

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

DATE OF MEETING:

Friday, March 8, 2019

Time: 9:00 a.m.

PLACES: University of Nevada, Las Vegas, 4505 S. Maryland Pkwy, System Computing Services, Room 102, Las Vegas, NV 89154 and University of Nevada, Reno System Computing Services Room 5, Reno, NV 89557

1. The meeting was called to order at 9:09 am

In Las Vegas:

Whitney Owens, Psy.D., Secretary Treasurer
Stephanie Holland, Psy.D., Member

Others Present:

Karen Clay, Walden University
Brian Lech, Ph.D.
Rhiannon Rager, Ph.D.
Gary Lenkeit, Ph.D., Board Investigator (Via teleconference)

In Reno:

John Krogh, Ph.D., Member
Anthony Papa, Ph.D., Member
Pam Becker, Member

Others Present:

Sarah Bradley, Senior Deputy Attorney General
Morgan Gleich, Executive Director
Ellen Rahn, Executive Assistant

2. Public Comment

A statement was read by Dr. Rhiannon Rager on behalf of herself and Dr. Sandra Grey, in response to an item discussed at the Board's February 8, 2019 Board meeting and placed on the agenda for this meeting regarding the enforcement of NAC 641.154. The statement read into the record by Dr. Rager is attached to these minutes, as AMENDMENT A. Dr. Adrianna Wechsler Zimring also wrote a letter to the Board on this issue and each member reviewed the letter individually. This letter is attached for review as AMENDMENT B. The Nevada Psychological Association also submitted a letter to the Board regarding this issue. This letter can be reviewed as AMENDMENT C. Discussion of this issue continued under item #14 of this agenda.

3. Review, discuss, and possible approval of minutes from previous meetings: December 14, 2018

Ms. Becker noted the page numbers were incorrect on the minutes as well as the necessity to edit the wording of Item 14, Page 10. It was noted that 'edition' needed to be changed to 'addition'.

Dr. Papa motioned to approve with changes; Dr. Krogh seconded; Board 5-0-0

4. Review, discuss, and possible approval of Treasurer's report for F/Y 2019 (July 1, 2018 through June 30, 2019); Review, discuss and update on current of biennial budget (July 1, 2018 through June 30, 2020).

Dr. Owens informed the Board that the Board account currently has, \$210,752.31. There were no major changes in the past month. She noted that as part of a strategic plan goal to reorganize the Board office for increased efficiency, organizational tools were purchased. She went on to note that due to licensure renewal of Psychologists and Behavior Analysts as well as an increase in fees at the end of January, the budgeted income goal has been reached at the time of this meeting. In addition, Director Gleich has been notified that

the AT&T bills have been combined, with hope that the costs will be lowered. These bills will be tracked in the coming months.

There are not a lot of expected expenses upcoming for the Board. Director Gleich informed the Board that the Board office lease is up in January 2020 and will be looking for office spaces in August.

Ms. Becker motioned to accept the Treasurer's Report; Dr. Papa seconded; Board 5-0-0

A. Recouping outstanding Legal Fees Owed to the Board from Disciplinary and Unlicensed Practice cases.

No update.

5. Review of consumer complaints pending

A. Complaint #17-1221

Hearing scheduled for May 10, 2019.

B. Complaint #18-0412

Ms. Bradley is working with the attorney of the psychologist to come to a settlement agreement. Ms. Bradley recommended a conversation with herself and Dr. Lenkeit, the reviewing investigator of this case, in hopes of presenting the settlement at the April Board meeting.

C. Complaint #18-0924A

Dr. Young, the investigator for this case, wrote a report which was read to the Board by Director Gleich. This complaint is the result of a supervisor providing supervision to an applicant for registration as a psychological assistant who has not completed the application for registration but provided services in the State of Nevada. Due to the information received during the investigation, it was recommended to forward the complaint to the DAG for further review and possible action.

Ms. Becker motioned for this complaint to be given to Ms. Bradley for further investigation; Dr. Krogh seconded; Board 5-0-0

D. Complaint #18-0924B

Dr. Young the investigator for this case, wrote a report which was read to the Board by Director Gleich. This complaint is the result of an applicant for registration as a psychological assistant who never completed the application for registration and continued to provide services in the State of Nevada. Due to the information received during the investigation, it was recommended to forward the complaint to the DAG for further review and possible action.

Dr. Papa motioned for this complaint to be given to Ms. Bradley for further investigation; Dr. Holland seconded; Board 5-0-0

E. Complaint #18-0925

Dr. Lenkeit, the reviewing Board investigator, informed the Board of his investigation. This complaint stems from a partner that wanted to provide and have included adjunct information in a psychological assessment report. Upon review of the information Dr. Lenkeit, recommended dismissal of this complaint.

Dr. Krogh motioned for dismissal; Dr. Papa seconded; Board 5-0-0

F. Complaint #18-1009

Dr. Young, the reviewing Board investigator, provided an update regarding the current investigation of this complaint. Requesting complaint to be deferred decision to allow for further investigation.

G. Complaint #18-1114

Hearing scheduled for May 10, 2019. This complaint is a result of an unlicensed activity notice provided to the Board office through the Bureau of Insurance.

H. Complaint #18-1120

Dr. Lenkeit, the reviewing Board investigator, provided an update regarding the current investigation of this complaint. Requesting the complaint to be deferred for decision to allow for further investigation.

I. Complaint #18-1213

Dr. Young, the reviewing Board investigator, provided a report which was read to the Board by Director Gleich. The complaint was found to be retaliatory in nature as it was filed by the subject of an earlier complaint, against the professional who filed the complaint against them. Upon review of the information, Dr. Young recommended dismissal of this complaint.

Dr. Papa motioned for dismissal; Dr. Krogh seconded; Board 5-0-0.

J. Complaint #18-1219

Director Gleich informed the Board that due to a delay in the Release of Records form, the investigation of this complaint was delayed. The release was received, and the psychologist has been notified. Once received the full complaint will be forwarded to the Board investigator.

K. Complaint #19-0226

The complaint is deferred as the Board office is awaiting the psychologist's response. Will be forwarded once received.

6. Discussion and decision regarding Foreign Application evaluation and review.

a. NRHSPP Credential Review program

Director Gleich reminded the Board of a letter reviewed by the Board at the June 2018 Board meeting. Determination of the Board utilizing the NRHSPP international credential review, was shifted to the ATEAM. At the February 13, 2019 ATEAM meeting, Dr. Morgan Sammons, from NRHSPP provided further information relating to the credential review process. This review process streamlines the evaluation of foreign candidates to prove equivalency. The NRHSPP equivalency evaluations include two separate reviews; one to provide proof of regional accreditation equivalency and one to provide proof of APA accreditation equivalency. Dr. Papa noted that this review program utilizes primary source authorization, which is extremely helpful in denial of fraudulent applications.

At the A-TEAM meeting, the members asked Dr. Sammons questions regarding the process. It was noted after Dr. Sammon's presentation, that since training in other countries varies widely, the A-TEAM members discussed what the approval process would look like for deficient applicants. It was determined that the ATEAM would recommend the approval of NRHSPP foreign applicant credential review, as well as additional regulations that would dictate the pathway for licensure of foreign applicants who may be found deficient.

b. BDR 18-372: Establishing the Office of New Americans, and the requirements of the Board.

This regulation has been presented by Governor Sisolak, which would require each occupational Board to provide a pathway for new Americans, who have the proper training in their home countries. The bill has been added to the Board's tracking list and will be monitored.

c. Establishing Rules and Regulations specially for Foreign Applicants.

A-TEAM recommends the development of Foreign applicant, specific language for the NAC. This will allow for the Board to provide a specific pathway for any foreign applicant who may not be equivalent but may not need a respecialization program. Which is currently the only pathway for non-equivalent applicants.

Ms. Becker motioned to approve NRHSPP as the approved reviewer of foreign applicants' qualifications; Dr. Krogh seconded; Board 5-0-0

ACTION ITEM: Language change will be developed during a public workshop held in July. The Language will be developed to allow a specific pathway for foreign applicants.

Director Gleich will notify NRHSPP that the Foreign Credential Review will be accepted by the Nevada Board.

7. Review and discuss the proposed discipline policies, as drafted by Dr. Lenkeit.

a. Review and Discussion regarding the investigation process, and changes that may streamline and assist the Board in the clarity of requests regarding responses to complaints.

Ms. Bradley assisted Dr. Lenkeit in presenting their current draft of the discipline policies to the Board. The production of these policies is an attempt to streamline and ensure that the Board, office, members and investigators are aware of the process for handling of complaints, allegations, and recommendations for discipline.

The Board discussed adding a mandatory re-fingerprinting requirement when complaints are recommended for discipline and looking into the Rat Back service that was recently offered to the Nursing Board.

Dr. Lenkeit and Ms. Bradley will continue to edit the draft and the full Board was asked to send any recommendations for edit it to Director Gleich by the end of March. A final, or near final, version will be presented at the April Board meeting.

ACTION ITEM: Director Gleich will collect and provide edits of the Board members to Dr. Lenkeit and Ms. Bradley for final completion of the Discipline Policies.

8. Update regarding Board Office Operations

a. Review and update of Nevada Board of Psychological Examiners Strategic Plan

It was noted that a specific meeting should be scheduled to discuss the strategic plan for the Board. Dr. Owens, Director Gleich and Dr. Paul will review prior to the completion of Dr. Paul's term. The August meeting will be extended to allow for further discussion and edit of the 2019 plan.

ACTION ITEM: Director Gleich will meeting with Dr. Paul and Dr. Owens to review the strategic plan, prior to Dr. Paul's term completion. A full day meeting has been scheduled to allow some strategic planning of the Board.

b. Executive Director Report

1. Update regarding Board settlements and disciplinary orders.

Ms. Bradley and Director Gleich are currently tracking Board settlements and disciplinary orders. There has been a request alteration to a current settlement that will be presented to the Board at the next Board meeting.

2. Discussion of Protocol for requesting Registration fees.

As discussed, at the February Board meeting, Director Gleich noted some difficulty in receiving the required registration fee. The notification letter sent from the Board to notify the applicant that their application is complete, and a fee is required. Upon reviewing the letter, The Board members and Ms. Bradley provided editorial notes to make the letter is clearer of the expectations of the Board and requirement for registration.

It was noted a re-evaluation of the 90-day grace period that is currently allowed to applicants may be required as it could be providing confusion to the applicants.

3. Discussion and update regarding State Exam and working with PSI.

Director Gleich updated the Board on the issues with scheduling of the State Exam and working with PSI. Ultimately, Director Gleich was able to resolve the problems with PSI and get all of the applicants scheduled for the exam in March. The Board discussed shifting of the examination requirements in the future, upon possible adoption of the EPPP2.

ACTION ITEM: Director Gleich to check past Board meeting Minutes in order to see where the Board previously stood on how to go about future testing procedures.

9. Discussion and review of Director Gleich's professional development plan. This information is being provided to assess the need for each course, the applicability of the course to Director Gleich's position and the ability of the Board to cover the cost of each course.

Director Gleich was able to utilize the document provided by Dr. Holland at the February Board meeting to provide her professional development plan. It was requested to take many of Dr. Holland's recommendation regarding; working with a singular Board member to discuss the trainings in which she engages and her future plans for development. This role will be taken by Dr. Owens.

While Director Gleich meets the requirements for the Nevada Public Manager Program (NVCPM), due to it being time intensive and rigorous, she requested further discussion of the application of this course be delayed until June when the Nevada Legislative Session concludes.

In the meantime, she offered to take the previously discussed Lynda.com courses that meet her and the Board's professional interests. In addition, the courses could be utilized by any Board member or office staff.

As part of the discussion it was noted that there is not a category for Professional Development in the budget.

Dr. Holland motioned to transfer \$360 from the "Miscellaneous" budget category and create a "Training/Professional Development" category for the funds; Ms. Becker seconded; Board 5-0-0

Ms. Becker motioned to purchase a year of Lynda.com for the Board office; Dr. Papa seconded; Board 5-0-0

ACTION ITEM: Director Gleich, will develop new budget item, "Staff Training/Professional Development". Upon development \$360.00 will be transferred from the "Miscellaneous" budget line.

Director Gleich will sign up for the Lynda.com membership, and work with Dr. Owens in developing the meeting structure, and when to initiate the professional development plan.

10. Schedule of future Board meetings, hearings, and workshops. The Board may discuss and decide future meeting dates, hearing dates, and workshop dates.

Future meetings are scheduled for:

April 19, 2019,
May 10, 2019,
June 14, 2019,
July 12, 2019,
August 9, 2019,
September 13, 2019,
October 11, 2019,
November 8, 2019, and
December 13, 2019.

All meetings will be held via video conference at 9:00 a.m. unless otherwise noted.

The May 10, 2019 Board meeting time: 8:15 am to allow for the Q & A time and will go until 4:30pm. As three hearings have been scheduled for the May meeting.

A Public workshop will be held on July 12, 2019 to discuss the language changes discussed at this meeting.

11. Review and approval of developed supervision handouts to be provided to new, and continuing supervisors. This will assist in the continued efforts of the Board to provide clear and concise information to our licensees and registrants regarding the requirements.

The purpose of the development of these handouts is to provide some clarity and understanding of the requirements of the Board, by both the registrant and the supervisor. Dr. Owens, would request to defer the development of these forms until which time clarification can be provided regarding the 90- day grace period as

well as the wage requirement as stated in NAC 641.154. Dr. Owens requests that the item remain on the agenda but be deferred further discussion for the time being.

12. Board needs, operations, and schedules.

a. Policy regarding applicants seeking licensing examination accommodations. The Board may discuss, review, and possibly approve a policy for applicants seeking licensing examination accommodations.

Item deferred. Dr. Paul has agreed to draft an Exam Accommodation policy after she rotates off of the board in June.

b. Update/Report from Nevada Psychological Association Representative.

No update.

c. Discussion of future officer positions, and the need for training of the role.

It was requested that even though the official vote is not until June, Dr. Owens noted that it would be helpful for future Board members to be provided additional mentorship prior to taking the officer positions. Dr. Owens, as the longest remaining sitting Board member, is working with Dr. Paul, and Director Gleich to understand the many requirements of being Board president. It was requested that if another Board member was interested in taking over Secretary/Treasurer that the discussion can begin in late spring. Dr. Papa offered to take over the Secretary/Treasurer when Dr. Owens moves to the President role. Director Gleich, Dr. Owens, and Dr. Papa will be in discussion regarding training.

ACTION ITEM: Director Gleich will set up a meeting with Dr. Papa, Dr. Owens and herself to introduce Dr. Papa to the secretary/treasurer role.

d. Future Board meeting agenda items.

Discussion of early adoption of the EPPP2 and changing of exam procedures.

Further development employment and out of office policies.

Potential adjustment of 90-day grace period for Psychological Assistants.

Public Workshop for language development regarding clarity of NAC 641.154 and development of foreign application pathway to licensure.

Continuing Education Unit fee waiver for state organizations and federal agencies.

13. Review/decision upon applications for licensure or registration.

PSYCHOLOGISTS/PSYCHOLOGICAL ASSISTANTS/PSYCHOLOGICAL INTERNS

Irina Abramians - No discussion warranted at this time.

Danielle Agnello - No discussion warranted at this time.

Zyra Alandy-Dy - No discussion warranted at this time.

Britney Alford - No discussion warranted at this time.

Carolina Alicea-Morales - No discussion warranted at this time.

Elham Aminigohar - No discussion warranted at this time.

Lauren Bennett - No discussion warranted at this time.

Natalie Bennett - No discussion warranted at this time.

Monela Beroni - No discussion warranted at this time.

Jeremy Bissram - No discussion warranted at this time.

Amelia K. Black - No discussion warranted at this time.

Michael Browning - No discussion warranted at this time.

Hanna Brunet - No discussion warranted at this time.

Cynthia Cameron - No discussion warranted at this time.
Rita Carlson - No discussion warranted at this time.
Leandrea Caver - No discussion warranted at this time.
Silvia Chang - No discussion warranted at this time.
Lauren Chapple - No discussion warranted at this time.
Christine Curtis - No discussion warranted at this time.
Sarah Damas - No discussion warranted at this time.
Sonia Dhaliwal - No discussion warranted at this time.
Christopher Edwards - No discussion warranted at this time.
Christopher English - No discussion warranted at this time.
Suzana Flores - No discussion warranted at this time.
Daphne Fowler - No discussion warranted at this time.
Jennifer Grimes Vawters - No discussion warranted at this time.
Christopher Guthrey - No discussion warranted at this time.
Jennifer Guttman - No discussion warranted at this time.
Lindsey Hailston - No discussion warranted at this time.
Kristin Hambidge - No discussion warranted at this time.
Laurie Harris - No discussion warranted at this time.
Mary Harrison - No discussion warranted at this time.
Centina Hernandez - No discussion warranted at this time.
Bernadette Hinojos - No discussion warranted at this time.
Lana Holmes - No discussion warranted at this time.
Roy Hookham - No discussion warranted at this time.
Antrice Hronek - No discussion warranted at this time.
Helena Huckabee - No discussion warranted at this time.
Josette Iribarne-Lazcano - No discussion warranted at this time.
Katherine Isaza - No discussion warranted at this time.
Helen Jackson - No discussion warranted at this time.
Leah Jacobs - No discussion warranted at this time.
Dasa Jenrusakova - No discussion warranted at this time.
Regina Johnson - No discussion warranted at this time.
Timi Jordison - No discussion warranted at this time.
Casha Kaufer - No discussion warranted at this time.
Durriyah Khorakiwala - No discussion warranted at this time.
Jason A. Kiss - No discussion warranted at this time.
Dorota Krotkiewicz - No discussion warranted at this time.
Cynthia Lancaster - No discussion warranted at this time.
Christian Larco - No discussion warranted at this time.
Melissa LaVan - No discussion warranted at this time.
Stephanie Lewallen-Owens - No discussion warranted at this time.
Merry Larson - No discussion warranted at this time.
Vanessa Ma - No discussion warranted at this time.
Debra Maddox - No discussion warranted at this time.
Isra Malik - No discussion warranted at this time.

Camille Malcherzyk - No discussion warranted at this time.
Candis R. Mitchell - No discussion warranted at this time.
Samuel Montano - No discussion warranted at this time.
Tracy Moore - No discussion warranted at this time.
Luzviminda Morrow - No discussion warranted at this time.
Malinda Mottenon-Thompson - No discussion warranted at this time.
Amy Mouanoutoua - No discussion warranted at this time.
Jamie Neiman-Kimel - No discussion warranted at this time.
Kelly Nelson - No discussion warranted at this time.
Lyle Noisy Hawk Jr. - No discussion warranted at this time.
Michael Pauldine - No discussion warranted at this time.
Dorothy Parriott - No discussion warranted at this time.
Beverly Paschal - No discussion warranted at this time.
Carolina Perez - No discussion warranted at this time.
Anthony Petruzzello - No discussion warranted at this time.
Rachael Pinkerman - No discussion warranted at this time.
Erica Phillips - No discussion warranted at this time.
Elizabeth Pritchard - No discussion warranted at this time.
Mary Pulido-Banner - No discussion warranted at this time.
Lee Purdioux - No discussion warranted at this time
Ashleigh Rankin - No discussion warranted at this time.
Howard Reid - No discussion warranted at this time.
Jennifer Ries - No discussion warranted at this time.
Dana Schmidt - No discussion warranted at this time.
Halleh Seddighzadeh - No discussion warranted at this time.
Christopher Shewbarran - No discussion warranted at this time.
David Shoemaker - No discussion warranted at this time.
Sharon Simington - No discussion warranted at this time.
Cassandra Snipes - No discussion warranted at this time.
Hillary Son - No discussion warranted at this time.
Samuel Song - No discussion warranted at this time.
Ralph Turner - No discussion warranted at this time.
Kristine Turner-Sherman - No discussion warranted at this time.
Lennon Tyler - No discussion warranted at this time.
Joyce Ulofoshio - No discussion warranted at this time.
Alexandro Velez - No discussion warranted at this time.
Michael Villanueva - No discussion warranted at this time.
Sharon West - No discussion warranted at this time.
Craig Wetterer - No discussion warranted at this time.
Stephen Willis - No discussion warranted at this time.
Jaime Wong - No discussion warranted at this time.
Donald Yorgason - No discussion warranted at this time.
Qingqing Zhu - No discussion warranted at this time.
Kseniya Zhuzha - No discussion warranted at this time.

Tod Zwahlen - No discussion warranted at this time.

14. Discussion and review of NAC 641.154; the Board will discuss the regulation as it relates to wages, compensation of supervisor and emphasis of supervision of psychological assistants, psychological interns, and psychological trainees.

The Board heard concerns from three separate entities regarding Dr. Hollands letter to the Board presented at the February 8th, 2019 meeting during public comment. The Board begin discussion after the review of the mentioned letters. Ms. Bradley updated the Board of her findings and stated that the way the regulation is currently written makes it open for interpretation and falls more in to a gray area than previously thought. She urged the Board to consider clarifying the regulation to make it clearer and noted that if you set up different pay rates for different training activities, it's still technically a fixed wage.

Director Gleich, was able to provide background of the regulation, that the requirement for "fixed wage" was included in the original psychological assistant language in 1988. In fact, that requirement has not changed since it was initiated.

Ms. Bradley went on to explain that at the time it was written, in 1988, it was done so in a way to protect the Board. She gave the Board a recommendation to change to 'stipend' instead of 'wage' or 'fixed salary', as requested by the NPA.

The Board went on to discuss how variable wage impacts training and how it could affect patient care. The Board agreed that a change in regulation verbiage is necessary with the goal that the proposed language will be sent to the LCB in August 2019.

Dr. Holland noted that in addition to the language change, revising the current Supervised Practice Plan form that is completed for application and is required of psychological assistants, psychological interns, and psychological trainees.

Dr. Papa offered to discuss with Director Gleich ideas for editing the current Supervised Practice Plan (SPP) document.

It was determined, as this is a large reaching issue to hold two public workshops for the language development. One via ZOOM meeting held on July 1 at 5:15 p.m. and one held during the July 12, 2019 Board meeting. This would allow for plenty of time to develop the language and to complete one of the required steps of regulation development.

ACTION ITEM: Director Gleich with Dr. Papa will review and edit the required Supervised Practice Plan, for review by the Board at a future meeting.

Director Gleich will schedule and notice two public workshops for July 2019

Board members are to have a rough expectation of what they think the language should look like.

15. Update regarding the 80th session of the Nevada Legislature. The Board will receive updates regarding the status of bills and BDRS that will have effect on the Board and psychological licensing community.

A. Legislative Issues that require top attention from the Board.

SB037 Revised language took most of the recommendations from NPA and has updated the language. The Board completed written testimony as neutral regarding the language change.

BDR 934 This Bill Draft Request was submitted on behalf of the Board and contains all the NRS 641 changes discussed by the Board at the end of 2018. The Board is awaiting the bill number, Director Gleich will update the Board once the official number is received.

BDR 546 Director Gleich updated the Board on this Bill Draft Request. This BDR would introduce School Psychologist licensure under this board and School Counselor licensure under the MFT/CPC Board. It is being introduced by the Board of Education, with the support of both Boards, with the noted need that compensation

for the new licenses is necessary. Director Gleich noted that the added revenue from the 246 school psychologists currently under the Department of Education's prevue would be helpful for adding another layer of financial protection to the Board but would not be detrimental as the Board lost approximately 215 licenses in the past renewal, including the BAs and the retiring/moving psychologists. The office will keep a close watch on this BDR and will update the Board once the final language is produced.

B. Legislative Actions that may affect the Board.

Ms. Bradley noted that there are a handful of bills for the Board to watch relating to open meeting, and tort repayment. That many have been promised amendments, and she will work closely with Director Gleich, Dr. Paul and Ms. Laxalt on the information necessary to respond to them.

AB012 AB033 AB047 AB055 AB066 AB070 AB075 AB076 AB101 SB014 SB031 SB051 SB063 SB068 SB083 BDR16 BDR20 BDR22 BDR33 BDR49 BDR72 BDR73 BDR85 BDR86 BDR114 BDR115 BDR162 BDR193 BDR309 BDR314 BDR404 BDR514 BDR520 BDR523 BDR525 BDR527 BDR529 BDR546 BDR547 BDR549 BDR550 BDR551 BDR552 BDR567 BDR574 BDR575 BDR576 BDR598 BDR599 BDR602 BDR610 BDR611 BDR620 BDR626 BDR627 BDR646 BDR648 BDR6554 BDR665 BDR667 BDR676 BDR680 BDR685 BDR711 BDR734 BDR743 BDR744 BDR749 BDR751 BDR761 BDR762 BDR763 BDR781 BDR811 BDR813 BDR893 BDR848 BDR851 BDR859 BDR866 BDR895 BDR905 BDR919 BDR932 BDR943 BDR946 BDR964

16. Review of request for testing accommodation: Dasa Jendruskova

Dr. Dasa Jendruskova submitted a letter and the current disability application to the Board requesting disability accommodations for testing. The Board discussed the letter in question and the fact that it was submitted by a Mental Health Professional who is not a licensed psychologist. Since this form is the only current way to request disability accommodations and the Board has not completed the protocol, the Board reviewed the requests made in the application. Director Gleich noted that natural light and air flow may not be available options through Pearson or PSI for the testing accommodations. Ms. Becker encouraged the Board to approve the request as much as possible, as there are other limitations outside of their ability. The board agreed to provide additional time for the applicant while acknowledging the need for a clear policy around disability accommodations.

Ms. Becker motioned to allow one (1) hour of extra time, and if Pearson allows an additional break; Dr. Krogh seconded; Board 4-0-1: Dr. Holland Recused from discussion and vote.

17. Approval of reactivation from inactive to active status: Sylvie Ward

Approval is contingent on review of Application and Continuing Education Units by Dr. Krogh.

Ms. Becker motioned to allow Dr. Krogh to review Dr. Ward's application. If it is deemed acceptable, the Board will approve the request; Dr. Papa seconded; Board 4-0-0

18. Public Comment.

No further public comment.

18. ADJOURNMENT

Ms. Becker motioned to adjourn at 12:34 P.M.; Dr. Papa seconded; Board 4-0-0

Amendment A



Ms. Morgan Gleich
Nevada Board of Psychological Examiners
4600 Kietzke Lane, Bldg B-116
Reno, NV 89502

March 8, 2019

Dear Members of the Board,

This statement is being provided on behalf of Dr. Sandra Gray, who could not be present today, and myself, Dr. Rhiannon Rager. We would like to briefly address the Nevada Board of Psychological Examiners regarding an issue that was brought up at the February 8, 2019 meeting, specifically the issue of appropriate pay for psychological assistants. Please note that the following reflects our personal thoughts on this matter and is not intended as criticism or judgment of any specific entity. We believe that psychological assistants and interns are entitled to being paid a predetermined amount on a consistent basis. In other words, they must be paid the same amount each pay period while in training (with an exception for raises). The use of a variable pay schedule (i.e., a pay schedule that reimburses different rates for different tasks) raises ethical concerns and could negatively impact the clinical training experience and consequently, client safety. One specific concern is that a variable pay schedule could shift a program's focus from training and onto that of revenue generation for the business. Unlike a predetermined wage that is consistently paid, a variable schedule allows for the emphasis to be on quantity, rather than quality, of services provided.

We have based our position on a review of the relevant NAC standards (e.g., NAC 641.154, NAC 641.1565, NAC 641.1519) and resources from the American Psychological Association (APA) and the Association of Psychology Postdoctoral and Internship Centers (APPIC). We also had a chance to review the personal letter submitted by Dr. Adrianna Wechsler-Zimring to the Board prior to today's meeting. Her letter outlines concerns about a variable pay schedule for psychological assistants by framing it within the context of appropriate legal, professional, ethical standards and is more thorough than we have time to discuss today. Dr. Gray and I are both in full support of Dr. Wechsler-Zimring's position and as such, we strongly encourage the Board to allow time for a review of her letter and discussion of the concerns therein. Thank you for your time and consideration.

Respectfully,

Rhiannon Y. Rager, PhD, NCSP & Sandra Gray, PhD

Amendment B

Adrianna Wechsler Zimring, EdM, PhD, PC

Licensed Psychologist

Specializing in Evidence-Based Practices with Children and Adolescents

Ms. Morgan Gleich
Nevada Board of Psychological Examiners
4600 Kietzke Lane, Bldg B-116
Reno, NV 89502

March 1, 2019

Dear Dr. Paul, Mrs. Gleich, and Board Members,

At the February 8, 2019 meeting of the Nevada Board of Psychological Examiners the topic of appropriate pay for psychological assistants was raised. Notably, a method of payment which reimburses the psychological assistant at different rates for different tasks was discussed. This varied pay schedule method has received a great deal of attention within in our community since the last board meeting.

This letter outlines my personal thoughts on the topic of payment of psychological assistants. Although many others in the community have shared their concerns with me, I am speaking only for myself in this letter. In addition, I am not privy to the details of any specific psychological assistant positions aside from those I have participated in as a trainee or supervisor. The concerns I describe below are theoretical and not intended as criticism or judgement of any specific supervisor or agency.

I believe a psychological assistant must be paid the same amount each pay period over the course of the training year(s), with the possible exception of raises. I am concerned that placing a psychological assistant on a varied pay schedule (i.e., a pay schedule that reimburses different rates for different tasks) raises ethical concerns and could negatively impact both clinical training and, by extension, public safety. My rationale is outlined below.

NRS & NAC: The Letter of the Law

My understanding of NAC 641.154 is that a psychological assistant must be paid a **consistent and predetermined** amount such as a salary, stipend, or wage (if the wage is based on a reliable minimum number of hours each pay period). I am basing this on the inclusion of the following words in the NAC:

*Except as otherwise provided in this subsection, a psychological assistant or psychological intern is entitled to be paid a **fixed** wage on a **periodic** basis...*

The inclusion of the words “fixed” **and** “periodic” indicate that the **periodic pay is fixed**. In other words, the psychological assistant is entitled to know in advance how much she/he/they will be paid each pay period, and that amount will be the same each pay period. A varied pay schedule could result in variable paycheck amounts.

NRS & NAC: The Spirit of the Law

I believe that NAC 641.154 and NAC 641.1565 indicate that the intent of the law, regulation, and administrative code is to:

1. Prioritize patient (public) safety and care
2. Emphasize **clinical** training of the psychological assistant (administrative, business, financial, and other training is not addressed)
3. Ensure that the psychological assistant accepts the training position with the primary goal of obtaining clinical training towards licensure; financial goals are, therefore, secondary
4. Ensure that the supervisor employs/supervises the psychological assistant with the primary goal of providing clinical training toward licensure; financial goals are, therefore, secondary
5. Protect the psychological assistant from exploitation by the supervisor, particularly financial exploitation

I am basing this on the inclusion of the following NAC passages (bold has been added for emphasis):

- ... a psychological assistant or psychological intern is entitled to be paid a fixed wage on a periodic basis, and **may not be paid based on a percentage of the fees received**. An employment agreement which is proposed to be entered into by a psychological assistant or psychological intern and does not provide for the payment of a wage may be approved by the Board pursuant to NAC 641.153 **if the Board determines that the agreement is in the best interest of the psychological assistant or psychological intern**.
- A psychological assistant or psychological intern **may not receive fees for professional services** except as the agent of his or her employing supervisor or agency.
- ... a **supervisor may not accept compensation from a psychological assistant or psychological intern for his or her supervision. In extenuating circumstances**, the Board may approve the acceptance of such compensation by a supervisor. Any agreement concerning compensation of a supervisor by a psychological assistant or psychological intern for his or her supervision **must be approved by the Board before it becomes effective**.
- A **supervisor shall ensure that the emphasis of the supervised experience** of a psychological assistant or psychological intern whom he or she supervises **is on training** the psychological assistant or psychological intern, as applicable, **rather than on the raising of revenue** by the psychological assistant or psychological intern, as applicable.
- A **supervisor shall not supervise a psychological assistant or psychological intern if that supervision involves a potential conflict of interest**, including, without limitation, supervision of a psychological assistant or psychological intern: ... (d) With whom the supervisor has a **financial or business relationship**, including, without limitation, an agreement concerning compensation of the supervisor by the psychological assistant or psychological

intern for his or her supervision, unless the financial or business relationship is approved by the Board or authorized by NAC 641.154

A varied pay schedule which provides different pay rates for different tasks appears to contradict the intention of the NRS and NAC. Unless the psychological assistant is paid **more** per hour for tasks related to education, training, and supervision, the varied pay schedule would appear to prioritize revenue over clinical training.

Scope of Competence & Common Practices

NAC 641.1519 states supervisors must have appropriate training in supervision. Our professional ethics also demand that we work within our scope of competence and stay up-to-date within our scope, including in the domain of clinical training and supervision.

Current and longstanding issues in the domain of clinical training and supervision include concerns about appropriate pay for psychological interns and psychological assistants (commonly referred to as postdoctoral fellows). Information about this topic, as well as information on recommended practices, is readily available in our community through American Psychological Association (APA) resources, Association of Psychology Postdoctoral and Internship Centers (APPIC) resources, and continuing education opportunities. For example, a quick search of the APPIC website turns up crucial information on this topic:

- APPIC requires that member programs provide a stipend to all postdocs so that the emphasis of the training year(s) can be on training and not on revenue
- APPIC requires the stipend amount be “consistent with regional standards”
- APPIC requires that when a training consortium pays different postdocs in a different manner, the stipend amounts going to different postdocs must be generally consistent
- These requirements were implemented following years of debate, and represent APPIC’s desire “to strike a balance between maintaining the number of quality programs available for training while at the same time avoiding an undue burden on trainees”

Non-APPIC member programs are not bound by these requirements, but these requirements and their rationale establish the current state of practice within the domain of clinical teaching and supervision. It can be challenging for a supervisor in private practice to provide a stipend that fully matches the stipend available through a university or consortium. However, it is possible to guarantee a minimum base salary or stipend, even in private practice. A varied pay schedule appears to be inconsistent with the current state of practice within the domain of clinical teaching and supervision.

Ethical Concerns

I believe a varied pay schedule which provides different pay rates for different tasks raises significant ethical concerns. When a varied pay schedule is considered within the context of the APA’s Ethical Principles of Psychologists and Code of Conduct (2017) the following concerns arise:

- **Power & Vulnerability:** APA Guidelines for Clinical Supervision in Health Service Psychology (2014) note the importance of considering the power differential between supervisor and supervisee, and place the responsibility on the supervisor for managing this. Training in supervision routinely addresses the importance of clarifying roles within the relationship, and minimizing potential conflicting demands and multiple relationships. It is crucial to note that the relationship between a supervisee and his/her/their supervisor has much in common with the relationship between a student and his/her/their teacher, as well as the relationship between a patient and his/her/their psychologist. The potential vulnerability of the supervisee must be handled carefully. The following points relate directly to issues of power and vulnerability.
- **Multiple Relationships:** A varied pay schedule creates an unnecessary and potentially problematic multiple relationship wherein the person providing supervision is also the person controlling the supervisee's increase or decrease in pay. For example, if the supervisor notices that the supervisee needs more direct instruction in a therapeutic technique the supervisor may need to recommend a course of action that decreases the supervisee's pay (i.e., require the supervisee to complete additional reading or coursework before providing any more direct care). This could be experienced negatively by the supervisee, thus impacting the supervisory relationship and the supervisee's willingness to be forthcoming during supervision in the future. Alternatively, the supervisor might avoid confronting the skill deficit out of concern for the supervisee's financial situation, or even out of concern for his/her/their own revenue.
- **Exploitive Relationships:** Recent graduates typically seek employment that provides a reliable salary or stipend. It seems unlikely that a recent graduate would accept a psychological assistant position with a varied pay schedule unless they either believed they would make more money than in another position (undermining the emphasis on training), or unless they did not have another option (leaving them unable to negotiate or advocate for themselves). In either case, there is significant risk that the relationship between the supervisor and supervisee can be perceived or experienced as exploitive, regardless of intent.
- **Conflict of Interest between training and financial need:** The psychological assistant may feel added pressure to complete higher paying tasks and may minimize time spent on lower paying tasks, due to his/her/their own financial need. This could result in missed training opportunities. Missed training opportunities could result in insufficient clinical skills, thus impacting patient care and public safety. Alternatively, the psychological assistant may feel added pressure to complete higher paying tasks and may minimize time spent on lower paying tasks, due to his/her/their perception of the supervising psychologist's financial need. This could result in missed training opportunities. Missed training opportunities could result in insufficient clinical skills, thus impacting patient care and public safety. This conflict of interest between training and financial need could send the message to trainees, and to the public, that revenue is more important than quality of clinical care.
- **Beneficence and Nonmaleficence:** Research tells us that inconsistent or unreliable income results in significant stress. This increased stress has a negative effect on both learning and on clinical skills. There appears to be more potential for harm (in the form of significant stress) from a varied pay schedule than from a stipend-type payment method.

- **Professionalism:** On face value, a varied pay schedule appears to directly benefit the supervising psychologist financially, while placing the psychological assistant at a disadvantage. It could appear to be financial exploitation. Whether or not it is, in fact, experienced as exploitation, the appearance of exploitation is cause enough for concern.

Respectfully,



Adrianna Wechsler Zimring, Ph.D.
Licensed Psychologist

Amendment C



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Dr. Michelle Paul & Ms. Morgan Gleich
Nevada Board of Psychological Examiners
4600 Kietzke Lane, Bldg B-116
Reno, NV 89502

February 28, 2019

Dear Dr. Paul, Mrs. Gleich, and Board Members,

The Nevada Psychological Association (NPA) is providing this written statement in response to the question raised regarding appropriate pay of psychological assistants at the February 8, 2019 meeting of the NV Board of Psychological Examiners (BOPE).

The NPA Executive Board believes that psychological assistants (more often referred to as postdocs or postdoctoral fellows by training programs) must receive payment that:

- Is paid on a regular basis (i.e., every two weeks or every month)
- Is for a guaranteed minimum amount (i.e., a paycheck could be higher, but never lower than the agreed upon minimum amount)
- Any exceptions to the above must be reported to the BOPE and approved by BOPE

The NPA Executive Board believes the statement above accurately reflects the NRS and NAC, as well as Association of Psychology Postdoctoral and Internship Centers (APPIC) member program requirements upon which the NACs appear to have been based.

Nevada state requirements: NAC 641.154 includes “Except as otherwise provided in this subsection, a psychological assistant or psychological intern is entitled to be paid a **fixed** wage on a **periodic** basis...”. The inclusion of the words “fixed” and “periodic” indicate that the periodic pay is what is fixed. In other words, the psychological assistant is entitled to know in advance how much she/he/they will be paid each pay period, and that amount will be the same each pay period.

National discussion and standards: Appropriate payment of postdoctoral fellows has received a significant amount of attention in our field in the past two decades, and much has been written about this topic. For background, please refer to the vast amount of information readily available through American Psychological Association (APA), American Psychological Association of Graduate Students (APAGS), and Association of Psychology Postdoctoral and Internship Centers (APPIC). Concerns about undue burden on trainees, among numerous other concerns, led APPIC to adopt policies to protect trainees in 2006. Below is a short summary of requirements of APPIC member programs. As you can see, these requirements are more protective of postdocs than Nevada requirements:

- APPIC requires that member programs provide a “stipend” to all postdocs
- APPIC requires the stipend amount be “consistent with regional standards”

- APPIC requires that when a training consortium pays different postdocs in a different manner, the stipend amounts going to different postdocs must be generally consistent

When psychologists in the community have asked members of the NPA Executive Board about supervision and pay of psychological assistants, we have directed the psychologists to the NV Board of Psychological Examiners (phone, website, and email), NRS 641, and NAC 641.

Recommendation: If confusion exists regarding pay guidelines for psychological assistants, NPA Executive Board members recommend revising the NAC to replace the word “wage” with the word “stipend” (consistent with APPIC) or with the phrase “fixed salary.”

Respectfully,

A handwritten signature in black ink, appearing to read "Adrianna Wechsler Zimring" with "PhD" written in smaller letters to the right of the signature.

Adrianna Wechsler Zimring, PhD
Past President 2018/2019
Nevada Psychological Association