

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

DATE OF MEETING: Friday, March 8, 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/81618893193>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: **816 1889 3193**. (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. (For Possible Action) Public Hearing to Solicit Comments on a Regulation (Legislative Counsel Bureau File Number R095-23) Proposed for Adoption; Possible Action to Make Revisions to and/or Forward any/all the Proposed Regulation to the Legislative Counsel Bureau In Accordance with NRS Chapter 233B. (See Attached Public Notice for Information on the Draft Regulation)

4. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the State of Nevada Board of Psychological Examiners' February 9, 2024, Meeting

5. 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 a Bank of America credit card to be issued in Administrative Director Sarah Restori's name with a \$5,000.00 limit.

C. (For Possible Action) Discussion and Possible Action to Approve the Proposed Contract for a Hearing Officer in Complaint #19-0626 and Complaint #24-0103.

6. Legislative Update

(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.

7. Board Needs and Operations

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

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

- A. Complaint #19-0626
- B. Complaint #23-0612
- C. Complaint #23-0801
- D. Complaint #23-0905
- E. Complaint #23-0918
- F. Complaint #24-0103
- G. Complaint #24-0202
- H. Complaint #24-0228

9. (For Possible Action) Review and Possible Action on Applications for Licensure as a Psychologist or Registration as a Psychological Assistant, Intern or Trainee. The Board May Convene in Closed Session to Receive Information Regarding Applicants, Which May Involve Considering the Character, Alleged Misconduct, Professional Competence or Physical or Mental Health of the Applicant (NRS 241.030). All Deliberation and Action Will Occur in an Open Session. *Note: Applicant names are listed on the agenda to allow the Board to discuss applicants when necessary to move the applicant through the licensure process. The listing of an applicant's name on the agenda indicates only that an application for licensure/registration has been received. It does not mean that the application has been approved or that the applicant must appear at the meeting in order for the applicant's application to move forward through the licensure process. If an applicant needs to attend the meeting for the Board to take action, the applicant will be notified in*

writing prior to the meeting. Please, direct questions or comments regarding licensure applications to the Board office.

PSYCHOLOGISTS

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

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 Harden	Kayla Kaiser	Barbara Sommer
Shannon Colon	Tiffany Hunter	Erica Marino	Megan Tedrow
Mario De Souza	Jessica Jensen	Sherley Pierre	Candice Thomas
Paola Garcia Betancourt	Jeanine Johnson	Coreen Schwartz	Richard Warmke
Sussan Fung	Lauren Johnson	Ruby Sharma	Charlotte Watley
Michelle Gaston	Shalini Kabeer	Jasmin Smith	Rachel Wiggins
Daniel Gonzalez			

PSYCHOLOGICAL TRAINEES

Marissa Alvarez	Kinsey Ellis	Jessica Jensen	Jason Sadora
Vanni Arcaina	Michael Fensken	Cynthia Johnston	Shannon Sagert
Glenn Blessington	Leila Gail	Lee Haeun	Christine Salva
Dominique Cheung	Paola Garcia Betancourt	Julia Maranville	Mary Smirnova
Adaeze Chike-Okoli	Grace Goodwin	Nicole Martinez	Madison Thomasson
Kieffer Christianson	Kaelyn Griffin	Michael McNamara	Teresa Walker
Anna Cole	Brandon Hunley	Sara Moore	Bailey Way
Aimee D'Errico	Madison Hurley	Karisa Deandra Odrunia	Jessica Woodyatt
Erin Dunn	Bianca Islas	Ananda Peixoto-Couto	
Jacqueline Eddy	Todd Jennings	Bianca Reaves	

- A. (For Possible Action) Discussion and Possible Action on Dr. Shantrice Gibson's application to reactivate her inactive license.
- B. (For Possible Action) Discussion and Possible Action on Dr. Kathleen Krach's application to reactivate her inactive license.

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

11. (For Possible Action) Discussion and Possible Action on the Board hiring Dr. Whitney Owens as a Board Investigator on or after July 1, 2024, after her departure from the Board.

12. (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, April 12, 2024, beginning at 8:00 a.m.

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

14. 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 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)

15. (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, March 7, 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, March 5, 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).

Attachment A

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the adoption of Regulations of the State of Nevada Board of Psychological Examiners

The State of Nevada Board of Psychological Examiners will hold a public hearing at 8:05 a.m. on March 8, 2024. The hearing 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/81618893193>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: **816 1889 3193**. (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 hearing may also be attended at the Board office, 4600 Kietzke Lane, Suite B-116, Reno, Nevada, 89502.

The purpose of the hearing is to receive comments from all interested persons regarding the revisions to regulations that pertain to chapter 641 of the Nevada Administrative Code. 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 hearing and will be forwarded to the Board for their consideration.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

LCB File No. R095-23: A REGULATION relating to psychology; interpreting the term "mental examination" for certain purposes; increasing the number of hours of instruction relating to cultural competency that a psychologist is required to complete; prohibiting a licensee from disclosing psychological test material under certain circumstances; updating certain information concerning a publication adopted by reference; and providing other matters properly relating thereto.

2. If the proposed regulation(s) is a temporary regulation, either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved. If the proposed regulation(s) is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

A copy of the proposed regulations can be obtained at the Boards website by going to www.psyexam.nv.gov, or by contacting the Board of Psychological Examiners at 775-688-1268 or 4600 Kietzke Lane, Ste. B-116, Reno, NV 89502. A reasonable fee for copying may be charged.

3. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

A request for input regarding impact was posted and made available to the public and licensees of the Board of Psychological Examiners. A workshop to present the proposed changes and hear public input was held on October 13, 2023.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects; and

There should be no adverse effects to Psychologists in Nevada. The beneficial effects of the proposed revisions are intended to provide clarity to psychologists and the public regarding the impact to the Board's regulations of 2023 AB244, which was enacted during the 2023 Legislative session, and to align the Board's continuing education requirements with 2023 AB267, also enacted during the 2023 Legislative session.

(b) Both immediate and long-term effects.

Once the regulation revisions are approved and codified into NAC Chapter 641, the benefits stated above will be immediate and long term.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The Board does not believe there will be a cost for enforcement of the proposed revisions, as the proposed revisions do not require enforcement.

6. A description of the citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board is not aware of any overlapping or duplicating of federal or state regulations.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board is not aware of any requirement to federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There should be no duplication of a federal regulation.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The regulation revisions do not establish a new fee or an increase in an existing fee.

Persons wishing to comment upon the proposed action of the State of Nevada Board of Psychological Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to State of Nevada Board of Psychological Examiners, 4600 Kietzke Lane, Bldg B-116, Reno, NV 89502. Written submissions must be received by the State of Nevada Board of Psychological Examiners on or before March 7, 2024 at 5:00 p.m. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State of Nevada Board of Psychological Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted will be available at the State of Nevada Board of Psychological Examiners for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and online at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been sent to persons on the agenda's mailing list, licensed psychologists, posted at the Board's website at <http://psyexam.nv.gov> and the State of Nevada website (<https://notice.nv.gov/>) and the office of the Board of Psychological Examiners (4600 Kietzke Lane, Bldg B-116, Reno, NV).

Posted February 6, 2024

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

DATE: March 8, 2024

ITEM:

3 - (For Possible Action) Public Hearing to Solicit Comments on a Regulation (Legislative Counsel Bureau File Number R095-23) Proposed for Adoption; Possible Action to Make Revisions to and/or Forward the Proposed Regulation to the Legislative Counsel Bureau in Accordance with NRS Chapter 233B.

SUMMARY:

During its October 13, 2023, meeting, the Board conducted a workshop to:

- Respond to AB244 by adding
 - o definitions for psychological examinations, testing, and evaluation, and
 - o a provision to NAC 641.234 regarding the disclosure of psychological test material; and
- Revise NAC 641.136 to comply with AB 267, which revised NRS 641.220 by increasing cultural competency CE instruction from 2 hours to 6 hours.

The Legislative Counsel Bureau (LCB) has provided a draft of those proposed changes in LCB file number R095-23.

Response to AB244:

- Additional Definitions

The LCB made revisions to the proposed definitions that the Board approved during its October 13, 2023, Workshop.

The proposed definitions the Board approved adding to NAC Chapter 641 were:

Psychological examination, or mental examination, means a comprehensive clinical interview which includes the collection of psychosocial data and may include completion of a mental status examination by a licensed psychologist, psychological assistant, psychological intern, or psychological trainee.

Psychological testing means the administration of standardized psychometric measures of psychological functioning, cognitive/motor functioning, symptom and performance validity, and other skills and abilities to assist in providing a diagnosis and recommendations.

Psychological evaluation means the completion of a psychological examination with or without psychological testing.

What the LCB drafted is:

1. *As used in section 1 of Assembly Bill No. 244, chapter 503, Statutes of Nevada 2023, at page 3141, the Board will interpret the term “mental examination” to mean a comprehensive clinical interview in which psychosocial data is collected. The term may include, without limitation, the completion of a psychological examination or mental status examination by a licensed psychologist, psychological assistant, psychological intern or psychological trainee. The term does not include psychological testing.*
2. *As used in this section, “psychological testing” means the administration of testing that uses standardized psychometric measures of psychological functioning, cognitive and motor functioning, symptom and performance validity and any other skill or ability used to provide a diagnosis or recommendation.*

- Revision to NAC 641.234

The LCB made revisions to the proposed revisions/additions to NAC 641.234 that the Board approved during its October 13, 2023, Workshop.

The proposed revision to NAC 641.234 that the Board approved added the following provision as subsection 4:

A person in possession of psychological test material shall not disclose the material to any other person, including the individual who is a subject of the test. In addition, the test material shall not be disclosed in any administrative, judicial, or legislative proceeding. However, upon the request of an individual who is a subject of a test, all records associated with a psychological test of that individual shall be disclosed to a psychologist licensed pursuant to NAC 641.015 designated by the individual. An individual’s request for the records shall be in writing and shall comply with the requirements relating to voluntary disclosures of mental health information, except that the individual shall not have the right to inspect the test materials.

The additions/revisions that the LCB drafted for NAC 641.234 are:

3. *Except as otherwise provided in subsection 4, a person who is licensed or registered by the Board shall not disclose psychological test material:*
 - (a) *To any person, including, without limitation, the person who is the subject of the psychological test or assessment procedure; or*
 - (b) *During any judicial proceeding, administrative proceeding or legislative proceeding.*

4. *A person who is the subject of a psychological test or assessment procedure may request that records related to the psychological test or assessment procedure be disclosed to a designated psychologist. Any such request must be made in writing and comply with all applicable federal and state laws relating to the disclosure of mental health information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Upon receipt of such a request, a person who is licensed or registered by the Board shall disclose to the designated psychologist all records related to the psychological test or assessment procedure. Nothing in this subsection shall be construed to authorize the inspection of psychological test materials by a person who is the subject of a psychological test or assessment procedure.*

* * * * *

6. *As used in this section, “psychological test material” has the meaning ascribed to the term “test material” in section 9.11 of the Ethical Principles of Psychologists and Code of Conduct adopted by reference pursuant to subsection 1 of NAC 641.250.*

Revision to NAC 641.136

The LCB’s draft of the revision to NAC 641.136(1) is as the Board proposed and approved it.

**PROPOSED REGULATION OF THE
BOARD OF PSYCHOLOGICAL EXAMINERS**

LCB File No. R095-23

February 6, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 641.100 and section 1 of Assembly Bill No. 244, chapter 503, Statutes of Nevada 2023, at page 3141; § 2, NRS 641.100 and 641.220, as amended by section 5 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1180; §§ 3 and 4, NRS 641.100.

A REGULATION relating to psychology; interpreting the term “mental examination” for certain purposes; increasing the number of hours of instruction relating to cultural competency that a psychologist is required to complete; prohibiting a licensee from disclosing psychological test material under certain circumstances; updating certain information concerning a publication adopted by reference; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

With certain exceptions, existing law grants a person compelled to submit to a mental examination pursuant to a court order, a contractual obligation or any other type of obligation. (Section 1 of Assembly Bill No. 244, chapter 503, Statutes of Nevada 2023, at page 3141)

Section 1 of this regulation provides that, for purposes of these requirements, the Board of Psychological Examiners will interpret the term “mental examination” to mean a comprehensive clinical interview in which psychosocial data is collected.

During the 2023 Legislative Session, the Legislature enacted Assembly Bill No. 267 (A.B. 267), which increased from 2 to 6 the number of hours of instruction relating to cultural competency and diversity, equity and inclusion a psychologist must receive as a prerequisite for the renewal of a license. (NRS 641.220, as amended by section 5 of Assembly Bill. No. 267, chapter 202, Statutes of Nevada 2023, at page 1180) **Section 2** of this regulation revises the requirements for continuing education in existing regulations to conform with the changes made by A.B. 267.

Existing law authorizes the Board to adopt regulations governing the practice of psychology. (NRS 641.100) Existing regulations prohibit a psychologist or licensed behavior analyst from reproducing or describing psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures. (NAC 641.234) **Section 3** of this regulation prohibits a licensee from disclosing psychological test material to any person or during any judicial proceeding, administrative proceeding or legislative proceeding, unless an exception applies. **Section 3** also: (1) authorizes a person who is the subject of a psychological

test or assessment procedure to request that records related to the psychological test or assessment procedure be disclosed to a designated psychologist; and (2) prescribes requirements relating to such a request. Existing regulations adopt by reference the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association. (NAC 641.250) **Section 4** of this regulation makes a technical change to reflect the correct Internet address at which a person may obtain a copy of this publication free of charge.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto a new section to read as follows:

1. As used in section 1 of Assembly Bill No. 244, chapter 503, Statutes of Nevada 2023, at page 3141, the Board will interpret the term “mental examination” to mean a comprehensive clinical interview in which psychosocial data is collected. The term may include, without limitation, the completion of a psychological examination or mental status examination by a licensed psychologist, psychological assistant, psychological intern or psychological trainee. The term does not include psychological testing.

2. As used in this section, “psychological testing” means the administration of testing that uses standardized psychometric measures of psychological functioning, cognitive and motor functioning, symptom and performance validity and any other skill or ability used to provide a diagnosis or recommendation.

Sec. 2. NAC 641.136 is hereby amended to read as follows:

641.136 1. To renew his or her license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, he or she has completed 30 hours of continuing education in courses approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. At least 2 hours must include instruction in evidence-based suicide prevention and awareness. At least ~~2~~ 6 hours must include instruction relating to cultural competency and diversity, equity and inclusion. Not more than 15 hours may be

obtained from an approved home study course. A licensee may not receive credit for continuing education for a course in which he or she is the instructor.

2. Except as otherwise provided in subsection 3, the Board will accept the following types of continuing education courses or programs:

(a) Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.

(b) Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:

- (1) The American Psychological Association;
- (2) The American Psychiatric Association;
- (3) The American Medical Association;
- (4) The American Association for Marriage and Family Therapy;
- (5) The American Counseling Association;
- (6) The International Congress of Psychology; or
- (7) The National Association of Social Workers.

(c) Other workshops, classes, seminars and training sessions in psychology or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.

(d) Home study courses in psychology or a closely related discipline that are approved by the Board.

3. Before a licensee may receive credit for continuing education for a course in scientific and professional ethics and standards and common areas of professional misconduct, for a course

in evidence-based suicide prevention and awareness, or for a course relating to cultural competency and diversity, equity and inclusion, the licensee must submit information concerning the course to the Board for approval of the course unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.

Sec. 3. NAC 641.234 is hereby amended to read as follows:

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

(a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and

(b) Include in the explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.

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

3. *Except as otherwise provided in subsection 4, a person who is licensed or registered by the Board shall not disclose psychological test material:*

(a) To any person, including, without limitation, the person who is the subject of the psychological test or assessment procedure; or

(b) During any judicial proceeding, administrative proceeding or legislative proceeding.

4. *A person who is the subject of a psychological test or assessment procedure may request that records related to the psychological test or assessment procedure be disclosed to a*

designated psychologist. Any such request must be made in writing and comply with all applicable federal and state laws relating to the disclosure of mental health information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Upon receipt of such a request, a person who is licensed or registered by the Board shall disclose to the designated psychologist all records related to the psychological test or assessment procedure. Nothing in this subsection shall be construed to authorize the inspection of psychological test materials by a person who is the subject of a psychological test or assessment procedure.

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

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

(b) Explicitly state the purpose and application for which the procedure or service is recommended;

(c) Identify special requirements which are necessary to administer and interpret the procedure or service properly; and

(d) Ensure that advertisements for the procedure or service provide an accurate description of the procedure or service.

6. As used in this section, “psychological test material” has the meaning ascribed to the term “test material” in section 9.11 of the Ethical Principles of Psychologists and Code of Conduct adopted by reference pursuant to subsection 1 of NAC 641.250.

Sec. 4. NAC 641.250 is hereby amended to read as follows:

641.250 1. The provisions set forth in the most recent edition of the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, are controlling. A copy of the publication may be obtained free of charge from the American Psychological Association at 750 First Street, N.E. Washington, D.C., 20002-4242, Attention: Service Center, at the Internet address ~~<http://www.apa.org/ethics/code.html>~~ <https://www.apa.org/ethics/code> or by telephone at (202) 336-5500.

2. The provisions set forth in the most recent edition of the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, are controlling. A copy of the publication may be obtained free of charge from the Association of State and Provincial Psychology Boards at 215 Market Road, Tyrone, GA 30290, Attention: Member Services, at the Internet address [http:// www.asppb.net](http://www.asppb.net) or by telephone at (678) 216-1175.

3. If the publication adopted by reference pursuant to subsection 1 or 2 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that

hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1 or 2.

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

February 9, 2024

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 8:01 a.m. on February 9, 2024, 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.; members, Lorraine Benuto, Ph.D.; Soseh Esmaeili, Ph.D.; Stephanie Holland, Psy.D.; Catherine Pearson, Ph.D., and Stephanie Woodard, Psy.D., were present at roll call. Monique Abarca, LCSW was absent. Despite the one-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 and Dr. Sheila Young; Executive Director Laura Arnold; members of the public: Dr. Shera Bradley, Dr. Lauren Chapple-Love, and Donald Hoier (private citizen).

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.

3. (For Possible Action) Public Hearing to Solicit Comments on a Regulation (Legislative Counsel Bureau File Number R051-23) Proposed for Adoption; Possible Action to Make Revisions to and/or Forward any/all the Proposed Regulation to the Legislative Counsel Bureau In Accordance with NRS Chapter 233B. (See Attached Public Notice for Information on the Draft Regulation)

Dr. Owens opened the Hearing to public comment on LCB File No. R051-23. There was no public comment presented at this time.

Dr. Owens shared that in response to the Governor's Executive Order 2023-003, the Board submitted a report to his office that details various Nevada Administrative Code Provisions in Chapter 641 that can be revised or removed to ensure that they provide for the general welfare of the State without unnecessarily inhibiting economic growth. In its report, the Board identified all of NAC Chapter 641's regulations that reference Behavior Analysts, which the Board no longer governs. The Board addressed which of those regulations were appropriate to be repealed and those that required revisions in order to remove from NAC Chapter 641 all language that references Behavior Analysts.

The Board held its workshop on those revisions on May 12, 2023, after which the Board office submitted its draft of the revisions to the Legislative Counsel Bureau and requested an LCB draft and file number. The LCB having prepared its draft and assigned file number R051-23 to that draft, it is now before this Board for a hearing, notice of which has been timely provided and this agenda item having been noticed for that purpose.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved adopting Legislative Counsel Bureau File Number R051-23 and forwarding the regulation to the LCB in accordance with NRS Chapter 233B. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeilj, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

Being that there was no public comment, President Dr. Owens closed the public hearing and reopened the regular meeting.

4. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the State of Nevada Board of Psychological Examiners' January 22, 2024, Meeting.

Dr. Owens commented on the improved format of the Meeting Minutes. There were no other comments or changes suggested for the minutes of the January 22, 2024, meeting.

On motion by Stephanie Holland, second by Lorraine Benuto, the Nevada Board of Psychological Examiners approved the minutes of the Board's

meeting on January 22, 2024. Catherine Pearson approved the minutes as to form, but not content. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

5. 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).

The Executive Director presented the Treasurer's report. As of January 31, 2024, the checking account balance was \$ 307,630.46. As of January 1, 2024, the Board was operating on the nearly \$161,500.00 in net revenue from the first and second biennium quarter deferred income distributions, and the nearly \$52,500.00 from other deferred revenue distributions such as late renewal fees, new licensures, and registrations that are allocated to the third biennium quarter (January – June 2024).

The savings account balance, which is the Board's reserve account, was \$105,073.59. With the end of January 2024 being a little more than the half-way point for FY 2024, the Board is 48% of budgeted expenditures and 95% 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.

No questions or comments were presented by the Board.

On motion by Catherine Pearson, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved the Treasurer's Report for FY2024. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- B. (For Possible Action) Discussion and Possible Action to Approve payment of the PsyPact 2023 State Assessment Fee in the amount of \$1,170.

President Dr. Owens indicated that the Board office has received PsyPact's Assessment fee for 2023 in the total amount of \$1,170.00. That amount reflects 105 APIT Holders in the amount of \$1,050.00 and 12 TAP Holders in the amount of \$120.00. The invoice is due to be paid by April 18, 2024.

As the PsyPact Commissioner for Nevada, Dr. Lenkeit shared comment on the PsyPact State Assessment Fee. He shared that there is a question as to why the state pays the fee rather than the authorization holders. He shared that in some states, the authorization holders are being charged and there has been some discussion about having states not having an Assessment Fee.

There were no further questions or comments presented by the Board.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada Board of Psychological Examiners approved payment of PsyPact's Assessment for 2023 in the total amount of \$1,170.00. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- C. (For Possible Action) Discussion and Possible Action to designate board members and/or staff to attend Association of State and Provincial Psychology Boards (ASPPB) mid-year meeting, April 25-28, 2024, in Boston, Massachusetts in a combined total expenditure of not more than \$3,700.00.

Dr. Owens informed that the ASPPB mid-year meeting will be held on April 25-28, 2024, in Boston, Massachusetts. The Board has \$3,700 remaining in its out-of-state travel budget for FY 2024; however, the combined total expenditure for two selected Board members and/or Board staff is not expected to reach or exceed that amount. Dr. Owens shared she will be attending the mid-year meeting as the Chair of another Board and that Board will be funding her travel. The NBOPE Board is requesting to use the funds to send two NBOPE Board members to the mid-year meeting.

There were no questions from the Board regarding the allocation of funds.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada Board of Psychological Examiners approved the allocation of funds in an amount up to \$3,700 for two Board members or staff to attend the Association of State and Provincial Psychology Boards (ASPPB) mid-year meeting, April 25-28, 2024, in Boston, Massachusetts. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- D. (For Possible Action) Discussion and Possible Action to Approve:

The Executive Director presented several items regarding changes that need to be made to the Board's checking and savings accounts. The first item is adding Administrative Director Sarah Restori to be an authorized signatory on the Board's Bank of America checking and savings accounts. The second item is adding Executive Director Laura M. Arnold to be an authorized signatory on the Board's Bank of America savings account. The third item is removing former Board member John Krogh and former Executive Director Lisa Scurry as signatories on the Board's Bank of America checking and savings accounts.

Executive Director Arnold shared that prior to providing the new Administrative Director access to the Board's checking and savings accounts, the bank requires approval by the board as evidenced by board minutes. She further shared that despite the Board approving her being a signatory on the Board's checking and savings accounts during its February 10, 2023, meeting, the Board's bank ultimately only made her a signatory on the checking account. After again meeting with a bank representative, Executive Director Arnold was informed that the bank had only given her the documentation for being a signatory on the checking account and did not include the savings account paperwork, and recommended again bringing a request before the board to authorize her as a signatory on the savings account to obtain the proper paperwork from the bank.

The Executive Director went on to share that the representative from Bank of America with whom she spoke stated that the Board would need to take action to remove former executive director Lisa Scurry and former Board Member John Krogh as signatories on the Board's checking and savings accounts. Dr. Owens, the new Administrative Director, and the Executive Director have plans to meet with the Board's Bank in Las Vegas when the Board office is physically moved to its new location to effect what the board approves during this meeting.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada Board of Psychological Examiners approved adding Administrative Director Sarah Restori as a signatory on the Board's checking and savings accounts, adding Executive Director Laura M. Arnold as a signatory on the Board's savings account, and removing former Executive Director Lisa Scurry and former Board member John Krogh as signatories on the Board's checking and savings accounts. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

6. Legislative Update

(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.

Executive Director Arnold shared the following Legislative Updates. She informed that on the regulations front, they are making progress on the various revisions the Board is seeking to make to its regulations. Today they had the hearing on R051-23, which is the Board's response to Executive Order 2023-003. The Joint Interim Standing Committee on Health and Humans Services will be hearing this R051-23 on February 16, 2024, and the Executive Director informed she will be available during that hearing for any questions they may have.

The Executive Director went on to share that at the Board's March 8, 2024, meeting, it will have a hearing on R095-23, which was the response to AB244, and the notice for which has been posted. And, the Board's proposed revisions to some of its supervision provisions and the definition of Psychometrist has been assigned a LCB file number (R002-24), and they are waiting for a draft so that they can notice those revisions for a hearing. She shared that the LCB is currently working to get all of the 13 revisions codified into publicly available version of the NAC and this is on her radar to monitor.

7. Board Needs and Operations

A. Report from the Nevada Psychological Association.

Dr. Chapple-Love provided an update on NPA to include they are moving forward on finalizing their slate for the next year, getting started with APA council items, and finalizing which individuals NPA will be reaching out to to ask for more support for psychologists.

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

Executive Director Arnold presented the Board's office statistic spreadsheet. She said the Board did not license anyone in January, which likely reflects the slow down in licensure requirement fulfillment during the holidays, such as the State Exams that were administered. The Board office received four applications for licensure in January, and if the beginning of February is any indication, the Board office's receipt of licensure applications will be coming back up to speed.

Applications for Psychological Interns and Psychological Trainees picked up, as did the applications for Non-Registered Consultants and Continuing Education programs.

At the end of January, the board had 694 active licensees and 100 active licensee applications. As for those the Board registers – the psychological assistants, psychological interns, and psychological trainees – there are a total of 80 that are registered and 28 active applications, the breakdown of those being provided under Current Applications and Registrations.

The Executive Director went on to provide an update to the Board on the move to Las Vegas. She shared that they have secured a location in Summerlin and plan to physically move the board office into the space on March 1, 2024, after which Board operations will be conducted from there. The Executive Director will be giving notice to the management office at the current location in Reno to vacate that location no later than March 20. Because the regulations hearing notice for March 8, 2024 had to be posted by February 6, 2024, she had to notice the physical location for the March 8, 2024, meeting to take place at the current Board office in Reno, and that will be the last Board meeting that will be noticed for that location.

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

A. Complaint #19-0626

DAG Ward informed he is still expecting to have a hearing in this matter, and this matter has not yet been resolved.

B. Complaint #22-0930

DAG Ward informed he believes he has a signed consent decree that has been sent to all Board members to not discuss this complaint until it is discussed at today's Board meeting. DAG Ward provided the following background on this Complaint. On or about July 4th 2022, formal complaints were filed against the respondent. It is alleged the complainant retained respondent for couples therapy. A consent for joint therapy was signed by both parties. The Board investigation revealed the following: the complainants initially sought couples counseling. The sessions were later terminated with the first complainant then becoming the patient of the psychologist. Such an arrangement constitutes multiple relationship between the psychologist and the complainants. Specifically, the first complainant became an individual client of the psychologist after being a client in couples counseling with the psychologist. The second complainant became a collateral to the first complainant's treatment following termination of the couples counseling. It is alleged that the multiple relationships in this situation constitute violation of the American Psychological Association Code of Ethics and Guidelines 3.05 and 10.02. Specifically, Guideline 10.02 outlines the necessity of the psychologist to be very clear regarding the relationship between family members during any family treatment. The respondent is still willing to resolve this matter that is

stipulated in the joint stipulation decree. The psychologist has completed some CE units which were recommended by the Investigator, and these have been completed to resolve this matter. DAG Ward added that when we do enter a Stipulated Consent Agreement, it does become part of the record.

Dr. Holland asked if the respondent has to pay for the Board's time or the Investigator's time as part of the stipulation. DAG Ward informed in this matter, there was no reimbursement.

Dr. Woodard asked if this was agreed to voluntarily and what, if any, conditions does this put on the psychologist moving forward. DAG Ward informed the respondent fully accepted the recommendations and has already taken the classes. Dr. Lenkeit added that the respondent suggested getting a supervisor that works with her, but she could not find a supervisor, so they settled on completing the class.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved the Stipulated Consent Agreement in Complaint #22-0930. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

C. Complaint #23-0303

Dr. Lenkeit informed he has a report to share regarding this complaint. He started by sharing that the complainant is alleging that a biofeedback practitioner is impersonating a psychologist, and not observing the appropriate boundaries concerning diagnosing and treating members of the public. The complaint team reviewed the allegations and the practitioner's website. It was decided that since the practitioner practices in northern Nevada, Dr. Shiela Young would meet with them at their office to get a better understanding of their practice. Dr. Lenkeit went on to share that Dr. Young met with the Respondent in a lengthy interview and demonstration of programs used. The Respondent has been practicing EEG biofeedback for over 20 years and the Respondent demonstrated an understanding of their role, describing themselves as being a tiny part of the treatment team, taking referrals from mental health providers. Typically, they receive a formal request that includes diagnosis and symptoms to address from referring providers. If clients come without a formal referral, a release of information is obtained and records are requested from the other providers. The Respondent was mentored, obtaining training from other providers in the community, and has taken certification programs that allow them to purchase the biofeedback equipment. They also attend annual conferences to remain current in skills. They were a Medicaid provider of the services for five years. They have a licensed mental health professional with whom they consult as needed whose office is approximately a block away from the biofeedback office.

Dr. Lenkeit went on to share that the practice of biofeedback is not exclusive to licensed psychologists in Nevada. The respondent described their work as “operant conditioning,” which is accurate. This practice does not fall under the Nevada statute for the practice of Behavior Analysis, as this law specifically addresses the provision of treatment for persons with autism. Dr. Lenkeit further stated that the Respondent does not appear to be practicing psychology, or behavior analysis, without a license. They are not diagnosing mental health conditions and they exhibited an understanding of appropriate boundaries and scope of practice for biofeedback.

Concluding his report, Dr. Lenkeit shared that the Respondent does not appear to have violated any of the applicable statutes and regulations regarding the practice of psychology. Therefore, it is recommended that this complaint is dismissed.

There were no further questions or comments regarding this complaint.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada Board of Psychological Examiners dismissed Complaint #23-0303. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

D. Complaint #23-0612

DAG Ward informed he will be addressing Complaint D, E, F and G. The investigators Dr. Lenkeit, Dr. Young, and Executive Director Arnold discussed these complaints this previous week. On some of these, they have been doing follow-up letters for those that are alleged to be doing unlicensed practice that they have noticed language that pertains to psychology work. On another complaint, they were referring this to the Marriage and Family License Board. In another complaint, another state may be doing an investigation in the matter, so they are waiting for that to be completed first.

E. Complaint #23-0801

F. Complaint #23-0905

G. Complaint #23-0918

H. Complaint #24-0104

Dr. Young informed she has a report to share regarding this complaint. She shared that the complainant comes to the Board with a question about the ethics of an ad placed on a social media platform for a psychological testing assistant. This individual is new

to Nevada, is a mental health professional, and questioned hiring bachelor level individuals to administered psychological tests. Dr. Young went on to share that NAC 641.168 outlines the supervision requirements and responsibilities, for both training and oversight of quality of administration and scoring, for psychologists who hire assistants to perform this functioning in their practice. The code states "3. The supervising psychologist is responsible at all times for the actions of personnel who administer, score and interpret such psychological tests." The Psychologist was asked to respond to the questions and provide the Board assurance that they intend to follow the law on this matter and understand that they are responsible for such individuals training and work products. The Psychologist has taken down the social media post to "avoid further confusion".

Concluding her report, Dr. Young shared that the psychologist indicates an intention to follow the NAC requirements. The psychologist agrees that the social media posting intent was to recruit, and that more specific job qualifications would be discussed after reviewing resumes and completing interviews. The psychologist did not violate NAC in recruiting persons with bachelor's degrees to work as testing assistants. This is allowable based on NAC 641.168. Dr. Young shared that it is her recommendation to dismiss this complaint.

There were no further questions or comments regarding this complaint.

On motion by Soseh Esmaili, second by Catherine Pearson, the Nevada Board of Psychological Examiners dismissed Complaint #24-0104. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

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

The following applicants are recommended for approval of licensure contingent upon completion of licensure requirements: Rachel Bangit, Traci Jordan, Ryan Sever, James Maltzahn, Deborah Johnson, and Kayla Kaiser.

On motion by Catherine Pearson, second by Soseh Esmaili, the Nevada Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Rachel Bangit, Traci Jordan, Ryan Sever, James Maltzahn, Deborah Johnson, and

Kayla Kaiser. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- A. (For Possible Action) Discussion and Possible Action on Dr. Desiree Misanko's request to extend her registration as a Psychological Assistant.

President Dr. Owens stated that Dr. Desiree Misanko is currently registered with the Board as a Psychological Assistant, and has been registered as such since February 2021. Dr. Misanko has requested to extend her registration for an additional year. She has explained that she has had to delay taking her exams, which she intended to do in 2023, due to a serious family health issue that required her constant and ongoing attention, and then because of a surgery she had to undergo – all of which were unforeseen circumstances. Dr. Misanko requests the additional time so that she can focus on studying for the exams without the stress of her impending registration expiration. Because an additional extension would result in Dr. Misanko being registered for more than three years, NAC 641.151 requires that the Board approve Dr. Misanko's request. Additionally, Dr. Misanko is also enrolled in the PsychPrep Program to prepare for testing for the next few months.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada Board of Psychological Examiners approved Dr. Desiree Misanko's request to extend her registration as a Psychological Assistant for an additional year. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Dr. Soseh Esmaeili abstained from the vote. Motion Carried: 5-0.

- B. (For Possible Action) Discussion and Possible Action on Dr. Jacquelyn Johnson's application to reinstate her license.

President Dr. Owens stated that Dr. Jacquelyn Johnson (PY0728) has applied to reinstate her license. She was licensed in July 2014, and her license was last active December 31, 2022. Dr. Johnson did not renew her license during the last renewal period.

Dr. Johnson is currently licensed (active) in California, and states that she intends to expand her virtual practice services to Black women and other women of color across the state. According to her application, Dr. Johnson completed a total of 32.5 continuing education credits between May and December 2023. 16.5 of those CE credits were Live/face-to-face, 6 were in ethics, 2 were in suicide prevention and awareness, and 11 were in cultural competency and diversity, equity, and inclusion.

The Continuing Education certificates included with the application support Dr. Johnson's accounting of the credits she completed.

Dr. Johnson is prepared to pay the fees required to reinstate her license.

On motion by Catherine Pearson, second by Soseh Esmaeili, the Nevada Board of Psychological Examiners approved Dr. Jaquelyn Johnson's application to reinstate her license. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

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

Executive Director Arnold stated she made revisions to 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
- Add proposed Appendix C, which Dr. Young authored.

The Executive Director informed that during the November 3, 2023, meeting, there was a question in reference to proposed appendix C, as to 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.

The Board was not able to consider the proposed changes during the scheduled January 12, 2024, meeting because that meeting had to be cancelled due to inclement weather that closed Northern Nevada's state offices, and the January 22, 2024, Board meeting was an abbreviated meeting for specific purposes.

Dr. Lenkeit informed that many of the revisions were cleaning up language and better organization.

President Dr. Owens wanted to make sure there was a clear understanding of timeline with regards to filing and responding to complaints within this document and that any big changes are tracked or highlighted so they can be discussed with the Board.

This Agenda item was tabled for March.

11. (For Possible Action) Discussion and Possible Action on proposed revisions to the Board's Employment, Compensation, and Review Policy and its Staff Performance Evaluation Procedure.

Executive Director Arnold made various proposed revisions to the Board's current Employment, Compensation, and Review Policy, which previously focused primarily on the executive director. The proposed revisions primarily focus on:

- adding the Board's employment of Board Investigators consistent with how the Board has done so and referencing the Board Investigators' duties and responsibilities as stated in the Board's Complaints and Disciplinary Policy, and
- adding the executive director's employment of Board Office staff, which would include the Administrative Director role, and to add the Administrative Director's salary.

Executive Director went on to state that with the Board's adoption of its separate Staff Performance Evaluation Procedure after it had adopted its Employment, Compensation, and Review Policy, the review section of the Employment, Compensation, and Review policy is revised to delete the Evaluation of Performance section and adding review provisions that refer to the Board's Staff Performance Evaluation procedure.

Other revisions to the Employment, Compensation, and Review Policy cleans up some of its language for better readability, to eliminate duplicate or unnecessary provisions and language, and to ensure accuracy (such as the executive director's salary in relation to current PERS rates).

Consistent with the changes made to Employment, Compensation, and Review Policy, the Executive Director also revised the Board's Staff Performance Evaluation Procedure to add Board investigators and Board office staff to the definition of "Staff member," to add a performance evaluation review process for Board Investigators, to include reference to the Board's Employment, Compensation, and Review Policy, and to otherwise made adjustments in how some of the provisions are written.

There were no questions from the Board.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada Board of Psychological Examiners approved the revisions to its Employment, Compensation, and Review Policy and its Staff Performance Evaluation Procedure. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

12. (For Possible Action) Discussion and Possible Action to Approve beginning the process of revising NAC 641.019 to increase biennial renewal fees from \$600 to \$650.

Executive Director Arnold presented the Board's new licensees graph. She informed that during its January 22, 2024, the Board approved creating an Administrative Director role for the Board office and to move the Board office to Las Vegas. The information that she created and presented was contained in the visual representations of the Board's current financial position as it relates to the newly-created position and Board office move, and the benefit to the Board office if the Board would consider raising its biennial renewal fees from \$600 to \$650. In the context of the request before the Board during the January 22, 2024, meeting, she explained that the additional projected revenue from the projected renewals plus a small biennial fee increase would absorb the cost of the new role, and the board's ongoing income would help the Board office be able to develop its operations to handle the increasing demand on the Board office.

Executive Director went on to state that in order to continue the conversation regarding Nevada's biennial fees, it is included it as an agenda item for this meeting to gauge the Board's appetite for a small renewal fee increase and any public comment there may be. In anticipation of a discussion around raising biennial fees, some factors to consider in addition to developing an efficient and effective Board office are:

- The Nevada legislature allows this Board to charge and collect up to \$850 in biennial renewal fees (NRS. 641.228).
- When the Board last discussed raising its renewal fees in 2019 and then raised them from \$500 to \$600, it referenced, among other things:
 - o the Board's interest in providing the service required to the licensees and the public, and in continuing to meet the requirements of the state;
 - o the costs of Board office operations;
 - o states with renewal fees equal to or higher than Nevada's;

- that some states with lower fees (i.e. Utah and Colorado) were under an umbrella Board, which can undermine the independence of the profession; and
 - enabling the Board to evaluate the needs and increase as necessary over the next 20 years as it relates to what the fees that NRS 641.228 permit.
- This proposed renewal increase is incremental and is being raised going on five years into the 20 year concept.
 - The costs to the Board office to run – utilities, online and software service fees, state-provided service fees (IT services related to phone and email and those provided by the Attorney General) – increase from fiscal year to fiscal year, not to mention that PERS has increased an additional 4% from last fiscal year – that increase resulting in a 2% decrease in the Executive Directors’ net pay.
 - There are a number of other states that charge about the same as and more than Nevada for their renewal fees, as follows:
 - Alaska and Arizona - \$500 (biennial)
 - California - \$825 (biennial)
 - Connecticut - \$570 (annual)
 - Montana - \$600 (annual)
 - Oklahoma - \$400 (annual)
 - Oregon - \$600 (biennial)
 - Texas - \$424 (annual)

As the Board noted in 2019, states that charge lower renewal fees may be under the auspices of an umbrella board. In the Executive Director’s research, she noted that many have differences in the levels of licensing they provide. Nevada is an independent Board and offers a single professional license.

Dr. Lenkeit questioned what the rate percentage increase has been from 1993 to now for license renewals. This information was not known.

Dr. Pearson wondered if the increase in the fees would also impact the shortage of mental health professionals in the state. President Dr. Owens informed this concern was also present in 2019 during the last time the rates were increased. Dr. Owens went on to state despite this, the number of new licensees has continued to grow in the state and doesn’t appear to have been a barrier. Dr. Pearson added that she understands how the increase in fees is needed to support the Board office and its operations.

On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved moving forward with revising its regulations to increase its biennial renewal fees from \$600 to \$650. (Yeas: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

13. (For Possible Action) Discussion and Possible Action on an announcement of the upcoming vacancy on the Board.

President Dr. Owens informed she time on the Board will be ending in June and there will be a vacancy on the Board. Executive Director Arnold will be getting information out so individuals can know how to apply for a position. Executive Director stated this particular vacancy will be for a psychologist with 5 or more years of experience.

14. (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, March 8, 2024, beginning at 8:00 a.m.

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

No agenda items were requested at this time.

16. 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)

Donald Hoier informed he had a couple of questions he would like to present to the Board. President Dr. Owens informed Mr. Hoier that his questions may not be answered during this meeting, but they will be noted and either responded to by the Board's Executive Director at a later time or answered by Dr. Owens if she is able. Mr. Hoier wanted to know per the Board's Discipline and Investigations Policy, is it current practice that the Board Investigator and the Board Counsel to recommend that cases go

to hearing. Executive Director Arnold informed that the answer to that is “yes”. She explained that they all collaborate, and it has never been a unilateral decision by the Board Investigators.

Next, Mr. Hoier asked President Dr. Owens if, as President of the Board, does she have an expectation of the investigative arm of the Board to follow the Discipline Policy and not deviate from it in any way. President Dr. Owens informed it is the Board’s goal to follow their policies to the best of their ability.

Mr. Hoier then wanted to know why the Board has failed to bring Complaint #19-0626 to hearing. Dr. Owens informed the response to this would require a lengthier response by the Board’s attorney. Mr. Hoier stated the Board’s attorney came before the Board in December stating he would have a hearing officer name and contract in January and we are past that, knowing back in May of 2021 it would need to go to hearing.

In his last question, Mr. Hoier wanted to know why policy making functions are being delegated to non-policy makers. Dr. Owens informed she was confused by the question. Mr. Hoier stated the Board consists of members that are appointed by the Governor’s office. He stated Board investigators, Board council, Executive Director, etc., are not policy makers. He went on to state that there have been 3 or 4 times during this meeting and a number of other meetings, that non-policy makers are being delegated policy making functions and are being allowed to chime in and discuss matters that aren’t open to the general public to be a part of that conversation or only allowed 3 minutes before and after each meeting. President Dr. Owens informed she was confused by his question by he will have Executive Director Arnold write that out and get that to him in a response.

There was no public comment in the Board office.

17. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Owens adjourned the meeting at 9:43 a.m.

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

DATE: March 8, 2024

ITEM:

5A - (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 February 29, 2024, the checking account balance was \$ 289,324.45. The Board continues to operate on the \$161,500.00 in net revenue from the first and second biennium quarter deferred income distributions, and the nearly \$52,500.00 from other deferred revenue distributions such as late renewals, new licensures, and registrations that are allocated to the third biennium quarter (January – June 2024).

The savings account balance, which is the Board's reserve account, was \$105,076.92.

With the end of February 2024 being two-thirds of the way through FY 2024, the Board is 55% of budgeted expenditures and a little over 96% 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**

2/29/24

		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	9,307.76	74.46%		10,001.18	6,586.36	5,913.64	6,000.00
	PA Application	3,500.00	2,010.53	57.44%		2,474.49	1,860.53	1,639.47	1,750.00
	Intern Application	1,100.00	1,079.93	98.18%		465.30	615.30	484.70	500.00
	Trainee Application	900.00	455.10	50.57%		2,420.40	155.10	744.90	450.00
	Reinstatement/Reactivation	400.00	302.95	75.74%					
	Non-Resident Consultant	600.00	711.80	118.63%		400.00	302.95	297.05	300.00
	CE App Fee	540.00	485.11	89.84%		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	8,372.54	69.77%		7,372.56	6,326.06	5,673.94	6,000.00
	New and Duplicate License	1,750.00	1,225.00	70.00%		872.67	1,150.00	600.00	850.00
	Verification of Licensure	250.00	242.95	97.18%		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	28.07	80.20%		17.38	17.61	17.50	25.00

Total Income		\$247,498.87	\$238,495.61	96.36%	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 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
	Board Salary/Per Diem	9,000.00	3,600.00	40.00%		3,750.00	3,450.00	5,550.00	4,500.00
	Executive Director (net)	50,000.00	30,602.76	61.21%		27,181.81	23,420.09	26,579.91	30,600.00
	Administrative Director	16,700.00	0.00	0.00%				16,700.00	25,000.00
	Staff Salary (Part-Time)	7,500.00	4,267.95	56.91%		798.83	2,037.70	3,500.00	0.00
	Staff Benefits	2,000.00	0.00	0.00%		0.00	0.00	2,000.00	3,750.00
	Investigator Salary	12,000.00	8,793.14	73.28%		4,273.31	5,722.05	6,277.95	6,500.00
	Workers Compensation	1,000.00	583.71	58.37%		604.52	402.48	597.52	500.00
	PERS	32,000.00	15,459.64	48.31%		9,137.96	14,374.84	16,000.00	17,500.00
	Payroll Taxes (SS, Medicare)	10,000.00	9,309.30	93.09%		8,642.42	3,351.75	6,648.25	5,000.00
	Other Payroll Expenses	875.00	580.00	66.29%		320.00	430.00	445.00	450.00
	Total Payroll	141,075.00	73,196.50	51.88%		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 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
	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	418.19	41.82%			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	2,932.75	73.32%		484.18	2,591.39	1,408.61	1,000.00
	Print-Copy	100.00	27.35	27.35%		0.00	18.91	81.09	350.00
	Copy Lease	1,400.00	904.62	64.62%		554.26	678.12	721.88	750.00
	Rent	17,600.00	11,358.45	64.54%		5,572.30	5,572.30	10,915.00	8,500.00
	Postage	200.00	82.90	41.45%		3.18	81.80	118.20	300.00
	DoIt Web SV	1,200.00	676.54	56.38%		624.75	574.56	625.44	500.00
	Telephone & Internet	1,700.00	1,023.08	60.18%		862.99	815.07	884.93	625.00
	Software & Database	3,500.00	1,567.48	44.79%		3,566.14	1,278.61	2,221.39	3,500.00

	Legal & Professional Fees	30,000.00	18,028.41	60.09%		4,001.65	12,177.48	17,822.52	17,500.00
	Tort Claim	1,000.00	1,105.90	110.59%		0.00	0.00	1,000.00	0.00
	Professional Services (Auditor, Bookkeeper, Lobbyist)	27,500.00	19,240.25	69.96%		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	1,050.00	210.00%		73.84	0.00	500.00	500.00
	Banking Fees	100.00	62.49	62.49%		76.38	29.49	70.51	125.00
	PayPal Fees (against regular revenue)	1,000.00	625.33	62.53%		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	\$105,050.00	\$62,137.86	59.15%		\$33,381.92	\$40,962.42	\$63,074.88	\$61,475.00
	Total Expenses + Payroll	\$246,125.00	\$135,334.36	54.99%		\$88,090.77	\$94,151.33	\$147,373.51	\$155,275.00
	Total Income	\$ 247,498.87	\$238,495.61	96.36%		\$ 109,241.01	\$ 120,640.78	\$ 126,808.19	\$ 133,015.29
	Final Balance	\$1,373.87	\$103,161.25			Balance	\$21,150.24	\$26,489.45	-\$20,565.32
						Adjustment	-\$20,000.00	-\$25,000.00	\$21,500.00
						Final Balance	\$1,150.24	\$1,489.45	\$934.68
									\$1,240.29

March 04, 2024

Statement of Financial Position

As February 2, 2024

Nevada Board of Psychological Examiners

As verified by Michelle Fox .

The following accounts have been reconciled for the month of February 2024 and all transactions reviewed for accuracy.

Main Checking Account per bank statement dated 02/29/2024 -\$289,324.45

Savings Account per bank statement dated 02/29/2024-\$105,076.92

Michelle Fox

Michelle Fox

NV State Board of Psychological Examiners

Balance Sheet for Monthly Board Meeting

As of February 29, 2024

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
1100 Cash in Bank	289,324.45
3309 Savings	105,076.92
Total Bank Accounts	\$394,401.37
Accounts Receivable	
1200 Accounts Receivable	0.00
Total Accounts Receivable	\$0.00
Other Current Assets	
12000 Undeposited Funds	0.00
12100 Inventory Asset	0.00
1400 Prepaid Expenses	1,108.00
Uncategorized Asset	0.00
Total Other Current Assets	\$1,108.00
Total Current Assets	\$395,509.37
Other Assets	
1300 Deferred outflows of resources	0.00
Total Other Assets	\$0.00
TOTAL ASSETS	\$395,509.37
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
1106 Accounts Payable	0.00
Total Accounts Payable	\$0.00
Other Current Liabilities	
2100 Federal Income Withholding	1,473.80
2100 Payroll Liabilities	1,992.06
2107 Federal Taxes (941/944)	142.53
2108 PERS	19,735.91
NV Unemployment Tax	0.00

NV State Board of Psychological Examiners

Balance Sheet for Monthly Board Meeting

As of February 29, 2024

	TOTAL
Total 2100 Payroll Liabilities	21,870.50
2101 Federal FICA Withholding	0.00
2102 Federal Medicare Withhold	0.00
2105 Employment Security	0.00
2110 Direct Deposit Liabilities	0.00
2200 Unearned Revenue	0.00
2300 Liability	-971.08
2301 Payroll Liabilities-Pers	0.00
2302 Accrued PTO	0.00
2450 Deferred inflow-pension	0.00
2455 Net pension liability	0.00
2600 Deferred Revenue	-121,072.03
2700 Direct Deposit Payable	0.00
Total Other Current Liabilities	\$ -98,698.81
Total Current Liabilities	\$ -98,698.81
Total Liabilities	\$ -98,698.81
Equity	
3000 Opening Bal Equity	1,315.04
3900 2550 Fund Balance	434,724.43
Net Income	58,168.71
Total Equity	\$494,208.18
TOTAL LIABILITIES AND EQUITY	\$395,509.37

NV State Board of Psychological Examiners

ITEM 5A

Profit and Loss

July 2023 - February 2024

	TOTAL
Income	
4010 Psychologist Application	
40100 Psychologist Application	9,307.76
40101 PA Application	2,010.53
40102 Intern Application	1,079.93
40103 Trainee Application	455.10
Total 4010 Psychologist Application	12,853.32
4015 Psychologist State Exam	8,372.54
4020 Psych Biennial	167,781.44
40201 Prorated Psych Biennial	14,954.24
40203 Reinstatement of Psych	928.03
Total 4020 Psych Biennial	183,663.71
4025 Psychologist Licensing Fee	250.00
40251 New License	975.00
Total 4025 Psychologist Licensing Fee	1,225.00
4028 Registration Fee	154.43
40281 Psych Asst fee	4,460.75
40282 Psych Intern Fee	231.63
40283 Psych Trainee	123.56
Total 4028 Registration Fee	4,970.37
4030 Non-Resident Consultant	711.80
4040 CE App Fee	55.89
4045 Verification of Licensure	242.95
4055 Continuing Education	429.22
4075 Restitution of Legal Costs	350.00
4999 Interest	28.07
Total Income	\$212,902.87
GROSS PROFIT	\$212,902.87
Expenses	
307910 7210 Dolt Web SVb	676.54
5100 Board Sal	3,600.00
5175 Board Staf	
51752 Executive Assistant	290.90
51753 Investigator Salary	11,099.50
Total 5175 Board Staf	11,390.40
5250 Workers Compensation	583.71
5300 PERS	13,704.14
6100 Out of State Travel	2,582.84
6110 Out of State Travel Misc Costs	135.27
Total 6100 Out of State Travel	2,718.11

NV State Board of Psychological Examiners

ITEM 5A

Profit and Loss

July 2023 - February 2024

	TOTAL
6200 In State Travel	418.19
7015 Supplies	316.01
7020 Office Expense	2,774.75
7040 Print-Copy	27.35
7050 Rent	11,358.45
85100 Shredding	158.00
Total 7020 Office Expense	14,318.55
7100 Postage	82.90
7200 Utilities	
7290 Telephone	1,023.08
Total 7200 Utilities	1,023.08
7500 Copy Lease	904.62
7770 Software	784.78
7777 Database	782.70
8000 Legal & Professional Fees	22,314.31
8050 Prof Servs	7,726.25
8055 Lobbyist	8,334.00
Total 8050 Prof Servs	16,060.25
8500 Admin Serv	
8520 LCB	1,050.00
Total 8500 Admin Serv	1,050.00
9001 Banking Fees	53.49
9002 Bank Crgs	9.00
Total 9001 Banking Fees	62.49
9100 Payroll Expenses	580.00
9110 Company Contributions	
Retirement	7,729.82
Total 9110 Company Contributions	7,729.82
9130 Wages	48,997.57
Taxes	
9111 Federal Taxes (941/944)	4,597.43
NV Unemployment Tax	0.00
Total Taxes	4,597.43
Total 9100 Payroll Expenses	61,904.82
PayPal Fees	1,217.12
Total Expenses	\$153,912.72
NET OPERATING INCOME	\$58,990.15

NV State Board of Psychological Examiners

Profit and Loss July 2023 - February 2024

	TOTAL
Other Income	
3390 Refund	-821.44
Total Other Income	\$ -821.44
NET OTHER INCOME	\$ -821.44
NET INCOME	\$58,168.71

NV State Board of Psychological Examiners

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
3309 Savings							
	Beginning Balance						105,073.59
02/29/2024	Deposit		Interest		4999 Interest	3.33	105,076.92
Total for 3309 Savings						\$3.33	
1100 Cash in Bank							
	Beginning Balance						307,630.46
02/01/2024	Expense		Kietzke Plaza		7020 Office Expense:7050 Rent	-1,147.89	306,482.57
02/01/2024	Expense		State Farm Insurance		5250 Workers Compensation	-181.23	306,301.34
02/01/2024	Expense		Returned item fee		9001 Banking Fees	-30.00	306,271.34
02/01/2024	Expense		Mihata Holdings, LP		-Split-	-3,000.00	303,271.34
02/02/2024	Payroll Check	DD	Sarah J. Restori	Pay Period: 01/19/2024-02/01/2024	2700 Direct Deposit Payable	-517.16	302,754.18
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 01/19/2024-02/01/2024	2700 Direct Deposit Payable	-653.72	302,100.46
02/02/2024	Payroll Check	DD	Laura M. Arnold	Pay Period: 01/19/2024-02/01/2024	2700 Direct Deposit Payable	-1,795.67	300,304.79
02/05/2024	Expense				8050 Prof Servs	-190.00	300,114.79
02/05/2024	Expense				7020 Office Expense:85100 Shredding	-47.00	300,067.79
02/09/2024	Expense		PERS		5300 PERS	-1,853.04	298,214.75
02/09/2024	Deposit				-Split-	2,214.97	300,429.72
02/12/2024	Expense		Bank of America		9001 Banking Fees:9002 Bank Crgs	-1.00	300,428.72
02/13/2024	Tax Payment		IRS	Tax Payment for Period: 01/01/2024-01/31/2024	2100 Federal Income Withholding	-1,669.48	298,759.24
02/13/2024	Deposit				-Split-	250.00	299,009.24
02/13/2024	Expense				2108 Payroll Liabilities:PERS	-1,036.83	297,972.41
02/13/2024	Expense		Business Card		7020 Office Expense:7040 Print-Copy	-8.44	297,963.97
02/13/2024	Expense		Legislative Counsel Bureau		8500 Admin Serv:8520 LCB	-1,050.00	296,913.97
02/14/2024	Expense				7020 Office Expense	-107.20	296,806.77
02/14/2024	Expense		US Post Office		7100 Postage	-1.10	296,805.67
02/16/2024	Payroll Check	DD	Sheila G. Young	Pay Period: 02/02/2024-02/15/2024	2700 Direct Deposit Payable	-583.66	296,222.01
02/16/2024	Payroll Check	DD	Sarah J. Restori	Pay Period: 02/02/2024-02/15/2024	2700 Direct Deposit Payable	-498.69	295,723.32
02/16/2024	Payroll Check	DD	Laura M. Arnold	Pay Period: 02/02/2024-02/15/2024	2700 Direct Deposit Payable	-1,795.66	293,927.66
02/20/2024	Expense		Canon Financial Services, Inc.		7500 Copy Lease	-113.25	293,814.41
02/20/2024	Expense		QuickBooks Payroll Service		9100 Payroll Expenses	-75.00	293,739.41
02/20/2024	Expense		Office of the Attorney General		8000 Legal & Professional Fees	-3,282.12	290,457.29
02/21/2024	Expense				7020 Office Expense:7050 Rent	-523.80	289,933.49
02/23/2024	Expense		Kathleen Laxalt		8050 Prof Servs:8055 Lobbyist	-1,041.75	288,891.74

NV State Board of Psychological Examiners

ITEM 5A

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
02/27/2024	Expense		AT&T		7200 Utilities:7290 Telephone	-69.64	288,822.10
02/28/2024	Deposit		Shelley Krach	License Reactivation Application	4020 Psych Biennial:40203 Reinstament of Psych	100.00	288,922.10
02/28/2024	Deposit				-Split-	1,903.35	290,825.45
02/28/2024	Expense		PERS		5300 PERS	-1,500.00	289,325.45
02/29/2024	Expense		Bank of America		9001 Banking Fees:9002 Bank Crgs	-1.00	289,324.45
Total for 1100 Cash in Bank						\$ -	
						18,306.01	
1400 Prepaid Expenses							
Beginning Balance							
							1,108.00
Total for 1400 Prepaid Expenses							
2100 Payroll Liabilities							
Beginning Balance							
							1,992.06
Total for 2100 Payroll Liabilities							
2107 Federal Taxes (941/944)							
Beginning Balance							
							142.53
Total for 2107 Federal Taxes (941/944)							
2108 PERS							
Beginning Balance							
							18,919.70
02/02/2024	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	463.26	19,382.96
02/02/2024	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	463.26	19,846.22
02/13/2024	Expense			Online scheduled payment to CRD 4185 XXXXX23203	Confirmation# 1100 Cash in Bank	-1,036.83	18,809.39
02/16/2024	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	463.26	19,272.65
02/16/2024	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	463.26	19,735.91
Total for 2108 PERS						\$816.21	
NV Unemployment Tax							
02/02/2024	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
02/02/2024	Payroll Check	DD	Sarah J. Restori	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Sarah J. Restori	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Sheila G. Young	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
Total for NV Unemployment Tax						\$0.00	
Total for 2100 Payroll Liabilities with subs						\$816.21	
2600 Deferred Revenue							
Beginning Balance							
							-
							121,072.03
Total for 2600 Deferred Revenue							
2700 Direct Deposit Payable							
02/02/2024	Payroll Check	DD	Sarah J. Restori	Direct Deposit	1100 Cash in Bank	-517.16	-517.16
02/02/2024	Payroll Check	DD	Laura M. Arnold	Pay Period: 01/19/2024-02/01/2024	-Split-	1,795.67	1,278.51
02/02/2024	Payroll Check	DD	Sarah J.	Pay Period: 01/19/2024-02/01/2024	-Split-	517.16	1,795.67

NV State Board of Psychological Examiners

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
02/02/2024	Payroll Check	DD	Restori Gary C. Lenkeit	Pay Period: 01/19/2024-02/01/2024	-Split-	653.72	2,449.39
02/02/2024	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,795.67	653.72
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	Direct Deposit	1100 Cash in Bank	-653.72	0.00
02/16/2024	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,795.66	-1,795.66
02/16/2024	Payroll Check	DD	Laura M. Arnold	Pay Period: 02/02/2024-02/15/2024	-Split-	1,795.66	0.00
02/16/2024	Payroll Check	DD	Sheila G. Young	Direct Deposit	1100 Cash in Bank	-583.66	-583.66
02/16/2024	Payroll Check	DD	Sheila G. Young	Pay Period: 02/02/2024-02/15/2024	-Split-	583.66	0.00
02/16/2024	Payroll Check	DD	Sarah J. Restori	Direct Deposit	1100 Cash in Bank	-498.69	-498.69
02/16/2024	Payroll Check	DD	Sarah J. Restori	Pay Period: 02/02/2024-02/15/2024	-Split-	498.69	0.00
Total for 2700 Direct Deposit Payable						\$0.00	
2100 Federal Income Withholding							
Beginning Balance							1,329.89
02/02/2024	Payroll Check	DD	Sarah J. Restori	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	85.68	1,415.57
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	366.81	1,782.38
02/02/2024	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	590.79	2,373.17
02/13/2024	Tax Payment		IRS	Federal Taxes (941/943/944)	1100 Cash in Bank	-1,669.48	703.69
02/16/2024	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	590.81	1,294.50
02/16/2024	Payroll Check	DD	Sarah J. Restori	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	82.62	1,377.12
02/16/2024	Payroll Check	DD	Sheila G. Young	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	96.68	1,473.80
Total for 2100 Federal Income Withholding						\$143.91	
2300 Liability							
Beginning Balance							-971.08
Total for 2300 Liability							
3000 Opening Bal Equity							
Beginning Balance							1,315.04
Total for 3000 Opening Bal Equity							
3900 2550 Fund Balance							
Beginning Balance							434,724.43
Total for 3900 2550 Fund Balance							
4055 Continuing Education							
Beginning Balance							398.03
02/28/2024	Deposit			CE App fee	1100 Cash in Bank	31.19	429.22
Total for 4055 Continuing Education						\$31.19	
4010 Psychologist Application							
40100 Psychologist Application							
Beginning Balance							7,451.66
02/09/2024	Deposit			Psych App fee	1100 Cash in Bank	155.10	7,606.76
02/09/2024	Deposit			Psych App fee	1100 Cash in Bank	155.10	7,761.86
02/09/2024	Deposit			Psych App fee	1100 Cash in Bank	155.10	7,916.96
02/09/2024	Deposit			Psych app fee	1100 Cash in Bank	155.10	8,072.06

NV State Board of Psychological Examiners

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
02/09/2024	Deposit		Psych App fee	1100 Cash in Bank	155.10	8,227.16
02/13/2024	Deposit		Psych App fee	1100 Cash in Bank	150.00	8,377.16
02/28/2024	Deposit		Psych App fee	1100 Cash in Bank	155.10	8,532.26
02/28/2024	Deposit		Psych App fee	1100 Cash in Bank	155.10	8,687.36
02/28/2024	Deposit		Psych App fee	1100 Cash in Bank	155.10	8,842.46
02/28/2024	Deposit		Psych App fee	1100 Cash in Bank	155.10	8,997.56
02/28/2024	Deposit		Psych App fee	1100 Cash in Bank	155.10	9,152.66
02/28/2024	Deposit		Psych App fee	1100 Cash in Bank	155.10	9,307.76
Total for 40100 Psychologist Application					\$1,856.10	
40101 PA Application						
Beginning Balance						2,010.53
Total for 40101 PA Application						
40102 Intern Application						
Beginning Balance						770.40
02/09/2024	Deposit		PI App fee	1100 Cash in Bank	154.43	924.83
02/09/2024	Deposit		PI Application	1100 Cash in Bank	155.10	1,079.93
Total for 40102 Intern Application					\$309.53	
40103 Trainee Application						
Beginning Balance						455.10
Total for 40103 Trainee Application						
Total for 4010 Psychologist Application					\$2,165.63	
4015 Psychologist State Exam						
Beginning Balance						7,545.98
02/09/2024	Deposit		SE App fee	1100 Cash in Bank	206.64	7,752.62
02/09/2024	Deposit		SE App fee	1100 Cash in Bank	206.64	7,959.26
02/28/2024	Deposit		SE App fee	1100 Cash in Bank	206.64	8,165.90
02/28/2024	Deposit		SE App fee	1100 Cash in Bank	206.64	8,372.54
Total for 4015 Psychologist State Exam					\$826.56	
4020 Psych Biennial						
Beginning Balance						167,781.44
Total for 4020 Psych Biennial						
40201 Prorated Psych Biennial						
Beginning Balance						14,408.62
02/09/2024	Deposit		New licensure	1100 Cash in Bank	278.96	14,687.58
02/28/2024	Deposit		New licensure	1100 Cash in Bank	266.66	14,954.24
Total for 40201 Prorated Psych Biennial					\$545.62	
40203 Reinstatement of Psych						
Beginning Balance						728.03
02/13/2024	Deposit		Reactivation app fee	1100 Cash in Bank	100.00	828.03
02/28/2024	Deposit	Shelley Krach	License Reactivation Application	1100 Cash in Bank	100.00	928.03
Total for 40203 Reinstatement of Psych					\$200.00	
Total for 4020 Psych Biennial with subs					\$745.62	
4025 Psychologist Licensing Fee						
Beginning Balance						250.00
Total for 4025 Psychologist Licensing Fee						
40251 New License						
Beginning Balance						925.00
02/09/2024	Deposit		New license certificate	1100 Cash in Bank	25.00	950.00
02/28/2024	Deposit		New license	1100 Cash in Bank	25.00	975.00
Total for 40251 New License					\$50.00	

NV State Board of Psychological Examiners

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Total for 4025 Psychologist Licensing Fee with subs						\$50.00	
4028 Registration Fee							
Beginning Balance							154.43
Total for 4028 Registration Fee							
40281 Psych Asst fee							
Beginning Balance							3,843.03
02/09/2024	Deposit			PA Reg Renewal fee	1100 Cash in Bank	154.43	3,997.46
02/09/2024	Deposit			PA Reg fee	1100 Cash in Bank	154.43	4,151.89
02/28/2024	Deposit			PA Registration extension	1100 Cash in Bank	154.43	4,306.32
02/28/2024	Deposit			PA Registration extension	1100 Cash in Bank	154.43	4,460.75
Total for 40281 Psych Asst fee						\$617.72	
40282 Psych Intern Fee							
Beginning Balance							231.63
Total for 40282 Psych Intern Fee							
40283 Psych Trainee							
Beginning Balance							123.56
Total for 40283 Psych Trainee							
Total for 4028 Registration Fee with subs						\$617.72	
4030 Non-Resident Consultant							
Beginning Balance							505.90
02/09/2024	Deposit			NRC App fee	1100 Cash in Bank	102.95	608.85
02/09/2024	Deposit			NRC App fee	1100 Cash in Bank	102.95	711.80
Total for 4030 Non-Resident Consultant						\$205.90	
4040 CE App Fee							
Beginning Balance							55.89
Total for 4040 CE App Fee							
4045 Verification of Licensure							
Beginning Balance							242.95
Total for 4045 Verification of Licensure							
4075 Restitution of Legal Costs							
Beginning Balance							350.00
Total for 4075 Restitution of Legal Costs							
4999 Interest							
Beginning Balance							24.74
02/29/2024	Deposit	Interest		Interest Earned	3309 Savings	3.33	28.07
Total for 4999 Interest						\$3.33	
307910 7210 Dolt Web SVb							
Beginning Balance							676.54
Total for 307910 7210 Dolt Web SVb							
9100 Payroll Expenses							
Beginning Balance							505.00
02/20/2024	Expense		QuickBooks Payroll Service	INTUIT * DES:QBooks Pay ID:0126179 PSYCHOLGIC CO ID:XXXXX56346 CCD	INDN:NV BOARD OF 1100 Cash in Bank	75.00	580.00
Total for 9100 Payroll Expenses						\$75.00	
9110 Company Contributions							
Retirement Beginning Balance							6,803.30

NV State Board of Psychological Examiners

ITEM 5A

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
02/02/2024	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	463.26	7,266.56
02/16/2024	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	463.26	7,729.82
Total for Retirement						\$926.52	
Total for 9110 Company Contributions						\$926.52	
9130 Wages							
Beginning Balance							42,603.15
02/02/2024	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	45,250.36
02/02/2024	Payroll Check	DD	Sarah J. Restori	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	560.00	45,810.36
02/16/2024	Payroll Check	DD	Sarah J. Restori	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	540.00	46,350.36
02/16/2024	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	48,997.57
Total for 9130 Wages						\$6,394.42	
Taxes							
9111 Federal Taxes (941/944)							
Beginning Balance							3,987.38
02/02/2024	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.13	4,151.51
02/02/2024	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.38	4,189.89
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	Medicare Employer	2700 Direct Deposit Payable	13.75	4,203.64
02/02/2024	Payroll Check	DD	Sarah J. Restori	Social Security Employer	2700 Direct Deposit Payable	34.72	4,238.36
02/02/2024	Payroll Check	DD	Sarah J. Restori	Medicare Employer	2700 Direct Deposit Payable	8.12	4,246.48
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	Social Security Employer	2700 Direct Deposit Payable	58.78	4,305.26
02/16/2024	Payroll Check	DD	Sarah J. Restori	Medicare Employer	2700 Direct Deposit Payable	7.83	4,313.09
02/16/2024	Payroll Check	DD	Sarah J. Restori	Social Security Employer	2700 Direct Deposit Payable	33.48	4,346.57
02/16/2024	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.39	4,384.96
02/16/2024	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.13	4,549.09
02/16/2024	Payroll Check	DD	Sheila G. Young	Social Security Employer	2700 Direct Deposit Payable	39.18	4,588.27
02/16/2024	Payroll Check	DD	Sheila G. Young	Medicare Employer	2700 Direct Deposit Payable	9.16	4,597.43
Total for 9111 Federal Taxes (941/944)						\$610.05	
NV Unemployment Tax							
02/02/2024	Payroll Check	DD	Laura M. Arnold	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
02/02/2024	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
02/02/2024	Payroll Check	DD	Sarah J. Restori	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
02/02/2024	Payroll Check	DD	Sarah J. Restori	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Sarah J. Restori	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit	0.00	0.00

NV State Board of Psychological Examiners

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
			Arnold		Payable		
02/16/2024	Payroll Check	DD	Laura M. Arnold	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Sheila G. Young	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Sarah J. Restori	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
02/16/2024	Payroll Check	DD	Sheila G. Young	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
Total for NV Unemployment Tax						\$0.00	
Total for Taxes						\$610.05	
Total for 9100 Payroll Expenses with subs						\$8,005.99	
5100 Board Sal							
Beginning Balance							3,600.00
Total for 5100 Board Sal							
5175 Board Staf							
51752 Executive Assistant							
Beginning Balance							290.90
Total for 51752 Executive Assistant							
51753 Investigator Salary							
Beginning Balance							9,519.50
02/02/2024	Payroll Check	DD	Gary C. Lenkeit	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	948.00	10,467.50
02/16/2024	Payroll Check	DD	Sheila G. Young	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	632.00	11,099.50
Total for 51753 Investigator Salary						\$1,580.00	
Total for 5175 Board Staf						\$1,580.00	
5250 Workers Compensation							
Beginning Balance							402.48
02/01/2024	Expense		State Farm Insurance	State Farm Insurance Bill Payment	1100 Cash in Bank	181.23	583.71
Total for 5250 Workers Compensation						\$181.23	
5300 PERS							
Beginning Balance							10,351.10
02/09/2024	Expense		PERS	TRANSFER NV BOARD OF PSYCHOLO:Public Employee's Re Confirmation# XXXXX19089	1100 Cash in Bank	1,853.04	12,204.14
02/28/2024	Expense		PERS	TRANSFER NV BOARD OF PSYCHOLO:Mihata Holdings Confirmation# XXXXX00538	1100 Cash in Bank	1,500.00	13,704.14
Total for 5300 PERS						\$3,353.04	
6100 Out of State Travel							
Beginning Balance							2,582.84
Total for 6100 Out of State Travel							
6110 Out of State Travel Misc Costs							
Beginning Balance							135.27
Total for 6110 Out of State Travel Misc Costs							
Total for 6100 Out of State Travel with subs							
6200 In State Travel							
Beginning Balance							418.19
Total for 6200 In State Travel							
7015 Supplies							
Beginning Balance							316.01

NV State Board of Psychological Examiners

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Total for 7015 Supplies							
7020 Office Expense							
Beginning Balance							2,667.55
02/14/2024	Expense			CHECKCARD 0213 AVAS FLOWERS XXXXX5840XXXXXXXXXX2899	877-638-3303 DE CKCD 5193 XXXXXXXXXXXX484434	107.20	2,774.75
Total for 7020 Office Expense							\$107.20
7040 Print-Copy							
Beginning Balance							18.91
02/13/2024	Expense		Business Card	Ubeo Business Services Bill Payment		8.44	27.35
Total for 7040 Print-Copy							\$8.44
7050 Rent							
Beginning Balance							6,686.76
02/01/2024	Expense		Kietzke Plaza	Kietzke Plaza Bill Payment		1,147.89	7,834.65
02/01/2024	Expense		Mihata Holdings, LP	Rent - New Location		1,500.00	9,334.65
02/01/2024	Expense		Mihata Holdings, LP	New Lease Deposit		1,500.00	10,834.65
02/21/2024	Expense			Kietzke Office Complex, LLC Bill Payment		523.80	11,358.45
Total for 7050 Rent							\$4,671.69
85100 Shredding							
Beginning Balance							111.00
02/05/2024	Expense			Stericycle, Inc. Bill Payment		47.00	158.00
Total for 85100 Shredding							\$47.00
Total for 7020 Office Expense with subs							\$4,834.33
7100 Postage							
Beginning Balance							81.80
02/14/2024	Expense		US Post Office	CHECKCARD 0213 USPS CHANGE OF ADDRESS TN XXXXX4640XXXXXXXXXX3069 XXXXXXXXXXXX484434	800-238-3150 CKCD 9402	1.10	82.90
Total for 7100 Postage							\$1.10
7200 Utilities							
7290 Telephone							
Beginning Balance							953.44
02/27/2024	Expense		AT&T	AT&T Local and Long Distance Bill Payment		69.64	1,023.08
Total for 7290 Telephone							\$69.64
Total for 7200 Utilities							\$69.64
7500 Copy Lease							
Beginning Balance							791.37
02/20/2024	Expense		Canon Financial Services, Inc.	Canon Financial Services Bill Payment		113.25	904.62
Total for 7500 Copy Lease							\$113.25
7770 Software							
Beginning Balance							764.79
02/09/2024	Deposit			PayPal release		-19.99	744.80
02/09/2024	Deposit			PayPal hold		19.99	764.79
02/09/2024	Deposit			Software		19.99	784.78
Total for 7770 Software							\$19.99
7777 Database							
Beginning Balance							782.70

NV State Board of Psychological Examiners

ITEM 5A

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Balance							
Total for 7777 Database							
8000 Legal & Professional Fees							
Beginning Balance							19,032.19
02/20/2024	Expense		Office of the Attorney General	NV Attorney General - AG Bill Payment	1100 Cash in Bank	3,282.12	22,314.31
Total for 8000 Legal & Professional Fees							\$3,282.12
8050 Prof Servs							
Beginning Balance							7,536.25
02/05/2024	Expense			Zelle payment to Michelle Fox for "Invoice No. 360 2-5-2024"; Conf# ui2a92asx	1100 Cash in Bank	190.00	7,726.25
Total for 8050 Prof Servs							\$190.00
8055 Lobbyist							
Beginning Balance							7,292.25
02/23/2024	Expense		Kathleen Laxalt	Kathleen Laxalt Bill Payment	1100 Cash in Bank	1,041.75	8,334.00
Total for 8055 Lobbyist							\$1,041.75
Total for 8050 Prof Servs with subs							\$1,231.75
8500 Admin Serv							
8520 LCB							
02/13/2024	Expense		Legislative Counsel Bureau	NV Legislative Counsel Bureau Bill Payment	1100 Cash in Bank	1,050.00	1,050.00
Total for 8520 LCB							\$1,050.00
Total for 8500 Admin Serv							\$1,050.00
9001 Banking Fees							
Beginning Balance							23.49
02/01/2024	Expense		Returned item fee	Wire Transfer Fee	1100 Cash in Bank	30.00	53.49
Total for 9001 Banking Fees							\$30.00
9002 Bank Crgs							
Beginning Balance							7.00
02/12/2024	Expense		Bank of America	External transfer fee - 3 Day - 02/09/2024 Confirmation: XXXXX2076	1100 Cash in Bank	1.00	8.00
02/29/2024	Expense		Bank of America	External transfer fee - 3 Day - 02/28/2024 Confirmation: XXXXX4810	1100 Cash in Bank	1.00	9.00
Total for 9002 Bank Crgs							\$2.00
Total for 9001 Banking Fees with subs							\$32.00
PayPal Fees							
Beginning Balance							1,062.81
02/09/2024	Deposit			Deferred PP fee	1100 Cash in Bank	5.11	1,067.92
02/09/2024	Deposit			Regular PP fees	1100 Cash in Bank	4.08	1,072.00
02/09/2024	Deposit			deferred PP fee	1100 Cash in Bank	9.58	1,081.58
02/09/2024	Deposit			Regular PP fee	1100 Cash in Bank	6.67	1,088.25
02/09/2024	Deposit			Regular PP fee	1100 Cash in Bank	5.90	1,094.15
02/09/2024	Deposit			Regular PP fee	1100 Cash in Bank	5.90	1,100.05
02/09/2024	Deposit			Regular PP fee	1100 Cash in Bank	5.90	1,105.95
02/09/2024	Deposit			Regular PP fee	1100 Cash in Bank	5.90	1,111.85
02/09/2024	Deposit			Regular PP fee	1100 Cash in Bank	6.67	1,118.52
02/09/2024	Deposit			Regular PP fees	1100 Cash in Bank	5.90	1,124.42
02/09/2024	Deposit			Regular PP fees	1100 Cash in Bank	5.11	1,129.53
02/09/2024	Deposit			Deferred PP fee	1100 Cash in Bank	5.88	1,135.41
02/09/2024	Deposit			Regular PP fees	1100 Cash in Bank	3.57	1,138.98

NV State Board of Psychological Examiners

General Ledger

February 2024

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
02/09/2024	Deposit			Regular PP fees	1100 Cash in Bank	5.90	1,144.88
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	7.70	1,152.58
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	5.90	1,158.48
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	5.90	1,164.38
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	5.90	1,170.28
02/28/2024	Deposit			regular PP fee	1100 Cash in Bank	5.90	1,176.18
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	5.90	1,182.08
02/28/2024	Deposit			deferred PP fee	1100 Cash in Bank	5.11	1,187.19
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	6.67	1,193.86
02/28/2024	Deposit			deferred pp fee	1100 Cash in Bank	5.11	1,198.97
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	5.90	1,204.87
02/28/2024	Deposit			regular pp fee	1100 Cash in Bank	1.58	1,206.45
02/28/2024	Deposit			Deferred pp fee	1100 Cash in Bank	10.67	1,217.12
Total for PayPal Fees						\$154.31	
3390 Refund							
Beginning							
Balance							-821.44
Total for 3390 Refund							

CETS #:	ITEM 5C
Solicitation #:	

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR
FOR LESS THAN \$50,000**

A Contract Between the State of Nevada
Acting by and Through its

Agency Name:	Office of the Attorney General
Address:	100 N. Carson Street
City, State, Zip Code:	Carson City, Nevada 89701
Contact:	Harry Ward
Phone:	775-684-1216
Fax:	
Email:	HWard@ag.nv.gov

Contractor Name:	Charles L. Burcham
Address:	4255 Ross Drive
City, State, Zip Code:	Reno, NV 89519
Contact:	
Phone:	775-750-1983
Fax:	
Email:	charlie@northernnevadaadr.com

WHEREAS, NRS 333.700 authorizes officers, departments, institutions, boards, commissions, and other agencies in the Executive Branch of the State Government which derive their support from public money in whole or in part to engage services of persons as independent contractors; and

WHEREAS, it is deemed that the service of Contractor is both necessary and in the best interests of the State of Nevada.

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

- CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified in *Section 7, Contract Termination*. Contracts requiring approval of the Nevada Board of Examiners or the Clerk of the Board are not effective until such approval has occurred, however, after such approval, the effective date will be the date noted below.

Effective from:	Upon Approval	To:	6/30/2024
-----------------	----------------------	-----	------------------

- NOTICE.** All communications, including notices, required or permitted to be given under this Contract shall be in writing and directed to the parties at the addresses stated above. Notices may be given: (a) by delivery in person; (b) by a nationally recognized next day courier service, return receipt requested; or (c) by certified mail, return receipt requested. If specifically requested by the party to be notified, valid notice may be given by facsimile transmission or email to the address(es) such party has specified in writing.

CETS #:	ITEM 5C
Solicitation #:	

3. **SCOPE OF WORK.** The Scope of Work is described below, which is incorporated herein by reference:

DESCRIPTION OF SCOPE OF WORK:
Mr. Burcham will be the hearing officer in the matter of the State of Nevada, Board of Psychological Examiners, Petitioner, vs. Respondent, Case No. 19-0626 and 24-0103.
The State of Nevada, Board of Psychological Examiners has filed a formal Complaint and Notice of Hearing against licensee, Shera Bradley. The Board of Psychological Examiners has recused themselves from this matter necessitating the need for a hearing officer to preside over the matter. It is alleged that Licensee violated the provisions of NRS Chapter 641 and NAC Chapter 641.
The parties have been unable to resolve and/or settle the matter and thus the need for a formal administrative hearing on all allegations brought by the State of Nevada, Board of Psychological Examiners against licensee .
Mr. Burcham has agreed to be appointed as a hearing officer in this matter. Mr. Burcham is located in Reno, Nevada and it is expected that the physical location of the hearing will be in Carson City, Nevada.
 \$350.00 per hour - General Hearing Officer Services.
\$250.00 per hour - Travel time

An Attachment must be limited to the Scope of Work to be performed by Contractor. Any provision, term or condition of an Attachment that contradicts the terms of this Contract, or that would change the obligations of the State under this Contract, shall be void and unenforceable.

4. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 3, Scope of Work* at a cost as noted below:

\$ 350.00	Per Hour	General Hearing Officer Services
\$ 250.00		Travel Time
Total Contract or installments payable at:		Upon Invoice
Total Contract Not to Exceed:	\$ 10,000.00	

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the Scope of Work or incorporated Attachments (if any). Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the result of legislative appropriation may require.

5. **BILLING SUBMISSION: TIMELINESS.** The parties agree that timeliness of billing is of the essence to the Contract and recognize that the State is on a Fiscal Year. All billings for dates of service prior to July 1 must be submitted to the State no later than the first Friday in August of the same calendar year. A billing submitted after the first Friday in August, which forces the State to process the billing as a stale claim pursuant to NRS 353.097, will subject Contractor to an administrative fee not to exceed one hundred dollars (\$100.00). The parties hereby agree this is a reasonable estimate of the additional costs to the State of processing the billing as a stale claim and that this amount will be deducted from the stale claim payment due to Contractor.

CETS #:	ITEM 5C
Solicitation #:	

6. **INSPECTION & AUDIT.** Contractor agrees to keep and maintain under generally accepted accounting principles (GAAP) and as required by State and federal law, complete and accurate records as are necessary to fully disclose to the State or United States Government, sufficient information to determine compliance with all State and federal regulations and statutes, and compliance with the terms of this contract, and agrees that such documents will be made available for inspection upon reasonable notice from authorized representatives of the State or Federal Government.
7. **CONTRACT TERMINATION.**
- A. Termination Without Cause. Regardless of any terms to the contrary, this Contract may be terminated upon written notice by mutual consent of both parties. The State unilaterally may terminate this contract without cause by giving not less than thirty (30) days' notice in the manner specified in *Section 2, Notice*. If this Contract is unilaterally terminated by the State, Contractor shall use its best efforts to minimize cost to the State and Contractor will not be paid for any cost that Contractor could have avoided.
- B. State Termination for Non-Appropriation. The continuation of this Contract beyond the current biennium is subject to and contingent upon sufficient funds being appropriated, budgeted, and otherwise made available by the State Legislature and/or federal sources. The State may terminate this Contract, and Contractor waives any and all claims(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the Contracting Agency's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired.
- C. Termination with Cause for Breach. A breach may be declared with or without termination. A notice of breach and termination shall specify the date of termination of the Contract, which shall not be sooner than the expiration of the Time to Correct, if applicable, allowed under *Subsection 7D*. This Contract may be terminated by either party upon written notice of breach to the other party on the following grounds:
- 1) If Contractor fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, or services called for by this Contract within the time requirements specified in this Contract or within any granted extension of those time requirements; or
 - 2) If any state, county, city, or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Contractor to provide the goods or services required by this Contract is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or
 - 3) If Contractor becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the Bankruptcy Court; or
 - 4) If the State materially breaches any material duty under this Contract and any such breach impairs Contractor's ability to perform; or
 - 5) If it is found by the State that any quid pro quo or gratuities in the form of money, services, entertainment, gifts, or otherwise were offered or given by Contractor, or any agent or representative of Contractor, to any officer or employee of the State of Nevada with a view toward securing a contract or securing favorable treatment with respect to awarding, extending, amending, or making any determination with respect to the performing of such contract; or
 - 6) If it is found by the State that Contractor has failed to disclose any material conflict of interest relative to the performance of this Contract.
- D. Time to Correct. Unless the breach is not curable, or unless circumstances do not permit an opportunity to cure, termination upon declared breach may be exercised only after service of formal written notice as specified in *Section 2, Notice*, and the subsequent failure of the breaching party within fifteen (15) calendar days of receipt of that notice to provide evidence, satisfactory to the aggrieved party, showing that the declared breach has been corrected. Upon a notice of breach, the time to correct and the time for termination of the contract upon breach under *Subsection 7C*, above, shall run concurrently, unless the notice expressly states otherwise.

CETS #:	ITEM 5C
Solicitation #:	

8. **REMEDIES.** Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. For purposes of an award of attorneys' fees to either party, the parties stipulate and agree that a reasonable hourly rate of attorneys' fees shall be one hundred and fifty dollars (\$150.00) per hour. The State may set off consideration against any unpaid obligation of Contractor to any State agency in accordance with NRS 353C.190. In the event that Contractor voluntarily or involuntarily becomes subject to the jurisdiction of the Bankruptcy Court, the State may set off consideration against any unpaid obligation of Contractor to the State or its agencies, to the extent allowed by bankruptcy law, without regard to whether the procedures of NRS 353C.190 have been utilized.
9. **LIMITED LIABILITY.** The State will not waive and intends to assert available NRS Chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. Damages for any State breach shall never exceed the amount of funds appropriated for payment under this Contract, but not yet paid to Contractor, for the Fiscal Year budget in existence at the time of the breach. Contractor's tort liability shall not be limited.
10. **INDEMNIFICATION AND DEFENSE.** To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Contractor under this Contract, or any alleged negligent or willful acts or omissions of Contractor, its officers, employees and agents. Contractor's obligation to indemnify the State shall apply in all cases except for claims arising solely from the State's own negligence or willful misconduct. Contractor waives any rights of subrogation against the State. Contractor's duty to defend begins when the State requests defense of any claim arising from this Contract.
11. **REPRESENTATIONS REGARDING INDEPENDENT CONTRACTOR STATUS.** Contractor represents that it is an independent contractor, as defined in NRS 333.700(2) and 616A.255, warrants that it will perform all work under this contract as an independent contractor, and warrants that the State of Nevada will not incur any employment liability by reason of this Contract or the work to be performed under this Contract. To the extent the State incurs any employment liability for the work under this Contract; Contractor will reimburse the State for that liability.
12. **INSURANCE SCHEDULE.** Unless expressly waived in writing by the Contracting Agency, Contractor must procure, maintain and keep in force for the duration of the Contract insurance conforming to the minimum requirements specified below. Each insurance policy shall provide for a waiver of subrogation against the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307, for losses arising from work/materials/equipment performed or provided by or on behalf of Contractor. By endorsement to Contractor's automobile and general liability policies, the State of Nevada shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of Contractor. Contractor shall not commence work before Contractor has provided evidence of the required insurance in the form of a certificate of insurance and endorsement to the Contracting Agency of the State.

A. Workers' Compensation and Employer's Liability Insurance.

- 1) Contractor shall provide proof of worker's compensation insurance as required per Nevada Revised Statutes Chapters 616A through 616D inclusive.
- 2) If Contractor qualifies as a sole proprietor as defined in NRS Chapter 616A.310 and has elected to not purchase industrial insurance for himself/herself, the sole proprietor must submit to the contracting State agency a fully executed "Affidavit of Rejection of Coverage" form under NRS 616B.627 and NRS 617.210.

B. Commercial General Liability – Occurrence Form. The Policy shall include bodily injury, property damage and broad form contractual liability coverage.

- | | |
|--|-------------|
| 1) General Aggregate | \$2,000,000 |
| 2) Products – Completed Operations Aggregate | \$1,000,000 |
| 3) Personal and Advertising Injury | \$1,000,000 |
| 4) Each Occurrence | \$1,000,000 |

CETS #:	ITEM 5C
Solicitation #:	

C. Automobile Liability. **[Delete if Contract does not involve use of motor vehicle.]** The policy shall cover Bodily Injury and Property Damage for any owned, hired, and non-owned vehicles used in the performance of this Contract.

1) Combined Single Limit (CSL) \$1,000,000

D. Professional Liability/Errors and Omissions Liability **[Delete if Contract does not involve professional services.]** The policy shall cover professional misconduct or lack of ordinary skill for those positions defined in the Scope of Work of this contract. In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Contractor warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.

1) Each Claim \$1,000,000
 2) Annual Aggregate \$2,000,000

Mail all required insurance documents to the Contracting Agency identified on page one of the Contract.

13. **WAIVER OF BREACH.** Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.
14. **SEVERABILITY.** If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.
15. **STATE OWNERSHIP OF PROPRIETARY INFORMATION.** Any data or information provided by the State to Contractor and any documents or materials provided by the State to Contractor in the course of this Contract (“State Materials”) shall be and remain the exclusive property of the State and all such State Materials shall be delivered into State possession by Contractor upon completion, termination, or cancellation of this Contract.
16. **PUBLIC RECORDS.** Pursuant to NRS 239.010, information or documents received from Contractor may be open to public inspection and copying. The State may have the duty to disclose unless a particular record is made confidential by law or a common law balance of interests.
17. **GENERAL WARRANTY.** Contractor warrants that all services, deliverables, and/or work products under this Contract shall be completed in a workmanlike manner consistent with standards in the trade, profession, or industry; shall conform to or exceed the specifications set forth in the incorporated attachments; and shall be fit for ordinary use, of good quality, with no material defects.
18. **DISCLOSURES REGARDING CURRENT OR FORMER STATE EMPLOYEES.** For the purpose of State compliance with NRS 333.705, Contractor represents and warrants that if Contractor, or any employee of Contractor who will be performing services under this Contract, is a current employee of the State or was employed by the State within the preceding 24 months, Contractor has disclosed the identity of such persons, and the services that each such person will perform, to the Contracting Agency.
19. **GOVERNING LAW: JURISDICTION.** This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada, without giving effect to any principle of conflict-of-law that would require the application of the law of any other jurisdiction. The parties consent to the exclusive jurisdiction of and venue in the First Judicial District Court, Carson City, Nevada for enforcement of this Contract, and consent to personal jurisdiction in such court for any action or proceeding arising out of this Contract.

CETS #:	ITEM 5C
Solicitation #:	

20. ENTIRE CONTRACT AND MODIFICATION. This Contract and its Scope of Work constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Office of the Attorney General and the State Board of Examiners, as required. This form of Contract, including any amendments to the Contract, is not authorized for use if the "not to exceed" value *Section 4, Consideration* equals or exceeds \$50,000. This Contract, and any amendments, may be executed in counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

[Signature] 2-27-2024
 Independent Contractor's Signature Date

Charles Burcham Professional Corporation
 Independent Contractor's Title

 State of Nevada Authorized Signature Date

 Title

 State of Nevada Authorized Signature Date

 Title

 State of Nevada Authorized Signature Date

 Title

APPROVED BY BOARD OF EXAMINERS

 Signature – Clerk of the Board of Examiners

On: _____
 Date

Approved as to form by:

[Signature]
 Deputy Attorney General for Attorney General

On: 02-27-24
 Date

Regulation Revisions Table

<u>Legislative File No.</u>	<u>Description</u>	<u>Status</u>
R051-23	EO2023-003 Response	NBOPE Hearing 2/9/24
R095-23	AB244 Response	LCB draft provided – March 8 NBOPE hearing
R002-24	Supervision and Psychometrist	LCB File # created – awaiting draft for hearing

		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					2	0	5	3	9	6	6	5	36
	Applications Received					12	4	8	7	5	4	11	6	57
Psychological Assistants	Registrations Issued					1	1	1	0	0	6	7	3	19
	Applications Received					0	1	0	1	1	1	1	7	12
Psychological Interns	Registrations Issued					0	0	0	1	0	0	0	2	3
	Applications Received					0	3	0	0	1	0	2	0	6
Psychological Trainees	Registrations Issued					0	0	0	1	0	1	1	0	3
	Applications Received					0	1	0	0	0	0	1	0	2
Non-Resident Consultants	Registrations Issued					0	3	1	1	1	0	0	1	7
Background Checks	Reviewed					0	0	0	0	1	0	2	1	4
Continuing Education	Applications Reviewed					1	4	0	3	2	3	4	0	17
State Exams	Administered					7	3	1	1	8	9	6	6	41
Complaints	Received					2	1	1	3	2	2	2	4	17
	Informal					0	0	0	0	0	0	0	0	0
Totals		0	0	0	0	25	21	17	21	30	32	43	35	224
Licensees	Active Licensees					696	694	694	689	686	677	671	665	
	Inactive - 61													
	Expired - 295													

Current Applications and Registrations:

	APP	REG
Psychologists	106	
Psychological Assistants	10	38
Psychological Interns	11	11
Psychological Trainees	4	29

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

DATE: March 8, 2024

ITEM:

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

SUMMARY:

The Board's executive director has re-worked and revised the Complaints and Discipline policy to, for instance:

- 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 exist 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
- Add proposed Appendix C, which Dr. Young authored.

During the November 3, 2023, meeting, there was a question in reference to proposed appendix C, as to 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. The Board touched on appendix C during the February 9, 2024, meeting, and further inquired about adding a provision to the policy that would provide a timeline for conducting investigations and reporting to the Board. The proposed, revised policy now includes a 90 day deadline (subject to extension for cases in which more time is required) for the Board's investigators to undertake their investigations and report to the Board on complaints assigned to them. Further revisions to the proposed, revised policy are:

- an adjustment in the name of the policy to include remediation,
- reference throughout the policy to the ASPPB's code of conduct, which the Board adopted in R174-20.



**NEVADA STATE
BOARD OF PSYCHOLOGICAL EXAMINERS**

Complaints, Discipline, and Remediation Policy

Table of Contents

<u>Purpose</u>	1
<u>Definitions</u>	1
<u>Procedure</u>	2
A. <u>Complaint and Investigative Procedure</u>	2
B. <u>Disciplinary Activity Reporting</u>	9
C. <u>Special Situations</u>	10
D. <u>Communication During the Investigative Process</u>	11
E. <u>Fines, Costs, and Collections</u>	12
F. <u>Qualifications of Board Investigators</u>	12
G. <u>Records</u>	13
<u>Categories of Violations for Psychologists</u>	13
A. <u>Criminal Convictions</u>	13
B. <u>Practice below the Standard of Care</u>	14
C. <u>Dishonesty</u>	15
D. <u>Disciplinary Action in another State</u>	15
E. <u>Violating NRS Chapter 641</u>	16
F. <u>Impairment</u>	16
G. <u>Inappropriate Relationships</u>	16
H. <u>Business Practices</u>	16
I. <u>Communications with the Board</u>	17
J. <u>Practice with Expired or Inactive License</u>	17
<u>Categories of Violations – Unlicensed Activity</u>	17
A. <u>Misrepresentation</u>	17
B. <u>Practice without a License</u>	18
C. <u>School psychologist outside the school setting</u>	18
D. <u>Failure of non-resident consultant to register with the Board</u>	18
<u>Disciplinary/Remedial Options for Psychologists</u>	18
A. <u>Authorized Discipline/Remediation</u>	18
B. <u>Imposition of Discipline/Remediation</u>	19

<u>Unlicensed Activity Sanctions</u>	20
A. <u>Cease and Desist</u>	20
B. <u>Citation</u>	20
C. <u>Administrative Fine</u>	21
D. <u>Attorney Fees and Costs</u>	21
E. <u>Injunction</u>	21
<u>Aggravating and Mitigating Factors</u>	21
A. <u>Factors Related to Conduct</u>	21
B. <u>Factors Related to the Psychologist</u>	22
C. <u>General Factors</u>	22

[Appendix A](#)
[Policy regarding Court Ordered Evaluations](#)

[Appendix B](#)
[Policy regarding Court Ordered Psychological Services](#)

[Appendix C](#)
[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, 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, Board Counsel 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. That 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 second 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 (APA) Code of Ethics, the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct, or NRS Chapter 629.
- g. Unless the Board Investigator requests and the Board approves an extension of time, the Board Investigator shall investigate, make a determination, and provide a report to the Board within ninety (90) days after the Board Investigator receives the complaint and the response, and any relevant records or other information that accompany the complaint and/or response, as follows:
 - i. Investigation of the complaint:
 - 1. 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.
 - 2. If the Board Investigator believes that more information is necessary to adequately investigate the complaint, the Board Investigator may

¹⁰ See NAC 641.210(3).

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.

3. If the Board Investigator believes that more information is necessary to adequately investigate the complaint and a written letter or interview will not 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
 4. 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.
- ii. Making a determination regarding the complaint: 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 (APA) Code of Ethics, the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct, 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.
 - iii. Preparing a written report with the Board Investigator's determination regarding the alleged violations as well as any additional violations discovered during the investigation:

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.

1. The Board Investigator's report must include the following:
 - a. A summary of the allegations against the Respondent ;
 - b. A summary of the Respondent's response to the allegations;
 - c. A summary of any other allegations discovered in the investigation and the Respondent's to those allegations, if applicable;¹³
 - d. A summary of the Board Investigator's case analysis, which shall include specific reference to:
 - i. 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
 - ii. the violations of NRS 641, NAC 641, NAC 629, the American Psychological Association (APA) Code of Ethics, and/or the the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct sections that the investigator has concluded the Respondent has violated.
2. The Board Investigator's Report:
 - a. 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;
 - b. 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.
- h. The Board Investigator's report must be included in the Board office complaint file.
- i. If the Board Investigator believes 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 may vote at that meeting to dismiss the complaint as recommended.

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).

- j. If the Board Investigator, 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
- k. 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 (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.
- l. 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

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.

- Board; and (2) and allowed to present information to the Board regarding the application.
- m. 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.
 - n. In adjudicating complaints before the Board, including the approval of settlement agreements, the Board shall follow the requirements of NRS Chapter 233B (Nevada's Administrative Procedure Act), NRS Chapters 241, 622, 622A, 629, 641, and NAC Chapter 641.

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:
 - 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).

¹⁷ NRS 641.250(2).

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],

¹⁸ Grounds for disciplinary action are contained in NRS 641.230.

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 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 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).

¹⁹ Disciplinary proceedings do not have to first be initiated.

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, violations of the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct, 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, violations of the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct, 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.