0.00
12100 Inventory Asset	0.00
1400 Prepaid Expenses	1,108.00
Uncategorized Asset	112.50
Total Other Current Assets	\$1,220.50
Total Current Assets	\$505,938.39
Other Assets	
1300 Deferred outflows of resources	0.00
Total Other Assets	\$0.00
TOTAL ASSETS	\$505,938.39
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
1106 Accounts Payable	0.00
Total Accounts Payable	\$0.00
Other Current Liabilities	
2100 Federal Income Withholding	1,583.72
2100 Payroll Liabilities	1,992.06
2107 Federal Taxes (941/944)	142.53
2108 PERS	16,880.23
NV Unemployment Tax	0.00

NV State Board of Psychological Examiners

ITEM 5B

Balance Sheet As of April 30, 2023

	TOTAL
Total 2100 Payroll Liabilities	19,014.82
2101 Federal FICA Withholding	0.00
2102 Federal Medicare Withhold	0.00
2105 Employment Security	0.00
2110 Direct Deposit Liabilities	0.00
2200 Unearned Revenue	0.00
2300 Liability	-971.08
2301 Payroll Liabilities-Pers	0.00
2302 Accrued PTO	0.00
2450 Deferred inflow-pension	0.00
2455 Net pension liability	0.00
2600 Deferred Revenue	45,887.97
2700 Direct Deposit Payable	0.00
Total Other Current Liabilities	\$65,515.43
Total Current Liabilities	\$65,515.43
Total Liabilities	\$65,515.43
Equity	
3000 Opening Bal Equity	1,315.04
3900 2550 Fund Balance	398,885.25
Net Income	40,222.67
Total Equity	\$440,422.96
TOTAL LIABILITIES AND EQUITY	\$505,938.39

NV State Board of Psychological Examiners

ITEM 5B

Profit and Loss July 2022 - April 2023

	TOTAL
Income	
4010 Psychologist Application	615.30
40100 Psychologist Application	8,940.31
40101 PA Application	3,999.32
40102 Intern Application	925.50
40103 Trainee Application	2,430.60
Total 4010 Psychologist Application	16,911.03
4015 Psychologist State Exam	9,025.38
4020 Psych Biennial	170,959.93
40201 Prorated Psych Biennial	5,647.17
40203 Reinstatement of Psych	1,387.58
Total 4020 Psych Biennial	177,994.68
4025 Psychologist Licensing Fee	
40251 New License	1,105.00
40252 Change/Duplicate/Reinstatement	138.10
Total 4025 Psychologist Licensing Fee	1,243.10
4026 BA Licencing Fee	
40262 Change/Duplicate/Reinstat	25.00
Total 4026 BA Licencing Fee	25.00
4028 Registration Fee	30.00
40281 Psych Asst fee	1,986.11
40282 Psych Intern Fee	311.40
40283 Psych Trainee	425.10
Total 4028 Registration Fee	2,752.61
4030 Non-Resident Consultant	902.95
4040 CE App Fee	570.21
4045 Verification of Licensure	207.07
4050 Renewal Late Fee	3,600.00
4055 Continuing Education	640.37
4999 Interest	31.54
Total Income	\$213,903.94
GROSS PROFIT	\$213,903.94
Expenses	
307910 7210 Dolt Web SVb	261.90
5100 Board Sal	6,200.00
5175 Board Staf	
51753 Investigator Salary	6,833.50
Total 5175 Board Staf	6,833.50
5250 Workers Compensation	481.29

NV State Board of Psychological Examiners

ITEM 5B

Profit and Loss July 2022 - April 2023

	TOTAL
5300 PERS	14,135.65
6000 Travel Exp	456.96
6100 Out of State Travel	
6101 Meals	137.00
6102 Lodging	699.72
6106 Air Tvl	1,555.92
Total 6100 Out of State Travel	2,392.64
6200 In State Travel	
6250 Air Tvl	440.96
Total 6200 In State Travel	440.96
7015 Supplies	280.79
7020 Office Expense	1,582.47
7040 Print-Copy	530.38
7050 Rent	9,835.38
85100 Shredding	185.00
Total 7020 Office Expense	12,133.23
7100 Postage	517.79
7200 Utilities	
7210 Dolt Web SV	630.74
7290 Telephone	1,273.69
72901 Long Distance	58.39
72902 Internet	63.45
Total 7290 Telephone	1,395.53
Total 7200 Utilities	2,026.27
7500 Copy Lease	1,088.79
7770 Software	3,030.47
7777 Database	2,350.95
8000 Legal & Professional Fees	5,702.55
8010 Legal	9,084.11
Total 8000 Legal & Professional Fees	14,786.66
8050 Prof Servs	9,619.38
8055 Lobbyist	10,417.50
Total 8050 Prof Servs	20,036.88
8250 Dues & Reg	1,680.00
8255 Membership	3,328.00
Total 8250 Dues & Reg	5,008.00
8500 Admin Serv	
8520 LCB	850.00
Total 8500 Admin Serv	850.00

NV State Board of Psychological Examiners

ITEM 5B

Profit and Loss July 2022 - April 2023

	TOTAL
9001 Banking Fees	
9002 Bank Crgs	126.60
Total 9001 Banking Fees	126.60
90100 Miscellaneous Expense	-667.02
9100 Payroll Expenses	612.00
9110 Company Contributions	
Retirement	12,521.46
Total 9110 Company Contributions	12,521.46
9130 Wages	53,948.99
Taxes	
9111 Federal Taxes (941/944)	1,980.85
NV Unemployment Tax	0.00
Total Taxes	1,980.85
Total 9100 Payroll Expenses	69,063.30
PayPal Fees	11,308.28
Uncategorized Expense	96.00
Total Expenses	\$173,239.89
NET OPERATING INCOME	\$40,664.05
Other Expenses	
Reconciliation Discrepancies-1	0.30
Total Other Expenses	\$0.30
NET OTHER INCOME	\$ -0.30
NET INCOME	\$40,663.75

NV State Board of Psychological Examiners

General Ledger

April 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
3309 Savings							
	Beginning Balance						105,038.38
04/28/2023	Deposit		Interest		4999 Interest	3.45	105,041.83
Total for 3309 Savings						\$3.45	
1100 Cash in Bank							
	Beginning Balance						411,950.89
04/03/2023	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 03/17/2023-03/30/2023 Per 3/31/2023 Email	2700 Direct Deposit Payable	-612.36	411,338.53
04/03/2023	Expense		AT&T		7200 Utilities:7290 Telephone	-87.50	411,251.03
04/03/2023	Expense		Kietzke Plaza		7020 Office Expense:7050 Rent	-32.46	411,218.57
04/03/2023	Expense		Burgarello Alarm		7020 Office Expense	-155.59	411,062.98
04/03/2023	Expense		Office of the Attorney General		8000 Legal & Professional Fees	-2,257.55	408,805.43
04/05/2023	Expense		Michelle Fox		8000 Legal & Professional Fees	-157.50	408,647.93
04/07/2023	Deposit				-Split-	950.00	409,597.93
04/10/2023	Tax Payment		IRS	Tax Payment for Period: 03/01/2023-03/31/2023	2100 Federal Income Withholding	-2,274.04	407,323.89
04/10/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-31.31	407,292.58
04/11/2023	Expense		PERS		5300 PERS	-2,342.78	404,949.80
04/11/2023	Expense		AT&T		7200 Utilities:7290 Telephone	-62.30	404,887.50
04/12/2023	Deposit				-Split-	1,374.73	406,262.23
04/12/2023	Expense		CD Transfer		9001 Banking Fees:9002 Bank Crgs	-1.00	406,261.23
04/13/2023	Expense				-Split-	-1,113.92	405,147.31
04/13/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-4.06	405,143.25
04/14/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 03/31/2023-04/13/2023	2700 Direct Deposit Payable	-1,855.43	403,287.82
04/17/2023	Expense		Marie Worsham		Uncategorized Expense	-96.00	403,191.82
04/17/2023	Expense		QuickBooks Payroll Service		9100 Payroll Expenses	-65.00	403,126.82
04/17/2023	Expense		ASPPB		8250 Dues & Reg:8255 Membership	-2,228.00	400,898.82
04/19/2023	Expense		Canon Financial Services, Inc.		7500 Copy Lease	-137.79	400,761.03
04/19/2023	Deposit				-Split-	1,444.91	402,205.94
04/19/2023	Expense		AT&T		7200 Utilities:7290 Telephone	-69.64	402,136.30
04/21/2023	Expense		Kathleen Laxalt		8050 Prof Servs:8055 Lobbyist	-1,041.75	401,094.55
04/21/2023	Deposit				-Split-	510.00	401,604.55
04/25/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-31.31	401,573.24
04/26/2023	Expense		State Farm Insurance	Voided	1106 Accounts Payable	0.00	401,573.24
04/26/2023	Expense		State Farm Insurance		5250 Workers Compensation	-242.53	401,330.71

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DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
04/26/2023	Deposit				-Split-	1,835.57	403,166.28
04/27/2023	Expense		State Farm Insurance		5250 Workers Compensation	-202.00	402,964.28
04/27/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-54.41	402,909.87
04/27/2023	Expense		State Farm Insurance	Voided	1106 Accounts Payable	0.00	402,909.87
04/28/2023	Payroll Check	DD	Sheila G. Young	Pay Period: 04/14/2023-04/27/2023	2700 Direct Deposit Payable	-766.04	402,143.83
04/28/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 04/14/2023-04/27/2023	2700 Direct Deposit Payable	-1,855.43	400,288.40
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 04/14/2023-04/27/2023	2700 Direct Deposit Payable	-612.34	399,676.06
Total for 1100 Cash in Bank						\$ -	
						12,274.83	
1400 Prepaid Expenses							
Beginning Balance							1,108.00
Total for 1400 Prepaid Expenses							
Uncategorized Asset							
Beginning Balance							112.50
Total for Uncategorized Asset							
1106 Accounts Payable							
04/26/2023	Expense		State Farm Insurance	State Farm Insurance Bill Payment	1100 Cash in Bank	0.00	0.00
04/27/2023	Expense		State Farm Insurance	State Farm Insurance Bill Payment	1100 Cash in Bank	0.00	0.00
Total for 1106 Accounts Payable						\$0.00	
2100 Payroll Liabilities							
Beginning Balance							1,992.06
Total for 2100 Payroll Liabilities							
2107 Federal Taxes (941/944)							
Beginning Balance							142.53
Total for 2107 Federal Taxes (941/944)							
2108 PERS							
Beginning Balance							15,318.39
04/14/2023	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	390.46	15,708.85
04/14/2023	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	390.46	16,099.31
04/28/2023	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	390.46	16,489.77
04/28/2023	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	390.46	16,880.23
Total for 2108 PERS						\$1,561.84	
NV Unemployment Tax							
04/14/2023	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Sheila G. Young	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
Total for NV Unemployment Tax						\$0.00	
Total for 2100 Payroll Liabilities with subs						\$1,561.84	
2600 Deferred Revenue							

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DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Beginning Balance							45,287.97
04/07/2023	Deposit			BKOFAMERICA ATM 04/07 #XXXXX2319 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	600.00	45,887.97
Total for 2600 Deferred Revenue						\$600.00	
2700 Direct Deposit Payable							
Beginning Balance							612.36
04/03/2023	Payroll Check	DD	Gary C. Lenkeit	Direct Deposit	1100 Cash in Bank	-612.36	0.00
04/14/2023	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,855.43	-1,855.43
04/14/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 03/31/2023-04/13/2023	-Split-	1,855.43	0.00
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 04/14/2023-04/27/2023	-Split-	612.34	612.34
04/28/2023	Payroll Check	DD	Sheila G. Young	Pay Period: 04/14/2023-04/27/2023	-Split-	766.04	1,378.38
04/28/2023	Payroll Check	DD	Sheila G. Young	Direct Deposit	1100 Cash in Bank	-766.04	612.34
04/28/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 04/14/2023-04/27/2023	-Split-	1,855.43	2,467.77
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	Direct Deposit	1100 Cash in Bank	-612.34	1,855.43
04/28/2023	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,855.43	0.00
Total for 2700 Direct Deposit Payable						\$ -612.36	
2100 Federal Income Withholding							
Beginning Balance							2,114.99
04/10/2023	Tax Payment		IRS	Federal Taxes (941/943/944)	1100 Cash in Bank	-2,274.04	-159.05
04/14/2023	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	603.83	444.78
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	408.19	852.97
04/28/2023	Payroll Check	DD	Sheila G. Young	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	126.92	979.89
04/28/2023	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	603.83	1,583.72
Total for 2100 Federal Income Withholding						\$ -531.27	
2300 Liability							
Beginning Balance							-971.08
Total for 2300 Liability							
3000 Opening Bal Equity							
Beginning Balance							1,315.04
Total for 3000 Opening Bal Equity							
3900 2550 Fund Balance							
Beginning Balance							398,885.25
Total for 3900 2550 Fund Balance							
4055 Continuing Education							
Beginning Balance							362.96
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	31.19	394.15
04/21/2023	Deposit			BKOFAMERICA ATM 04/21 #XXXXX7271 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	30.00	424.15
04/21/2023	Deposit			BKOFAMERICA ATM 04/21 #XXXXX7271 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	30.00	454.15
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	31.19	485.34
04/26/2023	Deposit			4 applications	1100 Cash in Bank	123.84	609.18
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860	INDN:NEVADA 1100 Cash in Bank	31.19	640.37

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DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
BOARD OF PSYCHO CO ID:PAYPALSD11 PPD							
Total for 4055 Continuing Education						\$277.41	
4010 Psychologist Application							
Beginning Balance							
							460.20
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	615.30
Total for 4010 Psychologist Application						\$155.10	
40100 Psychologist Application							
Beginning Balance							
							7,662.53
04/07/2023	Deposit			BKOFAMERICA ATM 04/07 #XXXXX2319 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	150.00	7,812.53
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	154.43	7,966.96
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	8,122.06
04/19/2023	Deposit			application for reinstatement	1100 Cash in Bank	102.95	8,225.01
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	8,380.11
04/21/2023	Deposit			BKOFAMERICA ATM 04/21 #XXXXX7271 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	150.00	8,530.11
04/21/2023	Deposit			Application for Reinstatement	1100 Cash in Bank	100.00	8,630.11
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	8,785.21
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	8,940.31
Total for 40100 Psychologist Application						\$1,277.78	
40101 PA Application							
Beginning Balance							
							3,534.69
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	3,689.79
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	3,844.89
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	154.43	3,999.32
Total for 40101 PA Application						\$464.63	
40102 Intern Application							
Beginning Balance							
							925.50
Total for 40102 Intern Application							
40103 Trainee Application							
Beginning Balance							
							2,275.50
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	155.10	2,430.60
Total for 40103 Trainee Application						\$155.10	
Total for 4010 Psychologist Application with subs						\$2,052.61	
4015 Psychologist State Exam							
Beginning Balance							
							8,418.74
04/07/2023	Deposit			BKOFAMERICA ATM 04/07 #XXXXX2319 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	200.00	8,618.74
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	206.64	8,825.38
04/21/2023	Deposit			BKOFAMERICA ATM 04/21 #XXXXX7271 DEPOSIT MEADOWOOD RENO NV CKCD	1100 Cash in Bank	200.00	9,025.38

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DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
				XXXXX9XXXXX69419			
Total for 4015 Psychologist State Exam						\$606.64	
4020 Psych Biennial							
	Beginning						170,959.93
	Balance						
Total for 4020 Psych Biennial							
40201 Prorated Psych Biennial							
	Beginning						3,532.38
	Balance						
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	534.69	4,067.07
04/19/2023	Deposit			New licensure	1100 Cash in Bank	531.14	4,598.21
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	524.48	5,122.69
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	524.48	5,647.17
Total for 40201 Prorated Psych Biennial						\$2,114.79	
40203 Reinstatement of Psych							
	Beginning						857.18
	Balance						
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	530.40	1,387.58
Total for 40203 Reinstatement of Psych						\$530.40	
Total for 4020 Psych Biennial with subs						\$2,645.19	
4025 Psychologist Licensing Fee							
40251 New License							
	Beginning						1,005.00
	Balance						
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	25.00	1,030.00
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	25.00	1,055.00
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	25.00	1,080.00
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	25.00	1,105.00
Total for 40251 New License						\$100.00	
40252 Change/Duplicate/Reinstatement							
	Beginning						107.21
	Balance						
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	30.89	138.10
Total for 40252 Change/Duplicate/Reinstatement						\$30.89	
Total for 4025 Psychologist Licensing Fee						\$130.89	
4026 BA Licencing Fee							
40262 Change/Duplicate/Reinstat							
	Beginning						25.00
	Balance						
Total for 40262 Change/Duplicate/Reinstat							
Total for 4026 BA Licencing Fee							
4028 Registration Fee							
	Beginning						30.00
	Balance						
Total for 4028 Registration Fee							
40281 Psych Asst fee							
	Beginning						1,986.11
	Balance						
Total for 40281 Psych Asst fee							
40282 Psych Intern Fee							

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DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
	Beginning Balance						311.40
	Total for 40282 Psych Intern Fee						
	40283 Psych Trainee Beginning Balance						425.10
	Total for 40283 Psych Trainee						
	Total for 4028 Registration Fee with subs						
	4030 Non-Resident Consultant Beginning Balance						902.95
	Total for 4030 Non-Resident Consultant						
	4040 CE App Fee Beginning Balance						570.21
	Total for 4040 CE App Fee						
	4045 Verification of Licensure Beginning Balance						207.07
	Total for 4045 Verification of Licensure						
	4050 Renewal Late Fee Beginning Balance						3,600.00
	Total for 4050 Renewal Late Fee						
	4999 Interest Beginning Balance						31.54
04/28/2023	Deposit		Interest	Interest Earned	3309 Savings	3.45	34.99
	Total for 4999 Interest						
	\$3.45						
	307910 7210 Dolt Web SVb Beginning Balance						140.81
04/10/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	31.31	172.12
04/13/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	4.06	176.18
04/25/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	31.31	207.49
04/27/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	54.41	261.90
	Total for 307910 7210 Dolt Web SVb						
	\$121.09						
	9100 Payroll Expenses Beginning Balance						547.00
04/17/2023	Expense		QuickBooks Payroll Service	INTUIT * DES:QBooks Pay ID:3311457 PSYCHOLGIC CO ID:XXXXX56346 CCD	INDN:NV BOARD OF 1100 Cash in Bank	65.00	612.00
	Total for 9100 Payroll Expenses						
	\$65.00						
	9110 Company Contributions Retirement Beginning Balance						11,740.54
04/14/2023	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	390.46	12,131.00
04/28/2023	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	390.46	12,521.46
	Total for Retirement						
	\$780.92						
	Total for 9110 Company Contributions						
	\$780.92						
	9130 Wages Beginning						48,654.57

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DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Balance							
04/14/2023	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	51,301.78
04/28/2023	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	53,948.99
Total for 9130 Wages						\$5,294.42	
Taxes							
9111 Federal Taxes (941/944)							
Beginning Balance							
							1,439.84
04/14/2023	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.13	1,603.97
04/14/2023	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.38	1,642.35
04/28/2023	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.39	1,680.74
04/28/2023	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.12	1,844.86
04/28/2023	Payroll Check	DD	Sheila G. Young	Medicare Employer	2700 Direct Deposit Payable	12.03	1,856.89
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	Medicare Employer	2700 Direct Deposit Payable	13.75	1,870.64
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	Social Security Employer	2700 Direct Deposit Payable	58.78	1,929.42
04/28/2023	Payroll Check	DD	Sheila G. Young	Social Security Employer	2700 Direct Deposit Payable	51.43	1,980.85
Total for 9111 Federal Taxes (941/944)						\$541.01	
NV Unemployment Tax							
04/14/2023	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
04/14/2023	Payroll Check	DD	Laura M. Arnold	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Laura M. Arnold	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Sheila G. Young	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
04/28/2023	Payroll Check	DD	Sheila G. Young	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
Total for NV Unemployment Tax						\$0.00	
Total for Taxes						\$541.01	
Total for 9100 Payroll Expenses with subs						\$6,681.35	
5100 Board Sal							
Beginning Balance							
							6,200.00
Total for 5100 Board Sal							
5175 Board Staf							
51753 Investigator Salary							
Beginning Balance							
							5,056.00
04/28/2023	Payroll Check	DD	Sheila G. Young	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	829.50	5,885.50
04/28/2023	Payroll Check	DD	Gary C. Lenkeit	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	948.00	6,833.50
Total for 51753 Investigator Salary						\$1,777.50	
Total for 5175 Board Staf						\$1,777.50	

NV State Board of Psychological Examiners

General Ledger

April 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
5250 Workers Compensation							
	Beginning Balance						481.29
04/26/2023	Expense		State Farm Insurance	State Farm Insurance Bill Payment	1100 Cash in Bank	242.53	723.82
04/27/2023	Expense		State Farm Insurance	State Farm Insurance Bill Payment	1100 Cash in Bank	202.00	925.82
Total for 5250 Workers Compensation						\$444.53	
5300 PERS							
	Beginning Balance						11,792.87
04/11/2023	Expense		PERS	TRANSFER NV BOARD OF PSYCHOLO:Public Employee's Re Confirmation# XXXXX34248	1100 Cash in Bank	2,342.78	14,135.65
Total for 5300 PERS						\$2,342.78	
6000 Travel Exp							
	Beginning Balance						456.96
Total for 6000 Travel Exp							
6100 Out of State Travel							
6101 Meals							
	Beginning Balance						137.00
Total for 6101 Meals							
6102 Lodging							
	Beginning Balance						699.72
Total for 6102 Lodging							
6106 Air Trvl							
	Beginning Balance						1,090.96
04/13/2023	Expense			Southwest Airlines	1100 Cash in Bank	464.96	1,555.92
Total for 6106 Air Trvl						\$464.96	
Total for 6100 Out of State Travel						\$464.96	
6200 In State Travel							
6250 Air Trvl							
	Beginning Balance						440.96
Total for 6250 Air Trvl							
Total for 6200 In State Travel							
7015 Supplies							
	Beginning Balance						280.79
Total for 7015 Supplies							
7020 Office Expense							
	Beginning Balance						1,426.88
04/03/2023	Expense		Burgarello Alarm	Burgarello Alarm Bill Payment	1100 Cash in Bank	155.59	1,582.47
Total for 7020 Office Expense						\$155.59	
7040 Print-Copy							
	Beginning Balance						530.38
Total for 7040 Print-Copy							
7050 Rent							
	Beginning Balance						9,802.92
04/03/2023	Expense		Kietzke Plaza	Kietzke Plaza Bill Payment	1100 Cash in Bank	32.46	9,835.38
Total for 7050 Rent						\$32.46	
85100 Shredding							

NV State Board of Psychological Examiners

General Ledger

April 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
	Beginning Balance						185.00
	Total for 85100 Shredding						
	Total for 7020 Office Expense with subs					\$188.05	
	7100 Postage						
	Beginning Balance						507.83
04/13/2023	Expense			BANK OF AMERICA BUSINESS CARD Bill Payment	1100 Cash in Bank	9.96	517.79
	Total for 7100 Postage					\$9.96	
	7200 Utilities						
	7210 Dolt Web SV						
	Beginning Balance						630.74
	Total for 7210 Dolt Web SV						
	7290 Telephone						
	Beginning Balance						1,054.25
04/03/2023	Expense		AT&T	AT&T Local and Long Distance Bill Payment	1100 Cash in Bank	87.50	1,141.75
04/11/2023	Expense		AT&T	AT&T Local and Long Distance Bill Payment	1100 Cash in Bank	62.30	1,204.05
04/19/2023	Expense		AT&T	AT&T Local and Long Distance Bill Payment	1100 Cash in Bank	69.64	1,273.69
	Total for 7290 Telephone					\$219.44	
	72901 Long Distance						
	Beginning Balance						58.39
	Total for 72901 Long Distance						
	72902 Internet						
	Beginning Balance						63.45
	Total for 72902 Internet						
	Total for 7290 Telephone with subs					\$219.44	
	Total for 7200 Utilities					\$219.44	
	7500 Copy Lease						
	Beginning Balance						951.00
04/19/2023	Expense		Canon Financial Services, Inc.	Canon Financial Services Bill Payment	1100 Cash in Bank	137.79	1,088.79
	Total for 7500 Copy Lease					\$137.79	
	7770 Software						
	Beginning Balance						2,931.48
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	-19.99	2,911.49
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	19.99	2,931.48
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	19.99	2,951.47
04/13/2023	Expense			Jotform	1100 Cash in Bank	19.00	2,970.47
04/13/2023	Expense			Google	1100 Cash in Bank	60.00	3,030.47
	Total for 7770 Software					\$98.99	
	7777 Database						
	Beginning Balance						2,350.95
	Total for 7777 Database						
	8000 Legal & Professional Fees						
	Beginning Balance						3,287.50
04/03/2023	Expense		Office of the Attorney	NV Attorney General - AG Bill Payment	1100 Cash in Bank	2,257.55	5,545.05

NV State Board of Psychological Examiners

General Ledger

April 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
			General				
04/05/2023	Expense		Michelle Fox	Zelle Transfer Conf# oku0dhgu6; Fox, Michelle	1100 Cash in Bank	157.50	5,702.55
Total for 8000 Legal & Professional Fees						\$2,415.05	
			8010 Legal				
			Beginning Balance				9,084.11
Total for 8010 Legal							
Total for 8000 Legal & Professional Fees with subs						\$2,415.05	
			8050 Prof Servs				
			Beginning Balance				9,619.38
Total for 8050 Prof Servs							
			8055 Lobbyist				
			Beginning Balance				9,375.75
04/21/2023	Expense		Kathleen Laxalt	Kathleen Laxalt Bill Payment	1100 Cash in Bank	1,041.75	10,417.50
Total for 8055 Lobbyist						\$1,041.75	
Total for 8050 Prof Servs with subs						\$1,041.75	
			8250 Dues & Reg				
			Beginning Balance				1,120.00
04/13/2023	Expense			MYM Registration x 2	1100 Cash in Bank	560.00	1,680.00
Total for 8250 Dues & Reg						\$560.00	
			8255 Membership				
			Beginning Balance				1,100.00
04/17/2023	Expense		ASPPB	ASPPB Bill Payment	1100 Cash in Bank	2,228.00	3,328.00
Total for 8255 Membership						\$2,228.00	
Total for 8250 Dues & Reg with subs						\$2,788.00	
			8500 Admin Serv				
			8520 LCB				
			Beginning Balance				850.00
Total for 8520 LCB							
Total for 8500 Admin Serv							
			9001 Banking Fees				
			9002 Bank Crgs				
			Beginning Balance				125.60
04/12/2023	Expense		CD Transfer	External transfer fee - 3 Day - 04/11/2023 Confirmation: XXXXX6120	1100 Cash in Bank	1.00	126.60
Total for 9002 Bank Crgs						\$1.00	
Total for 9001 Banking Fees						\$1.00	
			90100 Miscellaneous Expense				
			Beginning Balance				-667.02
Total for 90100 Miscellaneous Expense							
			PayPal Fees				
			Beginning Balance				11,130.74
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,136.64
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	1.58	11,138.22
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,144.12
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	6.67	11,150.79

NV State Board of Psychological Examiners

General Ledger

April 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.88	11,156.67
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	1.57	11,158.24
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,164.14
04/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX61293659 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	20.02	11,184.16
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,190.06
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	19.00	11,209.06
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	19.90	11,228.96
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	4.08	11,233.04
04/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX00001814 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,238.94
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,244.84
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	19.67	11,264.51
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	19.67	11,284.18
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	4.19	11,288.37
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,294.27
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	1.58	11,295.85
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	1.42	11,297.27
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.11	11,302.38
04/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33977860 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	5.90	11,308.28
Total for PayPal Fees						\$177.54	
Uncategorized Expense							
04/17/2023	Expense		Marie Worsham	Marie Zayas Bill Payment	1100 Cash in Bank	96.00	96.00
Total for Uncategorized Expense						\$96.00	
Reconciliation Discrepancies-1							
Beginning							0.30
Balance							
Total for Reconciliation Discrepancies-1							

Nevada Board of Psychological Examiners Board Meeting Staff Report

DATE: May 12, 2023

ITEM:

5C - (For Possible Action) Discussion and Possible Action to Approve the Proposed Budget for Fiscal Year 2024 (July 1, 2023, Through June 30, 2024).

SUMMARY:

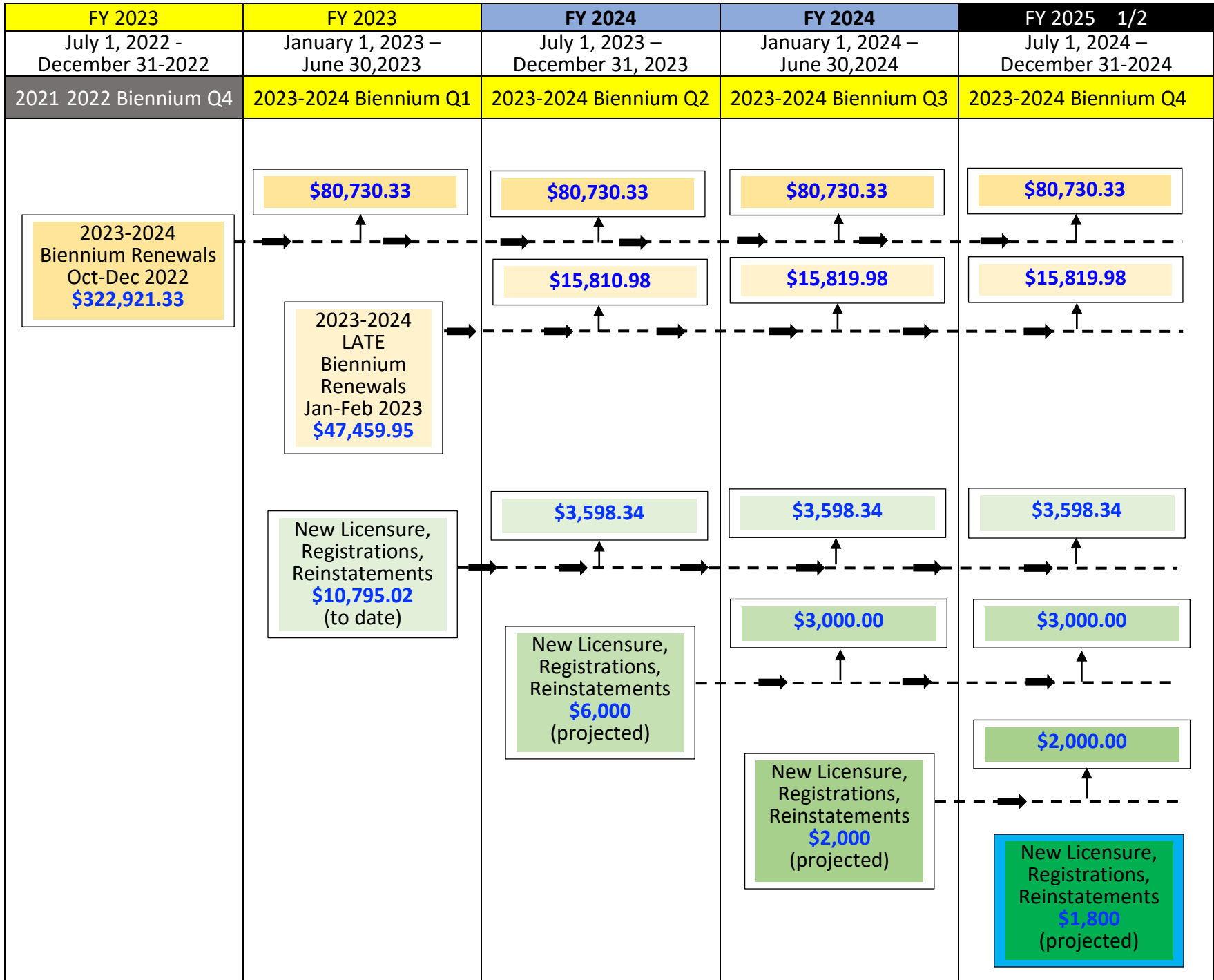
In order to better understand this Board's finances and the information on which its budget is based, the Board office first went through and plotted each transaction of FY2023 to date, an exercise that not only helped provide a clear picture of the money that comes in and goes out, but also provided a deeper understanding of the genius of QuickBooks and its various reports.

The Board office then created a visual flow chart (of sorts) of how the Board's deferred revenue, as it is defined in the Board's Budget Policy, gets cast into and through the biennium quarters that follow the Board's receipt of it. That visual flow chart helped create the basis on which the Board's proposed FY2024 budget was created. The numbers that are represented in the deferred revenue flow chart equate to the deferred revenue that is identified in the proposed budget. In both, some of the numbers that are projected out are more placeholders at this point and, through the next couple of months, will be adjusted to reflect what can be expected based on the numbers that close out FY2023.

In preparing the proposed budget, the Board office rearranged the format a little from the format that had previously been used, and that change came from having gone through and plotted every transaction from FY2023. The Board office also made a change in reference to how the fees that are attached to deferred income are accounted for. Specifically, the deferred revenue that had previously been projected through the current biennium (~ \$83,000 per biennium quarter) is ¼ of the total gross amount of revenue that is identified as deferred revenue, meaning the renewal amount and the PayPal fees that licensees paid for those who paid with PayPal. Those PayPal fees were then accounted for as an expense in the FY2023 budget. Rather than intensify those PayPal fees in the Fiscal Year Budget, I accounted for them in relation to the deferred income distribution, which means the PayPal fees that were attendant to renewal fees were deducted from the deferred revenue, where they were charged, and distributed along with that deferred renewal income. Thus, what you see is a **net**

deferred revenue cast through the biennium quarters, leaving the only PayPal fees being accounted for in the fiscal year budget being those that are charged to application and other fees that are not deferred revenue.

Both the adjustments to the spreadsheet that encompasses the 2023-2024 biennium as well what had been previously estimated went into preparing the proposed FY2024 budget, which is intended to align with the actual numbers they represent and projections moving forward. As we close out FY 2023, these numbers will be adjusted as necessary to continue to more closely reflect actual numbers and accurate projections.



NBOPE Deferred Revenue Flow

**NV State Board of Psychological Examiners
Budget-to-Actual - Fiscal Year 2023**

4/30/23

		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023 Actual + Projected	FY24-1 Biennial-Q2 July 2023-December 2023 Budgeted	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
INCOME									
Deferred Revenue	Renewals -7/1/22	83,480.15	83,480.15	100.00%					
	Renewals -1/1/23	83,000.00	80,730.33	97.27%	Renewals 23-24 biennium (1/1/23)	80,730.33	80,730.33	80,730.33	80,730.33
	Late Renewals -7/1/23				Late Renewals 23-24 biennium (7/1/23)		15,819.98	15,819.98	15,819.98
	New Licensure and Registrations	5,625.00	5,000.00	88.89%	New Licensure, Registrations, Reinstatements		3,598.34	6,598.34	8,598.34
	License Reinstatement	500.00	2,000.00	400.00%					
Regular Revenue	21-22 Biennium Q4 New Licensure and Registrations	1,875.00	4,984.92	265.86%					1,800.00
	Applications								
	Psychologist Application	7,500.00	11,555.61	154.07%		4,000.00	4,250.00	4,250.00	4,250.00
	PA Application	3,500.00	3,999.32	114.27%		1,800.00	1,750.00	1,750.00	1,750.00
	Intern Application	1,250.00	925.50	74.04%		400.00	400.00	400.00	500.00
	Trainee Application	1,250.00	2,430.60	194.45%		2,000.00	700.00	700.00	625.00
	Non-Resident Consultant	1,000.00	902.95	90.30%		750.00	500.00	500.00	500.00
	CE App Fee	750.00	1,210.58	161.41%		600.00	500.00	500.00	500.00
	Other								
	Late Fees	0.00	3,600.00			3,600.00	0.00	0.00	0.00
	Psychologist State Exam	6,000.00	10,625.38	177.09%		5,000.00	4,000.00	4,000.00	6,000.00
	New and Duplicate License	1,000.00	1,268.10	126.81%		500.00	500.00	500.00	750.00
	Verification of Licensure	200.00	207.07	103.54%		100.00	100.00	100.00	100.00
	Cost Recovered (Disciplinary)	0.00	0.00			0.00	0.00	0.00	0.00
	Interest, Misc	50.00	31.54	63.08%		25.00	25.00	25.00	25.00
Total Income		\$196,980.15	\$212,952.05	108.11%	Income	\$ 99,480.33	\$ 112,873.65	\$ 115,873.65	\$ 121,948.65

Payroll Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget	FY23-2 Biennial-Q1	FY24-1 Biennial-Q2	FY24-2 Biennial-Q3	FY25-1 Biennial-Q4
					January 2023-June 2023	July 2023-December 2023	January 2024 - June 2024	July 2024-December 2024
					Actual + Projected	Budgeted	Budgeted	Budgeted
	Board Salary/Per Diem	9,000.00	8,200.00	91.11%	4,500.00	4,500.00	4,500.00	4,500.00
	Executive Director	60,000.00	60,000.00	100.00%	30,000.00	30,000.00	30,600.00	30,600.00
	Staff Salary (Part-Time)	3,900.00	3,900.00	0.00%	3,900.00	7,800.00	7,800.00	7,800.00
	Staff Benefits Reserve	1,500.00	0.00	0.00%	0.00	750.00	750.00	1,500.00
	Investigator Salary	7,500.00	7,500.00	100.00%	4,000.00	5,000.00	5,000.00	5,000.00
	Workers Compensation	1,000.00	1,000.00	100.00%	500.00	500.00	500.00	500.00
	PERS	17,500.00	17,500.00	100.00%	9,000.00	9,000.00	10,000.00	10,000.00
	Payroll Taxes (SS, Medicare)	1,000.00	2,400.00	240.00%	1,200.00	1,200.00	1,200.00	1,200.00
	Other	250.00	700.00	280.00%	350.00	350.00	350.00	250.00
	Total Payroll	101,650.00	101,200.00	99.56%	53,450.00	59,100.00	60,700.00	61,350.00

Operating Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget	FY23-2 Biennial-Q1	FY24-1 Biennial-Q2	FY24-2 Biennial-Q3	FY25-1 Biennial-Q4
					January 2023-June 2023	July 2023-December 2023	January 2024 - June 2024	July 2024-December 2024
					Actual + Projected	Budgeted	Budgeted	Budgeted
	Out of State	5,000.00	5,000.00	100.00%	2,500.00	3,500.00	3,500.00	3,500.00
	Meals							
	Lodging							
	Airfare							
	In-State Travel	1,000.00				1,000.00		1,500.00
	Supplies	500.00	350.00	70.00%	200.00	250.00	250.00	250.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	2,000.00	4,000.00	200.00%	3,000.00	1,000.00	1,000.00	1,000.00
	Print-Copy	600.00	650.00	108.33%	350.00	350.00	350.00	350.00
	Copy Lease	1,500.00	1,250.00	83.33%	650.00	700.00	700.00	750.00
	Rent	15,000.00	13,500.00	90.00%	7,000.00	7,000.00	7,500.00	7,500.00
	Postage	250.00	550.00	220.00%	200.00	50.00	50.00	300.00
	DoIt Web SV	1,000.00	1,000.00	100.00%	500.00	500.00	500.00	500.00
	Telephone & Internet	1,250.00	1,500.00	120.00%	625.00	750.00	750.00	625.00
	Software & Database	5,000.00	6,000.00	120.00%	3,000.00	3,500.00	3,500.00	3,500.00
	Legal & Professional Fees	30,000.00	20,000.00	66.67%	10,000.00	15,000.00	15,000.00	17,500.00
	Tort Claim	1,000.00	0.00	0.00%	1,000.00	0.00	1,000.00	0.00
	Professional Services (Auditor, Bookkeeper, Lobbyist)	25,000.00	25,000.00	100.00%	7,500.00	17,500.00	7,500.00	17,500.00
	Dues & Reg (ASPPB, Conf, Continuing Ed)	4,000.00	5,010.00	125.25%	5,000.00	1,500.00	4,500.00	4,000.00

	Admin Services (LCB)	1,000.00	1,000.00	100.00%		500.00	500.00	500.00	500.00
	Banking Fees	250.00	200.00	80.00%		125.00	125.00	125.00	125.00
	PayPal Fees (against regular revenue)		1,000.00			500.00			
	Miscellaneous Expense	500.00	-667.02	-133.40%		250.00	250.00	250.00	250.00
	Uncategorized Expense	300.00	100.00			150.00	150.00	150.00	150.00
	Total Expenses	\$95,150.00	\$85,442.98	89.80%		\$43,100.00	\$53,675.00	\$47,175.00	\$59,850.00
	Total Expenses + Payroll	\$196,800.00	\$186,642.98	94.84%		\$96,550.00	\$112,775.00	\$107,875.00	\$121,200.00
	Total Income	\$ 196,980.15	\$212,952.05	108.11%		\$ 99,480.33	\$ 112,873.65	\$ 115,873.65	\$ 121,948.65
	Final Balance	\$180.15	\$26,309.07			\$2,930.33	\$98.65	\$7,998.65	\$748.65

**NV State Board of Psychological Examiners
Proposed Budget - Fiscal Year 2024**

		FY24 Budgeted Amount	FY24 Actual	% actual to budget
INCOME				
Deferred Revenue				
	Renewals - 7/1/23 and 1/1/24	161,460.66		0.00%
	Late Renewals - 7/1/23	31,639.96		0.00%
	New Licensure and Registrations	10,196.68		0.00%
Regular Revenue	23-24 Biennium Q4 New Licensure and Registrations			
	Applications			
	Psychologist Application	8,500.00		0.00%
	PA Application	3,500.00		0.00%
	Intern Application	800.00		0.00%
	Trainee Application	1,400.00		0.00%
	Non-Resident Consultant	1,000.00		0.00%
	CE App Fee	1,000.00		0.00%
	Other			

	Late Fees			
	Psychologist State Exam	8,000.00		0.00%
	New and Duplicate License	1,000.00		0.00%
	Verification of Licensure	200.00		0.00%
	Cost Recovered (Disciplinary)			
	Interest, Misc	50.00		0.00%
Total Income		\$228,747.30		0.00%

Payroll Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget
	Board Salary/Per Diem	9,000.00		0.00%
	Executive Director	60,600.00		0.00%
	Staff Salary (Part-Time)	15,600.00		0.00%
	Staff Benefits Reserve	1,500.00		0.00%
	Investigator Salary	10,000.00		0.00%
	Workers Compensation	1,000.00		0.00%
	PERS	19,000.00		0.00%
	Payroll Taxes (SS, Medicare)	2,400.00		0.00%
	Other	700.00		0.00%
	Total Payroll	119,800.00		0.00%

Operating Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget
	Out of State	6,500.00		0.00%

	Meals			
	Lodging			
	Airfare			
	In-State Travel	1,000.00		
	Supplies	500.00		0.00%
	Office Expense (Office Furniture, Shredding, Office Equipment)	2,000.00		0.00%
	Print-Copy	700.00		0.00%
	Copy Lease	1,400.00		0.00%
	Rent	14,500.00		0.00%
	Postage	100.00		0.00%
	DoIt Web SV	1,000.00		0.00%
	Telephone & Internet	1,500.00		0.00%
	Software & Database	7,000.00		0.00%
	Legal & Professional Fees	30,000.00		0.00%
	Tort Claim	1,000.00		0.00%
	Professional Services (Auditor, Bookkeeper, Lobbyist)	25,000.00		0.00%
	Dues & Reg (ASPPB, Conf, Continuing Ed)	6,000.00		0.00%
	Admin Services (LCB)	1,000.00		0.00%
	Banking Fees	250.00		0.00%
	PayPal Fees (against regular revenue)	1,000.00		
	Miscellaneous Expense	500.00		0.00%
	Uncategorized Expense	300.00		
	Total Expenses	\$101,250.00		0.00%
	Total Expenses + Payroll	\$221,050.00	\$0.00	0.00%

Total Income	\$ 228,747.30	\$0.00	0.00%
Final Balance	\$7,697.30	\$0.00	

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

5D - (For Possible Action) Discussion and Possible Action to Approve the Purchase of a Computer for the Board Office.

SUMMARY:

The Board Office is in need of a new computer. The existing computer is quite old, and while it seems to be functioning somewhat adequately, it can be slow, especially when it is starting up in the morning, and has given reason to be nervous about its continued viability.

The Board Office has been given two quotes, one for \$1,416.10 and one for \$1,556.86 – the latter being described as having “higher specs.” The Board Office requests approval of the purchase of the slightly higher priced computer for better specifications.

The current budget provided in Item 5C (the Budget to Actual + Projections) includes the purchase of the higher priced computer, plus several hundred dollars for any software installation that may be required. That spreadsheet with that item highlighted follows the computer purchase quotes.



A quote for your consideration

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your [Premier page](#), or, if you do not have Premier, use this [Quote to Order](#).

Quote No.	3000150472301.1	Sales Rep	Carlos Torres
Total	\$1,416.10	Phone	(800) 456-3355, 512-513-2053
Customer #	530031469198	Email	C.Torres@Dell.com
Quoted On	Apr. 17, 2023	Billing To	ACCOUNTS PAYABLE
Expires by	May. 17, 2023		NSB OF PSYCHOLOGICAL
Contract Name	Dell NASPO Computer		EXAMINERS
	Equipment PA - Nevada		4600 KIETZKE LN
Contract Code	C000000010638		STE B116
Customer Agreement #	MNWNC-108		RENO, NV 89502-5036
Deal ID	16310602		

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you are ready to place an order. Thank you for shopping with Dell!

Regards,
Carlos Torres

Shipping Group

Shipping To	Shipping Method
ACCOUNTS PAYABLE NSB OF PSYCHOLOGICAL EXAMINERS 4600 KIETZKE LN STE B116 RENO, NV 89502-5036 (775) 688-1268	Standard Delivery

Product	Unit Price	Quantity	Subtotal
Dell Latitude 5540	\$1,089.00	1	\$1,089.00
Dell Thunderbolt 4 Dock- WD22TB4	\$219.00	1	\$219.00

ITEM 5D

Subtotal:	\$1,308.00
Shipping:	\$0.00
Estimated Tax:	\$108.10
<hr/>	
Total:	\$1,416.10

Shipping Group Details

Shipping To	Shipping Method
ACCOUNTS PAYABLE NSB OF PSYCHOLOGICAL EXAMINERS 4600 KIETZKE LN STE B116 RENO, NV 89502-5036 (775) 688-1268	Standard Delivery

			Quantity	Subtotal
Dell Latitude 5540		\$1,089.00	1	\$1,089.00
Estimated delivery if purchased today: May. 14, 2023 Contract # C000000010638 Customer Agreement # MNWNC-108				
Description	SKU	Unit Price	Quantity	Subtotal
Dell Latitude 5540 XCTO Base	210-BGBM	-	1	-
13th Generation Intel(R) Core(TM) i5-1345U vPro, (12 MB cache, 10 cores, up to 4.7 GHz)	379-BFBR	-	1	-
Windows 11 Pro, English, Spanish, French, Brazilian Portuguese	619-ARSB	-	1	-
No Microsoft Office License Included	658-BCSB	-	1	-
Assembly Base	338-CHGG	-	1	-
Intel 13th Generation i5-1345U vPro, Intel Integrated Graphics, Thunderbolt	338-CHGL	-	1	-
Intel vPro Enterprise Technology Enabled	631-ADPV	-	1	-
16GB,1x16GB, DDR4 Non-ECC	370-AFVP	-	1	-
M.2 2230 PCIe Gen4x4 256GB SSD Class 35	400-BOWJ	-	1	-
15.6" FHD (1920x1080) Non-Touch, AG, IPS, 250 nits, FHD Cam, WLAN	391-BHEU	-	1	-
FHD RGB Camera	319-BBJT	-	1	-
English US backlit keyboard with numeric keypad, 99-key	583-BHBG	-	1	-
Wireless Intel AX211 WLAN Driver MOD-SRV	555-BJDC	-	1	-
Intel(R) Wi-Fi 6E (6 if 6E unavailable) AX211, 2x2, 802.11ax, Bluetooth Wireless Card	555-BHHU	-	1	-
3- cell, 54Wh Battery, Express Charge Capable	451-BDBL	-	1	-
65W AC adapter, USB Type-C, TCO Gen9 compliant	492-BDHS	-	1	-
Single Pointing, No Palmrest Security Options	346-BINQ	-	1	-
E4 Power Cord 1M for US	537-BBDO	-	1	-
Latitude 5540 Quick Start Guide	340-DDHL	-	1	-
ENERGY STAR Qualified	387-BBPC	-	1	-
Custom Configuration	817-BBBB	-	1	-
Dell Additional Software	658-BFQB	-	1	-
Mix Model 65W Adapter (WHN)	340-DJVQ	-	1	-
Intel Core i5 vPro Enterprise Label	340-CYNW	-	1	-
EPEAT 2018 Registered (Gold)	379-BDZB	-	1	-
Latitude 5540 Bottom Door, Intel 13th Gen U-Series CPU, Intel Integrated Graphics	321-BJTL	-	1	-

ITEM 5D

Intel(R) Rapid Storage Technology Driver	409-BCWS	-	1	-
Dell Limited Hardware Warranty Extended Year(s)	975-3461	-	1	-
Thank you choosing Dell ProSupport. For tech support, visit //support.dell.com/ProSupport	989-3449	-	1	-
Dell Limited Hardware Warranty	997-8317	-	1	-
ProSupport: 7x24 Technical Support, 3 Years	997-8344	-	1	-
ProSupport: Next Business Day Onsite, 1 Year	997-8349	-	1	-
ProSupport: Next Business Day Onsite, 2 Year Extended	997-8354	-	1	-

Dell Thunderbolt 4 Dock- WD22TB4

Estimated delivery if purchased today:
Apr. 20, 2023
Contract # C000000010638
Customer Agreement # MNWNC-108

	Quantity	Subtotal
\$219.00	1	\$219.00

Description	SKU	Unit Price	Quantity	Subtotal
BASE,DS,WD22TB4 US 180W	210-BDQH	-	1	-
Advanced Exchange Service, 3 Years	872-8550	-	1	-
Dell Limited Hardware Warranty	872-8557	-	1	-

Subtotal:	\$1,308.00
Shipping:	\$0.00
Estimated Tax:	\$108.10
Total:	\$1,416.10

Important Notes

Terms of Sale

This Quote will, if Customer issues a purchase order for the quoted items that is accepted by Supplier, constitute a contract between the entity issuing this Quote ("Supplier") and the entity to whom this Quote was issued ("Customer"). Unless otherwise stated herein, pricing is valid for thirty days from the date of this Quote. All product, pricing and other information is based on the latest information available and is subject to change. Supplier reserves the right to cancel this Quote and Customer purchase orders arising from pricing errors. Taxes and/or freight charges listed on this Quote are only estimates. The final amounts shall be stated on the relevant invoice. Additional freight charges will be applied if Customer requests expedited shipping. Please indicate any tax exemption status on your purchase order and send your tax exemption certificate to Tax_Department@dell.com or ARSalesTax@emc.com, as applicable.

Governing Terms: This Quote is subject to: (a) a separate written agreement between Customer or Customer's affiliate and Supplier or a Supplier's affiliate to the extent that it expressly applies to the products and/or services in this Quote or, to the extent there is no such agreement, to the applicable set of Dell's Terms of Sale (available at www.dell.com/terms or www.dell.com/oemterms), or for cloud/as-a-Service offerings, the applicable cloud terms of service (identified on the Offer Specific Terms referenced below); and (b) the terms referenced herein (collectively, the "Governing Terms"). Different Governing Terms may apply to different products and services on this Quote. The Governing Terms apply to the exclusion of all terms and conditions incorporated in or referred to in any documentation submitted by Customer to Supplier.

Supplier Software Licenses and Services Descriptions: Customer's use of any Supplier software is subject to the license terms accompanying the software, or in the absence of accompanying terms, the applicable terms posted on www.Dell.com/eula. Descriptions and terms for Supplier-branded standard services are stated at www.dell.com/servicecontracts/global or for certain infrastructure products at www.dell.com/en-us/customer-services/product-warranty-and-service-descriptions.htm.

Offer-Specific, Third Party and Program Specific Terms: Customer's use of third-party software is subject to the license terms that accompany the software. Certain Supplier-branded and third-party products and services listed on this Quote are subject to additional, specific terms stated on www.dell.com/offeringsspecificterms ("Offer Specific Terms").

In case of Resale only: Should Customer procure any products or services for resale, whether on standalone basis or as part of a solution, Customer shall include the applicable software license terms, services terms, and/or offer-specific terms in a written agreement with the end-user and provide written evidence of doing so upon receipt of request from Supplier.

In case of Financing only: If Customer intends to enter into a financing arrangement ("Financing Agreement") for the products and/or services on this Quote with Dell Financial Services LLC or other funding source pre-approved by Supplier ("FS"), Customer may issue its purchase order to Supplier or to FS. If issued to FS, Supplier will fulfill and invoice FS upon confirmation that: (a) FS intends to enter into a Financing Agreement with Customer for this order; and (b) FS agrees to procure these items from Supplier. Notwithstanding the Financing Agreement, Customer's use (and Customer's resale of and the end-user's use) of these items in the order is subject to the applicable governing agreement between Customer and Supplier, except that title shall transfer from Supplier to FS instead of to Customer. If FS notifies Supplier after shipment that Customer is no longer pursuing a Financing Agreement for these items, or if Customer fails to enter into such Financing Agreement within 120 days after shipment by Supplier, Customer shall promptly pay the Supplier invoice amounts directly to Supplier.

Customer represents that this transaction does not involve: (a) use of U.S. Government funds; (b) use by or resale to the U.S. Government; or (c) maintenance and support of the product(s) listed in this document within classified spaces. Customer further represents that this transaction does not require Supplier's compliance with any statute, regulation or information technology standard applicable to a U.S. Government procurement.

For certain products shipped to end users in California, a State Environmental Fee will be applied to Customer's invoice. Supplier encourages customers to dispose of electronic equipment properly.

Electronically linked terms and descriptions are available in hard copy upon request.

^DELL BUSINESS CREDIT (DBC): Offered to business customers by WebBank, who determines qualifications for and terms of credit. Taxes, shipping and other charges are extra and vary. The Total Minimum Payment Due is the greater of either \$20 or 3% of the New Balance shown on the statement rounded up to the next dollar, plus all past due amounts. Dell and the Dell logo are trademarks of Dell Inc.



A quote for your consideration

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your [Premier page](#), or, if you do not have Premier, use this [Quote to Order](#).

Quote No.	3000150472302.1	Sales Rep	Carlos Torres
Total	\$1,556.86	Phone	(800) 456-3355, 512-513-2053
Customer #	530031469198	Email	C.Torres@Dell.com
Quoted On	Apr. 17, 2023	Billing To	ACCOUNTS PAYABLE
Expires by	May. 17, 2023		NSB OF PSYCHOLOGICAL
Contract Name	Dell NASPO Computer		EXAMINERS
	Equipment PA - Nevada		4600 KIETZKE LN
Contract Code	C000000010638		STE B116
Customer Agreement #	MNWNC-108		RENO, NV 89502-5036
Deal ID	16310602		

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you are ready to place an order. Thank you for shopping with Dell!

Regards,
Carlos Torres

Shipping Group

Shipping To	Shipping Method
ACCOUNTS PAYABLE NSB OF PSYCHOLOGICAL EXAMINERS 4600 KIETZKE LN STE B116 RENO, NV 89502-5036 (775) 688-1268	Standard Delivery

Product	Unit Price	Quantity	Subtotal
Dell Latitude 5540	\$1,219.00	1	\$1,219.00
Dell Thunderbolt 4 Dock- WD22TB4	\$219.00	1	\$219.00

ITEM 5D

Subtotal:	\$1,438.00
Shipping:	\$0.00
Estimated Tax:	\$118.86
<hr/>	
Total:	\$1,556.86

Shipping Group Details

Shipping To	Shipping Method
ACCOUNTS PAYABLE NSB OF PSYCHOLOGICAL EXAMINERS 4600 KIETZKE LN STE B116 RENO, NV 89502-5036 (775) 688-1268	Standard Delivery

			Quantity	Subtotal
Dell Latitude 5540		\$1,219.00	1	\$1,219.00
Estimated delivery if purchased today: May. 14, 2023 Contract # C000000010638 Customer Agreement # MNWNC-108				
Description	SKU	Unit Price	Quantity	Subtotal
Dell Latitude 5540 XCTO Base	210-BGBM	-	1	-
13th Generation Intel(R) Core(TM) i7-1355U, (12 MB cache, 10 cores, up to 5.0 GHz)	379-BFBS	-	1	-
Windows 11 Pro, English, Spanish, French, Brazilian Portuguese	619-ARSB	-	1	-
No Microsoft Office License Included	658-BCSB	-	1	-
Assembly Base	338-CHGG	-	1	-
Intel 13th Generation i7-1355U Trans., Intel Integrated Graphics, Thunderbolt	338-CHGM	-	1	-
Intel vPro Essentials Technology Enabled	631-ADPT	-	1	-
16GB,1x16GB, DDR4 Non-ECC	370-AFVP	-	1	-
M.2 2230 PCIe Gen4x4 512GB SSD Class 35	400-BOVY	-	1	-
15.6" FHD (1920x1080) Non-Touch, AG, IPS, 250 nits, FHD Cam, WLAN	391-BHEU	-	1	-
FHD RGB Camera	319-BBJT	-	1	-
English US backlit keyboard with numeric keypad, 99-key	583-BHBG	-	1	-
Wireless Intel AX211 WLAN Driver MOD-SRV	555-BJDC	-	1	-
Intel(R) Wi-Fi 6E (6 if 6E unavailable) AX211, 2x2, 802.11ax, Bluetooth Wireless Card	555-BHHU	-	1	-
3- cell, 54Wh Battery, Express Charge Capable	451-BDBL	-	1	-
65W AC adapter, USB Type-C, TCO Gen9 compliant	492-BDHS	-	1	-
Single Pointing, No Palmrest Security Options	346-BINQ	-	1	-
E4 Power Cord 1M for US	537-BBDO	-	1	-
Latitude 5540 Quick Start Guide	340-DDHL	-	1	-
ENERGY STAR Qualified	387-BBPC	-	1	-
Custom Configuration	817-BBBB	-	1	-
Dell Additional Software	658-BFQB	-	1	-
Mix Model 65W Adapter (WHN)	340-DJVQ	-	1	-
Intel Core i7 vPro Essentials Label	389-ECWK	-	1	-
EPEAT 2018 Registered (Gold)	379-BDZB	-	1	-
Latitude 5540 Bottom Door, Intel 13th Gen U-Series CPU, Intel Integrated Graphics	321-BJTL	-	1	-

ITEM 5D

Intel(R) Rapid Storage Technology Driver	409-BCWS	-	1	-
Dell Limited Hardware Warranty Extended Year(s)	975-3461	-	1	-
Thank you choosing Dell ProSupport. For tech support, visit //support.dell.com/ProSupport	989-3449	-	1	-
Dell Limited Hardware Warranty	997-8317	-	1	-
ProSupport: 7x24 Technical Support, 3 Years	997-8344	-	1	-
ProSupport: Next Business Day Onsite, 1 Year	997-8349	-	1	-
ProSupport: Next Business Day Onsite, 2 Year Extended	997-8354	-	1	-

Dell Thunderbolt 4 Dock- WD22TB4

Estimated delivery if purchased today:
 Apr. 20, 2023
 Contract # C000000010638
 Customer Agreement # MNWNC-108

	Quantity	Subtotal
\$219.00	1	\$219.00

Description	SKU	Unit Price	Quantity	Subtotal
BASE,DS,WD22TB4 US 180W	210-BDQH	-	1	-
Advanced Exchange Service, 3 Years	872-8550	-	1	-
Dell Limited Hardware Warranty	872-8557	-	1	-

Subtotal:	\$1,438.00
Shipping:	\$0.00
Estimated Tax:	\$118.86
<hr/>	
Total:	\$1,556.86

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**NV State Board of Psychological Examiners
Budget-to-Actual + Projected - Fiscal Year 2023**

4/30/23

		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023 Actual + Projected	FY24-1 Biennial-Q2 July 2023-December 2023 Budgeted	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
INCOME									
Deferred Revenue	Renewals -7/1/22	83,480.15	83,480.15	100.00%					
	Renewals -1/1/23	83,000.00	80,730.33	97.27%	Renewals 23-24 biennium (1/1/23)	80,730.33	80,730.33	80,730.33	80,730.33
	Late Renewals -7/1/23				Late Renewals 23-24 biennium (7/1/23)		15,819.98	15,819.98	15,819.98
	New Licensure and Registrations	5,625.00	5,000.00	88.89%	New Licensure, Registrations, Reinstatements		3,598.34	6,598.34	8,598.34
	License Reinstatement	500.00	2,000.00	400.00%					
Regular Revenue	21-22 Biennium Q4 New Licensure and Registrations	1,875.00	4,984.92	265.86%					1,800.00
	Applications								
	Psychologist Application	7,500.00	11,555.61	154.07%		4,000.00	4,250.00	4,250.00	4,250.00
	PA Application	3,500.00	3,999.32	114.27%		1,800.00	1,750.00	1,750.00	1,750.00
	Intern Application	1,250.00	925.50	74.04%		400.00	400.00	400.00	500.00
	Trainee Application	1,250.00	2,430.60	194.45%		2,000.00	700.00	700.00	625.00
	Non-Resident Consultant	1,000.00	902.95	90.30%		750.00	500.00	500.00	500.00
	CE App Fee	750.00	1,210.58	161.41%		600.00	500.00	500.00	500.00
	Other								
	Late Fees	0.00	3,600.00			3,600.00	0.00	0.00	0.00
	Psychologist State Exam	6,000.00	10,625.38	177.09%		5,000.00	4,000.00	4,000.00	6,000.00
	New and Duplicate License	1,000.00	1,268.10	126.81%		500.00	500.00	500.00	750.00
	Verification of Licensure	200.00	207.07	103.54%		100.00	100.00	100.00	100.00
	Cost Recovered (Disciplinary)	0.00	0.00			0.00	0.00	0.00	0.00
	Interest, Misc	50.00	31.54	63.08%		25.00	25.00	25.00	25.00
Total Income		\$196,980.15	\$212,952.05	108.11%	Income	\$ 99,480.33	\$ 112,873.65	\$ 115,873.65	\$ 121,948.65

Payroll Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget	FY23-2	FY24-1	FY24-2	FY25-1
					Biennial-Q1 January 2023-June 2023 Actual + Projected	Biennial-Q2 July 2023-December 2023 Budgeted	Biennial-Q3 January 2024 - June 2024 Budgeted	Biennial-Q4 July 2024-December 2024 Budgeted
	Board Salary/Per Diem	9,000.00	8,200.00	91.11%	4,500.00	4,500.00	4,500.00	4,500.00
	Executive Director	60,000.00	60,000.00	100.00%	30,000.00	30,000.00	30,600.00	30,600.00
	Staff Salary (Part-Time)	3,900.00	3,900.00	0.00%	3,900.00	7,800.00	7,800.00	7,800.00
	Staff Benefits Reserve	1,500.00	0.00	0.00%	0.00	750.00	750.00	1,500.00
	Investigator Salary	7,500.00	7,500.00	100.00%	4,000.00	5,000.00	5,000.00	5,000.00
	Workers Compensation	1,000.00	1,000.00	100.00%	500.00	500.00	500.00	500.00
	PERS	17,500.00	17,500.00	100.00%	9,000.00	9,000.00	10,000.00	10,000.00
	Payroll Taxes (SS, Medicare)	1,000.00	2,400.00	240.00%	1,200.00	1,200.00	1,200.00	1,200.00
	Other	250.00	700.00	280.00%	350.00	350.00	350.00	250.00
	Total Payroll	101,650.00	101,200.00	99.56%	53,450.00	59,100.00	60,700.00	61,350.00

Operating Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget	FY23-2	FY24-1	FY24-2	FY25-1
					Biennial-Q1 January 2023-June 2023 Actual + Projected	Biennial-Q2 July 2023-December 2023 Budgeted	Biennial-Q3 January 2024 - June 2024 Budgeted	Biennial-Q4 July 2024-December 2024 Budgeted
	Out of State	5,000.00	5,000.00	100.00%	2,500.00	3,500.00	3,500.00	3,500.00
	Meals							
	Lodging							
	Airfare							
	In-State Travel	1,000.00				1,000.00		1,500.00
	Supplies	500.00	350.00	70.00%	200.00	250.00	250.00	250.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	2,000.00	4,000.00	200.00%	3,000.00	1,000.00	1,000.00	1,000.00
	Print-Copy	600.00	650.00	108.33%	350.00	350.00	350.00	350.00
	Copy Lease	1,500.00	1,250.00	83.33%	650.00	700.00	700.00	750.00
	Rent	15,000.00	13,500.00	90.00%	7,000.00	7,000.00	7,500.00	7,500.00
	Postage	250.00	550.00	220.00%	200.00	50.00	50.00	300.00
	DoIt Web SV	1,000.00	1,000.00	100.00%	500.00	500.00	500.00	500.00
	Telephone & Internet	1,250.00	1,500.00	120.00%	625.00	750.00	750.00	625.00
	Software & Database	5,000.00	6,000.00	120.00%	3,000.00	3,500.00	3,500.00	3,500.00
	Legal & Professional Fees	30,000.00	20,000.00	66.67%	10,000.00	15,000.00	15,000.00	17,500.00
	Tort Claim	1,000.00	0.00	0.00%	1,000.00	0.00	1,000.00	0.00
	Professional Services (Auditor, Bookkeeper, Lobbyist)	25,000.00	25,000.00	100.00%	7,500.00	17,500.00	7,500.00	17,500.00
	Dues & Reg (ASPPB, Conf, Continuing Ed)	4,000.00	5,010.00	125.25%	5,000.00	1,500.00	4,500.00	4,000.00

	Admin Services (LCB)	1,000.00	1,000.00	100.00%		500.00	500.00	500.00	500.00
	Banking Fees	250.00	200.00	80.00%		125.00	125.00	125.00	125.00
	PayPal Fees (against regular revenue)		1,000.00			500.00			
	Miscellaneous Expense	500.00	-667.02	-133.40%		250.00	250.00	250.00	250.00
	Uncategorized Expense	300.00	100.00			150.00	150.00	150.00	150.00
	Total Expenses	\$95,150.00	\$85,442.98	89.80%		\$43,100.00	\$53,675.00	\$47,175.00	\$59,850.00
	Total Expenses + Payroll	\$196,800.00	\$186,642.98	94.84%		\$96,550.00	\$112,775.00	\$107,875.00	\$121,200.00
	Total Income	\$ 196,980.15	\$212,952.05	108.11%		\$ 99,480.33	\$ 112,873.65	\$ 115,873.65	\$ 121,948.65
	Final Balance	\$180.15	\$26,309.07			\$2,930.33	\$98.65	\$7,998.65	\$748.65

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

5E - (For Possible Action) Discussion and Possible Action to Approve hiring a Part-Time employee for the Board Office.

SUMMARY:

The work of the Board office requires more than one person. While the work itself is not necessarily difficult, the volume of work that the office processes and does is too much for one full time employee. Being able to hire a part time employee would help to distribute and keep up with that volume of work and also to attend to work that is backlogged (i.e., paper filing, analyzing record retention requirements in reference to office files).

In February, the Board approved an amendment to the budget that provided \$3,900 for a part time employee for the last half of fiscal year 2023. As approved, that budget had included money for a part time employee in its projections for the 2023-2024 biennium. Those amounts are incorporated into the budget provided in item 5C (the Budget to Actual + Projections). That spreadsheet with those items highlighted follows.

The Board office's current HR policy allows for a part time employee at \$15 per hour for a maximum of 20 hours per week. In order to try to attract a prospective employee who can offer more than basic clerical skills and who can share a longer term vision of the Board office potential, a switch of those numbers is proposed. If the Board office can offer a prospective part time employee \$20 per hour for a maximum of 15 hours per week, which has the same impact to the budget, that may encourage interest from higher quality candidates. With that in mind, the Board office proposes that change to the HR Policy.

**NV State Board of Psychological Examiners
Budget-to-Actual + Projected - Fiscal Year 2023**

4/30/23

		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023 Actual + Projected	FY24-1 Biennial-Q2 July 2023-December 2023 Budgeted	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
INCOME									
Deferred Revenue	Renewals -7/1/22	83,480.15	83,480.15	100.00%					
	Renewals -1/1/23	83,000.00	80,730.33	97.27%	Renewals 23-24 biennium (1/1/23)	80,730.33	80,730.33	80,730.33	80,730.33
	Late Renewals -7/1/23				Late Renewals 23-24 biennium (7/1/23)		15,819.98	15,819.98	15,819.98
	New Licensure and Registrations	5,625.00	5,000.00	88.89%	New Licensure, Registrations, Reinstatements		3,598.34	6,598.34	8,598.34
	License Reinstatement	500.00	2,000.00	400.00%					
Regular Revenue	21-22 Biennium Q4 New Licensure and Registrations	1,875.00	4,984.92	265.86%					1,800.00
	Applications								
	Psychologist Application	7,500.00	11,555.61	154.07%		4,000.00	4,250.00	4,250.00	4,250.00
	PA Application	3,500.00	3,999.32	114.27%		1,800.00	1,750.00	1,750.00	1,750.00
	Intern Application	1,250.00	925.50	74.04%		400.00	400.00	400.00	500.00
	Trainee Application	1,250.00	2,430.60	194.45%		2,000.00	700.00	700.00	625.00
	Non-Resident Consultant	1,000.00	902.95	90.30%		750.00	500.00	500.00	500.00
	CE App Fee	750.00	1,210.58	161.41%		600.00	500.00	500.00	500.00
	Other								
	Late Fees	0.00	3,600.00			3,600.00	0.00	0.00	0.00
	Psychologist State Exam	6,000.00	10,625.38	177.09%		5,000.00	4,000.00	4,000.00	6,000.00
	New and Duplicate License	1,000.00	1,268.10	126.81%		500.00	500.00	500.00	750.00
	Verification of Licensure	200.00	207.07	103.54%		100.00	100.00	100.00	100.00
	Cost Recovered (Disciplinary)	0.00	0.00			0.00	0.00	0.00	0.00
	Interest, Misc	50.00	31.54	63.08%		25.00	25.00	25.00	25.00
Total Income		\$196,980.15	\$212,952.05	108.11%	Income	\$ 99,480.33	\$ 112,873.65	\$ 115,873.65	\$ 121,948.65

Payroll Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget	FY23-2 Biennial-Q1	FY24-1 Biennial-Q2	FY24-2 Biennial-Q3	FY25-1 Biennial-Q4
					January 2023-June 2023	July 2023-December 2023	January 2024 - June 2024	July 2024-December 2024
					Actual + Projected	Budgeted	Budgeted	Budgeted
	Board Salary/Per Diem	9,000.00	8,200.00	91.11%	4,500.00	4,500.00	4,500.00	4,500.00
	Executive Director	60,000.00	60,000.00	100.00%	30,000.00	30,000.00	30,600.00	30,600.00
	Staff Salary (Part-Time)	3,900.00	3,900.00	0.00%	3,900.00	7,800.00	7,800.00	7,800.00
	Staff Benefits Reserve	1,500.00	0.00	0.00%	0.00	750.00	750.00	1,500.00
	Investigator Salary	7,500.00	7,500.00	100.00%	4,000.00	5,000.00	5,000.00	5,000.00
	Workers Compensation	1,000.00	1,000.00	100.00%	500.00	500.00	500.00	500.00
	PERS	17,500.00	17,500.00	100.00%	9,000.00	9,000.00	10,000.00	10,000.00
	Payroll Taxes (SS, Medicare)	1,000.00	2,400.00	240.00%	1,200.00	1,200.00	1,200.00	1,200.00
	Other	250.00	700.00	280.00%	350.00	350.00	350.00	250.00
	Total Payroll	101,650.00	101,200.00	99.56%	53,450.00	59,100.00	60,700.00	61,350.00

Operating Expenses		FY23 Budgeted Amount	FY23 Actual + Projected	% actual to budget	FY23-2 Biennial-Q1	FY24-1 Biennial-Q2	FY24-2 Biennial-Q3	FY25-1 Biennial-Q4
					January 2023-June 2023	July 2023-December 2023	January 2024 - June 2024	July 2024-December 2024
					Actual + Projected	Budgeted	Budgeted	Budgeted
	Out of State	5,000.00	5,000.00	100.00%	2,500.00	3,500.00	3,500.00	3,500.00
	Meals							
	Lodging							
	Airfare							
	In-State Travel	1,000.00				1,000.00		1,500.00
	Supplies	500.00	350.00	70.00%	200.00	250.00	250.00	250.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	2,000.00	4,000.00	200.00%	3,000.00	1,000.00	1,000.00	1,000.00
	Print-Copy	600.00	650.00	108.33%	350.00	350.00	350.00	350.00
	Copy Lease	1,500.00	1,250.00	83.33%	650.00	700.00	700.00	750.00
	Rent	15,000.00	13,500.00	90.00%	7,000.00	7,000.00	7,500.00	7,500.00
	Postage	250.00	550.00	220.00%	200.00	50.00	50.00	300.00
	DoIt Web SV	1,000.00	1,000.00	100.00%	500.00	500.00	500.00	500.00
	Telephone & Internet	1,250.00	1,500.00	120.00%	625.00	750.00	750.00	625.00
	Software & Database	5,000.00	6,000.00	120.00%	3,000.00	3,500.00	3,500.00	3,500.00
	Legal & Professional Fees	30,000.00	20,000.00	66.67%	10,000.00	15,000.00	15,000.00	17,500.00
	Tort Claim	1,000.00	0.00	0.00%	1,000.00	0.00	1,000.00	0.00
	Professional Services (Auditor, Bookkeeper, Lobbyist)	25,000.00	25,000.00	100.00%	7,500.00	17,500.00	7,500.00	17,500.00
	Dues & Reg (ASPPB, Conf, Continuing Ed)	4,000.00	5,010.00	125.25%	5,000.00	1,500.00	4,500.00	4,000.00

	Admin Services (LCB)	1,000.00	1,000.00	100.00%		500.00	500.00	500.00	500.00
	Banking Fees	250.00	200.00	80.00%		125.00	125.00	125.00	125.00
	PayPal Fees (against regular revenue)		1,000.00			500.00			
	Miscellaneous Expense	500.00	-667.02	-133.40%		250.00	250.00	250.00	250.00
	Uncategorized Expense	300.00	100.00			150.00	150.00	150.00	150.00
	Total Expenses	\$95,150.00	\$85,442.98	89.80%		\$43,100.00	\$53,675.00	\$47,175.00	\$59,850.00
	Total Expenses + Payroll	\$196,800.00	\$186,642.98	94.84%		\$96,550.00	\$112,775.00	\$107,875.00	\$121,200.00
	Total Income	\$ 196,980.15	\$212,952.05	108.11%		\$ 99,480.33	\$ 112,873.65	\$ 115,873.65	\$ 121,948.65
	Final Balance	\$180.15	\$26,309.07			\$2,930.33	\$98.65	\$7,998.65	\$748.65



POLICY OF THE NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Executive Director Employment, Compensation, and Evaluation

Purpose

In accordance with Nevada state law (NRS 641.045), the Nevada State Board of Psychological Examiners ("Board") has established this policy "concerning compensation and reviewing the performance of the staff of the Board." This policy, and any accompanying procedures, defines and describes the course and scope of employment of an Executive Director of the Board.

Definitions

1. PERS refers to the Nevada Public Employees Retirement System.

Procedure

1. General Provisions
 - a. The Board shall recruit, employ, and retain an Executive Director without regard to actual or perceived race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin, native language, age (against individuals 40 years of age or older), sexual orientation, gender identity or expression, genetic information, veterans or military status, political affiliation, marital status, disability, lawful use of any product when not at work, or opposing unlawful employment practices.
 - b. This policy applies to all opportunities and privileges of employment including but not limited to hiring, termination, compensation, and training.
 - c. The Board may adopt administrative procedures as necessary to implement the provisions of this document.
 - d. The Executive Director shall comply with actions of the Board, including approved policies and procedures, as well as applicable state laws and regulations. Failure to do so may result in disciplinary action. Executive Director is accountable to the Board as a whole and not to individual members of the Board.
2. Employment
 - a. Probationary Period / Status of Appointment. The probationary period of the Executive Director shall end six months from the date of hire, unless otherwise adjusted by action of the Board.

- i. During the probationary period, the conduct and job performance may be reviewed by the Board at the request of the Board President. Dismissal may be made at any time during the probationary period. Once the probationary period has been successfully completed, the Executive Director will have attained permanent status.
 - b. Compensation. See Addendum A for salary schedule
 - i. The Board shall pay Executive Director a gross annual salary incrementally as it is earned at the Board's regular payroll intervals, less any deductions required by law or authorized by Executive Director ("Salary").
 - ii. Executive Director shall receive and be subject to such annual cost of living adjustments ("COLA") as determined by the Board.
 - iii. Merit Pay Increase. Executive Director shall be eligible for an annual merit salary increase if the annual performance evaluation is rated as average or better. Such increase shall be not less than 2% of the annual salary.
 - iv. Payroll. Payroll shall be distributed on a bi-weekly basis.
 - c. Fringe Benefits.
 - i. Insurance. Executive Director shall not receive Board-paid group medical, dental, vision, or life insurance plans.
 - ii. Retirement Program.
 1. Within the adopted procedures of the Nevada Public Employees Retirement System (PERS), Executive Director shall elect to receive one of the following two plans:
 - a. Employee Contribution Plan A. The Board shall make 100% of normal contributions to PERS. Under this plan, the Board shall make the full retirement contribution based on an adjusted gross salary. The employee shall pay their share via a salary reduction.
 - b. Employee Contribution Plan B. The Board shall make 50% of normal contributions to PERS and Executive Director shall be responsible for 50% as a payroll deduction.
 2. The Executive Director, as the only full-time employee of the Board, shall receive the retirement benefits described below.

Part-time staff, including Board investigator(s) and part-time office support (less than 25 hours scheduled per week), shall not be eligible for PERS benefits.

- iii. Paid Vacation and Sick Leave. Executive Director shall accrue and be entitled to use paid vacation and sick leave as follows.
 1. Accrual shall be at the rate of 1.25 days of vacation time and 1.25 days of sick leave for each full month worked. Executive Director may earn no more than fifteen (15) vacation days and fifteen (15) sick leave days per fiscal year.
 2. Vacation days should be used during the fiscal year in which they are earned. Any vacation days not used by September 1 of the fiscal year immediately following shall be forfeited. Accrual shall begin anew each July 1.
 3. Sick leave may only be used for authorized reasons. Authorized reasons for using sick leave are: an inability to work because of illness or injury, incapacity due to pregnancy or childbirth, medical and dental appointments, family illness (limited to immediate family requiring care), and death in the immediate family (typically up to 5 working days).
 4. If Executive Director will be absent from official duties, the Board President or the Board President's designee shall be notified in advance.
 5. Employee shall notify the Board President in advance of taking vacation days. Requests for vacation time of 5 days or more must receive the prior approval of the Board.
 6. Upon separation from employment with the Board, Executive Director shall be entitled to payment for any unused vacation days up to the allowable limit.
- iv. Leave without Pay. Leave without pay may be taken at the discretion of the Employee or Board. Employee shall notify the Board President in advance of taking leave without pay. Requests for Leave Without Pay of 5 days or more must receive the prior approval of the Board.
- d. Holidays. Executive Director shall receive payment for eleven recognized state holidays per year (New Year's Day, Martin Luther King Jr.'s Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Nevada Day, Veterans Day, Thanksgiving Day / Family Day, and Christmas Day) plus the federally recognized holiday of Juneteenth.

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- e. Travel. Executive Director may be required to travel in connection with official duties.
- i. If appropriate, Executive Director shall receive an allowance for meals and lodging in accordance with the rate established by the U.S. General Services Administration or State of Nevada.
 - ii. If, in the course of official duties, Executive Director is required to use their own personal vehicle (e.g. travel to State Legislature), reimbursement will be made at the mileage rate authorized by the current federal rate as determined by the U.S. Internal Revenue Service.
- f. Background Check. The Executive Director shall undergo a background check with fingerprints upon his/her initial employment. Any findings in the background check shall be disclosed to the Board President who shall determine if the Board of the Whole should review and/or take action.
- g. Termination.
- i. Termination by Resignation. Executive Director may terminate employment at any time and is encouraged to provide at least 30 days' advance written notice to the Board.
 - ii. Involuntary Termination. Executive Director's employment may be terminated by the Board at any time for any not unlawful reason or no reason, with or without Cause, as follows:
 1. Termination by the Board Without Cause. The Board may terminate Executive Director employment at-will, at any time, for any not unlawful reason or no stated reason, without Cause (as defined below), upon providing Executive Director at least 5 working days personal notice or 21 working days written notice sent certified U.S. Mail to Executive Director last known residence address on file with the Board.
 2. Termination by the Board for Cause. Executive Director's employment as Executive Director may be terminated at any time for Cause upon a majority vote of the Board. "Cause" shall be defined as: (1) any act of dishonesty, fraud, malfeasance, embezzlement, theft, unethical conduct, or for gross negligence in the performance of the Executive Director's duties and responsibilities under this document; (2) Executive Director's substantial neglect of or refusal to discharge Executive Director duties; (3) Executive Director's willful refusal to follow a lawful order or instruction of the Board.

- iii. In the event of termination, the Board shall pay Executive Director: (1) earned Salary through the last day of employment; (2) any accrued and unused paid vacation; (3) One-third of any accrued and unused sick leave; (4) and any unreimbursed appropriate expenses.

h. Confidentiality.

- i. Executive Director agrees to hold as confidential information defined as confidential and gained during employment. Such information may include, but is not limited to, personally identifiable information related to licensees, registrants, and applicants, and information deemed as non-public under state and/or federal law including information protected by the ADA and HIPPA.
 - ii. This agreement shall continue upon Executive Director's separation from employment.
- i. Executive Director shall not take for personal use any items purchased by the Board including electronic equipment and office supplies. This includes upon separation from employment.

3. Employee Dispute Resolution

- a. Mediation. In the event a conflict arises between the Executive Director and a Board member or other staff of the Board, mediation shall be available as a voluntary and informal means of reaching a resolution to a particular situation. The mediation process shall generally be conducted under the direction of the Board President. Where the Board President is a party in the mediation, the Board shall designate an alternative.
- b. Grievance and Complaint Procedure.
 - i. If Executive Director is aggrieved by an action that relates, but is not limited, to such issues as working conditions, discipline, a report on performance, or the inconsistent application of policies and procedures, he/she may file a written grievance to the Board. Before filing a grievance, an attempt to resolve the situation through informal discussions with the Board President is recommended.
 - ii. A grievance must be filed with the Board within 20 working days after the date of the event being grieved or the date that Executive Director learned of the event. The specified period to resolve a grievance may be extended by mutual agreement. A grievance shall include a proposed resolution.

- c. Appeal
 - i. In the event the Board moves to discipline, demote, or dismiss Executive Director, Executive Director shall be provided at least 10 working days' written notice of such action. Executive Director shall be provided the findings of the Board in writing.
 - ii. Executive Director shall have the opportunity to appeal a decision of the Board in a publicly noticed meeting.
- 4. Duties and Responsibilities. Executive Director shall well and faithfully perform all the normal duties and responsibilities of an Executive Director, under Nevada law as the Chief Executive Officer of the Board, the specifically described duties set forth below, and any additional and reasonable duties as the Board may assign.
 - a. Executive Director's duties include, but are not limited to the following:
 - i. Management of the daily operations of the Board Office;
 - ii. Purchasing, Payroll, and other financial transactions;
 - iii. Oversight of licensure and registrant procedures; and
 - iv. Communication with Board members, licensees and applicants, and members of the general public.
 - b. Executive Director shall work in conjunction with the Board President or the Board President's designee to ensure the Board functions properly, professionally, and appropriately.
 - c. The Board shall establish the general responsibilities and duties of the Executive Director. Unless otherwise directed through Board action, policy or procedure, or in accordance with state law, it shall be the duty of the Board President, or the Board's designee, to oversee the execution of the duties and responsibilities of the Executive Director,.
 - d. When formal approval by the Board is not required in connection with the performance of duties, the Executive Director, shall advise the Board President of all significant decisions related to the function of the Board and the Board Office.
 - e. Executive Director, shall be required and expected to perform the duties and responsibilities at a high professional level in order to meet the various goals, objectives, and priorities established by the Board. The Executive Director, shall be expected to meet and attain all such goals and objectives, as well as any other goals and objectives as the Board may otherwise set for the Executive Director, after consultation with Executive Director.

- f. Attendance at Board and Significant Meetings. Executive Director shall attend all regular, special, and closed meetings of the Board. Executive Director shall also attend other meetings as may be appropriate or necessary in his/her judgment or as directed by the Board, and may submit any recommendations on any business or issues being considered by the Board.
 - g. Communication. Executive Director shall be responsible for keeping the Board updated in a timely manner with respect to developments, occurrences, and activities of the Board and the Board office.
 - h. The Board and the Executive Director shall maintain a collaborative and cooperative working relationship that is in the best interests of the Board as a whole. The Board shall provide the Executive Director, with periodic opportunities to discuss their working relationship.
 - i. Confidentiality. Except as otherwise required by applicable law or order of a court or government agency of competent jurisdiction, Executive Director, agrees:
 - i. to treat any Board confidential information as strictly confidential; and
 - ii. not to directly or indirectly use, copy, remove from the Board premises, disclose, publish, or communicate to any entity or person any Confidential Information except as required in the performance of Executive Director's, duties and for the effective administration of The Board.
5. Training and Professional Development. The Board supports training programs and professional development to improve the efficiency and productivity of the Executive Director.
- a. The Executive Director is responsible for identifying necessary and appropriate orientation, on-the-job training, and any formal or specialized training in areas unique to the work environment and required by the Board. Such training may include that which is required or recommended by the State of Nevada, including the Division of Human Resource Management (e.g. courses in supervision, management, customer service, and business/finance/purchasing).
6. Evaluation of Performance.
- a. Evaluation of performance shall be conducted during an public meeting of the Board.
 - b. Work Performance Standards are written statements of the results and/or behavior expected of the Executive Director, when job elements are

- satisfactorily performed under existing working conditions. Standards should be provided annually.
- c. The Board and Executive Director shall meet annually, at a minimum, to discuss progress toward annual performance goals. The Executive Director shall schedule his/her annual performance evaluation by the Board to take place no later than April 1 annually, unless otherwise mutually agreed to by the Parties. The Board shall evaluate the Executive Director's, performance of the goals adopted by the Board with consultation and input from the Executive Director, using an evaluation form and process determined solely by the Board after consultation with any input from the Executive Director. The Board shall provide the Executive Director with a copy of the completed performance evaluation form regarding the Executive Director's to which the Executive Director, shall have the right to respond orally and/or in writing within 30 days of receipt of the form. Nothing in this document prohibits or limits the Board's ability to conduct formal or informal interim evaluations of the Executive Director's performance as deemed appropriate by the Board.
 - d. Each evaluation will include a discussion between the Executive Director, and the Board President, or other designee of the Board, to review and clarify goals and methods to achieve them. It will also include a written evaluation of the Executive Director's, progress in the job. Evaluations will be made with reference to established work performance standards.
 - e. If the Executive Director, disagrees with the report on performance, a review by the Board may be requested. Such a request must be made in writing, identifying specific points of disagreement, and must be submitted within 10 days of the discussion of the report on performance between the Executive Director, and the Board President, or other designee of the Board. An alternative member of the Board shall be assigned to review the report on performance.

7. Indemnification.

- a. The Board shall defend and hold Executive Director harmless from any demands, claims, suits, actions, and legal proceedings (including the cost of defending against such matters) ("Claims") brought against him/her, whether in his/her individual or in her official capacity as the Board's Executive Director provided that he/she was acting within the course and scope of employment as Executive Director at the time of the alleged acts or omissions giving rise to the Claims, and excluding criminal litigation.
- b. The Board shall have the right to choose counsel to defend and hold Executive Director harmless from any Claims. Executive Director shall furnish such information and proper assistance to the Board as it may require in connection with any litigation or administrative proceeding in which the

- Board, the Board, or any the Board officers, employees, or agents is or may become a party, which arose during Executive Director's employment with the Board.
- c. Nothing in this policy imposes an obligation upon any individual Board member to personally indemnify and/or hold the Executive Director harmless against any Claims.
 - d. Executive Director agrees to release and discharge the Board and the Board harmless and indemnify the Board and the Board for all liabilities, losses, demands, claims, accounts, actions and proceedings arising or resulting from Executive Director breaching this policy. This paragraph shall survive termination of the Executive Director's employment and shall be enforceable, in addition to other remedies provide by law or this policy, by injunctive relief issued by a court of competent jurisdiction.
8. State of Nevada Employee Handbook. As appropriate and applicable, the State of Nevada Employee Handbook, most recent edition, and/or Chapter 284 of Nevada Revised Statutes, State Personnel, may be referenced for any terms not specifically addressed in this document or any associated administrative procedure(s).

Revision History

2/12/2021	Adopted	
3/4/2022	Reviewed and revised	Updated information on PERS benefits
June 6, 2022	Revised	Updated limits of accrued vacation and sick leave; Defines benefits for Executive Director

ADDENDUM A – Salary ScheduleExecutive Director / **Assistant Executive Director** Salary Schedule (2% annual increase)

Employer Contribution Plan A

STEP	PER YEAR
01	\$60,000
02	\$61,200
03	\$62,424
04	\$63,672
05	\$64,946

Employer/Employee Contribution Plan B

STEP	PER YEAR
01	\$68,827.50
02	\$70,204.50
03	\$73,039.74
04	\$68,979.00
05	\$74,535.59

Board Investigator Salary Schedule (2.5% annual increase)

STEP	HOURLY Maximum 6 Hours per month or 72 Hours per Year
01	\$150.00
02	\$153.75
03	\$158.00
04	\$162.00
05	\$166.00

Part-time Staff (2% annual increase; Not PERS eligible)

STEP	HOURLY Maximum 4 Hours per day or 20 Hours per Week
01	\$15.00 \$20.00
02	\$15.30 \$20.40
03	\$15.61 \$20.81
04	\$15.92 \$21.23
05	\$16.24 \$21.65

Maximum 3 hrs
per day or 15
hours per week

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

5A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, the 2023 Session of the Nevada Legislature, and any position the Board may take on Bills and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.

Following is a table of the legislative bills that the Board has been tracking or following that are of interest to or may impact the Board and its operations. The relevant, accompanying summaries are high level and for informational purposes only. More information about this Legislative Session’s bills and bill text are available on the Nevada Electronic Legislative Information System (NELIS):

<https://www.leg.state.nv.us/App/NELIS/REL/82nd2023>

Bill No.	Relevant Summary	Status
AB37	Authorizes the establishment of the Behavioral Health Workforce Development Center of Nevada at one or more institutions within the Nevada System of Higher Education.	Passed through Assembly Revenue during 4/11/23 work session
AB69	Makes certain providers of behavioral health care eligible to participate in the program of loan repayment administered by the Nevada Health Service Corps, which encourages practitioners of certain health care professions to practice in areas of Nevada in which there is a shortage of that type of practitioner.	Amended and passed as amended through Assembly Education during 3/14/2023 work session

<p>AB156</p>	<p>Establishes (1) the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment of alcohol or other substance use disorders, and (2) certain requirements to ensure the access of offenders or prisoners who have been diagnosed with an opioid use disorder to medication-assisted treatment and the continuation of such treatment upon the release or transfer of such offenders or prisoners.</p>	<p>Amended and passed as amended through Assembly Health and Human Services during 4/7/2023 work session</p>
<p>AB198</p>	<p>Provides for the registration of health care providers who are not licensed in this State to provide services through telehealth to patients located in this State and for the regulation of those providers.</p> <p>Revises the circumstances under which a provider of health care is authorized to provide services through telehealth to a patient located in this State.</p>	<p>Amended and passed as amended through Assembly Commerce and Labor 4/14/2023 work session</p> <p>Scheduled for Senate Commerce and Labor 5/12/2023</p>
<p>AB219</p>	<p>Notwithstanding the authority of a public body to conduct a meeting by remote technology, requires a member of a public body to attend at least 25% of the public body's meetings in person at a physical location designated for the meeting where the members of the general public are permitted to attend and participate.</p> <p>As amended: A public body may not hold a meeting to consider a contested case or a regulation by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate. If such a meeting is conducted using a remote technology system, before the first period of the day devoted to public comment, the clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including a telephone number or any necessary identification number of the meeting or other access code, must be read verbally.</p>	<p>Amended and passed through Assembly Government Affairs 4/12/23 work session</p> <p>Heard by Senate Commerce and Labor May 8, 2023</p>

AB236	Removes the exceptions that would permit a person to represent himself or herself as a psychologist without having been issued a license by the Board of Psychological Examiners, and specifies or revises existing law governing psychologists and the use of the title "psychologist" as they relate to the teaching of psychology or psychological research that does not involve the delivery or supervision of direct psychological services only when those activities are conducted at an accredited educational institution.	Passed through Assembly Commerce and Labor during 3/22/23 work session Passed through Senate Commerce and Labor during 5/8/2023 work session
AB244	Establishes the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances, and authorizes a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other relief.	Amended and passed as amended through Assembly Judiciary during 4/13/2023
AB312	Creates and establishes duties for the Commission on Environmental Justice, and establishes requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities.	Amended and passed as amended during Assembly Government Affairs 4/13/2023
AB363	Provides form for restrictions on the aspects of the criminal history of an applicant that certain licensing entities are authorized to consider in determining whether to issue the applicant a license and the procedures a licensing entity must follow to deny an applicant a license based on his or her criminal history.	Heard by Assembly Commerce and Labor 4/5/2023 No action during 4/14/2023 work session Failed Committee passage deadline
AB402	Requires regulatory bodies to submit to the Governor and the Legislature a biennial report containing information concerning each occupation or profession licensed and regulated by the regulatory body related to licensure of and reciprocity for that occupation or profession in other states.	Failed Committee passage deadline
SB119	Provides for the continuation of a requirement that certain third-party payers cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or through other means.	Amended and passed as amended through Senate Health and Human Services during 4/11/2023 work session

SB150	Provides for the issuance of a provisional license to psychological assistants, psychological interns and psychological trainees, and revises certain fees charged to psychological assistants, psychological interns and psychological trainees.	Failed Committee passage deadline
SB156	Provides certain requirements for a public body to conduct a meeting by means of a remote technology system during certain emergencies.	Heard by Senate Government Affairs on 4/7/23 Failed Committee passage deadline
SB210	Declares that the public policy of the State of Nevada includes that persons appointed to certain public bodies by the Governor should reflect the diversity of the State.	Passed through Senate Government Affairs during 4/7/23 work session Heard by Assembly Commerce and Labor on 4/26/2023
SB267	Requires certain health insurance plans to reimburse a psychologist for certain services rendered by a registered psychological assistant, psychological intern or psychological trainee under the supervision of the psychologist.	Failed Committee passage deadline
SB300	Makes an appropriation from the State General Fund to the University of Nevada, Las Vegas, for a grant program for certain interns.	---
SB365	Revises requirements governing training in cultural competency for agents and employees of certain health facilities.	Heard by Senate Health and Human Services hearing on 4/13/23 Failed Committee passage deadline
SB373	Requires the head of each agency of the Executive Department of the State Government to designate certain information and documents as vital information and documents, and requiring the head of each such agency to ensure that such vital information and documents are translated and made available in certain languages.	Amended and passed as amended during Senate Government Affairs 4/14/23 work session
SB399	Requires certain regulatory bodies to issue a professional or occupational license by endorsement under certain circumstances.	Failed Committee passage deadline

SB431	Appointment of a Secretary of Commerce and Administration in the Governor's Cabinet to have administrative oversight and responsibility for, among many others, the Nevada Board of Psychological Examiners.	Mentioned (no jurisdiction) by Senate Ways and Means on 4/13/23 Heard by Senate Government Affairs on 4/26/2023
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Executive Director Report
Office Stats - Fiscal Year 23

ITEM 7

		4/23	3/23	2/23	1/23	12/22	11/22	10/22	9/22	8/22	7/22	FY22 Totals
Psychologists	Licenses Issued	5	4	2	6	4	1	4	5	3	4	38
	Applications Received	5	7	6	4	5	6	2	6	9	3	53
Psychological Assistants	Registrations Issued	0	0	0	2	1	1	1	6	3	2	16
	Applications Received	3	1	1	1	1	1	1	3	2	2	16
Psychological Interns	Registrations Issued	0	0	0	0	1	0	0	1	1	0	3
	Applications Received	0	0	1	0	0	1	2	1	0	1	6
Psychological Trainees	Registrations Issued	0	7	0	1	1	0	1	4	2	0	16
	Applications Received	0	1	7	0	0	1	1	1	1	3	15
Non-Resident Consultants	Registrations Issued	0	1	2	0	0	1	2	2	0	0	8
Background Checks	Reviewed	1	0	0	1	0	1	0	0	1	0	4
Continuing Education	Applications Reviewed	6	4	4	5	3	1	2	4	7	3	39
State Exams	Administered	7	3	3	4	4	2	4	6	7	4	44
Complaints	Received	1	2	3	0	0	0	1	1	0	0	8
	Informal	0	1	1	2	1	2	2	1	2	3	15
Totals		28	31	30	26	21	18	23	41	38	25	281

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

13. (For Possible Action) Discussion and Possible Action to Approve Changes to the Board's Background Checks and Fingerprinting Policy

Occasionally, the Board office receives a background check return that indicates that the quality of the applicant's fingerprints were insufficient to be of use in providing criminal history information. In those cases, the return includes instructions to the applicant on how to resubmit fingerprints, and the second submission is usually successful.

The Board office recently received a second return from the DPS of an applicant's fingerprints based upon the fingerprint quality being insufficient to be of use. When that happens, the FBI runs a "Precursory Name Check" for any criminal history information associated with that name. In this case, the precursory name check did not result in any criminal history information associated with the applicant. In speaking with the Department of Public Safety about that and what it means, they explained that second returns are not unusual, as there are some people who may never be able to provide suitable fingerprints due to injury or burns, and that many agencies have a policy of accepting precursory name check that does not indicate a criminal history. With that in mind, the Board office revised its Background Checks and Fingerprinting Policy to include a process that addresses fingerprint returns. The additional provisions state the process for:

- The applicant's resubmission of fingerprints after a first return for insufficient fingerprint quality,
- The Board's acceptance of a second return for insufficient fingerprint quality with an FBI Precursory Name Check that does not result in any criminal history information associated with the applicant's name, and
- Requiring an applicant to repeat the background check process if a second return for insufficient fingerprint quality with an FBI Precursory Name Check that includes or indicates criminal history information associated with the applicant's name.



STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS
Background Checks and Fingerprinting Policy

Purpose

In accordance with Nevada state law (NRS 641.160, 641.226, NRS 622.085), this policy describes the requirement for all applicants for licensure as a psychologist or registration as a psychological assistant, psychological intern, or psychological trainee undergo a criminal background check by the Nevada State Board of Psychological Examiners ("Board").

Procedure

1. Background Check with Fingerprinting

a. Licensure as a Psychologist

- i. An applicant for licensure shall have a complete set of fingerprints in accordance with the procedures of the Nevada Department of Public Safety (DPS). Such fingerprints shall be submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.
- ii. Fingerprints shall be taken at the expense of the applicant. The Board office shall provide the applicant with information that must be presented to the agency taking the fingerprints.
- iii. An application for licensure shall not be considered complete until the background check has been received and accepted by the Board. Should the background check be returned with a finding of an arrest or conviction, the Board may review and may take action on the application. (See #3 4 below)

b. Registration as a Psychological Assistant, Psychological Intern, and/or Psychological Trainee

- i. An applicant for registration as a psychological assistant, psychological intern, and/or psychological trainee shall have a complete set of fingerprints in accordance with the procedures of the Nevada Department of Public Safety (DPS). Such fingerprints shall be submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.
 1. An applicant for registration need only have one background check taken to cover the time necessary to complete the requirements as a psychological trainee, psychological

intern, and/or psychological assistant. However, if more than three (3) years have passed between completion of the psychological intern requirements and beginning registration as a psychological assistant, the registrant may be required to submit a new background check with fingerprints before beginning the post-doctoral (psychological assistant) requirement.

- ii. Fingerprints shall be taken at the expense of the applicant. The Board office shall provide the applicant with information that must be presented to the agency taking the fingerprints.
- iii. An application for registration shall not be considered complete until the background check has been received and accepted by the Board. Should the background check be returned with a finding of an arrest or conviction, the Board may review and take action on the application. (See #3 below)

2. Submission Process

- a. Fingerprints shall be submitted to the Nevada Department of Public Safety (DPS).
 - i. Electronic Submission (LiveScan) - Fingerprints taken within the state of Nevada shall generally be submitted electronically to DPS by the agency taking the fingerprints.
 - 1. If an electronic submission fails, the applicant shall be re-fingerprinted. The second set of fingerprints cannot be submitted electronically. In this case, the fingerprint card must be mailed to the Board office with the rejection paperwork for the processing and the required fee of \$48.50, certified check or money order only, made payable to the Nevada Department of Public Safety.
 - ii. Hard Copy - If electronic fingerprints are not available, the applicant shall be provided a hard copy by the agency taking the fingerprints. In this case, the applicant/registrant shall send the hard copy and a cashier's check or money order (made payable to DPS) directly to DPS. Note DPS does not accept personal checks.
- b. Proof that fingerprints were submitted shall be forwarded to the Board office in the form of verification of payment. The fingerprinting receipt (or a copy) must be submitted to the Board office to continue with the application process.

- c. Written authorization shall be submitted by the applicant to the Board, on a form prescribed by the Board, authorizing the fingerprints be submitted for processing.

3. Resubmissions

- a. Should an applicant's Fingerprint Card be returned to the Board Office as rejected based upon the quality of the fingerprint characteristics being too low to be used, the Board Office shall forward to the applicant the documents returned, including the instructions for resubmitting fingerprint cards. Upon receipt of the return documents and resubmission instructions, the applicant shall resubmit the fingerprint form as instructed.
- b. Should an applicant's Fingerprint card be returned to the Board Office a second time as rejected based upon the quality of the fingerprint characteristics being too low to be used and accompanied by an FBI Precursory Name Check that states that no criminal history information is associated with the applicant's name, that Precursory Name Check shall be sufficient for the Board's acceptance.
- c. Should an applicant's Fingerprint Card be returned to the Board office a second time as rejected based upon the quality of the fingerprint characteristics being too low to be used and accompanied by an FBI Precursory Name Check that indicates criminal history information associated with the applicant's name, the applicant shall be required to repeat the steps in #1, above.

4. Determination of findings on a Background Check Disqualifies the Applicant from Obtaining a License or Registration (NRS 622.085)

- d. Upon receipt of a background check wherein there is a finding of an arrest and/or conviction for a misdemeanor, felony, or inclusion on a Sex Offender Registry database, such background check shall be referred to the Board's background check review team. Such review shall occur within 14 days of receipt of the background check to the Board office.
 - i. The review team shall consist of the Board President, a Board investigator and the Board's executive director.
- e. In making their determination, the review team shall utilize an established set of criteria in order to be fair and consistent in making determination. Such criteria may include, but are not limited to:
 - i. Length of time since the arrest
 - ii. Whether the arrest resulted in conviction

- iii. Type of offense (e.g. violent, non-violent, felony, misdemeanor)
- f. The review team shall determine if the background check should disqualify an applicant from licensure or registration.
 - i. If the review team determines no disqualification is necessary, no action from the Board will be necessary and the background check shall not impede the path to licensure or registration.
 - 1. Names of such applicants shall be held as confidential and not public information for the purposes of the review.
 - ii. If the review team determines disqualification may be necessary, the finding of the background check shall be referred to the full Board for review and possible action to deny the application or registration.
 - 1. Names of applicants referred to the Board shall remain confidential and not be placed on the public meeting posting except to indicate "review and possible approval of background checks" until or unless an appeal of the Board's decision is filed by the applicant.
- g. If review of the Board determines the applicant is disqualified from obtaining licensure or registration, the Board shall inform the applicant in writing.
- h. The Board may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may submit a petition to reconsider disqualification not earlier than 6 months after receiving instructions if the person remedies the determination of disqualification.
- i. A person with a criminal history may petition the Board at any time, including, but not limited to, before obtaining any education or paying any fee required to obtain a license or registration.
- j. A person may submit a new petition to the Board not earlier than 2 years after the final determination of the initial petition submitted to the Board.
- k. The Board may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Board may waive such fees or allow such fees to be covered by funds from a scholarship or grant.
- l. A person who petitions the Board for a determination shall not submit false or misleading information to the Board.

Revision History:

Adopted January 12, 2021; [proposed revision May 12, 2023](#)

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

ITEM:

14. (For Possible Action) Discussion and Possible Action to Adopt the Policy on Finance: Budgeting.

During February's meeting, the Board reviewed revisions to various Board Policies, including the Finance: Budgeting Procedures policy. Prior to approving the revisions, the Board requested that there be one revision to the Deferred Revenue section on page 4, section b. The revision requested was to more clearly distinguish income that is *not* deferred revenue from that which is defined as deferred revenue.

The revised version before the Board has accepted all of the revisions other than the Deferred Revenue section on page 4, section b. The following changes were made to that section, as follows:

- **Subsections (b)(i)(1) and (b)(i)(2)** - The term "received" was added to subsection b(1) and replaced the term "submitted" in section (b)(2) for accuracy. That revision intends to comply with how renewal fees can be used based on when they are *received* by the Board, not when they are submitted. For instance, as Ms. Scurry previously explained, renewal fees that are *submitted* by a licensee prior to the December 31 deadline may not be *received* by the Board until after January 1 (due to, i.e., the time it takes to go from PayPal to the bank), which impacts the availability of those funds over the biennia.
- **Subsection (b)(i)(2)** – The sentence "Late fees are not considered deferred revenue" was deleted from that subsection and placed in newly-created subsection (b)(ii).
- **Subsection (b)(i)(5)** – What was previously subsection (b)(i)(5) was deleted from section (b)(i) and placed in newly-created subsection (b)(ii).
- **Subsection (b)(ii)** – This newly created section is distinguished from and clearly states income that is *not* considered deferred revenue.

**POLICY OF THE NEVADA STATE
BOARD OF PSYCHOLOGICAL EXAMINERS**

Finance: Budgeting Procedures

Purpose

This document establishes the financial and budgeting procedures of the Nevada State Board of Psychological Examiners ("Board"). It seeks to ensure that the financial statements conform to generally accepted bookkeeping principles; assets are safeguarded; and finances are managed with accuracy, efficiency, and transparency.

Definitions

1. "Executive Director" refers to the executive director hired by the Board to oversee operations of the Board and the Board office.
2. "Secretary/Treasurer" refers to the member of the Board selected to serve in that capacity.
3. Licensure Biennium (hereafter referred to as "Biennium") refers to the licensure period, which runs January 1 of the odd numbered year through December 31 of the even numbered year.
4. "Fiscal Year" refers to a year as reckoned for taxing or accounting purposes. The Board recognizes the fiscal year as July 1 through June 30.
5. "Deferred Revenue," for accounting purposes, refers to revenue earned during one period of time that will not generally be utilized for services or expenses until a future period of time. For the purposes of the Board, deferred revenue refers to renewal, licensure and registration fees as described within this document.
6. Nevada Revised Statutes shall hereafter be referred to as "NRS".
7. Nevada Administrative Code shall hereafter be referred to as "NAC".
8. "Budget" is defined as the plan of financial operation consisting of an estimate of proposed expenditures and expenses for a given period and the proposed means of financial them.
9. "Recurring revenues" are monies that can be reasonably expected to continue year-to-year or biennium-to-biennium.
10. "Recurring expenses" appear in the budget each year. These include salaries, benefits, supplies and services.

Procedure

1. General
 - a. Board members and staff, including independent contractors, are expected to comply with the policies and procedures in this manual.
 - b. The Board shall comply with state and/or federal laws and regulations related to accounting, purchasing, and contracting, as applicable.
2. Accounts Payable
 - a. Cash Disbursements and Expense Allocations
 - i. Cash disbursements are generally made for:
 1. Payroll
 2. Payments to vendors for goods and services, including contracts and leases
 3. Taxes/license fees
 4. Board member / training, professional development, and travel
 5. Fees, memberships and registrations
 6. Meeting expenses
 7. Office supplies
 8. Professional fees
 - b. Accounts payable should be paid from the banking account or a Board authorized credit card.
 - i. Generally, reimbursement to a Board member or staff member shall be pre-approved and documented. Such reimbursement is generally limited to Board approved travel or related expenses.
 - c. Payroll Processing
 - i. Payroll checks shall be paid by direct deposit to a bank account.
 - ii. Time Recording
 1. The executive director shall maintain a spreadsheet to account for hours worked and leave taken (vacation, sick, and leave without pay).

2. Other staff shall submit documented payroll to the executive director every two weeks, or as applicable.
 - iii. The Executive Director will review payroll expenditures and allocations monthly as part of the Board financial reporting process.
 - iv. All quarterly federal and state payroll reports will be prepared and filed appropriately by the bookkeeper.
 - v. All W-2 and 1099 statements are issued prior to January 31st of the following year for the prior calendar year. Such documents shall be completed by the bookkeeper.
- d. Travel Expenses and Reimbursement
- i. In connection with their official duties, Board members and/or staff may occasionally need to travel to obtain professional development and/or training to keep current with professional best practices and other legitimate purposes. Such travel must be pre-approved by the Board.
 - ii. Travel costs shall conform with approved lodging and per diem costs as set by the Federal Government Services Administration (see [Travel Resources | GSA](#)). Exceptions for lodging costs may be approved when the lodging is at the location of the event.
 - iii. Expenses outside of allowable amounts must have the approval of the Board prior to reimbursement.
- e. Credit Card Usage
- i. All Board and staff members (executive director, secretary / treasurer) who are authorized to carry an organization credit card will be held personally responsible in the event that any charge is deemed personal or unauthorized. Unauthorized use of the credit card includes: personal expenditures of any kind; expenditures which have not been properly authorized; meals, entertainment, gifts, or other expenditures which are prohibited by the Board, state/federal laws and regulations.
 - ii. The receipts for all credit card charges will be given to the executive director within two (2) weeks of the purchase along with proper documentation. The bookkeeper will verify all credit card charges with the monthly statements.
3. Accounts Receivable
- a. Income - Fees

- i. Income is the result of fees collected in accordance with NAC 641.019, Fees.
 - ii. Fees shall be accepted as checks (personal, business, or cashier), money orders, or credit card payments received through a digital payment system (PayPal). At no time shall the Board office accept cash payments nor keep cash on hand in the Board office.
- b. Deferred Revenue
- i. Deferred revenue is income received through:
 1. Licensure renewal fees **received** during the biennial licensure renewal process (October - December of even-numbered years).
 2. Licensure renewal fees **submitted received** after the December 31 deadline. ~~Late fees are not considered deferred revenue.~~
 3. New licensing fees collected during the first, second and third quarters of the biennium (January 1 - June 30 each year, and July 1 - December 31 of odd-numbered years).
 4. Registration and registration renewal fees collected from psychological assistants, psychological interns, and psychological trainees during the first, second and third quarters of the biennium (January 1 - June 30 each year, and July 1 - December 31 of odd-numbered years).
 - ~~5. New license and registration fees collected during the fourth quarter of the biennium (July 1 - December 31 of even-numbered years) is not deferred revenue.~~
 - ii. Income that is not deferred revenue are:
 1. Licensure renewal late fees.
 2. New license and registration fees collected during the fourth quarter of the biennium (July 1 - December 31 of even-numbered years).
 - iii. Deferred revenue is held for use over the biennium (2nd half of fiscal year 1, all of fiscal year 2 and the 1st half of fiscal year 3). It shall be allocated to the general fund based on the four quarters of the biennium on January 1 and July 1 of each year.
 1. For example, if \$200,000 is received during the renewal period,

- a. \$50,000 will be allocated on January 1 of the odd-numbered year for use during the first quarter of the biennium (January 1 - June 30 of the odd-numbered year);
 - b. \$50,000 will be allocated on July 1 of the odd-numbered year for use during the second quarter of the biennium (July 1 - December 31 of the odd-numbered year);
 - c. \$50,000 will be allocated on January 1 of the even-numbered year for use during the third quarter of the biennium (January 1 - June 30 of the even-numbered year);
 - d. \$50,000 will be allocated on July 1 of the even-numbered year for use during the fourth quarter of the biennium (July 1 - December 31 of the even-numbered year).
- iv. License fees received by the Board outside of the normal license renewal period (October - December of even-numbered years) will be partially recognized and/or deferred upon receipt incrementally and proportionately according to the remaining number of "biennial quarters" left in the current biennial licensing cycle.
 - v. By action of the Board, monies classified as deferred revenue may be moved to the savings account until it is time to move them to the checking account for operational use. Inter-Account Bank Transfers shall be conducted in accordance with the Fund Balance policy.
4. Annual Operating Budget - Preparation and Adoption
- a. The annual budget is an expression of the goals and policy priorities of the Board within the scope of funds available from all sources. It is generally incremental, where the previous year's spending is used to estimate the next year's budget.
 - b. Balanced Budget. The Board shall strive to create a structurally balanced budget, in which recurring revenues are equal to or greater than recurring expenses.
 - c. Preparation of Budget. The budget shall be prepared in compliance with state law and accepted accounting principles.
 - i. The budget shall be based on, but is not limited to:

1. Salaries and benefits based on current staffing and the adopted salary schedule.
 2. Known operating expenses, contracts and leases.
 3. Projected and deferred revenues.
 - ii. Adoption.
 1. The tentative budget should be presented to the Board at a publicly posted meeting not later than May of each year.
 2. The final budget should be approved by the Board at a publicly posted meeting not later than June of each year.
 - iii. Adjustments. The Board shall review the adopted budget quarterly to ensure spending aligns to estimated expenses and revenues. Adjustments may be made by action of the Board.
5. Carry-over Funds.
 - a. Carry-over fund balances shall be managed with care. A carry-over balance from one fiscal year to the next may be built into the current fiscal year's budget and/or biennium with approval of the Board.
 - b. Any carry-over balance not merged into the current fiscal year budget or current biennium may be moved to the Operating Reserve Fund (generally a savings account) upon Board approval.
6. Chart of Accounts and General Ledger
 - a. The Board shall designate a Chart of Accounts (Appendix A) specific to its operational needs and the needs of its financial statements. The Chart of Accounts is structured so that financial statements can be shown by expense type and income.
 - b. The general ledger is automated and maintained using accounting software. All input and balancing is the responsibility of the executive director with oversight of the bookkeeper and approval by the Secretary/Treasurer.
7. End of Month and Fiscal Year End Close
 - a. The executive director will review and sign off on all month- and year-end journal entries. They will be filed for audit trail purposes.
 - b. The income and expense accounts review will include reconciliation to amounts received and expended and verification that payroll expenses match the payroll reports including federal and state payroll tax filings.

- c. All appropriate government filings including those required by the State will be completed and filed with the appropriate agency.
8. Financial Reports
- a. The Bookkeeper will prepare the monthly and annual financial reports for distribution to the executive director. The reports will include: balance sheet, general ledger, statement of income and expenses, budget versus actual report and any other requested reports.
 - b. Monthly, quarterly and annual financial reports will be submitted to the Board for review and approval.
9. Accounting and personnel records will be kept in the Board office and, when possible, in a digital format.
10. Division of Responsibilities
- a. Board. The Board shall:
 - i. Review and approve the annual fiscal budget.
 - ii. Review monthly financial statements and information.
 - iii. Review the executive director's performance annually and establish the salary through adoption of an HR policy with salary schedule.
 - iv. Appoint a voting member of the Board as Secretary/Treasurer on an annual basis.
 - v. Reviews and approves all contracts and leases.
 - 1. The Board president or, in the absence of the Board president, Secretary/Treasurer shall be the primary signatory on contracts and leases.
 - vi. Reviews and approves all non-budgeted expenditures of \$1,000 or more.
 - vii. Reviews and approves inter-account bank transfers.
 - viii. Reviews internal controls and accounting policies and procedures.
 - ix. Chooses and contracts with an annual external auditor for compliance with state law.
 - x. Reviews annual external audit and puts findings into practice, in conjunction with the executive director.
 - xi. Chooses and contracts with a bookkeeper to work with the executive director to provide additional oversight of the finances.

- b. Secretary/Treasurer of the Board. The Secretary/Treasurer shall:
 - i. Present monthly financial reports to the Board which include a statement of the bank balances, budget-to-actual report of income and expenses, general ledger, accounts payable / receivable, and deferred revenues. An expanded financial report shall be presented quarterly (January, April, July, October).
 - ii. Be an authorized signer on the bank accounts and credit card.
 - iii. Monitors financial reports as part of financial oversight procedures, including bank statements, budget-to-actuals, and general ledger.
 - iv. Develop, in conjunction with the executive director, the annual fiscal budget.
 - v. Review and consider for approval all non-budgeted expenditures of \$500-999 or more.
- c. Executive Director. The executive director shall:
 - i. Conduct the general bookkeeping duties, with oversight by the bookkeeper, including but not limited to:
 - 1. Overall responsibility for data entry into accounting system and integrity of accounting system data and maintain general ledger
 - 2. Process invoices and payments including checks, credit cards and electronic payments (e.g., Zelle, PayPal); make bank deposits
 - 3. Process payroll
 - 4. Prepares monthly and year-end financial reports
 - 5. Manages Accounts Receivable, including deferred revenues
 - ii. Create and monitor an appropriate annual fiscal budget, in conjunction with the Secretary/Treasurer, including but not limited to review of financial reports including cash flow projections.
 - iii. Maintain internal controls through the creation, review and revision of financial policies and procedures to ensure consistency and transparency.
 - iv. Maintain all financial records.
 - v. Review all contracts in accordance with State of Nevada contracting procedures.

- vi. Request, as needed, inter-account bank transfers.
- vii. Serves as on-site signatory for all bank accounts.
- viii. Reviews bank statements for any irregularities and provides to the bookkeeper for monthly bank reconciliations.

d. Independent Contractors

i. Bookkeeper

- 1. Reconciles all bank accounts
- 2. Provides training in accounting software to executive director and Secretary / Treasurer
- 3. Assists with annual external audit of finances and internal controls
- 4. Makes tax payments
- 5. Processes end of year W-2s and 1099's, as applicable

ii. Certified Public Accountant

- 1. Conducts, in accordance with state law, the annual external audit and presents findings to the Board prior to submission to the State

Review

- 1. These procedures will be reviewed annually and revised as needed by the Director and Secretary/Treasurer.

Addendum

A. Chart of Accounts

Income		
2550	Fund Balance	<ul style="list-style-type: none"> ● Retained Earnings; Kept as Savings account
2600	Deferred Revenue	<ul style="list-style-type: none"> ● Account # used to hold monies deferred to a future quarter of the fiscal biennium. ● Used from January 1 of the odd-numbered year through June 30 of the even-numbered year.
4010	Psychologist Application	<ul style="list-style-type: none"> ● Overarching account # for incoming fees related to applications. It is broken up by

		<p>psychologist, psychological assistant, psychological intern and psychological trainee.</p> <ul style="list-style-type: none"> Account #s 4010, 40100, 40101, 40102 and 40103 are only used in the 6 months prior to the start of a new renewal period (July 1 - December 31 of even-numbered years). Otherwise, these fees are placed in deferred revenue.
40100	Psychologist Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychologists. Fee is \$150
40101	Psychological Assistant Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychological assistants Fee is \$150; waived if paid as an intern or trainee
40102	Psychological Intern Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychological interns Fee is \$150; waived if paid as a trainee
40103	Psychological Trainee Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychological trainees Fee is \$150
4015	Psychologist State Exam	<ul style="list-style-type: none"> Account # for fees received from applicants taking the Nevada State Exam Fee is \$200
4020	Psychologist Biennial Fee (licenses, registrations, deferred revenue)	<ul style="list-style-type: none"> Income collected from 40201 and 40202 <ul style="list-style-type: none"> Renewed active licenses New licenses Deferred revenue transferred on January 1 each year and July 31 of odd-numbered years
40201	Prorated psychologist biennial	<ul style="list-style-type: none"> Income collected from new licenses Amount is prorated against the biennial renewal fee of \$600
40202	Inactive psychologist biennial	<ul style="list-style-type: none"> Income collected from renewed inactive licenses \$100

40203	Reinstatement of Psychologist	<ul style="list-style-type: none"> ● Income collected for an application to reinstate a license <ul style="list-style-type: none"> ○ Psychologist must also pay prorated fee (40201) once approved
40204	Temporary License	<ul style="list-style-type: none"> ● Currently inactive <ul style="list-style-type: none"> ○ Income collected from issuance of a temporary license
4028	Registration Fee	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological assistant, intern, or trainee
40281	Registration Fee: Psychological assistant	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological assistant ● Fee for initial registration of a psychological assistant ● \$150
4025	New License	<ul style="list-style-type: none"> ● Hard copy license
40251	New License	<ul style="list-style-type: none"> ● Hard copy license for new licensees ● \$25
40252	License: Change, Duplicate, Reinstatement	<ul style="list-style-type: none"> ● Hard copy license ● \$30
40282	Registration Fee: Psychological intern	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological intern ● Fee for initial registration of a psychological intern ● \$75
40283	Registration Fee: Psychological intern	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological trainee ● Fee for initial registration of a psychological trainee ● \$30
4030	Non-Resident Consultant	<ul style="list-style-type: none"> ● Fee for application of a non-resident consultant ● \$100
4040	CE App Fee	<ul style="list-style-type: none"> ● Application fee for review of continuing education program for the sponsoring organization
4045	Verification of	<ul style="list-style-type: none"> ● Fee for verification of licensure request by

	Licensure	licensee
4048	Request for Public Records	<ul style="list-style-type: none"> • Fee for reproduction of public records
4050	Renewal Late Fees	<ul style="list-style-type: none"> • Income collected from licensees who do not pay the renewal fee by the deadline of December 31 of the even-numbered year • \$200
4076	Restitution of Legal Costs	<ul style="list-style-type: none"> • Restitution of costs for legal matters
4078	Legal Fines recovered	<ul style="list-style-type: none"> • Costs Recovered for disciplinary matters
4080	Corporation / Firm Registration	<ul style="list-style-type: none"> • Fee for registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology • NRS 641.2265 and NAC 641.1505
3377	Mediation Review	
4090	Other Income	
4999	Interest	
Payroll Expenses		
5100	Board Salary	<ul style="list-style-type: none"> • Salary of Board members • \$150 per Board meeting attended; Paid no more than once per month • Board members who are state employees are generally not eligible for salary
5175	Wages, Staff Salary	<ul style="list-style-type: none"> • Combination of all wages / salary
51751	Salary: Executive Director	<ul style="list-style-type: none"> • Salary of executive director
51752	Salary: Executive Assistant	<ul style="list-style-type: none"> • Salary of part-time assistant
51753	Salary: Investigator	<ul style="list-style-type: none"> • Salary of investigator(s)
TBD	Staff Benefits Reserve	<ul style="list-style-type: none"> • Reserve money for vacation payout of staff who separate from service
5250	Workers Compensation	<ul style="list-style-type: none"> • Expense for workers compensation
5300	PERS	<ul style="list-style-type: none"> • Retirement benefit expense • Only executive director

5800	Employer FICA	
5810	Employer Medicare	
5900	Board Other	<ul style="list-style-type: none"> • This number is inactive
Operating Expenses		
6000	Travel Expenses	<ul style="list-style-type: none"> • Combination of all travel expenses
6100	Out of State Travel	<ul style="list-style-type: none"> • Total of all out-of-state travel expenses
6101	Out of State Travel - Meals	<ul style="list-style-type: none"> • Monies paid for meals during out-of-state travel • Expense based on GSA rates
6102	Out of State Travel - Lodging	<ul style="list-style-type: none"> • Monies paid for lodging during out-of-state travel • Allowable lodging expense based on GSA rates unless lodging is at the location of the event
6103	Out of State Travel - Baggage, incidentals	<ul style="list-style-type: none"> • Monies paid for baggage and incidentals during out-of-state travel • Expense based on GSA rates
6104	Out of State Travel - Auto Rental	<ul style="list-style-type: none"> • Monies paid for rental car during out-of-state travel • Expense based on GSA rates • Car rental should be pre-approved by the Board
6105	Out of State Travel - Auto, Public Carrier	<ul style="list-style-type: none"> • Monies paid for transportation (e.g. taxi, ride hailing service) during out-of-state travel • Expense based on GSA rates
6106	Out of State Travel - Air Travel	<ul style="list-style-type: none"> • Monies paid for air travel during out-of-state travel • Expense based on GSA rates
6110	Out of State Travel - Misc	<ul style="list-style-type: none"> • Monies paid for meals during out-of-state travel • Meal reimbursement based on GSA rates
6200	In-State Travel	<ul style="list-style-type: none"> • Total in-state travel line items
6201	In-State Travel - Meals	<ul style="list-style-type: none"> • Monies paid for meals during in-state travel

		<ul style="list-style-type: none"> • Meal reimbursement based on GSA rates
6202	In-State Travel - Lodging	<ul style="list-style-type: none"> • Monies paid for lodging during in-state travel • Expense based on GSA rates
6203	In-State Travel - Baggage, incidental	<ul style="list-style-type: none"> • Monies paid for meals during in-state travel • Expense based on GSA rates
6204	In-State Travel - Room Rental	<ul style="list-style-type: none"> • Monies paid for room rental (e.g. meeting space) in-state • Expense based on GSA rates
6205	In-State Travel - Auto Rental	<ul style="list-style-type: none"> • Monies paid for rental car during in-state travel • Expense based on GSA rates
6206	In-State Travel - Personal Auto	<ul style="list-style-type: none"> • Monies paid for mileage when using personal vehicle during in-state travel • Reimbursement based on IRS rates
6207	In-State Travel - NV Auto Public Carrier	<ul style="list-style-type: none"> • Monies paid for ground transportation (e.g. taxi, ride hailing service) during in-state travel • Expense based on GSA rates
6250	In-State Travel - Air Travel	<ul style="list-style-type: none"> • Monies paid for in-state air travel • Expense based on GSA rates
7015	Supplies	<ul style="list-style-type: none"> • General office supplies • Includes 70151
70151	Supplies	<ul style="list-style-type: none"> • Combined into 7015
7020	Office Expense	<ul style="list-style-type: none"> • Total office expenses
70202	Office Furniture	<ul style="list-style-type: none"> • Office furniture includes, but is not limited to, desks, chairs, filing cabinets, tables
7040	Office Expense - Print Copy	<ul style="list-style-type: none"> • Cost of printing, including in-office printing costs and use of outside printing service (mailers, licenses, envelopes)
7041	Office Expense - Print Copy - State Exam	<ul style="list-style-type: none"> • Printing cost for state exam • This account is inactive
85100	Office Expenses - Shredding	<ul style="list-style-type: none"> • Office expense for shredding service
7050	Office Expenses - Rent	<ul style="list-style-type: none"> • Rent for office space

7100	Postage	<ul style="list-style-type: none"> • Office expense for postage
7111	Property & Contents Insurance	
7200	Utilities	<ul style="list-style-type: none"> • Combination of information technology, internet, and telephone
7210, 307910	DoIt Web SV	<ul style="list-style-type: none"> • Information technology expense for state website maintenance
7290	Telephone	<ul style="list-style-type: none"> • Telephone expense. May be telephone carrier or state information technology
72901	Long Distance	<ul style="list-style-type: none"> • Long distance telephone expense. May be telephone carrier or state information technology
72902	Internet	<ul style="list-style-type: none"> • Internet/web use and maintenance expense. May be telephone carrier or state information technology
72903	Teleconference	<ul style="list-style-type: none"> • Inactive
7294	DoIT VPN	<ul style="list-style-type: none"> • State Information Technology for web
7500	Copy Lease	<ul style="list-style-type: none"> • Monthly lease of copy machine
7770	Software	<ul style="list-style-type: none"> • Software purchases and subscriptions (i.e. Google, Exam administration, forms creation)
7777	Database	<ul style="list-style-type: none"> • Monthly operation and maintenance of licensee database
8000	Legal & Professional Fees	<ul style="list-style-type: none"> • Monthly legal and associated expenses
8010	Legal	<ul style="list-style-type: none"> • Monthly legal costs
8011	Hearing Expense	<ul style="list-style-type: none"> • As needed, costs associated with hearings related to a complaint
8015	Tort Claim	<ul style="list-style-type: none"> • Annual cost for State Tort Claim account
8025	Repairs	<ul style="list-style-type: none"> • As needed
8050	Professional Services	<ul style="list-style-type: none"> • Annual external auditor, • Monthly fee for bookkeeper
8055	Lobbyist	<ul style="list-style-type: none"> • Monthly fee for lobbyist
8100	Exam Administration	<ul style="list-style-type: none"> • Cost associated with administration and operation of state exam
8250	Dues & Reg	<ul style="list-style-type: none"> • Cost associate with Conference Registration, etc.

8255	Membership	<ul style="list-style-type: none"> ASPPB Annual Dues
8400	Staff Development	<ul style="list-style-type: none"> Cost of approved staff training
8500	Admin Services	<ul style="list-style-type: none"> Combination of expenses from legislative counsel bureau and/or other State agencies
8520	LCB	<ul style="list-style-type: none"> Cost of Legislative Counsel Bureau review of regulations or associated activities
8550	State Misc	<ul style="list-style-type: none"> Cost of state agency activities, as needed
8600	Moving Expenses	<ul style="list-style-type: none"> Cost of moving, as needed
9001	Banking Fees	<ul style="list-style-type: none"> Costs levied by bank
9002	Bank Charges	<ul style="list-style-type: none">
9011	Fees Collected	<ul style="list-style-type: none"> Costs levied by PayPal (These fees are charged to the applicant, licensee – not the Board)
90100	Miscellaneous Expense	<ul style="list-style-type: none">
TBD	Uncategorized Expense	<ul style="list-style-type: none">

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

RE: Agenda Item 15

(For Possible Action) Discussion and Possible Action on a Request for the Board to Submit Briefing in a Pending Matter Before the Nevada Supreme Court regarding Rule 35 of the Nevada Rules of Civil Procedure.

Michael Lowry, who is a civil defense lawyer in Las Vegas, has inquired with the Board about whether it might wish to submit briefing in a Nevada Supreme Court case that concerns third-party observation of examinations as it relates to NRCP 35 (physical and mental examinations). Mr. Lowry attached a position statement that the Board provided to the Nevada Supreme Court in October 2018 as it concerned then-proposed changes to NRCP 35.

Mr. Lowry's request is specific to a question that resulted from the Nevada Supreme Court's 2021 invalidation of NRS 52.380 (attendance by an observer at a mental or physical examination) and that is at issue in a new appeal. That is, whether a neuropsychological examination can be conditioned on allowing third party observation under the current version of NRCP 35. He states that briefing from the Board on its position is very valuable in letting the Court know how it feels about the topic.

Following is the current version of NRCP 35:

Rule 35. Physical and Mental Examinations

(a) Order for Examination.

(1) **In General.** The court where the action is pending may order a party whose mental or physical condition—including blood group—is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner. The court has the same authority to order a party to produce for examination a person who is in the party's custody or under the party's legal control.

(2) Motion and Notice; Contents of the Order.

(A) The order may be made only on motion for good cause and on notice to all parties and the person to be examined.

(B) The order must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it. The examination must take place in an appropriate professional setting in the judicial district in which the action is pending, unless otherwise agreed by the parties or ordered by the court.

(3) **Recording the Examination.** On request of a party or the examiner, the court may, for good cause shown, require as a condition of the examination that the examination be audio recorded. The party or examiner who requests the audio recording must arrange and pay for the recording and provide a copy of the recording on written request. The examiner and all persons present must be notified before the examination begins that it is being recorded.

(4) **Observers at the Examination.** The party against whom an examination is sought may request as a condition of the examination to have an observer present at the examination. When making the request, the party must identify the observer and state his or her relationship to the party being examined. The observer may not be the party's attorney or anyone employed by the party or the party's attorney.

(A) The party may have one observer present for the examination, unless:

- (i) the examination is a neuropsychological, psychological, or psychiatric examination; or
- (ii) the court orders otherwise for good cause shown.

(B) The party may not have any observer present for a neuropsychological, psychological, or psychiatric examination, unless the court orders otherwise for good cause shown.

(C) An observer must not in any way interfere, obstruct, or participate in the examination.

(b) Examiner's Report.

(1) **Request by the Party or Person Examined.** Unless otherwise ordered by the court or discovery commissioner for good cause, the party who moved for the examination must, upon a request by the party against whom the examination order was issued, provide a copy of the examiner's report within 30 days of the examination or by the date of the applicable expert disclosure deadline, whichever occurs first.

(2) **Contents.** The examiner's report must be in writing and must set out in detail the examiner's findings, including diagnoses, conclusions, and the results of any tests.

(3) **Request by the Moving Party.** After delivering the reports, the party who moved for the examination may request—and is entitled to receive—from the party against whom the examination order was issued like reports of all earlier or later examinations of the same condition. But those reports need not be delivered by the party with custody or control of the person examined if the party shows that it could not obtain them.

(4) **Waiver of Privilege.** By requesting and obtaining the examiner's report, or by deposing the examiner, the party examined waives any privilege it may have—in that action or any other action involving the same controversy—concerning testimony about all examinations of the same condition.

(5) **Failure to Deliver a Report.** The court on motion may order—on just terms—that a party deliver the report of an examination. If the report(s) is not provided, the court may exclude the examiner's testimony at trial.

(6) **Scope.** Rule 35(b) also applies to an examination made by the parties' agreement, unless the agreement states otherwise. Rule 35(b) does not preclude obtaining an examiner's report or deposing an examiner under other rules.

From: [Neena Laxalt](#)
To: [boardpresident](#); [NBOP.ED](#)
Subject: FW: Audio Recording Neuropsychological Examinations
Date: Tuesday, April 18, 2023 8:47:35 PM
Attachments: [Nevada Board of Psychological Examiners rule 35 statement.pdf](#)

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I have not responded. Please advise.

Sent via the Samsung Galaxy Z Flip3 5G, an AT&T 5G smartphone

----- Original message -----

From: "Lowry, Michael" <Michael.Lowry@wilsonelser.com>
Date: 4/18/23 8:30 PM (GMT-08:00)
To: nlaxalt@msn.com
Subject: Audio Recording Neuropsychological Examinations

Dear Ms. Laxalt,

I am a civil defense lawyer in Las Vegas and I am writing to you in your capacity as a lobbyist for the Nevada Board of Psychological Examiners. I'm specifically writing to inquire about whether the Board might wish to submit briefing in a pending matter before the Supreme Court of Nevada.

In 2019 the Supreme Court amended its rules of civil procedures. Some of the biggest changes were to Rule 35, which governs examinations in litigated cases. The Nevada Justice Association's members lobbied earnestly and proposed a version of the rule that would have mandated recording or third-party observation for examinations, including neuropsychological examinations. The Board members responded and submitted the attached statement against third-party observation of examinations as both unethical and unscientific. The Supreme Court implemented a compromise version of the rule, but the NJA had their version of the rule passed as NRS 52.380. The Supreme Court ruled in 2021 that NRS 52.380 is unconstitutional and void, but the NJA is trying to amend the statute this session to get around that ruling.

I was involved with a group of civil defense lawyers who challenged NRS 52.380. It effectively barred our clients from hiring ethical, scientifically based neuropsychologists. The statute also significantly limited the ability of psychologists providing forensic services to obtain paying work. While the Supreme Court invalidated the statute, it did not answer the next question: can a neuropsychological examination be conditioned on allowing third-party observation

under the compromise version of Rule 35?

[A new appeal](#) is trying to get the question answered again. When issues like this arise, I encourage trade groups to prepare an amicus brief, which is the only way to tell the court how the group feels about a topic. It is something I have done before and, frankly, a brief from the board is far more valuable in this context than the opinion of some lawyer.

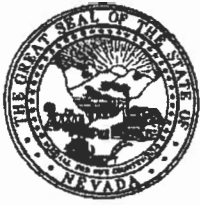
The Board took a strong position on this in 2018. If there is interest in continuing to defend that position in an amicus brief, I'm happy to discuss it further.

Michael Lowry
Attorney at Law (Admitted to practice in NV & OR)
Wilson Elser Moskowitz Edelman & Dicker LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
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michael.lowry@wilsonelser.com

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For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.

Thank you.



STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS

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Reno, Nevada 89502
Telephone 775 / 688-1268 • Fax 775 / 688-1060
nbop@govmail.state.nv.us
Psyexam.nv.gov

ITEM 15

Michelle G. Paul, Ph.D.
President, Las Vegas

Whitney E. Koch-Owens, Psy.D.
Secretary/Treasurer, Las Vegas

John H. Krogh, Ph.D.
Board Member, Reno

Stephanie Holland, Psy.D.
Board Member, Las Vegas

Anthony Papa, Ph.D.,
Board Member, Reno

Pamela L. Becker, M.A.
Public Board Member, Reno

Patrick M. Ghezzi, Ph.D., BCBA-D, LBA
Board Member, Reno

October 1, 2018
Governor

Elizabeth Brown
Clerk of the Supreme Court
201 South Carson Street
Carson City, NV, 89701.

Dear Ms. Brown:

Please see below the Licensing Board's position on third-party observers in psychological evaluations. This statement has been provided to the Nevada State Supreme Court as public comment regarding the proposed changes to Rule 35 of Nevada Civil Procedure.

In the interest of protecting the needs of the public, it is the position of the Nevada Board of Psychological Examiners that allowing third-party observers, monitors, and/or electronic recording equipment during psychological and neuropsychological evaluations poses a significant threat to public safety. Observation, monitoring, and recording can significantly alter the credibility and validity of results obtained during psychological and neuropsychological medical evaluations, as well as forensic evaluations completed for judicial proceedings. Research indicates that the presence of observers, monitors and recorders during patient clinical interviews and evaluations directly impacts patient behavior and performance such that patients may avoid disclosing crucial information essential to diagnosis and clinical recommendations. Additionally, (neuro)psychological tests and measures are developed and standardized under highly controlled conditions. Observation, monitoring, and recording of these tests is not part of the standardization. Observation, monitoring, and recording of psychological assessment components (i.e., testing) of evaluations may distort patient task performance, such that patient weaknesses and strengths are exaggerated, yielding inaccurate or invalid test data. Furthermore, research highlights that this impact on performance is independent of method of observation. In other words, there is no "good" or "safe" way to observe, monitor, or record such (neuro)psychological evaluations without impacting and potentially invalidating the evaluation. Ultimately, deviations from standardized administration procedures compromise the validity of the data collected and compromise the psychologist's ability to compare test results to normative data. This increases the potential for inaccurate test results and erroneous diagnostic conclusions, thus impacting reliability of results and future treatment for the patient. In addition, the risk of secured testing and assessment procedures being released to non-Psychologists poses risk to the public in that exposure of the test and assessment confidentiality can undermine their future validity and utility.

Sincerely
for the Board of Psychological Examiners

Morgan Gleich
Executive Director

Michelle Paul, Ph.D.
Board President

Whitney Owens, Psy.D.
Board Secretary/Treasurer

Pam Becker, MA
Public Member

Stephanie Holland, Psy.D.
Board Member

John Krogh, Ph.D.
Board Member

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: May 12, 2023

RE: Agenda Item 16

(For Possible Action) Discussion and Possible Action on the Board's Answer to a Question from the ASPPB regarding Certificate of Professional Qualification (CPQ) Eligibility.

Beverly Ferguson, the Customer Service Representative – CPQ with the Association of State and Provincial Psychology Boards (ASPPB) has forwarded several inquiries to this Board regarding the Certificate of Professional Qualification in Psychology standards. Among those inquiries is the following:

How would your jurisdiction feel about ASPPB requiring applicants to only come APA/CP or ASPPB/National Register Designated Doctoral Programs in Psychology to be eligible for the CPQ?

From: [Beverly Ferguson](#)
To: [NBOP ED](#)
Subject: Certificate of Professional Qualification in Psychology (CPQ)
Date: Wednesday, May 3, 2023 6:24:05 AM
Attachments: [asppb_mobility_policies_2022 - 2.6.2023.pdf](#)

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon,

My name is Beverly Ferguson, the Association of State and Provincial Psychology Boards (ASPPB) Customer Service Representative - CPQ. I am writing to follow-up on my last email regarding the Certificate of Professional Qualification (CPQ).

ASPPB is conducting research on the Certificate of Professional Qualification in Psychology Program (CPQ). The Certificate of Professional Qualification in Psychology (CPQ) is based upon standards established by the ASPPB Mobility Committee and endorsed by the ASPPB Board of Directors. The CPQ is a means by which a doctoral level licensed psychologist can easily demonstrate to a psychology licensing board that he or she has met ASPPB recommended standards for licensure which include specific requirements relative to his or her educational background, supervised experience, performance on the EPPP, and has never had disciplinary actions taken against his or her license. The CPQ does not constitute a license to practice.

Please take a moment to answer the following questions at your earliest convenience:

1. According to our records, the State of Nevada Board of Psychological Examiners fully accepts the CPQ. Licensing boards that fully accept the CPQ accept an official verification from ASPPB of an active CPQ rather than requiring applicants to complete the education, supervised experience, and EPPP components of the licensing application. Can you please confirm that the State of Nevada Board of Psychological Examiners fully accepts the CPQ?
2. How would your jurisdiction feel about ASPPB requiring applicants to only come from APA/CPA or ASPPB/National Register Designated Doctoral Programs in Psychology to be eligible for the CPQ?
3. In addition to an Official CPQ Verification from ASPPB, does the State of Nevada Board of Psychological Examiners require any additional documentation (e.g. Supervised Experience Documentation/EPPP Score Verification/etc.)?

I have attached ASPPB's Mobility Program Policies and Procedures above for reference of the CPQ eligibility criteria. The CPQ requirements are demonstrated in Section 7 of the Policies and Procedures.

If you have any questions, please do not hesitate to ask.

Thank you so much in advance for your assistance,

Thank you,

Beverly Ferguson

Customer Service Representative -CPQ

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