

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

DATE OF MEETING: Friday, January 12, 2024

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/89891030938>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: **898 9103 0938**. (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 meeting may also be attended at the Board office, 4600 Kietzke Lane, Suite B-116, Reno, Nevada, 89502.

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. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular and Strategic Planning Meetings of the State of Nevada Board of Psychological Examiners on December 15, 2023.

4. Financials

- A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer’s Report for Fiscal Year 2024 (July 1, 2023, through June 30, 2024).
- B. (For Possible Action) Discussion and Possible Action to Approve revisions to the Budget for Fiscal Year 2024 (July 1, 2023, through June 30, 2024).
- C. (For Possible Action) Discussion and Possible Action to Approve:
 - the creation of a full time Administrative Director role for the Board office and, if approved, revising the Board’s Employment, Compensation, and Evaluation Policy, and
 - moving the Board office to Las Vegas, Nevada.

5. Legislative Update

- A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, of the Nevada Legislature, the Legislative Counsel Bureau, and any position or action the Board may take on or in response to Bills that have been signed into Law, Legislative Bills, and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.

6. Board Needs and Operations

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

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

- A. Complaint #19-0626

(For Possible Action) Discussion and Possible Action to approve allowing the pleadings to be amended pursuant to NAC 641.173(3).

- B. Complaint #22-0930
- C. Complaint #23-0303
- D. Complaint #23-0612
- E. Complaint #23-0801
- F. Complaint #23-0905
- G. Complaint #23-0918

8. (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

Dalea Alawar	Leslie Feil	Donald Kincaid	Keri Ross
Mary Lou Ancheta	Nichole Flowers	John King	Taraneh Rostami
Robert Antonacci	Judy Fluor Runels	Ashley Kirby-Ward	Benjamin Rubin
Erick Arguello	Stephen Francis	Sandra Kubicki	Malia Sanchez
Quintin Bailey	Gila Frank	Monica Larson	Mary Schuberg
John Barona	Vanessa Fuentes	Timothy Law	David Shoup
Cortney Beasley	Maiken Gale	George Lazo	Nancy Small
Kimberly Bergman	Elena Gavrilova	Karen Levine	Katelyn Steele
Robert Bilder	Teresa George	Jessica Liberman	Tricia Steeves
Sarah Brennan	Matthew Gibbons	George Lough	Tony Strickland
RaeLynn Brister	Peter Grover	Vanessa Ma	Holly Summers
Robert Burr	Dehnad Hakimi	James Madero	Jessica Taverniti
Ramona Burroughs	Mary Herzog	Alexandra Matthews	Donna Truong
Jonathan Campos	Chia-Chi Hu	Serena Mazzola	John Tsanadis
Leandrea Caver	Clairissa Hunter	Jessica McClintock	Michael Villanueva
Filippo Cieri	Rachel Irish	Viola Mejia	Ina Von Ber
Steven Covelluzzi	Saira Jhorn	Samuel Montano	Ann Watters
Candy Crawford	Lori Johnson	Alexandra Montesi	Jessica Weis
Pegeen Cronin	Samantha Johnson	Luzviminda Morrow	Karen West
Osvelia Deeds	Margaret Jones	Ana Ochoa	Michael Whitman
Nicola De Paul	Natalie Jones	Akira Olsen	Andre Wielemaker
Kendra Devor	Ta Tanisha Jones	Stephanie Orbon	Jennifer Wilcox
Adrienne DiFabio	William Kaiser	Jonathan Page	Michele Wilkens
Mark Dillon	Carolynne Karr	So Park	Christine Winter
Shannon Dillon	Patricia Keeler	Kathryn Pesch	Jamie Wong
Alana Duschane	Daphne Kendricks	Daniel Pott-Pepperman	Gordon Zilberman
Christopher Estep	Kristopher Kern	Rachel Powers	
Megan Farnsworth	Christine Kim	Kilynda Ray	

PSYCHOLOGICAL ASSISTANTS

Jeffrey Aguiar	Emerson Epstein	Richelle Konczak	Daniela Sandelin
Rachel Ballard	Evan Fertel	Dorota Krotkiewicz	Coreen Schwartz Starr
Ramy Bassioni	Jacqueline Friar	Taylor Levine	Sharon Simington
Brian Broomand	Grady Gallagher	Alexandra Miguel	Katherine Stypulkowski
Andrew Buchanan	Michelle Gaston	Desiree Misanko	Holly Summers
Candis Carswell	Cori Gold	Luzviminda Morrow	Heather Thompson
Rosy Chavez-Najera	Milagro Gonzalez	Blake Oldfield	Christine Vaughan
Taylor Chille	Kimberly Gray	Dylena Pierce	Marijo Villano
Ashley Colson	Jennifer Grimes-Vawters	Eric Prince	Kelsey Zaugg
Althea Cook	Joseph Henrich	Leilani Puentes	
Jessica Crellin	Akiko Hinds	Jacquelyn Rinaldi	
Kaleb Cusack	Kelly Humphreys	Shannon Rojas	
Samantha del Castillo	Courtney Hutchinson	Farnaz Samavi	
	Kayla Kaiser		

PSYCHOLOGICAL INTERNS

Lorraine Apodaca	Michelle Gaston	Jeanine Johnson	Erica Marino
Shannon Colon	Michelle Harden	Lauren Johnson	Coreen Schwartz
Mario De Souza	Tiffany Hunter	Shalini Kabeer	Ruby Sharma
Paola Garcia Betancourt	Jessica Jensen	Kayla Kaiser	Jasmin Smith
Sussan Fung			

Barbara Sommer
Megan Tedrow

Candice Thomas
Richard Warmke

Charlotte Watley
Rachel Wiggins

PSYCHOLOGICAL TRAINEES

Marissa Alvarez
Vanni Arcaina
Glenn Blessington
Dominque Cheung
Adaeze Chike-Okoli
Kieffer Christianson
Anna Cole
Aimee D'Errico
Erin Dunn
Jacqueline Eddy

Kinsey Ellis
Michael Fensken
Leila Gail
Paola Garcia Betancourt
Grace Goodwin
Kaelyn Griffin
Brandon Hunley
Madison Hurley
Bianca Islas
Todd Jennings

Jessica Jensen
Cynthia Johnston
Lee Haeun
Julia Maranville
Nicole Martinez
Michael McNamara
Sara Moore
Karisa Deandra Odrunia
Ananda Peixoto-Couto
Jason Sadora

Shannon Sagert
Christine Salva
Mary Smirnova
Madison Thomasson
Teresa Walker
Bailey Way
Jessica Woodyatt

- A. (For Possible Action) Discussion and Possible Action on the ATEAM's recommendation to approve Paola Garcia Betancourt's application to register as a Psychological Intern, retroactive to December 4, 2023.
- B. (For Possible Action) Discussion and Possible Action on the ATEAM's recommendation to approve Dr. Jennifer Grimes-Vawters' application to register as a Psychological Assistant.
- C. (For Possible Action) Discussion and Possible Action on Dr. Jodi Lovejoy's request to retake the EPPP a fourth time.

9. (For Possible Action) Discussion and Possible Action on the Board's Disciplinary and Complaints Policy and Regulations.

- A. (For Possible Action) Discussion and Possible Action on proposed revisions to the Board's Complaints and Disciplinary Policy.

10. (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.

- The next regular meeting of the Nevada Board of Psychological Examiners is currently scheduled for Friday, February 9, 2024, beginning at 8:00 a.m.

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

12. 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)

13. (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, January 11, 2024.

For supporting materials, visit the Board's website at <http://psyexam.nv.gov/Board/> or contact 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 8 a.m. on Tuesday, January 9, 2024, 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 https://psyexam.nv.gov/Board/2024/2024_BOARD_MEETINGS/.

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).

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

December 15, 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, Psy.D., at 8:08 a.m. on December 15, 2023, 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 Lorraine Benuto, Ph.D., Catherine Pearson, Ph.D., and Stephanie Woodard, Psy.D. were present at roll call. Board members Monique Abarca, LCSW, Soseh Esmaeili, Ph.D., and Stephanie Holland, Psy.D. were absent at roll call; Dr. Soseh Esmaeili joined the meeting at 8:33 a.m. Despite the three-member absence at roll call, there was a quorum of the Board members.

Also present were Deputy Attorney General (DAG) Harry Ward; Board Investigators Dr. Gary Lenkeit; Executive Director Laura Arnold; members of the public: David Hines, CPA and Kay See, CPA (Campbell Jones Cohen CPAs); Dr. Dylena Pierce; Dr. Jody Thomas (UNR Counseling Services, director of training), Dr. Mark Floyd, Sabrina Schnur (Belz & Case Government affairs), Donald Hoier (private citizen), Dr. Quinten Lynn, Dr. Danielle Moreggi, Dr. Bernadette Hinojos.

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).

There was no public comment at this time.

DAG Ward stated that, as part of a new requirement in open meeting law, those who wish to comment may access this Zoom meeting with the number 84454559032. He said for some reason, the Board is required to announce to the public how they can attend, which is redundant because if you look at the agenda, they would already know. For the record, he made that announcement.

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. Requirements of supervision – revising and clarifying the requirements of supervision in NAC 641.152.

Dr. Owens opened the floor by taking public comment on the proposed changes for NAC 641.152. There was no public comment for the proposed changes. Dr. Owens moved into Board discussion. Dr. Benuto started the discussion by informing that she looked at another NAC that spells out what the minimal requirements are for supervision. Dr. Benuto first noted that she made edits to simplify the language as she felt it was overly complex. Dr. Benuto also made a recommendation that the second part (number 6) was redundant with the secondary revisions she made. Dr. Benuto explained that she clarified in the NAC revision for each level of supervisee - psychological trainee, intern, and psychological assistant, what the minimal amount of supervision is that would be expected.

Dr. Owens started by noting that the language does appear to have been cleaned up. In reading from the NAC 641.152 document, Dr. Owens explained that for a psychological trainee, they require 1 hour of supervision for every 10 hours of service delivery. Direct service hours count for both in-person and telehealth sessions. For a psychological intern, supervision should be no less than 4 hours per week, including but not less than 2 hours per week of face-to-face individual supervision. For psychological interns, 2 of those hours can be group supervision with another licensed mental health professional. For a psychological assistant, supervision should be at least 1 individual hour for each 40 hour work week. Dr. Benuto added that this can also be a proportional level of supervision for a part-time psychological assistant.

Moving on, Dr. Owens started to read from item number 6 but it appeared incomplete. Executive Director clarified that Dr. Benuto's comments did not make it into this NAC working document but the revisions made might actually be redundant to the passage before it and therefore not necessary to include. Dr. Benuto confirmed this, and informed that number 6 can be completely omitted as it is essentially a reiteration of 5. Dr. Owens agreed. Dr. Owens sought to clarify if it says "direct" supervision elsewhere but she does not believe there has to be "direct" supervision as "direct" supervision can

be interpreted as you have to be in the room with the trainee and the patient. Dr. Owens confirmed for the record that section 6 could be omitted, and the rest would stay and would make sure there is not use of the word "direct" in that other language in 5. The executive director performed a word doc search to ensure the word "direct" is not found in 5 as it relates to supervision. Dr. Benuto clarified that other instances of the word "direct" found in 5 are in relation to service-oriented activities.

Dr. Owens checked for any additional comments from the Board or public. Dr. Jodi Thomas started by adding comment on number 6. Dr. Thomas stated she does agree with taking out number 6 due to it being inconsistent with some wording in number 5 and that some statements are inadequate. Dr. Thomas shared a question regarding the wording in 5A related to supervision activities being at least 1-hour per week. Dr. Thomas questioned if this needs to be individual supervision or any type of supervision. Dr. Thomas went on to state she is hoping they can still include Supervision of Supervision under 5A, noting that it appears that part has been taken out. Dr. Benuto stated she believes "supervision activities" can be inclusive of Supervision of Supervision in that language. Dr. Thomas noted that several lines down in 5A, it states that at least half of the direct service-related activities shall be with the supervisor of record, a licensed psychologist, and believes this could mean by Supervision of Supervision. Dr. Owens agreed this language should be cleaned up so that is it not interpreted that supervision can be done by anyone other than a psychologist for a psychological trainee. Dr. Benuto sought clarification with Dr. Thomas regarding what Dr. Thomas wanted clarified in 5A. Dr. Thomas informed she is advocating that at least half of the direct supervision provided can be done under the Supervision of Supervision model with the licensed provider e.g., an intern supervising a psychological trainee, not an MFT. Dr. Owens recommends the wording is revised to: supervision must be at least 1-hour per week of individual supervision for every 10 hours of service delivery which equates to no less than 10% of the trainee's time spent in direct service-related activities at least half of which shall be with the supervisor of record and that one hour can be done by an intern or a psychological assistant. Dr. Thomas expressed this sounded better.

There were no public comments.

On motion by Catherine Pearson, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners to approve the revisions to NAC 641.152 (Item A) with the revisions discussed to be moved forward to a hearing. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard) Motion Carried: 5-0.

4. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular and Strategic Planning Meetings of the State of Nevada Board of Psychological Examiners on November 3, 2023.

There were no comments or changes suggested for the minutes of the November 3, 2023, Regular and Strategic Planning Meetings of the State of Nevada Board of Psychological Examiners.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular and Strategic Planning Meetings of the Board held on November 3, 2023. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

5. Financials

- A. (For Possible Action) Presentation, discussion, and possible action to approve Campbell Jones Cohen CPAs' Audit Report for FY2023.

[This item was taken out of order]

David Hines, CPA presented the audit report for FY2023. Mr. Hines stated that the first item is management discussion and analysis, which was composed by the Board of Psychological Examiners and provides highlights and explanations of financial data in the audit report. He said that the CPA firm did assist a little with the management discussion and analysis to make sure that the numbers tie with the numbers in the financial statements themselves, and noted the summary of the statement of net position and a summary of statement activities included in that section of the report. There is also some discussion of economic conditions and expectations for next year.

Moving on, Mr. Hines stated that the CPA firm's audit report contains its opinion. The firm audited the Board's financial statements for the year ending June 30, 2023, and are issuing a clean audit opinion, meaning the financial statements present fairly in all material aspects the financial position of the Board as of June 30, 2023, and in accordance with accounting principles generally accepted in the U.S. Mr. Hines said that the CPA firm conducted the audit in accordance with auditing standards generally accepted in the U.S. and using standards applicable to financial audits which are contained in government auditing standards issued by the U.S. Comptroller General.

Mr. Hines stated that the CPA firm performed a number of procedures. It maintained professional skepticism when auditing the financial statements and exercised professional judgment in obtaining reasonable assurance that the financial statements are fairly stated in accordance with generally accepted accounting principles. The firm also performed analytical procedures and developed expectations based on prior year financial information and what they know about the economy and current economic

conditions and analyzed financial ratios. They also examined the Board's supporting documents and obtained third party confirmations from, i.e., a bank or the AG's office, or obtained confirmation of what they received from the Board.

Mr. Hines explained that an audit of financial statements is undertaken to obtain reasonable assurance that the financials are fairly presented. There is not 100% certainty that the financials are free of fraud or error, but they test the financials to such a degree that they have reasonable assurance that the financials are not materially misstated.

Mr. Hines went on to address the governmental fund balance sheet and statement of net position. The Board's assets are summarized on the balance sheet, as are the liabilities and net position or fund balance of the Board. There are also adjustments that are necessary according to government accounting standards to adjust the financials to the government-wide presentation. Mr. Hines explained that these adjustments are mainly comprised of adjustments relating to the pension fund and the lease liabilities and lease assets according to government auditing standards. Mr. Hines highlighted the governmental fund revenue expenditures and changes in fund balance in the statement of activities. He said there are summaries of expenditures, program revenue, and net income to the Board for the year, and that there is positive net income which is generally a good thing. There is also a summary of the change in fund balance and net position.

Mr. Hines stated that there are notes to the financial statements, a summary of significant accounting policies included in note 1. He noted that it is extensive, describing the basis of presentation according to government auditing standards. The basis of accounting – the financials are on a modified accrual basis of accounting. There is also an explanation of the Board's budgeting process, policy for cash and cash-equivalents, what a capital asset is for the Board, how the licensing fees are accounted for. There is an explanation of how the pension fund and government accounting impacts the Board's financials. There are various other notes, including that the Board is complying with the Nevada Revised Statutes and the Nevada Administrative Code and what constitutes cash and cash equivalents – i.e. bank deposits, short term marketable securities, capital assets, and an explanation of the Board's leases (of which the Board has one in Reno). The longest note is the note on pension, which gives a lot of detail about the PERS system and liabilities and expenses of the Board in relation to that. There is also a little information on the conversion to government-wide financial statements. The books as they are seen in the Board's accounting system defer somewhat from how they have to be presented as part of the government-wide financial system, so adjustments to comply are explained. There is also some explanation about the recent government orders. There was some concern that Boards may be consolidated or eliminated. Mr. Hines said he does not see that for the Board in the foreseeable future. There's always a possibility of some consolidation with other professional licensing boards, but that is speculative at this point.

There is some supplemental information. In the past, the Board has created a biennial budget based on two fiscal years combined, though in recent years the budgeting process has been for one year. They combined the prior year's budget with the FY2023 budget to create a biennial budget to present this statement consistent with how it has been presented in the past. Revenue is a little greater than expected according to the biennial budget, and expenditures are less than expected, which is favorable. They have supplemental pension information, which is included because that is required. And, there is the report on internal control over financial reporting. They are not providing an opinion on the overall system of external control. They merely examine the internal controls to the extent it helps them have reasonable assurance that the financial statements are fairly stated. However, they will let the Board know of any findings as to significant deficiencies or material weaknesses in the system of internal controls.

As for the schedule of findings and responses, there are two findings relating to the system of internal control. First, the recording of revenue, they consider this to be a material weakness. The Board's policy for recording revenues was not followed exactly. Most of the problem was that an adjusting entry from last year's audit was input twice and that accounts for most of the error. The effect is that the liabilities are overstated – liabilities in the form of the deferred revenue account – and revenues were understated slightly. The firm recommends the Board provide training in the preparation of governmental financial statements in accordance with generally accepted accounting principles and that management review and approve the recording of payments received from licensees. The Board agreed with that finding.

The second finding relates to the recording of the PERS pension expense. It is being recorded and a liability is created in the form of an account payable instead of eliminating the payable a new expense is being recorded, which duplicates the expense for PERS which causes it to be overstated and liabilities overstated. The recommendation is for the Board to implement procedures to train personnel how to record the PERS payment and that management review and approve those payments so that there is not a duplicate of that expense.

On motion by Lorraine Benuto, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners Campbell Jones Cohen CPAs' Audit Report for FY2023. (Yea: Whitney Owens, Lorraine Benuto, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 4-0.

B. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2024 (July 1, 2023, through June 30, 2024).

The Executive Director gave the treasurer's report, stating that as of November 30, 2023, the checking account balance was \$337,122.98. She said that the Board continues to operate on the almost \$81,000.00 net revenue for the second biennium quarter deferred income distribution, which is the first half of the 2024 fiscal year, as well as about \$22,000.00 from the other deferred revenue distributions such as late renewal fees, new licensures, and registrations. She explained that, after December, the treasurer's report will include the next deferred income distributions for the third biennium quarter (January – June 2024), which is also the second half of FY 2024. Those distributions are from the 2023-2024 renewals and the other deferred revenue that has come in and gets cast across the biennium.

The executive director noted that the savings account balance was \$105,066.46, and stated that with the end of November being almost half way through the fiscal year, the Board is at about 34% of budgeted expenditures and just under 50% of expected revenue – most of which is the deferred income allocated to this biennium quarter.

C. For Possible Action) Discussion and Possible Action to Approve revisions to the Budget for Fiscal Year 2024 (July 1, 2023, through June 30, 2024).

The Executive Director went on to highlight a small adjustment to the budget. She said that at the beginning of the fiscal year, she had budgeted \$2,500 for office expenses. That amount, however, did not take into account that the office computers that were budgeted, approved and purchased during the last part of FY2023 were not actually paid for until the beginning of FY2024. As a result, the actual numbers for November brought the office expenses over \$2,500 (and over 100% of what was budgeted), so she adjusted that figure to \$4,000, which is probably more than what is needed, but the Board's budget had the room to do so based on the final balance, which is still comfortably in the black. The Executive Director said she also made those adjustments in the biennium and fiscal year breakdowns, and both final balances accommodated that adjustment as well.

On motion by Soseh Esmaeili, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Treasurer's report for FY2024 and the revision to the FY2024 Budget. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Holland.) Motion Carried: 5-0.

6. Legislative Update

- A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, of the Nevada Legislature, the Legislative Counsel Bureau, and any position or action the Board may take on or in response to Bills that have been signed into Law, Legislative Bills, and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.

The executive director updated the Board on some forward movement on the regulations front. She said there are two files that have LCB numbers now and for which the LCB are preparing drafts – those are the amendments the Board proposed in response to EO2023-003 (removal of all references to behavior analysts so that the Board’s regulations are streamlined for application only to Psychologists), and the other has the revision to NAC 641.136 (changes to the number of cultural competency CEs) and the regulation revisions that respond to AB 244. The executive director explained that those drafts are what the Board needs in order to bring those revisions to a hearing.

The executive director went on to state that in a recent dialog and discussion with the LCB regarding some questions they had on one of those files, she followed up on her previously unanswered inquiry about when the Board could expect the LCB to codify the thirteen approved amendments since 2017 so that our regulations were not so cumbersome to try to navigate. The LCB checked on that let the executive director know that the codification project was assigned to an attorney on November 30. The executive director did not know what that meant in terms of how long it will take to get done, but she hoped it is now more brightly on the LCB’s radar, and would keep the Board posted on any developments on that front.

7. Board Needs and Operations

- A. Report from the Nevada Psychological Association.

There was no report from the NPA.

- B. Report From the Executive Director on Board Office Operations.

The executive director stated that the office statistics for November were mostly pretty average, having issued 3 new licenses, but that there were more coming. She said there was also only 1 state exam administered, and that was because the Board office was closed for a lot of November while she was gone for a couple of weeks and

because of the Thanksgiving holiday weekend - there were not many days to be able to schedule them.

The executive director went on to state that as of the end of November, the board had 689 active licensees and 103 active licensee applications. She said that as for those the Board registers – the psychological assistants, psychological interns, and psychological trainees – there are a total of 86 that are registered and 23 active applications, the breakdown of those being provided under Current Applications and Registrations section of the Board Statistic spreadsheet.

There were no questions or comments on the Executive Director Report.

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

A. Complaint #19-0626

DAG Ward stated that he met with the investigators and Executive Director in regard to the complaints listed. DAG Ward shared that he gave opposing counseling an ultimatum to either resolve this complaint or not, and his client suggested we not resolve it, and therefore this matter will eventually be going to a hearing.

B. Complaint #22-0930

DAG Ward stated he is just waiting for paperwork to come back that shows this complaint has been resolved.

C. Complaint #23-0303

D. Complaint #23-0612

E. Complaint #23-0801

F. Complaint #23-0905

G. Complaint #23-0918

DAP Ward went on to comment on Complaints #23-0303, #23-0612, and #23-0801. DAG Ward informed that these complaints are called alleged violations under NRS 641.390 - representation or practice without a license. He explained many of these being advertisements on the internet explaining what they can and cannot do. DAG Ward informed that he has sent out cease and desist letters and he will be sending out

more cease and desist letters. Some of them are easily resolved by compliance by the alleged people that are violating the NRS 641.390. DAG Ward stated he has no other updates on the complaints listed.

Dr. Lenkeit shared that DAG Ward covered everything well. Dr. Lenkeit added that on Complaint #22-0930, he thinks the respondent just asked for some minor changes in the wording in the document and believes this complaint should be gone by the next meeting.

Dr. Owens checked with DAG Ward regarding a timeline for hearing for Complaint #19-0626. DAG Ward informed that timing all depends on opposing counsel. The complainant has filed a motion for a more definite statement and DAG Ward shared that he is going to accommodate it. DAG Ward informed he is reviewing the two depositions he took regarding this matter and he will be given a line-by-line accusation. Following this, DAG Ward anticipates the complainant will want to file more depositions. DAG Ward informed he is in the process of getting a hearing officer. DAG Ward shared he will be presenting a contract to the board for a hearing officer up to \$15,000 with hopes of getting that in January or February. With regards to a timeline, DAG Ward hopes that we would be within the statute of limitations within Nevada which would give him until February 3rd, 2026 to have this resolved.

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.

Dr. Owens stated that the following applicants are recommended for approval of licensure contingent upon completion of licensure requirements: Shannon Dillon, Taraneh Rostami, Tricia Steeves, Serena Mazzola, Mary Schuberg, Katelyn Steele, Karen West, Robert Burr, and Teresa George.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Shannon Dillon, Taraneh Rostami, Tricia Steeves, Serena Mazzola, Mary Schuberg, Katelyn Steele, Karen West, Robert Burr, and Teresa George. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

[Items 9A-9D were taken out of order]

- A. (For Possible Action) Discussion and Possible Action on Dr. Mark Floyd's application to Reactivate his inactive license.

Dr. Owens stated that Dr. Mark Floyd has submitted an application to reactivate his currently inactive license. Dr. Floyd was licensed in Nevada in 2000 and remained an active licensee in good standing until he renewed as inactive for the 2021-2022 biennium, and again renewed his inactive status for the 2023-2024 biennium.

Included with Dr. Floyd's application are the certificates of the continuing education courses he identifies on his application and has taken in order to satisfy the requirements of reactivation. According to the application and the supporting certificates, Dr. Floyd completed 30 Continuing Education hours. 15 hours were live, 9 were in ethics, 3 were in suicide prevention and awareness, and 6 were in cultural diversity.

If approved, Dr. Floyd is prepared to pay the prorated licensure fees for what remains of the biennium (through 2024).

On motion by Catherine Pearson, second by Stephanie Woodard, the Nevada Dr. Mark Floyd's application to Reactivate his inactive license. (Yea: Whitney Owens, Lorraine Benuto, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 4-0.

- B. (For Possible Action) Discussion and Possible Action on Dr. Dylena Pierce's application to extend her Psychological Assistant registration for an additional year.

Dr. Owens stated that Dr. Dylena Pierce is registered with this Board as a Psychological Assistant, initially registered in December 2020. That registration was extended for another year in December 2021 and again in December 2022. Because the current extension request would cause Dr. Pierce to be registered as a Psychological Assistant for more than 3 years, she requires Board approval.

Dr. Owens said that Dr. Pierce is requesting this extension so that she can retake the EPPP-1 a third time, as she did not pass on her first and second attempts. If approved, Dr. Pierce is prepared to pay the \$150 registration extension fee.

According to Dr. Owens the Board has historically extended Psychological Assistant Registrations for up to 4 years, and said she did not have any concerns with this application.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Dr. Dylena Pierce's application to extend her Psychological Assistant registration for an additional year. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

- C. (For Possible Action) Discussion and Possible Action on Dr. Jodi Lovejoy's request to retake the EPPP a fourth time.

Dr. Owens stated that Dr. Jodi Lovejoy is an applicant for licensure, whose application went before the ATEAM during 2022 for an equivalency review. While Dr. Lovejoy's training hours had been approved at an ATEAM meeting earlier in 2022, during the December 16, 2022, ATEAM meeting, which Dr. Lovejoy attended, the ATEAM committee members and Dr. Lovejoy had a question and answer session regarding Dr. Lovejoy's coursework – Dr. Lovejoy having provided transcripts and associated documents relating to her education. As a result of that dialog, the ATEAM recommended that Dr. Lovejoy take the EPPP-1 as a measure of competency in knowledge and stated that, if she passes the EPPP-1, her application was to return to the ATEAM for further review and determination. Dr. Owens said it should be noted that Dr. Lovejoy took and passed the Nevada State Exam in September 2021.

Dr. Owens explained that Dr. Lovejoy has submitted an application to retake the EPPP a fourth time, having not passed the exam in her first three attempts. She said Dr. Lovejoy's application explains how she is approaching her study schedule and program, the practice tests she intends to take, the fact that she now has a private coach, the study groups with which she intends to engage, the areas in which she intends to focus, and additional information regarding the test accommodations that this Board previously approved for her during its December 2, 2022, meeting. She also noted that Dr. Lovejoy has paid a \$150 application extension fee, which allows her application to remain active until April 2024.

Dr. Owens asked if someone from the ATEAM could speak to using the EPPP-1 as a competency measure and what the deficiencies in her application were. The executive director interjected and stated that, from the meeting minutes from that ATEAM meeting, Dr. Holland was the one who took on most of the conversation and recommended the EPPP-1 as a measure of competence. She said she did not see a lot of information in those minutes that would answer that question, and Dr. Holland was not present to speak to it. She inquired with Dr. Esmaeili or Dr. Pearson might have some insight. Dr. Pearson stated that she does not believe she was on the ATEAM at the time that application was reviewed. Dr. Esmaeili did not recall if they talked in depth about that. Dr. Owens suggested tabling this item until January, when Dr. Holland may be able to offer her insight. Dr. Owens stated that she just wanted to be able to understand it a little better before the Board made a determination.

This item was tabled until the January Board meeting.

- D. (For Possible Action) Discussion and Possible Action on approving Dr. Bernadette Hinojos's application to extend their registration as a Psychological Assistant.

Dr. Owens stated that Dr. Hinojos has requested that their registration as a Psychological Assistant be extended. Dr. Hinojos was originally approved as Psychological Assistant in October 2017. In July 2019, Dr. Hinojos was issued a certificate of registration as a Psychological Assistant (PA019) under Dr. Wright's supervision that was valid through November 27, 2021. In July 2021, that registration was extended through July 8, 2022. At that point, Dr. Hinojos was under Dr. Lynn's supervision.

Dr. Owens said that in September 2022, the Board approved another registration extension request through September 8, 2023. Dr. Hinojos continued to be under Dr. Lynn's supervision.

This Board first considered Dr. Hinojos's current extension request during its November 3, 2023, Board meeting. The basis on which Dr. Hinojos had made their request to extend their registration was so that they could apply for and complete the requirements for licensure. Given the length of time Dr. Hinojos has been registered as a Psychological Assistant and the previous extensions they have been given, the Board postponed further consideration of the request until today's meeting so that Dr. Hinojos could provide additional information and appear at the meeting to answer any questions the Board may have.

Since the last meeting, the Board office has gathered additional information for the Board's consideration of Dr. Hinojos's request, as follows:

- Dr. Hinojos took and passed the state exam in August 2020.
- Dr. Hinojos took the EPPP-1 four times between June 2021 and September 2022 and did not pass.
- Dr. Hinojos's registration was extended in September 2022 to permit them to retake the EPPP-1, which is when they took the EPPP-1 for the fourth time.
- Based on the September 28, 2022, date of the 4th EPPP-1 retake, Board policy would make Dr. Hinojos eligible to take the exam again after March 28, 2024 (18 months after the 4th time not passing the exam).

Dr. Hinojos has also provided a more detailed statement and the steps they intend to take in preparing for the EPPP-1 and in support of their extension request, which is available in the meeting materials.

If Dr. Hinojos's extension request is approved, the Board office will request that they pay the \$150 registration extension fee.

Dr. Owens noted that both Dr. Hinojos and Dr. Lynn were present, and opened the floor for questions and discussion from the Board. Dr. Benuto asked whether there was precedent for this type of extension. Dr. Owens did not recall someone taking the EPPP-1 for a fifth time during her time on the Board, and deferred to Dr. Lenkeit. Dr. Lenkeit stated that he does not recall anyone taking the exam a fifth time, and added that one of the reasons the Board put limits on extending Psychological Assistants' registrations is because years ago when he was first on the Board, there were no limits. People were basically making a career of 20 years of being a Psychological Assistant. That is why the Board started putting time limits on it.

Dr. Owens clarified that Dr. Hinojos's registration expired on September 8, 2023, which the executive director confirmed. Dr. Owens stated that the request is for Dr. Hinojos to continue to work under Dr. Lynn while they are studying for the EPPP-1 for the fifth time. Dr. Owens stated that her concerns from the last meeting were that it sounded like Dr. Hinojos was continuing to practice while not registered with the Board due to their registration having expired September 8.

Dr. Lenkeit added to what he said before stating that the limits they put on Psychological Assistant registration was not to limit the number of times someone took the EPPP-1, but to ensure that people were taking the exam. What happened previously was that people were extending Psychological Assistant registrations and not taking the exams. He did not believe there was any intent in stopping someone from being able to take the exam as many times as they want.

Dr. Owens said she would be in favor of allowing Dr. Hinojos another opportunity to take the exam if they have a solid study plan. Her concern was their working and continuing to practice past their registration expiration date.

Dr. Pearson wanted to clarify that the last time they took the EPPP-1 was in September 2022, and because that was their fourth time taking it, they could not take the EPPP-1 again prior to the expiration of their registration because they need 18 months before they can take it again. Dr. Owens confirmed that was correct, and that is by regulation.

Dr. Benuto asked if Dr. Hinojos is currently practicing. Dr. Lynn stated that they are not currently practicing – they are not seeing clients at this time, but focusing on their studies for the EPPP-1 and trying to get the extension for the Psychological Assistant registration.

Dr. Owens asked if someone has to be registered in order to be able to take the EPPP-1. The executive director said essentially yes, that they need to be active with the

Board in some capacity, whether registered as a Psychological Assistant or an applicant for licensure. The Board office gives them quite a long time to be able to schedule when they take the EPPP-1. For instance, once someone registers to be able to take the EPPP-1, the executive director might give them 6 months to be able to schedule it, and some of that time may fall outside of the registration or application period, but the applicant would have been active with the Board at the time they registered to take it.

Dr. Woodard summarized for purposes of understanding. She said Dr. Hinojos's registration with the Board expired so they are no longer registered with the Board and the question before the Board today is to allow them to register again so they can take the EPPP-1 for the fifth time. Dr. Owens confirmed. Dr. Woodard noted that Dr. Lenkeit had stated that the parameters that had been previously set by the Board were to ensure that people were actively working toward passing the EPPP and not remaining a Psychological Assistant into perpetuity. It appeared to Dr. Woodard that there has been an earnest effort to continue to take in an effort to pass the EPPP. For her, the question is whether the Board should grant the allowance for Dr. Hinojos's re-registration as a Psychological Assistant. Dr. Woodard said she sees the study plan, and asked what the timeline is for the plan to retake the exam and how quickly can the Board review the results of that test.

Dr. Owens stated that the earliest Dr. Hinojos can retake the exam is March 2024, and asked Dr. Lynn when Dr. Hinojos was planning to take it. Dr. Lynn stated that Dr. Hinojos would like to take the exam as soon as possible and as soon as the Board will allow them to as it relates to the 18 month requirement.

Dr. Hinojos reiterated what Dr. Lynn stated. In response to some of the Board's concerns, Dr. Lynn assured the Board that Dr. Hinojos is actively trying to become licensed and their efforts in taking the EPPP 4 times demonstrates that. He said that their results on the EPPP do not reflect their abilities as a clinician, it only shows their ability to pass an exam, and that is an important distinction. Dr. Hinojos is not just sitting in Psych Assistant land now and forever. Dr. Lynn stated that they want to be licensed and the people they serve really benefit from the services they provide.

Dr. Owens inquired with Dr. Lynn regarding whether Dr. Hinojos would return to practice if re-registered. Dr. Lynn said that is the hope, and their clients hope that as well, and as soon as possible. Once re-registered, Dr. Hinojos wants to see clients and study for the EPPP and hopefully be as ready as they can be in March.

Dr. Benuto asked if it is possible to provide a time-limited Psych Assistant registration, such as several months to get them to the March threshold, but then noted that they then will also need to take the EPPP-2. The executive director stated that it was her understanding that Dr. Hinojos is planning to apply for licensure in the near future, and explained that generally when they extend a registration, it is for one year, so this one would be until next September. That would give Dr. Hinojos time from March 29, when

they can take it again, to take the exam, and retake again if need be. Dr. Benuto asked if the Board would hold the expectation that they also take the EPPP-2 in that time frame so that all licensure requirements are met by that time. The executive director did not think they could register to take the EPPP-2 until after they complete their postdoc work, so that would be more part of her licensure application.

DAG Ward reminded those speaking during the meeting to state their name for the record.

Dr. Owens stated that, during the registration time frame, Dr. Hinojos would be able to take the EPPP-2 after passing the EPPP-1. She did not think they would have to wait until the end of that time. Dr. Owens said she keeps coming back to Dr. Hinojos's registration expiring on September 8 and there was no communication with the Board to extend at that time, which is a violation of the Board's rules. Dr. Owens explained that she has a lot of empathy for keeping up with all of the moving parts of being a licensed professional in Nevada and stated that it is a professional responsibility to do so. She said she is grappling with that most of all. The rest feels doable, and asked if Dr. Lenkeit had any thoughts or suggestions based upon his time on the Board.

Dr. Lenkeit said that would technically be a violation, but what he is hearing is that they are not continuing to practice at this point, so he doesn't know if there is enough information to know whether there is a violation. If they are not practicing, then it is just expired. Dr. Lenkeit does not know if the Board would be extending the registration for a year because that would be retroactive, or if the Board is approving a new registration for a year from this point.

Dr. Benuto asked whether she could ask whether they were practicing after the September registration expiration. Dr. Lenkeit thought that would be admitting to a violation ahead of time and would advise against that. DAG Ward added that if they do ask them, he would also let them know they have a right to consult an attorney before answering because they could be incriminating themselves. He said he would not want to prosecute a state where they gave a voluntary statement without giving them informed rights even though this is a civil matter.

Dr. Owens agreed with Dr. Lenkeit and DAG Ward. She did not want to ask that question, but thought that in an effort to move forward with the intention of the rule, as Dr. Lenkeit stated – that being the intention of the limitations on registration as a Psychological Assistant was to prevent registrants from being registered as Psychological Assistants in perpetuity, which is not what Dr. Hinojos appears to be doing by trying to pass the exam and trying to become licensed – she suggests approving Dr. Hinojos's request to register, and that the registration be from December 15, 2023 to December 15, 2024, with the generous assumption that they were not practicing after their registration expired on September 8 and the understanding that

the Board would have to review that extension next December and determine if the Board would continue to extend at that time if necessary.

Dr. Pearson stated that Dr. Hinojos's wanting to go back to seeing clients was a concern in reference to the hours per week they would be practicing. She said she appreciates the information about the current study plan and what Dr. Hinojos will be doing, but one of the concerns identified in the prior attempts at the EPPP was that they were spending a lot of time completing their hours as a Psychological Assistant. Dr. Pearson inquired about how many hours they were intending to work and how that would impact their studying.

Dr. Hinojos stated that they want to focus on studying so that they can take the exam in March. They said they intend to limit their case load to focus and to participate in study groups and meet with their study coach. Dr. Pearson asked how many hours they intended to work in comparison to how many hours they had previously been working when taking the exams and whether there would be a decrease in hours. Dr. Hinojos said that their goal is to decrease hours so there is more time to study. Before they saw more than 20 clients a week, which made it hard to balance and they were too tired at the end of the day to study. Dr. Benuto asked, as part of their study plan, how many clients they would be planning to see. Dr. Hinojos said that, at the most, 16-18 clients so that she could devote the other hours to studying and group session. Dr. Pearson asked if what Dr. Hinojos means is that they would see 16-18 clients versus 20 clients per week or whether it would be a decrease of 16-18 hours. Dr. Hinojos answered that they would see 16-18 clients whereas they previously saw 20+, depending on the week.

Dr. Woodard stated that she appreciated the line of questions by the Board members in their expressed concern about the realistic expectations of managing a significant client load while also trying to take and pass the EPPP again considering the intensity of the study plan Dr. Hinojos has presented. Dr. Woodard asked if it is possible to request a written plan signed off by the supervisor and Dr. Hinojos to present a supporting comprehensive plan for the Board's understanding. Dr. Woodard explained that it is not that the Board is getting into the business of dictating what happens with client loads and the like, but that the Board wants to make sure Dr. Hinojos is set up for success. Dr. Benuto said she was thinking along the same lines.

Dr. Owens note that the Board is charged with protecting the public, first and foremost. She agreed with Dr. Woodard that it behooves the Board to set up registrants and licensees for success, but worries a little about being overly prescriptive and overly intrusive into making those decisions for Dr. Lynn and Dr. Hinojos. She said she hears that the Board members want to set Dr. Hinojos up for success and ensure that they have the best outcome possible, especially given the extension, but worries about being overly prescriptive. Dr. Woodard said she was coming the same conclusion even

though she was making her recommendation. She thought it was sufficient to say the Board has expressed some concern, and that will be clearly documented in the minutes.

Dr. Owens stated that they have limited additional registration less than a year before and she's aware that, given the fact that Dr. Hinojos cannot take the exam until after March 28, she would be concerned about limiting that year, especially because they have to take the EPPP-2. Dr. Owens suggested re-registering Dr. Hinojos as of December 15, 2023, with a year's registration as a Psychological Assistant until December 15, 2024, and in that time, allowing them to apply for licensure and retake the EPPP-1 and any other requirements for licensure.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved re-registering Dr. Bernadette Hinojos as a Psychological Assistant from December 15, 2023, to December 15, 2024 to allow them to apply for licensure, retake the EPPP-1, and satisfy other requirements for licensure. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

10. (For Possible Action) Discussion and Possible Action on the Board's Disciplinary and Complaints Policy and Regulations.

A. (For Possible Action) Discussion and Possible Action on proposed revisions to the Board's Complaints and Disciplinary Policy.

Dr. Owens stated she has not had a chance to review and accommodate for some of the public comment that were made during the last meeting, and therefore is requesting to table this matter until the meeting in January. The executive director agreed with pushing this discussion to January. The executive director further stated that Dr. Owens had a question for Dr. Young about the proposed appendix C and suggested to possibly wait till Dr. Young is at the next meeting to discuss this together. Dr. Lenkeit went on to share that he had discussed this with Dr. Young and asked if Dr. Owens has a specific question. Dr. Owens informed she does not have a specific question, but rather she just hasn't had a chance to review the public comments yet and wants to feel confident when making any decisions. Dr. Lenkeit stated he was not aware that any public comments were made, asking if they are in a separate document somewhere so he can review them. DAG Ward informed that this information should be contained in the Meeting Minutes from November board meeting. Dr. Lenkeit stated he would review these minutes. Dr. Owens suggested joining the next Investigators and Attorney meeting after she's reviewed everything. DAG Ward shared that the Investigators and Attorney meeting is not a public meeting and is excluded from Open Meeting law and that President Dr. Owens is welcome to attend.

There were no further questions.

11. (For Possible Action) Discussion and Possible Action on revising the Board's Application for Licensure and approving a proposed optional pre-licensure demographic survey.

The executive director started by informing that while she and Dr. Owens were at the ASPPB conference a few months ago, there was a discussion about demographic data that caught their attention and got them thinking about what the board does and does not collect through the application and licensure process. Based on what Dr. Owens and Executive Director discussed, the executive director went through the Board's licensure application and began making some adjustments regarding demographic information and to some other items on the application based on questions and issues the Board office has encountered in processing applications. Dr. Owens and the executive director also talked about creating a pre-licensure optional demographic survey as a way to try to collect demographic information about the Board's licensees.

The executive director started by going through the application, addressing some of the changes and adjustments she is proposing and explained why. She informed she first added an initials line next to the acknowledgement. She said she thinks this is an important statement and wanted to lead with applicants having to initial it as the first thing they do in filling out the application.

Moving on to the second change, the executive director shared that based on some recent application reviews of those who came from a program other than clinical, counseling, or school psychology and the difficulties they posed during equivalency reviews, she emphasized as an initial screening information noting the degree and program, and noted that those who are not from one of those three programs may be subject to an equivalency evaluation. Having this information from the applicants from the get-go rather than waiting to review the PLUS report, which often does not get to the Board office until after applicants have invested time and effort in satisfying other licensure requirements, the board can let applicants know in the initial letter to them that their application may or will require the additional equivalency review. That way, if they want, they can wait for that determination prior to making the investment in moving forward with their licensure requirements. Dr. Owens acknowledges that getting this information helps to screen those who are not likely going to be license eligible and therefore can prevent those applicants from having to pay those fees upfront.

The executive director moved on to the third proposed change. She informed she changed the gender inquiry (which everyone answers as either male or female) to preferred pronouns, which may be a more appropriate query. Sex and gender identity are demographic queries she included in the proposed optional pre-license survey which she informed she will discuss next. There were no questions regarding this change.

Moving on to the fourth change, under the EPPP section, Executive Director added "if known" next to the EPPP-1 score and noted the Board's policy regarding the EPPP-2. She informs the reason she added "if known" next to the EPPP-1 is because it is a common query from applicants who have been licensed for many years and are licensed elsewhere what they are supposed to do in that section if they do not remember their EPPP score. The fact that they are licensed elsewhere is evidence that they have passed the EPPP-1, and because passing is the criteria, the score doesn't really matter, so saying "if known" gives them the option to state they do not know.

Dr. Benuto asked if it was possible to collect race data on the application. The executive director said they are not collecting that information on this application, but are going to seek to collect it on the optional pre-license survey.

The fifth change – under APA-Accreditation, which is another section the Board uses as initial screening information – the executive director proposed asking the applicant to provide some additional information. This section has been just a "yes" or "no" to the question of whether their education was APA-accredited, and we have had applicants check "yes", believing that to be true, when it turns out that the PLUS report reveals that it was not. She explained that the Board recently had an applicant who graduated from a well-known university that had APA accreditation, but from a program in that school that was not, and the application was ultimately denied, but not until after a lot of effort had been put into satisfying the requirements for licensure. That was because the application stated "yes" to the question of whether the university was APA accredited, and it was not until further into the process when the Board office received the PLUS report that the graduate program was identified and it was determined that the program was not APA- accredited, and was found to be not substantially equivalent. With this information provided and checked up front, the Board office can advise the applicant from the outset that their application may have to undergo an equivalency evaluation and that applicant can decide how much they want to put into satisfying licensure requirements before that is done.

Moving to the sixth change, under employment history, the executive director proposed removing the question about whether there was access to a licensed professional with 3 or more years' experience. That question seems to go to supervised experience, which by this point, the application has already been asked and presumably answered. She said it seems that this section of the application goes to employment history that proceeds the pre- and post-doctoral experience, and it is not clear what value that question has under this part of the application. Dr. Owens shared that the employment history question might have been there to help inform where the applicant was previously practicing, such as rural locations where this is little access to consultation, etc. Dr. Owens agrees, though, that this information is not useful but just informative.

If the Board approves these revisions to the application that applicants can download from our website, the executive director said she will mirror these changes to the online application for which the Board's website provides a link and is done through a different platform. There were no questions regarding these proposed changes.

The executive director moved on to the optional pre-licensure survey. She shared that the optional pre-licensure demographic survey is pretty straightforward asking about age, race, and ethnicity. She informed the Board can let her know if there are other demographic categories it wants to include. Dr. Owens added that the current recommendation on gender identity recommend a blank line for individuals to enter their identity themselves. Dr. Owens shared that not collecting this data at the point of application can help reduce discrimination, but collecting the information is still valuable and the survey would be optional.

There were no additional questions or revision suggestions from the board.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved revising the Board's Application for Licensure and approving a proposed optional pre-licensure demographic survey. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

12. (For Possible Action) Discussion and Possible Action on approving the Board's proposed Testing Accommodations Policy.

Dr. Owens shared that during a recent board meeting, the Board approved drafting a test accommodations policy that permits review of a testing accommodations request by a panel similar to how background and conduct reviews are conducted. That panel consists of the Board President, a Board Investigator, and the Executive Director. What is provided in the meeting materials is the proposed policy the Executive Director has drafted.

Executive Director shared that the Accommodations Policy closely mirrors the process that was made for background checks that show criminal history and personal conduct which all goes through the review panel. The review panel allows applicants to submit their accommodations request instead of making this request during a public board meeting. Then the Executive Director would send the request to the Board President and Board Investigator. Following a consensus, the Executive Director would facilitate those accommodations. If there is not a consensus, the accommodation request would then need to go before the Board.

There were no questions or concerns.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the Board's proposed Testing Accommodations Policy. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0

13. (For Possible Action) Discussion and Possible Action on approving the Board's proposed Records Retention Policy, contingent on the approval of the Retention Policy by the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

The executive director stated that the Board office has numerous boxes that are marked to be purged years ago but have not been purged, and in looking through the drawers of the numerous file cabinets in the Board office, there appear to be many files and documents that are old and well beyond what is required for records retention. The executive director went on to share that in reviewing the applicable provisions of NRS Chapter 239, which generally concerns public records, the Board is required to have a records retention schedule that is approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records. The executive director said that she could not find a records retention policy that has been approved by the Board. As a result, Kelly, the Board office part time staff, prepared a research memo on record retention requirements, and Executive Director consulted the most recent version of the General Retention Schedule that the Nevada State Library, Archives, and Public Records, Records Management Program makes available. From that research memo and the General Retention schedule, the executive director pulled what she thought were the most relevant items for the Board office. She shared that this proposed record retention policy still needs to be submitted for approval by the Committee to Approve Schedules for the Retention and Disposition of Official State Records, but she wanted to submit it to that Committee with this Board's approval contingent on the Committee's approval. Once the Committee approves the schedule, the board can begin the process of clearing the Board office of documents and information that are beyond, and sometimes well beyond, the retention schedule and requirements. Those documents will be placed in the bin that the Board office has for the shredding company to pick up to be securely destroyed.

There were no questions regarding the proposed records retention policy.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the proposed Records Retention Policy contingent on that policy being approved by the Committee to Approve

Schedules for the Retention and Disposition of Official State Records. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0

14. (For Possible Action) Discussion and Possible Action approving the Goals and Objectives of the Board as identified during the November 3, 2023, Strategic Planning Meeting.

The executive director shared that during the November 3, 2023, work session meeting, the Board requested a list of the items identified during that meeting for approval. Executive Director shared that list for the Board. Dr. Owens shared that some of these items are in motion such as the retention policy, continuing education policy, and office staff development.

There were no questions from the Board.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the list of items identified and discussed during the Board's November 3, 2023, strategic planning work session. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

15. (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.

- The next regular meeting of the Nevada Board of Psychological Examiners is currently scheduled for Friday, January 12, 2024, beginning at 8:00 a.m.

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

No requests for future board meeting agenda items.

17. 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)

Dr. Danielle Moreggi added a general comment she wanted to board to consider. Dr. Moreggi shared that it is clear we have a population of psychological assistants that are having difficulty passing the EPPP, and so as a supervisor, she supports everyone to become fully licensed especially when they know the quality of the psychological assistant. She goes on to state, with the EPPP-2, there are a lot of people trying to argue how difficult it is. Dr. Moreggi asked if the board has ever provided any guidance on what these psychological assistants should do, particularly if they're having trouble passing this test. Dr. Moreggi went on to state that if we have this population of psychological assistants that are having difficulty taking this exam, and the licensing body never takes a look at what that difficulty is, or the licensing body examined what materials are out there for assistance, we could be perpetuating a problem of these test extensions.

Dr. Owens shared that ASPPB has done some research on EPPP-1 pass rates and they have shown that students that take the test as close to the time of completion of their graduate program, the better they tend to do. Dr. Owens stated that one thing to board has done, is allow those that have completed the core requirements in their graduate program to take the EPPP-1 right before or during their internship. Dr. Owens goes on to share that in many of these programs, there is less coaching or mentorship in helping these students do this so we want to make sure that those supervising interns or postdocs know is that these students do have that option to take the exam before they have completed their postdoc requirements.

Dr. Owens went on to address assessing study materials for the EPPP. She states that ASPPB has changed the requirements to allow taking the EPPP-1 closer to completion of their graduate program, to try and eliminate the need of some of those testing materials. In terms of the board evaluating the testing materials, Dr. Owens stated she believes that is out of the purview of the Board. Dr. Owens said she can check with the ASPPB and see if they have ever done an assessment of the available testing preparation materials.

Dr. Moreggi added that she feels the Board is very supportive of its applicants.

There were no further public comments.

18. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Owens adjourned the meeting at 10:30am.

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

DATE: January 12, 2024

ITEM:

4a - (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2024 (July 1, 2023, Through June 30, 2024).

SUMMARY:

As of December 31, 2023, the checking account balance was \$323,134.92. December 2023 being the end of the second biennium quarter, it was the last month on which the Board operated on the almost \$81,000.00 net revenue for the second biennium quarter deferred income distribution as well as about \$22,000.00 from the other deferred revenue distributions such as late renewal fees, new licensures, and registrations. As of January 2024, the Board will be operating on the additional \$81,000.00 net revenue and other deferred revenue that is allocated to the third biennium quarter (January – June 2024).

The Board ended the first and second quarters of the 2023-2024 biennium with \$21,150 and almost \$26,500, respectively, of budgeted income that it did not use.

The savings account balance, which is the Board's reserve account, was \$105,070.03. With the end of December 2023 also being the half-way point for FY 2024, the Board is about 42% of budgeted expenditures and just over 51% of expected revenue – most of which is the deferred income allocated to this biennium quarter.

The Board's bookkeeper, Michelle Fox, has verified and validated the information being provided in this Treasurer's report.

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

12/31/23

		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023 Actual	FY24-1 Biennial-Q2 July 2023-December 2023 Actual	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
INCOME									
Deferred Revenue									
	Renewals - 7/1/23 and 1/1/24	161,460.66	80,730.33	50.00%	Renewals 23-24 biennium (1/1/23)	80,730.33	80,730.33	80,730.33	80,730.33
	Late Renewals - 7/1/23	31,639.96	15,819.98	50.00%	Late Renewals 23-24 biennium (7/1/23)		15,819.98	15,819.98	15,819.98
	New Licensure and Registrations	15,466.50	6,233.25	40.30%	New Licensure, Registrations, Reinstatements		6,233.25	9,233.25	8,598.34
Regular Revenue	23-24 Biennium Q4 New Licensure and Registrations								1,800.00
	Applications								
	Psychologist Application	10,000.00	6,586.36	65.86%		10,001.18	6,586.36	5,000.00	4,250.00
	PA Application	3,500.00	1,860.53	53.16%		2,474.49	1,860.53	1,750.00	1,750.00
	Intern Application	800.00	615.30	76.91%		465.30	615.30	400.00	500.00
	Trainee Application	1,250.00	155.10	12.41%		2,420.40	155.10	625.00	625.00
	Non-Resident Consultant	800.00	302.95	37.87%		400.00	302.95	400.00	500.00
	CE App Fee	1,000.00	331.54	33.15%		822.75	331.54	500.00	500.00
	Other								
	Late Fees					3,600.00	0.00	0.00	0.00
	Psychologist State Exam	8,000.00	6,326.06	79.08%		7,372.56	6,326.06	4,000.00	6,000.00
	New and Duplicate License	1,000.00	1,150.00	115.00%		872.67	1,150.00	500.00	750.00
	Verification of Licensure	200.00	161.77	80.89%		81.33	161.77	100.00	100.00
	Cost Recovered (Disciplinary)		350.00			0.00	350.00	0.00	0.00
	Interest, Misc	50.00	17.61	35.22%		17.38	17.61	25.00	25.00
Total Income		\$235,167.12	\$120,640.78	51.30%	Income	\$ 109,241.01	\$ 120,640.78	\$ 119,083.56	\$ 121,948.65

Payroll Expenses		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual	Actual	Budgeted	Budgeted
	Board Salary/Per Diem	9,000.00	3,450.00	38.33%		3,750.00	3,450.00	4,500.00	4,500.00
	Executive Director	50,000.00	23,420.09	46.84%		27,181.81	23,420.09	25,000.00	30,600.00
	Staff Salary (Part-Time)	20,000.00	2,037.70	10.19%		798.83	2,037.70	10,000.00	7,800.00
	Staff Benefits Reserve	1,500.00		0.00%		0.00	0.00	750.00	1,500.00
	Investigator Salary	10,000.00	5,722.05	57.22%		4,273.31	5,722.05	5,000.00	5,000.00
	Workers Compensation	1,200.00	402.48	33.54%		604.52	402.48	600.00	500.00
	PERS	19,000.00	14,374.84	75.66%		9,137.96	14,374.84	10,000.00	10,000.00
	Payroll Taxes (SS, Medicare)	13,000.00	3,351.75	25.78%		8,642.42	3,351.75	6,500.00	1,200.00
	Other Payroll Expenses	700.00	430.00	61.43%		320.00	430.00	350.00	250.00
	Total Payroll	124,400.00	53,188.91	42.76%		54,708.85	53,188.91	62,700.00	61,350.00

Operating Expenses		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual	Actual	Budgeted	Budgeted
	Out of State	6,500.00	2,718.11	41.82%		2,590.32	2,718.11	3,500.00	3,500.00
	Meals								
	Lodging								
	Airfare								
	In-State Travel	1,000.00	402.27				402.27		1,500.00
	Supplies	750.00	316.01	42.13%		340.28	316.01	375.00	375.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	4,000.00	2,591.39	64.78%		484.18	2,591.39	1,250.00	1,000.00
	Print-Copy	800.00	18.91	2.36%		0.00	18.91	400.00	350.00
	Copy Lease	1,400.00	678.12	48.44%		554.26	678.12	700.00	750.00
	Rent	14,500.00	5,572.30	38.43%		5,572.30	5,572.30	7,500.00	7,500.00
	Postage	250.00	81.80	32.72%		3.18	81.80	125.00	300.00
	DoIt Web SV	1,500.00	574.56	38.30%		624.75	574.56	750.00	500.00
	Telephone & Internet	1,750.00	815.07	46.58%		862.99	815.07	875.00	625.00
	Software & Database	7,000.00	1,278.61	18.27%		3,566.14	1,278.61	3,500.00	3,500.00
	Legal & Professional Fees	30,000.00	12,177.48	40.59%		4,001.65	12,177.48	15,000.00	17,500.00
	Tort Claim	1,000.00		0.00%		0.00	0.00	1,000.00	0.00
	Professional Services (Auditor, Bookkeeper, Lobbyist)	27,500.00	13,205.50	48.02%		10,213.00	13,205.50	10,000.00	17,500.00
	Dues & Reg (ASPPB, Conf, Continuing Ed)	6,000.00	0.00	0.00%		3,328.00	0.00	4,500.00	4,000.00

	Admin Services (LCB)	1,000.00	0.00	0.00%		73.84	0.00	500.00	500.00
	Banking Fees	250.00	29.49	11.80%		76.38	29.49	125.00	125.00
	PayPal Fees (against regular revenue)	1,250.00	452.80	36.22%		589.55	452.80	625.00	500.00
	Miscellaneous Expense	500.00	0.00	0.00%		0.00	0.00	250.00	250.00
	Uncategorized Expense	500.00	0.00			451.10	0.00	250.00	150.00
	Total Expenses	\$99,950.00	\$40,912.42	40.93%		\$33,381.92	\$40,962.42	\$47,725.00	\$60,475.00
	Total Expenses + Payroll	\$224,350.00	\$94,101.33	41.94%		\$88,090.77	\$94,151.33	\$110,425.00	\$121,825.00
	Total Income	\$ 235,167.12	\$120,640.78	51.30%		\$ 109,241.01	\$ 120,640.78	\$ 119,083.56	\$ 121,948.65
	Final Balance	\$10,817.12	\$26,539.45			\$21,150.24	\$26,489.45	\$8,658.56	\$123.65

January 03, 2024

Statement of Financial Position

As of December 31, 2023

Nevada Board of Psychological Examiners

As verified by Michelle Fox

The following accounts have been reconciled for the month of December 2023 and all transactions reviewed for accuracy.

Main Checking Account per bank statement dated 12/31/2023-\$323,134.9

Savings Account per bank statement dated 12/31/2023-\$105,070.03

Michelle Fox

Michelle Fox

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

DATE: January 12, 2024

ITEM:

4b - (For Possible Action) Discussion and Possible Action to Approve revisions to the Budget for Fiscal Year 2024 (July 1, 2023, through June 30, 2024).

SUMMARY:

With the end of December being halfway through fiscal year 2024 and halfway through the current 2023-2024 biennium, and with the first of January bringing the next distribution of deferred income as identified on the deferred income distribution chart, the executive director made several revisions to the budget.

The revisions to the Board's operating revenue from deferred income include:

- the third distribution from the renewal fees received by December 31, 2022
- the second distribution of the renewal fees received in January and February 28, 2023
- the second distribution of the new licensure, registration, and reinstatements received during the first biennium quarter (January 1, 2023, through June 30, 2023), and
- the first distribution of the new licensure, registration, and reinstatement fees received during the second biennium quarter (July 1, 2023, through December 31, 2023).

*** What makes this distribution notable is that the amount the Board received in that deferred revenue during the second biennium quarter (\$16,718.47) far exceeded the \$6,000 that was projected.*

The revisions to the Board's other (not deferred) revenue and operating expenses are based upon real numbers from the first half of the biennium and fiscal year.

All of the adjustments and revisions are highlighted in yellow throughout the budget spreadsheet and are as of January 1, 2024, as follows:

- At the top of the budget spreadsheet are the revised numbers that are the Board's current income from deferred revenue.
- To the left side of the black divider, which is the current fiscal year budget, there are a number of adjustments to the regular revenue and expenses based upon the first half of the fiscal year and the biennium. While the percentages generally still reflect revenue that is above what is budgeted and expenses that are below what is budgeted, it tightens up the percentages based on performance from the first half of the fiscal year.
- To the right of the black divider, which depicts the four biennium quarters and the two halves of FY2024, are the actual numbers for the first half of the fiscal that is finished (the darker green), and those budgeted for the second half of the fiscal year (the lighter green) are simply the actual figures from the first half of the fiscal year minus the budgeted amount for the fiscal year so that the information in the left and right related to the fiscal year match. In other words, the new budgeted amounts in the second half of the fiscal year reflect what is budgeted for the entire fiscal year in relation to the actual numbers from the first half of the fiscal year.
- Based upon the Board's actual financial performance in the last 2 biennium quarters, there are a few adjustments to the fourth biennium quarter, which primarily reflect the deferred income projection based upon the revised distribution from the deferred revenue that actually came in during Q2 of the biennium, as well as some adjustments in the expenses that more closely reflect real numbers.

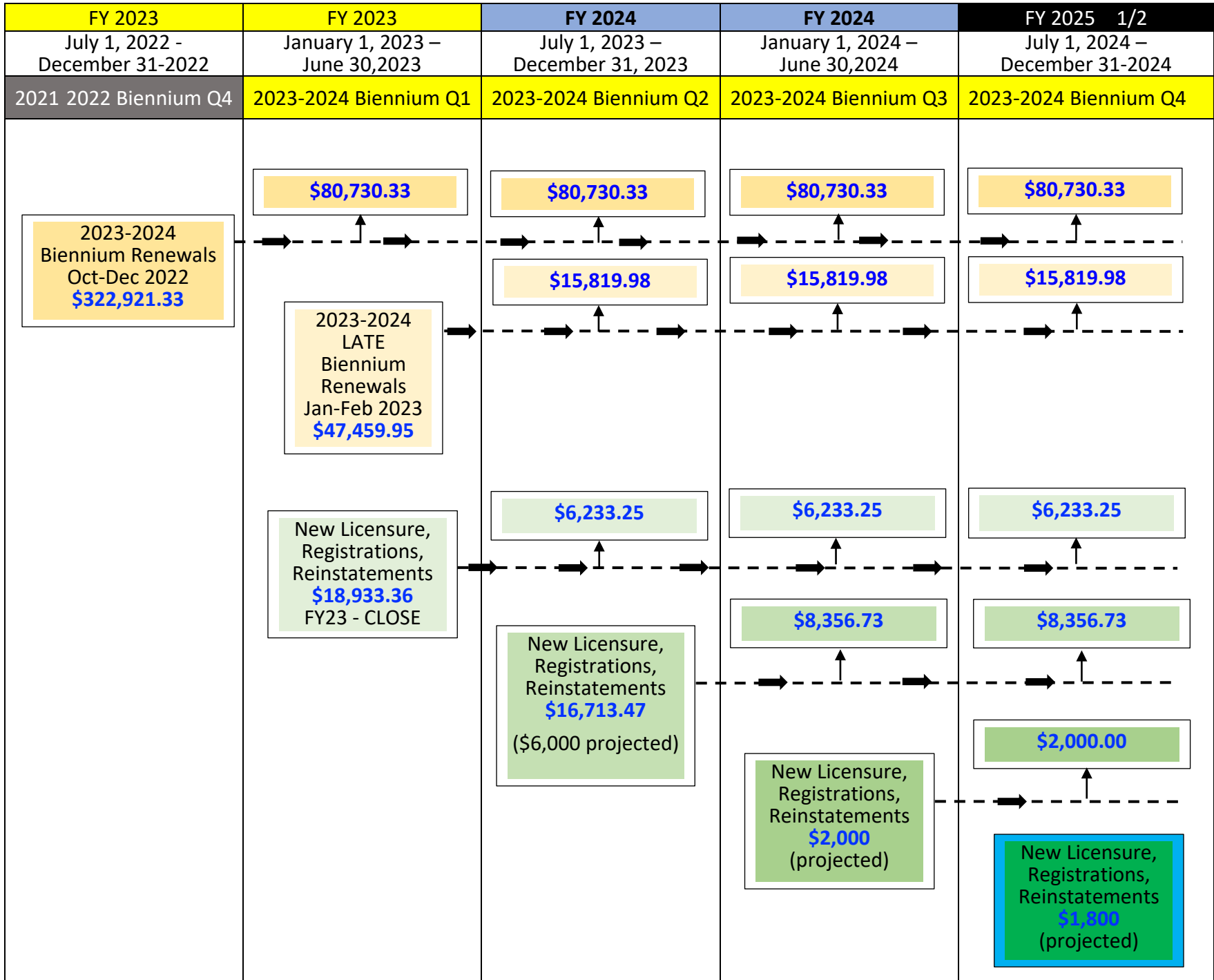
The graphic entitled NBOPE Projected Financials Q3 & Q4 (2023-2024 biennium) provides a visual of what the Board's budget looks like going into the next two biennium quarters. It shows the Board's budgeted income and expenses for those two quarters in relation to the total amount of money the Board has, assuming the budget revisions are approved, as follows:

- As of January 1, 2024, the Board had a total of \$428,000. That is the checking and savings combined.
- The Board's savings account is its reserve account, the minimum of which should be 6 months of total expenses, calculated by averaging the last 3 quarters (or 18 months) of total expenses. The Board has the minimum required by the Board policy, as 6 months of expenses as calculated by an

average of the last 3 biennium quarters (or 18 months) of expenses is \$102,000.

- The blue and red boxes represent the budgeted income and expenses for the next two biennium quarters, both of which are less than the amount of money in the Board's checking account, that difference being \$63,000.

This visual showing that the board's budget is well within the amount of money it has overall is consistent with the Board's auditor's presentation during the December 15, 2023, meeting representing the Board's financial health and there being money left over after at least the last two fiscal years.



NBOPE Deferred Revenue Flow

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

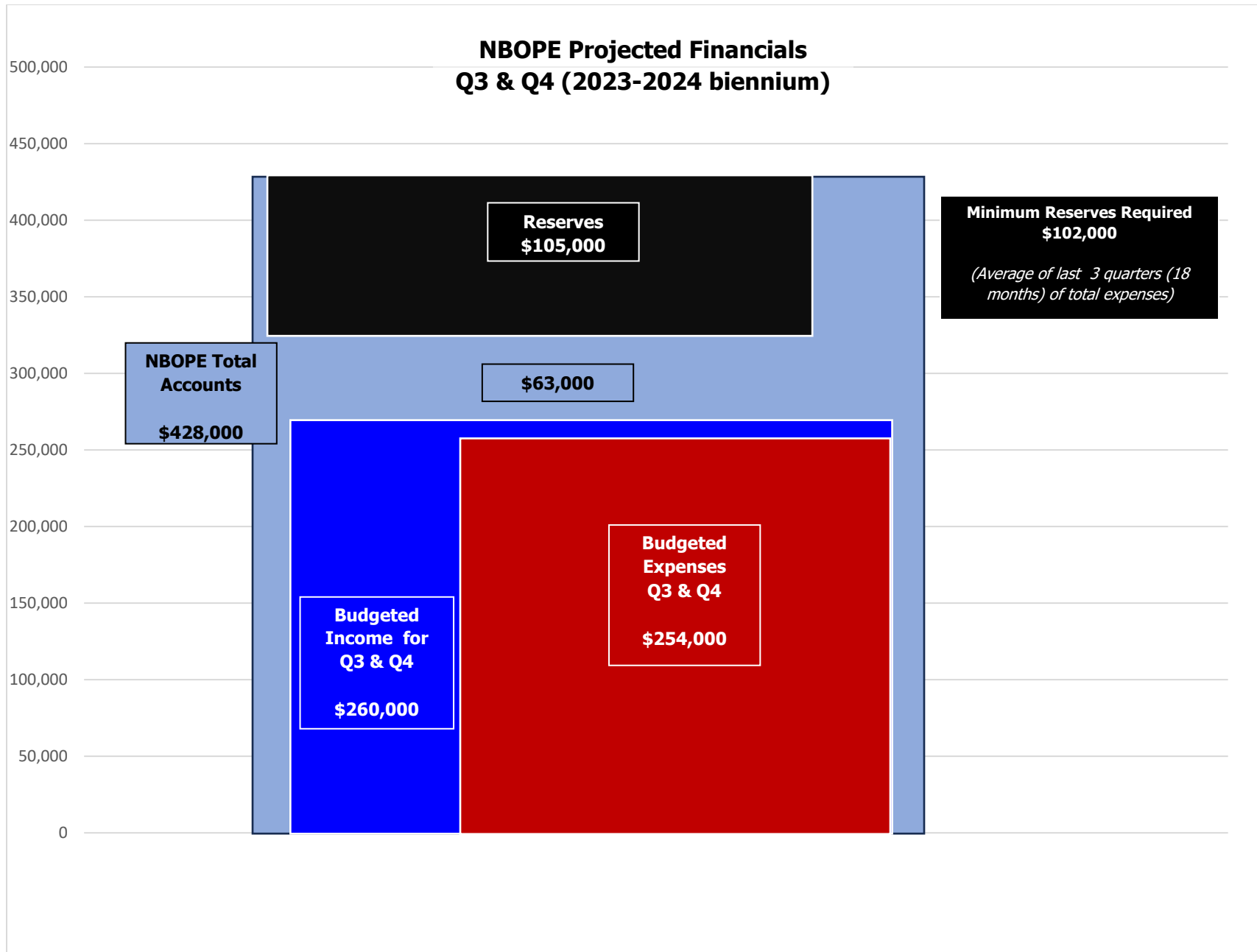
1/1/24

		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023 Actual	FY24-1 Biennial-Q2 July 2023-December 2023 Actual	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
INCOME									
Deferred Revenue									
	Renewals - 7/1/23 and 1/1/24	161,460.66	161,460.66	100.00%	Renewals 23-24 biennium (1/1/23)	80,730.33	80,730.33	80,730.33	80,730.33
	Late Renewals - 7/1/23	31,639.96	31,639.96	100.00%	Late Renewals 23-24 biennium (7/1/23)		15,819.98	15,819.98	15,819.98
	New Licensure and Registrations	20,823.25	20,823.25	100.00%	New Licensure, Registrations, Reinstatements		6,233.25	14,589.99	18,389.98
Regular Revenue	23-24 Biennium Q4 New Licensure and Registrations								1,800.00
	Applications								
	Psychologist Application	12,500.00	6,586.36	52.69%		10,001.18	6,586.36	5,913.64	6,000.00
	PA Application	3,500.00	1,860.53	53.16%		2,474.49	1,860.53	1,639.47	1,750.00
	Intern Application	1,100.00	615.30	55.94%		465.30	615.30	484.70	500.00
	Trainee Application	900.00	155.10	17.23%		2,420.40	155.10	744.90	450.00
	Non-Resident Consultant	600.00	302.95	50.49%		400.00	302.95	297.05	300.00
	CE App Fee	540.00	331.54	61.40%		822.75	331.54	208.46	300.00
	Other								
	Late Fees					3,600.00	0.00	0.00	0.00
	Psychologist State Exam	12,000.00	6,326.06	52.72%		7,372.56	6,326.06	5,673.94	6,000.00
	New and Duplicate License	1,750.00	1,150.00	65.71%		872.67	1,150.00	600.00	850.00
	Verification of Licensure	250.00	161.77	64.71%		81.33	161.77	88.23	100.00
	Cost Recovered (Disciplinary)		350.00			0.00	350.00	0.00	0.00
	Interest, Misc	35.00	17.61	50.31%		17.38	17.61	17.50	25.00
Total Income		\$247,098.87	\$231,781.09	93.80%	Income	\$ 109,241.01	\$ 120,640.78	\$ 126,808.19	\$ 133,015.29

Payroll Expenses		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual	Actual	Budgeted	Budgeted
	Board Salary/Per Diem	9,000.00	3,450.00	38.33%		3,750.00	3,450.00	5,550.00	4,500.00
	Executive Director (net)	50,000.00	23,420.09	46.84%		27,181.81	23,420.09	26,579.91	30,600.00
	Staff Salary (Part-Time)	7,500.00	2,037.70	27.17%		798.83	2,037.70	5,462.30	7,800.00
	Staff Benefits Reserve	1,500.00		0.00%		0.00	0.00	1,500.00	1,500.00
	Investigator Salary	12,000.00	5,722.05	47.68%		4,273.31	5,722.05	6,277.95	6,500.00
	Workers Compensation	1,000.00	402.48	40.25%		604.52	402.48	597.52	500.00
	PERS	25,000.00	14,374.84	57.50%		9,137.96	14,374.84	10,625.16	12,500.00
	Payroll Taxes (SS, Medicare)	10,000.00	3,351.75	33.52%		8,642.42	3,351.75	6,648.25	5,000.00
	Other Payroll Expenses	875.00	430.00	49.14%		320.00	430.00	445.00	450.00
	Total Payroll	116,875.00	53,188.91	45.51%		54,708.85	53,188.91	63,686.09	69,350.00

Operating Expenses		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual	Actual	Budgeted	Budgeted
	Out of State	6,500.00	2,718.11	41.82%		2,590.32	2,718.11	3,781.89	3,500.00
	Meals								
	Lodging								
	Airfare								
	In-State Travel	1,000.00	402.27				402.27	597.73	1,500.00
	Supplies	750.00	316.01	42.13%		340.28	316.01	433.99	375.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	4,000.00	2,591.39	64.78%		484.18	2,591.39	1,408.61	1,000.00
	Print-Copy	100.00	18.91	18.91%		0.00	18.91	81.09	350.00
	Copy Lease	1,400.00	678.12	48.44%		554.26	678.12	721.88	750.00
	Rent	14,500.00	5,572.30	38.43%		5,572.30	5,572.30	8,927.70	7,500.00
	Postage	200.00	81.80	40.90%		3.18	81.80	118.20	300.00
	DoIt Web SV	1,200.00	574.56	47.88%		624.75	574.56	625.44	500.00
	Telephone & Internet	1,700.00	815.07	47.95%		862.99	815.07	884.93	625.00
	Software & Database	3,500.00	1,278.61	36.53%		3,566.14	1,278.61	2,221.39	3,500.00
	Legal & Professional Fees	30,000.00	12,177.48	40.59%		4,001.65	12,177.48	17,822.52	17,500.00
	Tort Claim	1,000.00		0.00%		0.00	0.00	1,000.00	0.00
	Professional Services (Auditor, Bookkeeper, Lobbyist)	27,500.00	13,205.50	48.02%		10,213.00	13,205.50	14,294.50	17,500.00

Dues & Reg (ASPPB, Conf, Continuing Ed)	5,000.00		0.00%		3,328.00	0.00	5,000.00	4,000.00
Admin Services (LCB)	500.00		0.00%		73.84	0.00	500.00	500.00
Banking Fees	100.00	29.49	29.49%		76.38	29.49	70.51	125.00
PayPal Fees (against regular revenue)	1,000.00	452.80	45.28%		589.55	452.80	547.20	500.00
Miscellaneous Expense	500.00		0.00%		0.00	0.00	500.00	250.00
Uncategorized Expense	500.00				451.10	0.00	500.00	150.00
Total Expenses	\$93,450.00	\$40,912.42	43.78%		\$33,381.92	\$40,962.42	\$60,087.58	\$60,475.00
Total Expenses + Payroll	\$210,325.00	\$94,101.33	44.74%		\$88,090.77	\$94,151.33	\$123,773.67	\$129,825.00
Total Income	\$ 247,098.87	\$231,781.09	93.80%		\$ 109,241.01	\$ 120,640.78	\$ 126,808.19	\$ 133,015.29
Final Balance	\$36,773.87	\$137,679.76		Balance	\$21,150.24	\$26,489.45	\$3,034.52	\$3,190.29



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

DATE: January 12, 2024

ITEM:

4c - (For Possible Action) Discussion and Possible Action to Approve:

- the creation of a full time Administrative Director role for the Board office and, if approved, revising the Board's Employment, Compensation, and Evaluation Policy, and

- moving the Board office to Las Vegas, Nevada.

SUMMARY:

During the Board's strategic planning meeting in November, one of the items the Board discussed was Board office staff development and the need for the Board office to have more than just one person staffing it. During that meeting, the executive director discussed her vision for having two primary, executive level roles, one that is generally administrative and the other the continues board office oversight and is focused on legal and policy. The Board approved that strategic planning item during the December 15, 2023, meeting.

The graph entitled "New Licensees" generally depicts the number of new licensees for each biennium since 1993. The blue bars represent the new licensees for each particular biennium, and the gray bars shown since 2013 depict attrition (those being expired and inactive licenses) that could meaningfully be determined. Because the Board is only halfway through the current biennium, the top section of the blue bar is the projection of new licensees for 2024, and that projection is based on the new licensees we received in 2023 and the prior biennium.

The graph shows a pattern of increase, especially over the last 10 years, or 5 biennia, and that increase appears to be at an increasing rate. Conversely, the attrition is generally in a downward trend, and the attrition realized during renewal for the 2023-2024 biennium was lowest. The extent and rate of the growth in new licensees biennium over biennium puts significant increased demand on the Board office, which is currently and entirely staffed by one person. Given the scope of what is required and requested of the Board office – a non-exhaustive list of which includes all clerical and substantive administrative tasks (application, registration, and licensing processing),

fiscal (budget and financial analysis), and substantive legal (regulation and legislation) and policy duties, as well as any unexpected tasks that may arise – and considering the growth in the number of those the Board office serves, the effort required goes well beyond what should be reasonably expected for one person. It requires far more than the 40 hour work week the role contemplates and, therefore, is a recipe for the burnout for the one person trying to do it all.

As the executive director explained during the strategic planning meeting in November, there is a need for two somewhat parallel executive roles – that of the Executive Director, who retains oversight of the Board office and focuses on the more substantive fiscal and legal/policy work, and an Administrative Director, who would be in charge of the Board office's many, varied, and substantive administrative tasks and who will primarily staff the Board office.

The executive director has found (by way of referral through a highly trusted source) an extremely qualified candidate for the proposed Administrative Director role whom she has hired under the current, approved part-time framework and who is willing and enthusiastically wants to undertake that part time role as a transition to the Administrative Director role (assuming it is approved). Because the Administrative Director would be who primarily staffs the Board office, and because the candidate who wants to fill that role and serve this Board lives in Las Vegas, the creation of this role would require that the Board office move to Las Vegas.

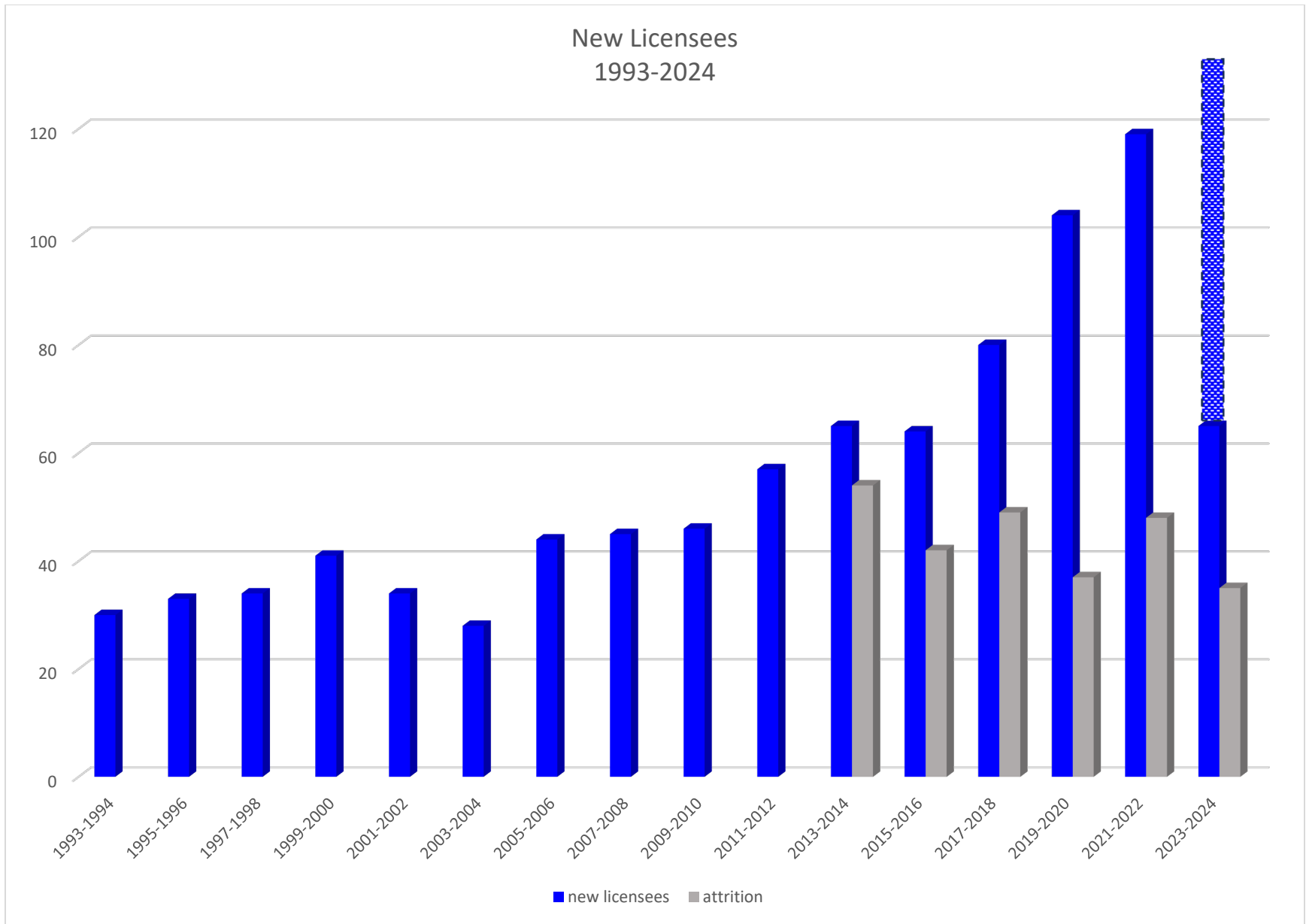
The Board is currently in a financial position to create and compensate the person for this new role, including providing insurance benefits, and to transition its Board office to Las Vegas, as follows:

- The Board can afford the proposed Administrative Director role. Based upon the Board's current budget and the proposed revisions to that budget as it concerns creating and compensating the additional role of Administrative Director, including making adjustments from money not used in Q1 and Q2 and transferring it to Q3 and Q4, the Board has sufficient funds for that role through the remainder of the 2023-2024 biennium, and will still have money left over.
- It is perfect timing and fiscally possible to move the Board office to Las Vegas. The current lease for the Board office expires at the end of January, making it very good timing to move it, and to move it to where the Administrative Director – who will primarily staff the Board office – is located. The rent adjustment identified in the proposed revisions to the budget as it concerns moving the Board office represent a on-time situation in which it will pay double rent for a month or two while the current board office closes and the new board office gets

set up. Under this scenario, the Board will need to pay its current rent in Reno on a month-to-month basis after the end of January, and will likely be charged an additional 25% to do so. The rent budget will then level out to what rent is likely to be in Las Vegas. The proposed budget revisions also include an additional amount in miscellaneous expenses for moving (board staff moving the office via U-Haul).

The proposed budget revisions for the new Administrative Director role and the Board office move to Las Vegas gets the Board through the end of the year (and through the 2025-2026 renewal period). Notably, the Board is able to do both within the proposed budget and with money left over, and without having to use any of the money that is currently in its reserve account, which, according to the Board's reserve policy, can be used to invest in Board office staff and/or infrastructure.

Moving forward beyond the end of the current biennium, and based upon projected and anticipated new licensee growth now and in the future, the Board can expect in this biennium to exceed the number of new licenses that were issued during the prior biennium. The increase in revenue for the 2025-2026 biennium from new licensees who renew and the projected income from other deferred revenue and fees the Board receives throughout the biennium will very likely absorb the expense of the new Administrative Director role. If the Board were willing to raise licensure fees from \$600 to \$650 per biennium, that additional revenue would create an additional financial buffer that would allow the Board to do what may be required to maintain and/or attract qualified and dedicated professional staff to serve the Board's needs, and to further develop the Board office.



NV State Board of Psychological Examiners
Revised Budget with new AD role and Board office move - Fiscal Year 2024

1/1/24

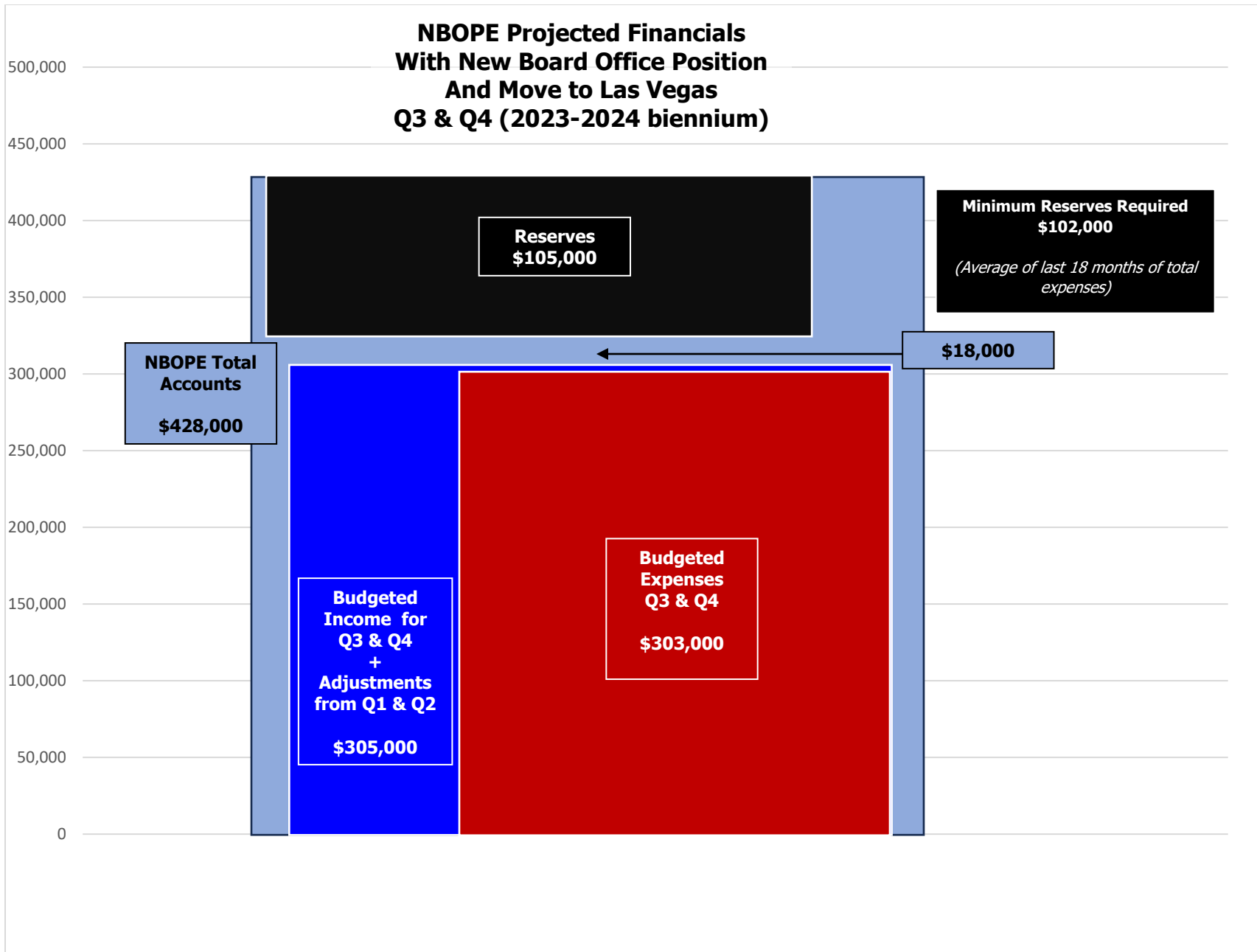
		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023 Actual	FY24-1 Biennial-Q2 July 2023-December 2023 Actual	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
INCOME									
Deferred Revenue									
	Renewals - 7/1/23 and 1/1/24	161,460.66	161,460.66	100.00%	Renewals 23-24 biennium (1/1/23)	80,730.33	80,730.33	80,730.33	80,730.33
	Late Renewals - 7/1/23	31,639.96	31,639.96	100.00%	Late Renewals 23-24 biennium (7/1/23)		15,819.98	15,819.98	15,819.98
	New Licensure and Registrations	20,823.25	20,823.25	100.00%	New Licensure, Registrations, Reinstatements		6,233.25	14,589.99	18,389.98
Regular Revenue	23-24 Biennium Q4 New Licensure and Registrations								1,800.00
	Applications								
	Psychologist Application	12,500.00	6,586.36	52.69%		10,001.18	6,586.36	5,913.64	6,000.00
	PA Application	3,500.00	1,860.53	53.16%		2,474.49	1,860.53	1,639.47	1,750.00
	Intern Application	1,100.00	615.30	55.94%		465.30	615.30	484.70	500.00
	Trainee Application	900.00	155.10	17.23%		2,420.40	155.10	744.90	450.00
	Non-Resident Consultant	600.00	302.95	50.49%		400.00	302.95	297.05	300.00
	CE App Fee	540.00	331.54	61.40%		822.75	331.54	208.46	300.00
	Other								
	Late Fees					3,600.00	0.00	0.00	0.00
	Psychologist State Exam	12,000.00	6,326.06	52.72%		7,372.56	6,326.06	5,673.94	6,000.00
	New and Duplicate License	1,750.00	1,150.00	65.71%		872.67	1,150.00	600.00	850.00
	Verification of Licensure	250.00	161.77	64.71%		81.33	161.77	88.23	100.00
	Cost Recovered (Disciplinary)		350.00			0.00	350.00	0.00	0.00
	Interest, Misc	35.00	17.61	50.31%		17.38	17.61	17.50	25.00
Total Income		\$247,098.87	\$231,781.09	93.80%	Income	\$ 109,241.01	\$ 120,640.78	\$ 126,808.19	\$ 133,015.29

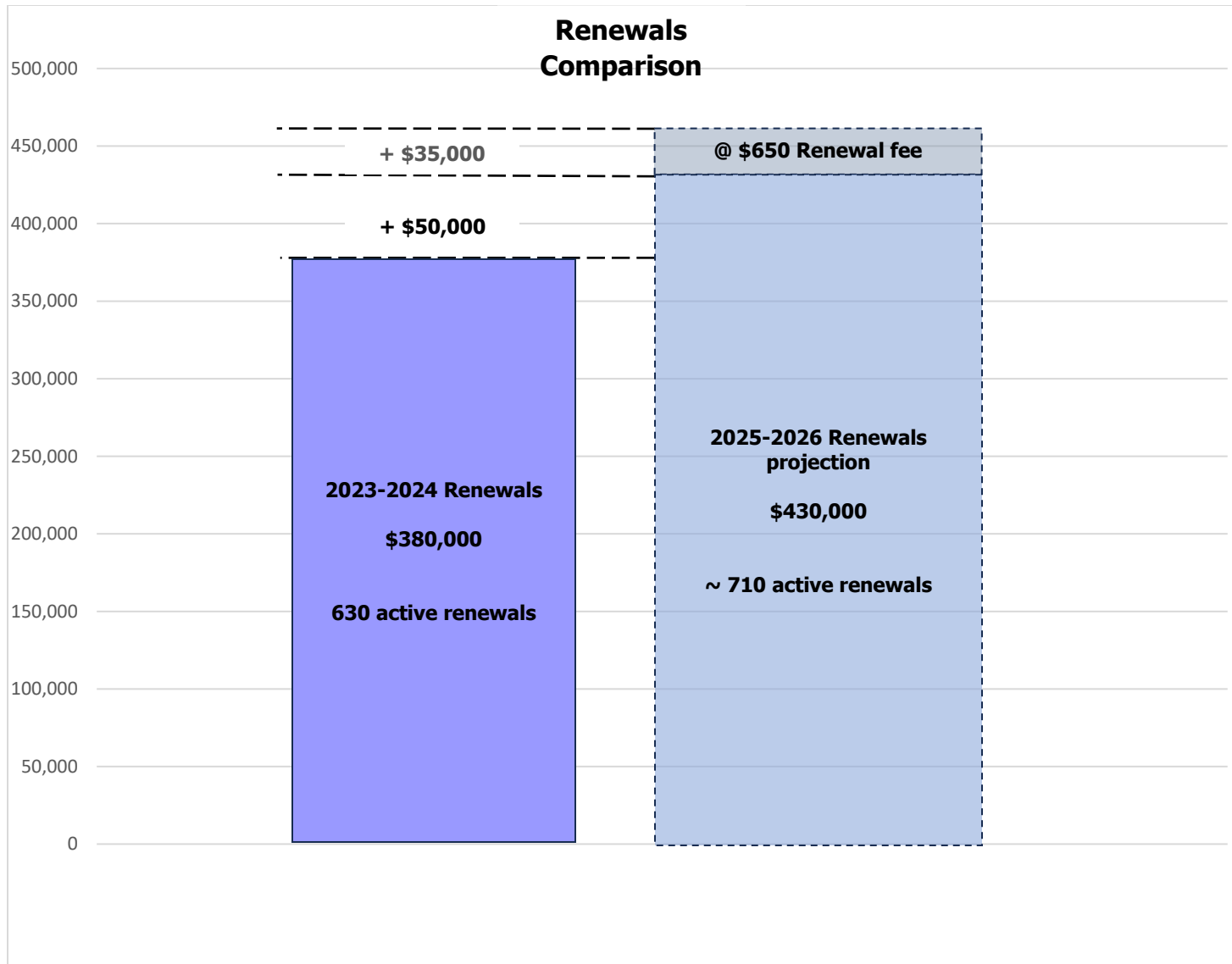
Payroll Expenses		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual	Actual	Budgeted	Budgeted
	Board Salary/Per Diem	9,000.00	3,450.00	38.33%		3,750.00	3,450.00	5,550.00	4,500.00
	Executive Director (net)	50,000.00	23,420.09	46.84%		27,181.81	23,420.09	26,579.91	30,600.00
	Administrative Director	16,700.00						16,700.00	25,000.00
	Staff Salary (Part-Time)	7,500.00	2,037.70	27.17%		798.83	2,037.70	3,500.00	0.00
	Staff Benefits	2,000.00		0.00%		0.00	0.00	2,000.00	3,750.00
	Investigator Salary	12,000.00	5,722.05	47.68%		4,273.31	5,722.05	6,277.95	6,500.00
	Workers Compensation	1,000.00	402.48	40.25%		604.52	402.48	597.52	500.00
	PERS	32,000.00	14,374.84	44.92%		9,137.96	14,374.84	16,000.00	17,500.00
	Payroll Taxes (SS, Medicare)	10,000.00	3,351.75	33.52%		8,642.42	3,351.75	6,648.25	5,000.00
	Other Payroll Expenses	875.00	430.00	49.14%		320.00	430.00	445.00	450.00
	Total Payroll	141,075.00	53,188.91	37.70%		54,708.85	53,188.91	84,298.63	93,800.00

Operating Expenses		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual	Actual	Budgeted	Budgeted
	Out of State	6,500.00	2,718.11	41.82%		2,590.32	2,718.11	3,781.89	3,500.00
	Meals								
	Lodging								
	Airfare								
	In-State Travel	1,000.00	402.27				402.27	597.73	1,500.00
	Supplies	750.00	316.01	42.13%		340.28	316.01	433.99	375.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	4,000.00	2,591.39	64.78%		484.18	2,591.39	1,408.61	1,000.00
	Print-Copy	100.00	18.91	18.91%		0.00	18.91	81.09	350.00
	Copy Lease	1,400.00	678.12	48.44%		554.26	678.12	721.88	750.00
	Rent	17,600.00	5,572.30	31.66%		5,572.30	5,572.30	10,915.00	8,500.00
	Postage	200.00	81.80	40.90%		3.18	81.80	118.20	300.00
	DoIt Web SV	1,200.00	574.56	47.88%		624.75	574.56	625.44	500.00
	Telephone & Internet	1,700.00	815.07	47.95%		862.99	815.07	884.93	625.00
	Software & Database	3,500.00	1,278.61	36.53%		3,566.14	1,278.61	2,221.39	3,500.00
	Legal & Professional Fees	30,000.00	12,177.48	40.59%		4,001.65	12,177.48	17,822.52	17,500.00
	Tort Claim	1,000.00		0.00%		0.00	0.00	1,000.00	0.00

Professional Services (Auditor, Bookkeeper, Lobbyist)	27,500.00	13,205.50	48.02%	10,213.00	13,205.50	14,294.50	17,500.00
Dues & Reg (ASPPB, Conf, Continuing Ed)	5,000.00		0.00%	3,328.00	0.00	5,000.00	4,000.00
Admin Services (LCB)	500.00		0.00%	73.84	0.00	500.00	500.00
Banking Fees	100.00	29.49	29.49%	76.38	29.49	70.51	125.00
PayPal Fees (against regular revenue)	1,000.00	452.80	45.28%	589.55	452.80	547.20	500.00
Miscellaneous Expense	1,500.00		0.00%	0.00	0.00	1,500.00	250.00
Uncategorized Expense	500.00			451.10	0.00	500.00	150.00
Total Expenses	\$97,550.00	\$40,912.42	41.94%	\$33,381.92	\$40,962.42	\$63,074.88	\$61,475.00
Total Expenses + Payroll	\$238,625.00	\$94,101.33	39.43%	\$88,090.77	\$94,151.33	\$147,373.51	\$155,275.00
Total Income	\$ 247,098.87	\$231,781.09	93.80%	\$ 109,241.01	\$ 120,640.78	\$ 126,808.19	\$ 133,015.29
Final Balance	\$8,473.87	\$137,679.76		Balance	\$21,150.24	-\$20,565.32	-\$22,259.71
				Adjustment	-\$20,000.00	-\$25,000.00	\$21,500.00
				Final Balance	\$1,150.24	\$1,489.45	\$934.68
							\$1,240.29

NBOPE Projected Financials With New Board Office Position And Move to Las Vegas Q3 & Q4 (2023-2024 biennium)





		6/24	5/24	4/24	3/24	2/24	1/24	12/23	11/23	10/23	9/23	8/23	7/23	FY24 Totals
Psychologists	Licenses Issued							5	3	9	6	6	5	34
	Applications Received							8	7	5	4	11	6	41
Psychological Assistants	Registrations Issued							1	0	0	6	7	3	17
	Applications Received							0	1	1	1	1	7	11
Psychological Interns	Registrations Issued							0	1	0	0	0	2	3
	Applications Received							0	0	1	0	2	0	3
Psychological Trainees	Registrations Issued							0	1	0	1	1	0	3
	Applications Received							0	0	0	0	1	0	1
Non-Resident Consultants	Registrations Issued							1	1	1	0	0	1	4
Background Checks	Reviewed							0	0	1	0	2	1	4
Continuing Education	Applications Reviewed							0	3	2	3	4	0	12
State Exams	Administered							1	1	8	9	6	6	31
Complaints	Received							1	3	2	2	2	4	14
	Informal							0	0	0	0	0	0	0
Totals								17	21	30	32	43	35	178
Licensees	Active Licensees							694	689	686	677	671	665	
	Inactive - 62													
	Expired - 292													

Current Applications and Registrations:

	APP	REG
Psychologists	106	
Psychological Assistants	11	39
Psychological Interns	11	12
Psychological Trainees	2	31

Nevada Board of Psychological Examiners Board Meeting Staff Report

January 12, 2024

Item No. 9 - (For Possible Action) Discussion and Possible Action on the Board's Disciplinary and Complaints Policy and Regulations.

The executive director has re-worked the Complaints and Discipline policy to:

- adjust the flow and writing style
- clarify some of the processes to reflect how complaints are addressed in practice
- remove duplicate language
- add reference to complaints that involve court ordered evaluations and psychological services
- remove reference to appendices that did not exist and add reference to appendices that do and are proposed
- make revisions Dr. Lenkeit proposed in reference to adding "remedial" to some of the sections that involve discipline
- add a table of contents that includes page number references and is hyperlinked

During the November 3, 2023, Board meeting, there was a question in reference to proposed appendix C, which Dr. Young authored. That question was whether there is a list of disciplinary supervisors. Dr. Young has stated that there is not a list of disciplinary supervisors, explaining that the Board should have a trained cohort of psychologists willing to serve in that role.

When the Complaints and Disciplinary Policy returned for consideration during the December 15, 2023, meeting, the Board again tabled further discussion and consideration of it to further consider additional revisions based upon recent public comment regarding the Board's complaints process. Since then, additional revisions have been added to the previously-proposed revised policy in response to some of the public comment the Board received.



**NEVADA STATE
BOARD OF PSYCHOLOGICAL EXAMINERS**

Complaint and Disciplinary Policy

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[Requirements for Supervised Practice](#)

Purpose

The Nevada Legislature created the Nevada State Board of Psychological Examiners (Board) to regulate the practice of psychology because it is a learned profession, affecting public safety, health, and welfare, and subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.¹ The Board is charged with enforcing Nevada Revised Statutes (NRS) Chapter 641 and Nevada Administrative Code (NAC) Chapter 641 for the protection and benefit of the public.²

The Nevada Legislature further established minimum procedural requirements for the adjudication of contested cases pending before the Board to ensure that the due process rights of psychologists and other persons are protected and to establish uniformity in procedure across regulatory bodies.³

It is the intent of the Board, through this policy, to carry out the mission the Nevada legislature delegated to it.

Definitions

1. "Complainant" refers to the person making the complaint.
2. "Respondent" refers to the subject of a complaint.
3. "Investigator" refers to the investigator employed by the Nevada Board of Psychological Examiners.
4. "Executive Director" refers to the administrative staff employed by the Nevada Board of Psychological Examiners.
5. "Board" refers to the Nevada Board of Psychological Examiners.
6. "Psychologist" refers to a person who is licensed by the Board to practice psychology.
7. "NRS" refers to Nevada Revised Statutes.
8. "NAC" refers to Nevada Administrative Code.

¹ NRS 641.010

² NRS 622.080

³ NRS 233B.020; NRS 622A.130

Procedure

A. Complaint and Investigative Procedure:

1. Filing a Complaint.

- a. Any person may file a written complaint with the Board office regarding the practice of psychology in this State.⁴ The complaint may be against a psychologist, an unlicensed person, or an applicant for licensure or registration.
 - i. Anonymous complaints will be accepted by the Board. Depending on the information provided by the Complainant, however, it may be difficult to fully investigate an anonymous complaint and/or an anonymous complaint may be more likely to be deemed frivolous.
 - ii. If the Board office receives a complaint against a person who is not licensed by the Board and/or is not practicing psychology, the Board office shall forward the complaint to the appropriate licensing board, if applicable.⁵
 - iii. Complaints that involve Court Ordered Evaluations or Court Ordered Psychological Services are subject to the additional requirements stated in Appendices A and B, respectively.
- b. If applicable, the complaint shall be accompanied by a release of records signed by the Complainant.
 - i. If the Complainant is legally authorized to sign a release of records and fails to sign a release of records, unless in the view of the assigned Board Investigator extraordinary cause exists, the complaint will be deemed invalid and the complaint will be dismissed without investigation or action.
 - ii. If the Complainant is not legally authorized to sign a release of records for the Complainant and/or the client, the Board may subpoena those

⁴ NRS 641.250(1). The filing of a frivolous complaint by a psychologist may be grounds for disciplinary action. NRS 641.230(1)(d); NAC 641.208(3) (A psychologist shall "not engage in conduct in the practice of psychology which evidences moral unfitness to practice the profession.").

⁵ NRS 629.079. The Board still may investigate unlicensed activity and/or take action regarding the unlicensed practice of psychology.

records necessary to investigate the complaint pursuant to NRS 641.245.⁶

2. Investigation Process.

- a. The Executive Director shall maintain oversight of the complaints process, and generally serve as liaison between the Complainant, Respondent, Board Investigators and the Board's attorney, unless otherwise described within this policy.
- b. Upon receipt of a complaint, the Executive Director shall:
 - i. Assign a case number to the complaint.
 - ii. Forward the complaint to a Board Investigator to review the complaint and to determine if it raises serious concerns regarding the immediate health, safety, and welfare of the public such that emergency action is required. If a complaint raises such concerns, refer to the "Special Situations" section of this policy.
 - iii. If the complaint names a Psychologist as a Respondent, advise that Psychologist of the complaint and that the Board office or a Board Investigator will inform that Psychologist if anything further will be required of the Psychologist or if the matter is dismissed.
- c. If the Board investigator reviews a complaint and determines it is invalid or frivolous, the Board Investigator will draft a report regarding that review and determination. The Board's attorney will then review the Board Investigator's report and the complaint. If the Board's attorney concurs with the Board Investigator's determination, the Board Investigator will recommend that the Board dismiss the complaint at its next meeting. If the Board takes action to dismiss the complaint based upon the Board Investigator's recommendation, *within 10 business days thereafter*, the Executive Director will send written communication to both the Complainant and the Respondent to advise that the Board dismissed the complaint.

⁶ A Board member must review and sign subpoenas prior to their issuance pursuant to NRS 641.245. The Board President will review and sign subpoenas issued pursuant to this provision unless the Board President has a conflict or is unavailable. In that situation, the Board Secretary-Treasurer will review and sign the subpoena. If both the Board President and the Board Secretary Treasurer have a conflict or are otherwise unavailable, any remaining member of the Board may review and sign the subpoena.

- d. If, after reviewing the complaint, the Board Investigator determines that the complaint is not invalid and/or frivolous⁷, and unless the Board Investigator believes extraordinary cause exists⁸, the Board Investigator shall direct the Executive Director to send a letter to the named Respondent with a copy of the complaint and, if applicable, the release of records and any other documents or information submitted with the complaint. If the Respondent is a Psychologist, the letter and the complaint shall be sent to the Psychologist's last known address on file with the Board. If the Respondent is not a Psychologist, the letter and complaint shall be sent to the address that can best be determined. The named Respondent must respond to the Board's letter and the complaint within thirty (30) days⁹, unless the Respondent is given additional time upon the Respondent's written request to the Board office.
- i. If the Respondent does not respond to the Board's letter and complaint within thirty (30) days or within any additional time the Respondent is granted, the Board's attorney will send, or direct the Executive Director to send, another letter to the named Respondent by regular and certified mail informing the Respondent of the duty to respond to the complaint pursuant to NAC 641.210(2) and that the failure to do so may result in disciplinary action. The Board's attorney's letter will provide the Respondent with at least twenty (20) additional days to respond to the complaint. If the Respondent is a Psychologist, the Board attorney's letter shall be sent to the Psychologist's last known address on file with the Board. If the Respondent is not a Psychologist, the Board attorney's letter shall be sent to the address that can best be determined.
- ii. If the Respondent does not provide a response to the Board's letter and complaint, the Board office will file a complaint against the Respondent for the Respondent's failure to respond. Notice of the Board's complaint will be sent to the Respondent and the matter will be assigned to a Board Investigator for investigation.
- iii. If the Respondent is a Psychologist, the Psychologist's failure to update the address that Psychologist has on file with the Board will only be a defense to the Psychologist's failure to respond to the Board's letter and

⁷ NRS 641.270.

⁸ An example of extraordinary cause may be a situation where the Complainant could be in danger if the psychologist or other person is notified of the complaint at this stage in the investigation.

⁹ NAC 641.210(2). Failure to respond to the Board office within thirty (30) days may be ground for disciplinary action against the psychologist.

the Board's attorney's letter if the address change was for less than thirty (30) days.¹⁰

- e. If the Respondent retains an attorney during the investigative process, all future communications between the Board office or the Board Investigator and the Respondent will be between the Board's attorney and the Respondent's attorney. Requests for extensions of time to respond, requests for more information, responses to requests for information, or other communications made during the investigation will be made attorney to attorney and not from Board staff to the Respondent unless the Board's attorney directs the executive director to communicate with the Respondent and/or the Respondent's attorney.
- f. When the Respondent submits a response to the complaint, the Board office will forward the complaint, the response, and any relevant records or other information provided by either the Complainant or the Respondent to a Board Investigator for review and investigation. The purpose of that review and investigation will be to determine if there is any violation of NRS Chapter 641, NAC Chapter 641, the American Psychological Association Code of Ethics, or NRS Chapter 629.
- g. At the Board Investigator's discretion and as part of the investigation, the Board Investigator may interview the parties, including the Complainant and the Respondent, as well as any possible witnesses. These interviews may be conducted by phone or other means that the Board Investigator deems appropriate. If any party is represented by an attorney, the Board Investigator will confer with the Board's attorney to determine how to proceed to ensure the protection of that party's rights.
- h. If the Board Investigator believes that more information is necessary to adequately investigate the complaint, the Board Investigator may send, or request that the Executive Director send, a letter to the Complainant or the Respondent requesting such information and requiring that such information be provided within thirty (30) days. The Board Investigator's letter shall be mailed to the Complainant or the Respondent by regular and certified mail. If available, the Board Investigator or the Executive Director may communicate with either party by e-mail.
- i. If the Board Investigator believes that more information is necessary to adequately investigate the complaint and a written letter or interview will not

¹⁰ See NAC 641.210(3).

- allow the Board Investigator to obtain that information¹¹, the Board Investigator may request that a subpoena for that information be issued pursuant to NRS 641.245.¹²
- j. In investigating some complaints, the Board’s Investigator may determine that it is necessary to ask a Psychologist named in a complaint to complete a mental or physical examination pursuant to NRS 641.272. For more information, please review the “Special Situations” section of this policy.
 - k. After gathering all necessary evidence and information, the Board Investigator shall determine whether the Respondent has violated NRS Chapter 641, NAC Chapter 641, the American Psychological Association Code of Ethics, or NRS Chapter 629. In order to protect the public, the Board Investigator’s determination is not limited to the allegations alleged by the Complainant in the complaint. That determination may also include and address in the Board Investigator’s report any violations that the Board Investigator discovers during the investigation.
 - l. The Board Investigator shall draft a written report with the Board Investigator’s determination regarding the alleged violations as well as any additional violations discovered during the investigation.
 - i. The report must include the following:
 - 1. A summary of the allegations against the Respondent ;
 - 2. A summary of the Respondent’s response to the allegations;
 - 3. A summary of any other allegations discovered in the investigation and the Respondent’s to those allegations, if applicable;¹³
 - 4. A summary of the Board Investigator’s case analysis, which shall include specific reference to:

¹¹ For example, depending on the allegations in the complaint, the Board Investigator may want to review a pharmacy utilization report for the person named in the complaint. If this is necessary, the Board Investigator should contact the Board’s Executive Director and the Board’s attorney so that an appropriate request may be made to the State of Nevada, Board of Pharmacy.

¹² A Board member must review and sign subpoenas prior to their issuance pursuant to NRS 641.245. The Board President will review and sign subpoenas issued pursuant to this provision unless the Board President has a conflict or is unavailable. In that situation, the Board Secretary-Treasurer will review and sign the subpoena. If both the Board President and the Board Secretary Treasurer have a conflict or are otherwise unavailable, any remaining member of the Board may review and sign the subpoena.

¹³ The psychologist or other person named in the complaint will be notified of and given an opportunity to respond these allegations before the matter proceeds to discipline pursuant to NRS 233B.127(3).

- a. evidence supporting the allegations that the Board's Investigator believes should be pursued in a disciplinary proceeding and copies of that evidence, as applicable; and
 - b. the violations of NRS 641, NAC 641, NAC 629, the American Psychological Association (APA) Code of Ethics, *and/or the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct* sections that the investigator has concluded the Respondent has violated.
- ii. In the report, the Board Investigator:
1. May recommend that the Psychologist be required to provide fingerprints to the Board office at the initiation of disciplinary proceedings as authorized by NRS 622.360;
 2. Shall, in consultation with the Board's attorney, include recommendations regarding the category of the violation, the seriousness of the violation, recommended sanctions regarding the violation, and any other relevant information.
- iii. The Board Investigator's report must be included in the Board office complaint file.
- m. If the Board Investigator, *in consultation with the Board's attorney and the Board's Executive Director*, believe that the Board should dismiss the complaint, the Board Investigator shall provide a summary of the investigation and the reasons supporting the recommendation that the Board dismiss the complaint at the Board's next meeting. *The Board shall consider the Board Investigator's recommendations and consider the evidence presented in making a determination on how to proceed with the complaint.*
- n. If the Board Investigator, *the Board's attorney, and the Board's Executive Director all agree* ~~in consultation with the Board's attorney, believes~~ that the matter should proceed to disciplinary action (whether a hearing, settlement agreement, or other proceeding), the Board Investigator's report to the Board will include only the type of violation (statute or other category of violation) and state that the matter has been sent to the Board's attorney for the initiation of disciplinary action. If there is a question or another opinion is necessary, another Board Investigator may be asked to review the complaint, response, documents received, and recommendations from the assigned Board Investigator. If necessary due to extraordinary circumstances, a

- member of the Board may be designated as an “investigating Board member” pursuant to NRS 233B.122 and provide this additional review.¹⁴
- o. Once a matter is assigned to the Board’s attorney, the Board’s attorney shall send a letter to the Respondent by regular and certified mail that provides the Respondent with: (1) a summary of the allegations substantiated in the complaint *and the specific violations of NAC 641, NRS 641, the APA Ethical Guidelines, and/or the ASPPB Code of Conduct related to those allegations*; and (2) an additional opportunity to respond to the allegations prior to the initiation of disciplinary proceedings.^{15, 16} The Board’s attorney and the Board Investigator will review any response by the Respondent. A response from the Respondent may lead to additional investigation, revision of the Board Investigator’s report, or other action prior to the initiation of disciplinary proceedings. If the response leads to the recommendation that the matter be dismissed, the Board Investigator shall update the report to include reasons for this decision and follow the procedure outlined above for recommending dismissal.
 - p. If the complaint is against an applicant for a license, the Board’s ability to sanction the person may be limited. However, the Board Investigator may recommend that the complaint be considered when evaluating the person’s application, pursuant to NRS 641.170. The Board Investigator may recommend that licensure be denied to the applicant or granted under specified conditions. In that situation, and as required by the Open Meeting Law, the applicant must be: (1) provided notice to appear at a Board meeting in which the Board Investigator’s recommendation will be presented to the Board; and (2) allowed to present information to the Board regarding the application.
 - q. Although the intent is not to have the Board’s attorney investigate a complaint and risk becoming a witness in the matter should it proceed to a hearing before the Board, the Board’s attorney is available and should be consulted by the Board Investigator as necessary throughout the investigation of a complaint.

¹⁴ In this situation, the “investigating Board member” must recuse from any decision regarding this complaint.

¹⁵ The initiation of disciplinary proceedings is the sending of a complaint and notice of hearing to the Respondent by the Board’s attorney. *See* NRS 622A.300(1).

¹⁶ NRS 233B.127(3). This is required for cases where there may be a suspension or revocation. Best practice is to do this for all cases. This ensures that the psychologist or other person named in the complaint is informed about any additional allegations discovered in the investigation, but not included in the complaint prior to the initiation of disciplinary action.

- r. The Board shall follow the requirements of NRS Chapters 233B, 241, 622, 622A, 629, 641, and NAC Chapter 641 in adjudicating complaints before the Board, including the approval of settlement agreements.

B. Disciplinary Activity Reporting:

1. The Board's Executive Director shall submit quarterly reports on or before the 20th day of January, April, July, and October to the Legislative Counsel Bureau as required by NRS 622.100. These reports must be submitted electronically and shall include a summary of each disciplinary action the Board took against any licensee during the immediate preceding calendar quarter.
2. Within 30 days of the Board's disciplinary action, the Board's Executive Director shall:
 - a. submit reports regarding disciplinary action to the National Practitioner Databank as required by federal law, and to the Association of State and Provincial Psychology Boards.
 - b. provide, via U.S. Mail, true and correct copies of all disciplinary actions to the Administrator of the Division of Public and Behavioral Health in the Department of Health and Human Services.
 - c. post information regarding disciplinary action against a psychologist, psychological assistant, psychological intern, psychological trainee, or other person on the Board's website, and shall include the following information:
 - i. Discipline Type: Settlement or Order,
 - ii. A list of the specific statutes or regulations violated,
 - iii. A summary of the penalty imposed by the Board, including, as applicable, fine amount, cost reimbursement, continuing education, probation requirements, or other sanctions imposed, and
 - iv. Current status of the person's license or registration, as applicable.
 - d. Report to the appropriate law enforcement agency all disciplinary action taken against unlicensed individuals. See NRS 641.2705.
3. The Board's Executive Director shall report any disciplinary action taken against a psychologist or other person that may involve insurance fraud to the Office of the Attorney General's Insurance Fraud Unit. More information about making this report is available at:

http://ag.nv.gov/About/Criminal_Justice/Insurance_Fraud/.

C. Special Situations:

1. Summary Suspension: The Board President, acting on behalf of the Board, may issue a summary suspension of a Psychologist's license without first holding a hearing if the Board President determines that the Psychologist's actions could impair public health, safety, or welfare to the point that emergency action is required.
 - a. Summary suspension by the Board President must be conducted in consultation with the assigned Board Investigator, the Executive Director, and the Board's attorney.
 - b. The Board must conduct a hearing on the underlying allegations within 45 days after the date of the order of summary suspension, unless the Board and the Psychologist mutually agree in writing to a longer period. After issuing a summary suspension order, the Board President may not participate in deciding the case at the scheduled hearing. See NRS 233B.127(3); NRS 233B.122(1).
2. Mental or Physical Examination: The Board may require a person named in a complaint to submit to a mental examination conducted by a panel of three Psychologists designated by the board, or to a physical examination conducted by a physician designated by the Board.
 - a. Every psychologist licensed under NRS Chapter 641 is deemed to have given consent to submit to such a mental or physical examination when directed to do so in writing by the Board.
 - b. The testimony or reports of the examining Psychologists or Physicians are privileged communications, except as to disciplinary proceedings. The failure of a Psychologist to submit to an examination constitutes grounds for immediate suspension of the psychologist's license. See NRS 641.272.
3. Although the language of the statute permitting the Board to require an examination is broad and allows this examination to be conducted for any complaint received against a psychologist and prior to the initiation of disciplinary proceedings, due process and fairness still apply and the Board's power to order this examination as part of its investigation should not be abused.
4. The Board shall bear the cost for an examination it requires a Psychologist to undergo. The Board may later receive reimbursement for the costs of the

examination from the Psychologist if the Psychologist is found to have engaged in conduct that violates Nevada law or enters into a settlement agreement agreeing to reimburse the Board for this cost. See NRS 622.400.

D. Communication During the Investigative Process:

1. The Board must maintain the confidentiality of the complaint and all documents and information compiled during the investigation of the complaint during the investigative process. See NRS 641.090. The Board shall not acknowledge the existence (or not) of a complaint by way of confidential information until the investigation is concluded and a complaint and notice of hearing has been drafted, filed with the Board, and served upon the Respondent by the Board's attorney or a settlement agreement is negotiated and agreed for consideration by the Board at meeting, subject to the following exceptions:
 - a. The Board may communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency. See NRS 641.090(6).
 - b. The Respondent named in a complaint may submit a written statement to the Board requesting that such documents and information be made public records. See NRS 641.090(4).
 - c. Discovery regarding the complaint, such as the exhibits the Board's attorney intends to introduce at the hearing and a list of witnesses that the Board's attorney intends to call, must be provided to the Respondent upon request after the complaint and notice of hearing has been drafted, filed with the Board, and served upon the Respondent. See NRS 622A.330.

Note: Exhibits introduced at the hearing for review by the Board that contain protected health information do not become public documents that are subject to disclosure pursuant to NRS 622.310.

2. Substantive communication between the Respondent and the Board office or investigator during the investigative process must occur in writing. However, this does not preclude the Board's investigator from conducting oral interviews and submitting questions to the Respondent.
3. Communication from the Respondent may be sent to the Board office by electronic mail, facsimile, U.S. mail, or other mail carrier.
4. Copies of all communication regarding the complaint must be maintained in the Board's file related to the complaint.

E. Fines, Costs, and Collections:

1. All Board orders and settlement agreements will include a final due date for payment of all fines and costs assessed by the Board.
2. All fines that the Board assesses and receives must be submitted to the State Treasurer for deposit with the General Fund.
3. All cost reimbursements that the Board assesses pursuant to NRS 622.400 and receives must be deposited into the Board's bank account established pursuant to NRS 641.111.
4. For all fines and costs that the Board assess but does not receive pursuant to the terms of the Board's order and/or the approved settlement agreement, the Board will utilize the State Controller as its agent to collect fines and cost reimbursements that the Board assesses during disciplinary actions pursuant to NRS 353C.195 and follow the procedures required by the State Controller.

F. Qualifications of Board Investigators:

1. All Board Investigators shall:
 - a. Be licensed in the State of Nevada as a psychologist for at least five years,
 - b. Be in good standing as a psychologist in the State of Nevada, as well as any other states or jurisdictions where he/she/they is licensed, and
 - c. Complete the Council on Licensure, Enforcement, and Regulation (CLEAR) training in complaint investigation.
2. Experience in conducting investigations is preferred, but not required.

G. Records:

1. Complaints filed with the Board office must be kept by the Board office for ten (10) years, even if they are not acted on or investigated.¹⁷
2. The complaint file shall be maintained in the Board office and should include, at a minimum, the following:

¹⁷ NRS 641.250(2).

- a. The complaint, responses and associated documentation provided by the Complainant. This may include letters and/or emails, including documents from the Complainant's attorney, if applicable.
- b. The response and associated documentation provided by the Respondent. This may include letters and/or emails, including documents from the Respondent's attorney, if applicable.
- c. Documents provided by the investigator(s), including the investigator's final report.
- d. Documents provided by the Board's attorney, including, where applicable, orders, notices, subpoenas and other legal documents.
- e. Board meeting minutes where the complaint was discussed and/or action taken.
- f. Board meeting minutes where a disciplinary hearing was conducted and/or action taken.

Categories of Violations for Psychologists

A. Criminal Convictions:

1. Felony relating to the practice of psychology. NRS 641.230(1)(a).
2. Any crime or offense that reflects the inability of the person to practice psychology with due regard for the health and safety of others. NRS 641.230(1)(b).
3. Violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, or 616D.300 to 616D.440 (Relating to workers' compensation insurance and/or benefits).
4. Medicare or Medicaid fraud. NRS 641.230(1)(m).
5. Insurance fraud. NRS 641.230(1)(n).

B. Practice below the Standard of Care

1. Engaged in gross malpractice. NRS 641.230(1)(d).

Gross malpractice is defined in NRS 641.023. It includes the practice of psychology under the influence of an alcoholic beverage or any controlled substance, gross negligence, willful disregard of established method and procedures in the practice of psychology, or willful and consistent use of methods and procedures considered by psychologists in the community to be inappropriate or unnecessary in the cases where used.

2. Engaged in repeated malpractice. NRS 641.230(1)(d).

Malpractice is defined in NRS 641.024. It means the "failure on the part of a psychologist to exercise the degree of care, diligence and skill ordinarily exercised by psychologists in good standing in the community."

3. Engaged in gross negligence in the practice of psychology. NRS 641.230(1)(d).

Gross negligence means "[a] lack of slight diligence or care" or "[a] conscious, voluntary act or omission in reckless disregard of a legal duty and of the consequences to another party." Black's Law Dictionary 1057 (7th ed. 1999).

4. Lack of/inadequate knowledge or training in area of practice. NAC 641.208(1).

5. Failure to maintain competence and/or limit practice to areas of competence. NRS 641.112; NAC 641.208(4); APA Rule 2.01; 2.03.

6. Unprofessional Conduct. (Violation of Regulation Adopted by the Board). NRS 641.230(1)(g).

a. Standards of Conduct. NAC 641.200–NAC 641.250.

b. Failure to display license in a conspicuous place. NAC 641.213(1)(a).

c. Other violations included also may fall under this category, if they involve a violation of a Board regulation.

7. Interruption of psychological services without transition for clients. NAC 641.215(5)–(9); APA Rule 3.12.

8. Supervision.

a. Failure to properly supervise psychological interns, psychological assistants, or unlicensed personnel. NAC 641.158; NAC 641.161(2); NAC 641.168.

b. Failure to follow requirements for supervision as outlined by the Board. NAC 641.151–NAC 641.161.

C. Dishonesty

1. Made fraudulent or untrue statements to the Board. May also include filing a knowingly frivolous or knowingly false complaint with the Board. NRS 641.230(1)(f). See also NAC 641.245(3).
2. Made fraudulent or untrue statements to others, including making or filing false reports. NAC 641.245; APA Rule 5.01.
3. Engage in conduct in the practice of psychology which evidences moral unfitness to practice the profession. NAC 641.208(2).
4. Misrepresentation of professional qualifications. NAC 641.239.
5. Failure to complete required CEU's. NRS 641.220; NAC 641.132.
6. Fraudulent billing or misleading information regarding billing from party responsible for payment. NAC 641.213(1)(d); NAC 641.245(2)(c).
7. False advertising. APA Rule 5.01.
8. Failure to correct error in fraudulent or untrue statement made by others. NAC 641.239(2); APA Rule 5.02.

D. Disciplinary Action in another State.

1. Underlying action is also grounds for disciplinary action in Nevada. NRS 641.230(1)(h).
2. Failed to report to the Board within 30 days disciplinary action from another state. NRS 641.230(1)(i).

E. Violating NRS Chapter 641. NRS 641.230(1)(j).

1. Violation (direct or indirect) or attempted violation of a provision of NRS Chapter 641.
2. Assisted in or abetted a violation of or conspired to violate a provision of NRS Chapter 641. NAC 641.241.
3. Failure of non-resident consultant to register with the Board pursuant to NAC 641.169.

F. Impairment. NRS 641.230(1)(k).

Performed or attempted to perform any professional service while impaired by alcohol, drugs, or mental or physical illness, disorder or disease. NAC 641.229.

G. Inappropriate Relationships

1. Sexual activity with a patient or client. NRS 641.230(1)(l); NAC 641.229(3).
2. Dual relationship. NAC 641.229(2) or (3); APA Rule 3.05; APA Rule 3.06.
3. Coercive or exploitative relationship. NAC 641.215(12); NAC 641.229(2) or (3); APA Rule 3.05; APA Rule 3.06; APA Rule 3.08.
4. Discrimination. NAC 641.215(10); APA Rule 3.01.
5. Sexual harassment. NAC 641.215(11); APA Rule 3.02.
6. Physical harassment. APA Rule 3.02; APA Rule 3.03; APA Rule 3.04.
7. Other harassment. NAC 641.215(11); APA Rule 3.03.
8. Soliciting business or referrals from patients. NAC 641.215(12); APA Rule 5.06.
9. Accepting or paying fees to third parties for referrals of clients. NAC 641.213(1)(e).

H. Business Practices

1. Records APA Rules 6.01–6.07.
 - a. Failure to release records as required by law. NAC 641.219; NRS 629.061.
 - b. Inadequate record-keeping. NAC 641.219(1).
 - c. Breach of confidentiality of records. NAC 641.219; NAC 641.224.
 - d. Informed consent. NAC 641.207(1)(i); NAC 641.215(2) and (4); NAC 641.224; NAC 641.241; APA Rule 3.10.
2. Breach of confidentiality. NAC 641.224; APA Rule 4.01–4.07.

3. Operating a medical facility when the license of the facility was suspended or revoked or when an act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160. NRS 641.230(1)(o).
4. Practice under name that is not on license. NRS 641.225(1).
5. Fee splitting. NAC 641.210(4).

I. Communications with the Board.

1. Failure to respond to a communication from the Board within 30 days. NAC 641.213(1)(b).
2. Failure to update address or telephone number with the Board within 30 days of the change. NAC 641.213(1)(c).

J. Practice with Expired or Inactive License.

1. Active license required to practice psychology. NRS 641.390(1).
2. If license is inactive, may not practice psychology. NAC 641.133(2).

Categories of Violations – Unlicensed Activity

A. Misrepresentation. Representing oneself as psychologist NRS 641.390; NRS 641.440.

1. Holding out or representing oneself as a psychologist.
2. Using title that incorporates “psychology” or “psychologist.”

B. Practice without a License.

Engaging in the practice of psychology as defined in NRS 641.025 without a license. NRS 641.390; NRS 641.440.

C. School Psychologist Outside the School Setting. NRS 641.390(5).

Provisions governing school psychologist contained in NAC 391.315–NAC 391.319.

D. Failure of Non-Resident Consultant to Register with the Board. NAC 641.169.

Disciplinary/Remedial Options for Psychologists

A. *Authorized Discipline/Remediation.* NRS 641.240 lists the authorized discipline/remediation available to the Board if it finds a psychologist to have committed an act which constitutes grounds for disciplinary/remediation action¹⁸:

1. Public reprimand,
2. Limit the psychologist's practice,
3. Suspend the person's license for a period of not more than one year,
4. Revoke the person's license [NRS 622A.410 requires that the Board's order specify the time period during which the psychologist may not apply for reinstatement of the license. The period must be at least one year and not more than ten years],
5. Impose a fine of not more than \$5,000,
6. Suspend the enforcement of any penalty by placing the psychologist on probation. The Board may revoke the probation if the psychologist does not follow any conditions imposed,
7. Supervised practice, as outlined in Appendix C.
8. Counseling or treatment by a person approved by the Board [psychologist to pay costs incurred],
9. Probation with conditions imposed for the protection of the public or the rehabilitation of the psychologist [conditions may include requiring additional continuing education units in specified area[s], additional training, successful completion of a skills or ethics examination such as the Ethics and Boundaries Assessment, a psychological evaluation, or participation in a substance dependence treatment program], and
10. Require payment of costs for remediation or restitution.

B. *Imposition of Discipline/Remediation.* If the Board finds that a psychologist has violated any provision of NRS Chapter 641 or NAC Chapter 641 or an act that constitutes grounds for disciplinary/remediation action pursuant to NRS 641.230 or

¹⁸ Grounds for disciplinary action are contained in NRS 641.230.

accepts a settlement agreement within which the psychologist admits to such conduct or does not contest the allegations, the Board may:

1. Assess the Board's reasonable attorney's fees and costs incurred as part of the Board's investigation or the Board's administrative or disciplinary proceeding pursuant to NRS 622.400(1).
2. Costs allowed are defined in NRS 622.400(2).
3. Additional Options and Considerations:
 - a. To the greatest extent possible, all disciplinary/remediation action ordered by the Board or contained in a settlement agreement will be meaningfully tied to the violations substantiated in the Board's investigation in order to allow the person an opportunity for remediation of these violations. An example of considerations the Board will take into account when determining remediation plans is discussed in this article: Vacha-Haase, T., Elman, N. S., Forrest, L., Kallaugher, J., Lease, S. H., Veilleux, J. C., & Kaslow, N. J. (2018, November 29). Remediation Plans for Trainees With Problems of Professional Competence. Training and Education in Professional Psychology. Advance online publication. <http://dx.doi.org/10.1037/tep0000221>.
 - b. If the Board initiates disciplinary proceedings against a licensee, the Board requires all licensees to submit a complete set of his/her/their fingerprints to the Board and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. NRS 622.360(1). Failure to comply is ground for additional disciplinary action against the license. NRS 622.360(2). A conviction for an unlawful act that is grounds for disciplinary action against the licensee that has not been disclosed to the Board or that the Board has not already disciplined the licensee for is an additional ground for disciplinary action against the licensee. NRS 622.360(3). Notice that the licensee must provide fingerprints pursuant to NRS 622.360 will be included in the Complaint and Notice of Hearing. In addition, all settlement agreements regarding licensees, the Board will require that the licensee provide fingerprints pursuant to NRS 622.360 as part of the settlement.
 - c. The Board may order any psychologist named in a complaint¹⁹ to submit to a mental examination conducted by a panel of three psychologists designated by the Board or a physical examination conducted by a physician designated by the Board. NRS 641.272(1). Failure to comply with this request is grounds

¹⁹ Disciplinary proceedings do not have to first be initiated.

- for immediate suspension of the psychologist's license unless there are extraordinary circumstances, as determined by the Board. NRS 641.272(2).
- d. Settlement agreements may contain requirements agreed to by the parties and approved by the Board that differ from those specified in NRS 641.240 or other statutory provision. A psychologist may agree to surrender his/her/their license in lieu of other disciplinary action by a settlement agreement. This constitutes discipline pursuant to NRS 233B.121(6) and will be reported as discipline pursuant to this policy.
 - e. The Board may not administer a private reprimand. NRS 641.240(2).
 - f. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. NRS 641.240(3).
 - g. A settlement agreement in a disciplinary case must be approved by the Board in a public meeting and the settlement agreement is a public record. NRS 622.330.

Unlicensed Activity Sanctions

A. Cease and Desist.

Order to Cease and Desist from engaging in activity prohibited by NRS 641.390. NRS 641.2705(2)(a).

B. Citation.

A written citation that describes with particularity the nature of the violation. NRS 641.2705(2)(b) and (3). A citation may be appealed to the Board within 30 days after the date of the citation. NRS 641.2705(5).

C. Administrative Fine. For any violation of NRS 641.390, the Board *shall* assess an administrative fine of:

1. \$500 (first violation),
2. \$1,000 (second violation), and
3. \$1,500 (third or subsequent violation).

D. Attorney Fees and Costs. If the Board finds that a person has violated any provision of NRS Chapter 641 or NAC Chapter 641 or the person admits to such conduct or does not contest the allegations, the Board may:

1. Assess the Board's reasonable attorney fees and costs incurred as part of the Board's investigation or the Board's administrative or disciplinary proceeding pursuant to NRS 622.400(1).
2. Costs allowed are defined in NRS 622.400(2).

E. Injunction.

If a person continues to engage in unlicensed activity, the Board may file an action in civil court requesting that the court enter an injunction against the person, enjoining him/her/them from engaging in the unlicensed practice of psychology. See NRS 641.316.

Aggravating and Mitigating Factors

The following factors may mitigate or aggravate the sanctions that may be imposed in the disciplinary process.

A. Factors Related to Conduct.

1. Gravity of the unprofessional conduct
2. Age, capacity and/or vulnerability of the patient, client, or victim;
3. Number or frequency of the acts of unprofessional conduct;
4. Injury caused by the unprofessional conduct;
5. Potential for injury to be caused by the unprofessional conduct;
6. Degree of responsibility for the outcome;
7. Abuse of trust;
8. Intentional or inadvertent act;
9. Motivation is criminal, immoral, dishonest, or for personal gain;
10. Length of time since the unprofessional conduct occurred.

B. Factors Related to the Psychologist.

1. Experience in practice;
2. Past disciplinary record;
3. Mental and/or physical health;
4. Personal circumstances;
5. Personal problems having a nexus with the unprofessional conduct;
6. Voluntary restitution or other remedial action;
7. Admission of key facts.

C. General Factors.

1. License holder's knowledge, intent, and degree of responsibility;
2. Presence or pattern of other violations;
3. Present moral fitness of the license holder;
4. Potential for successful rehabilitation;
5. Present competence to practice;
6. Dishonest or selfish motives;
7. Isolated incident unlikely to reoccur.

Appendix A
Policy regarding Court Ordered Evaluations

A person filing a complaint arising out of or related to a court ordered evaluation must submit the following in addition to completing the Complaint Form:

- 1) Final order or judgment in the case
- 2) A copy of the court order appointing the licensee in the case.

A complaint subject to this rule shall be dismissed unless the Complainant can show the following:

- 1) The licensee was disqualified as an expert witness by the Court.
- 2) The licensee's opinion or inferences complained of were ruled inadmissible by the Court.
- 3) A curriculum vitae and written report by an expert qualified to render an expert opinion in the relevant subject area. The report must address deficiencies in standard of care, violations of the American Psychological Association Code of Ethics, and violations of Nevada Revised Statutes or Nevada Administrative Code in the licensee's report.

A complaint subject to this rule must be filed within one year of the entering of the final order or judgment concerning the licensee's evaluation in the case.

Appendix B

Policy regarding Court Ordered Psychological Services

A person who files a complaint alleging a statutory or ethical violation arising out of or related to court ordered psychological services, including, but not limited to, psychotherapy, reunification therapy, parent coordination, and parent coaching, must, in addition to completing the complaint form, comply with the following requirements:

- 1) A complaint may not be filed while the licensee is under court appointment to provide the particular psychological service unless the person has applied to terminate services with the court.
- 2) Submit the curriculum vitae and written report of an expert qualified to render an expert opinion in the relevant subject area. The report must address deficiencies in standard of care, violations of American Psychological Association Code of Ethics, and violations of Nevada Revised Statutes/Nevada Administrative Code in the licensee's psychological services.
- 3) The complaint must be filed within one year of termination of services.

Appendix C

Requirements for Supervised Practice

Disciplinary supervision, or supervised practice, is a remediation requirement that results from Board discipline of a licensee. The supervision requires the supervisor and licensee to focus on areas in which the supervisee has experienced problems. These areas could include, for example, maintaining appropriate boundaries, conflict of interest, informed consent in assessments, and recordkeeping.

- If a Board investigation of a licensed psychologist, psychologist associate, or temporary practitioner results in disciplinary action, an Order is issued by the Board itemizing the Board's disciplinary actions.
- If the Order requires disciplinary supervision, the Respondent may propose a disciplinary supervisor for Board approval from the list of trained Disciplinary Supervisors.
- The Board sends a letter of engagement to the Disciplinary Supervisor, and disciplinary supervision commences per the terms of the Order. Terms of the Order will include frequency and duration of required disciplinary supervision meetings and quarterly documentation of practice monitoring will be submitted to the Board.
- A licensed psychologist who supervises/serves as a practice monitor for a licensed psychologist who has entered an agreement with the Board or been ordered by the Board to practice psychology under supervision or with a practice monitor is professionally responsible only for work specified in the agreement or order.
- Upon completion of the minimal requirements of the Order, the Licensee and Disciplinary Supervisor may request termination of the disciplinary supervision.
- The licensee shall pay the costs incurred.