

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

DATE OF MEETING: Friday, August 11, 2023 Time: 8:00 a.m.

The meeting of the State of Nevada Board of Psychological Examiners (Board) will be conducted and may be attended through a remote technology system (video- or teleconference). To participate remotely, individuals are invited to enter the meeting from the Zoom website at <https://us06web.zoom.us/j/81248075945>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID:

812 4807 5945. The meeting may also be attended at the physical location of the Board Office at 4600 Kietzke Lane, Suite B-116, Reno, Nevada, 89502. (The Board office recommends that individuals unfamiliar with ZOOM should visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs. To learn more about Zoom, go to <https://zoom.us/>.)

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

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

AGENDA

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

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

3. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on July 14, 2023.

4. Financials

- A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer’s Report for Fiscal Year 2024 (July 1, 2023, Through June 30, 2024).
- B. (For Possible Action) Discussion and Possible Action to Approve any Recommended Changes to the Proposed Budget for Fiscal Year 2024.
- C. (For Possible Action) Discussion and Possible Action to Renew the Board’s Independent Contractor Agreement with its bookkeeper, Michelle Fox.

5. Legislative Update

- A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, of the 2023 Session of the Nevada Legislature, 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. This item may include, but is not limited to, the following:
 - Proposed change to NAC 641.136 resulting from the passage of AB 267 – Changes to cultural diversity continuing education requirement.

6. Board Needs and Operations

- A.** (For Possible Action) Discussion and Possible Action to Select Non-Resident Consultant Application Review Officer for the State of Nevada Board of Psychological Examiners for a One-Year Term from July 1, 2023, through June 30, 2024, from the Current Board Membership: Monique Abarca, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, Whitney Owens, and Stephanie Woodard.

This role from this agenda item remained to be confirmed after the July 14, 2023, Board meeting.

- B.** (For Possible Action) Discussion and Possible Action to Select the Membership of the Application Tracking Equivalency and Mobility (ATEAM) Committee for a One Year Term from July 1, 2023, through June 30, 2024, from the Current Board Membership: Monique Abarca, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, Whitney Owens, and Stephanie Woodard. Current Members of the ATEAM Committee are Soseh Esmaeili, Stephanie Holland, and Catherine Pearson.

This item was tabled from the June 2, 2023, and July 14, 2023, Board meetings due to member absences.

- C.** Report from the Nevada Psychological Association.
- D.** Report From the Executive Director on Board Office Operations.

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

- A. Complaint #19-0626
- B. Complaint #22-0930
- C. Complaint #23-0303
- D. Complaint #23-0612
- E. Complaint #23-0801

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

PSYCHOLOGISTS

Dalea Alawar	Christopher Estep	William Kaiser	Norma Ramirez-Miranda
Mary Lou Ancheta	Kathleen Fahrner	Carolynne Karr	Kilynda Ray
Robert Antonacci	Allison Faris	Patricia Keeler	Tatsiana Razzhavaikina
Ashley Arcoleo (Wilkins)	Megan Farnsworth	Daphne Kendricks	Lisa Rhee
Rachel Attya	Leslie Feil	Christine Kim	Keri Ross
Erick Arguello	Nichole Flowers	Donald Kincaid	Judy Fluor Runels
Quintin Bailey	Stephen Francis	John King	Gail Shen
John Barona	Gila Frank	Ashley Kirby-Ward	David Shoup
Anthony Bean	Vanessa Fuentes	Sandra Kubicki	Nancy Small
Katherine Beckwith	Maiken Gale	Monica Larson	Krystal Smith
Kimberly Bergman	Elena Gavrilova	Timothy Law	DeAnn Smetana
Dallas Boyce	Matthew Gibbons	George Lazo	Michael Stein
Sarah Brennan	Dov Gold	Karen Levine	Tony Strickland
RaeLynn Brister	Nancy Grau	Jessica Liberman	Jessica Taverniti
Corby Bulp	Peter Grover	George Lough	Donna Truong
Leandrea Caver	Stephanie Gstettenbauer	Vanessa Ma	John Tsanadis
Colleen Character	Dehnad Hakimi	James Madero	Michael Villanueva
Kara Christiansen	Nathan Hale	Alexandra Matthews	Amanda Wallick
Filippo Cieri	Alexia Holovatyk	Viola Mejia	Ann Watters
Steven Covelluzzi	Courtney Hutchinson	Samuel Montano	Jessica Weis
Candy Crawford	Alberto Ibarra	Alexandra Montesi	Michael Whitman
Pegeen Cronin	Rachel Irish	Nicolle Napier-Ionascu	Jennifer Wilcox
Osvelia Deeds	Billie Ivra	Jonine Nazar-Biesman	Michele Wilkens
Nicola De Paul	Saira Jhorn	Ana Ochoa	Stephen Winston
Roman Dietrich	Lori Johnson	Akira Olsen	Christine Winter
Adrienne DiFabio	Samantha Johnson	Brian Olsen	Jamie Wong
Mark Dillon	Margaret Jones	Stephanie Orbon	Amanda Zayas
Mary Dinerman	Natalie Jones	Kathryn Pesch	
Alanda Duschane	Ta Tanisha Jones	Rachel Powers	

PSYCHOLOGICAL ASSISTANTS

Ines Acevedo	Sonakshi Arora	Ramy Bassioni	Andrew Buchanan
Jeffrey Aguiar	Tracy Basile	Dallas Boyce	Tyler Camaione

Candis Carswell
Christina Cendejas
Taylor Chille
Kara Christensen
Tasman Cleaver
Ashley Colson
Althea Cook
Jessica Crellin
Kaleb Cusack
Samantha del Castillo
Emerson Epstein
Evan Fertel

Jacqueline Friar
Grady Gallagher
Michelle Gaston
Milagro Gonzalez
Kimberly Gray
Jennifer Grimes-Vawters
Joseph Henrich
Akiko Hinds
Bernadette Hinojos
Kelly Humphries
Kayla Kaiser
Richelle Konczak
Dorota Krotkiewicz

Taylor Levine
Laura Litynski
Alexandra Miguel
Desiree Misanko
Luzviminda Morrow
Jonathan Parker
Dylena Pierce
Eric Prince
Leilani Puentes
Jacquelyn Rinaldi
Shannon Rojas
Farnaz Samavi

Daniela Sandelin
Sharon Simington
Krystal Smith
Coreen Schwartz Starr
Lydia Stevenson
Katherine Stypulkowski
Holly Summers
Heather Thompson
Christine Vaughan
Marijo Villano
Nathaniel Wilkins
Kelsey Zaugg

PSYCHOLOGICAL INTERNS

Lorraine Apodaca
Brian Broomand
Shannon Colon
Mario De Souza
Michelle Gaston
Michelle Harden

Shanel Harris
Tiffany Hunter
Jessica Jensen
Jeanine Johnson
Lauren Johnson
Shalini Kabeer

Kayla Kaiser
Ashley Key
Erica Marino
Coreen Schwartz
Ruby Sharma
Jasmin Smith

Barbara Sommer
Megan Tedrow
Candice Thomas
Rachel Wiggins
Toi Williams

PSYCHOLOGICAL TRAINEES

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

Kinsey Ellis
Kayla Fobian
Leila Gail
Paola Betancourt
Grace Goodwin
Jaquelin Green
Kaelyn Griffin
Brandon Hunley
Madison Hurley
Bianca Islas

Todd Jennings
Cynthia Johnston
Demi Kourtesi
Lee Haeun
Nicole Martinez
Michael McNamara
Sara Moore
Amanda Mraz
Ananda Peixoto-Couto
Jason Sadora
Shannon Sagert

Christine Salva
Mary Smirnova
Madison Thomasson
Heather Thompson
Teresa Walker
Bailey Way
Jessica Woodyatt

A. (For Possible Action) Discussion and Possible Action on Dr. Ashley Key's appeal of the ATEAM's July 14, 2023, Decision Denying her Application to Register as a Psychological Intern.

9. (For Possible Action) Discussion and Possible Action on the Recommendations of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

10. (For Possible Action) Discussion and Possible Action in response to the July 18, 2023, Letter from the Department of Business and Industry to the Board's Executive Director regarding AB 431.

11. (For Possible Action) Discussion and Possible Action to Approve Board President Whitney Owens' attendance at the ASPPB's annual conference in Cleveland, Ohio September 27-October 1, 2023, and to decide from the Board's Members, Staff, and Investigators who else will attend.

12. (For Possible Action) Discussion and Possible Action to Provide a Requested Opinion regarding Psychological Supervisees as it concerns:

A. The Board's expectations about required versus optional Psychological Trainee registration; and

B. What the term "available" means in R074-18, Section 8(4), which states:

Except as otherwise provided in this subsection, a supervisor shall be available to a psychological assistant, psychological intern or psychological trainee whom he or she supervises while the psychological assistant, psychological intern or psychological trainee is providing services to a client or patient. A supervisor shall arrange for the availability of another appropriate licensed medical or behavioral health provider to be on site in the case of the absence of the supervisor.

13. (For Possible Action) Discussion and Possible Action to Permit the Board's Executive Director to carry her unused vacation time from FY2023 through November and to take 7 days in mid-November, 3.75 of which would be from FY2023.

14. (For Possible Action) Discussion and Possible Action regarding and in response to 2023 AB244, which establishes certain rights of those who are compelled by court order to submit to a mental or physical examination.

- The Board's discussion and possible action may include, but is not limited to, a Statement by the Board and proposed NAC Chapter 641 revisions in response to AB244.

15. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates

- A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, September 8, 2023, at 8:00 a.m.
- B. A reminder that the date and location for the Nevada Board of Psychological Examiners' next strategic planning meeting is November 3, 2023, in Reno.

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

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

18. (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, August 10, 2023.

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, August 8, 2023, at the following locations:

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

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

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

July 14, 2023

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

The meeting of the Nevada State Board of Psychological Examiners was called to order by President Whitney Owens, Psy.D., at 8:02 a.m. on July 14, 2023, online via "zoom" and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste. B-116, Reno, Nevada 89502.

Roll Call: Board President, Whitney Owens, Psy.D.; members, Lorraine Benuto, Ph.D.; Soseh Esmaili, Ph.D.; Stephanie Holland, Psy.D.; Catherine Pearson, Ph.D. were present at roll call. Members Stephanie Woodard, Psy.D. and Monique Abarca, LCSW were absent. Dr. Woodard is waiting for her approval from the Governor and will not be attending this meeting. Despite the two member absences at roll call, there was a quorum of the Board members.

Also present were Deputy Attorney General (DAG) Harry Ward; Board Investigator Dr. Gary Lenkeit; Executive Director Laura Arnold; Assistant to the Executive Director Kelly Weaver, and members of the public: Terry Beaumont, Sharon Jones Forest, Lewis Etcoff, Thomas Kinsora, Stephen Klee, and Leslie Feil.

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. Minutes.

A. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on June 2, 2023.

There were no comments or changes suggested for the minutes of the June 2, 2023, meeting.

On motion by Lorraine Benuto, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board held on June 2, 2023. Catherine Pearson approved the minutes as to form, but not content. (Yea: Whitney Owens, Lorraine Benuto, Catherine Pearson, Stephanie Holland.) Without Dr. Soseh Esmaeili's vote, the Board did not have quorum. DAG Ward believes under the open meeting law with a quorum the Board still has a vote that can be passed even with Dr. Pearson approving as to form and not content, but that ultimately it was up to Dr. Owens. As such, this was put on hold until Dr. Esmaeili can be involved in the vote.

As Dr. Soseh Esmaeili returned, the Board again brought a motion.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board held on June 2, 2023. Catherine Pearson approved the minutes as to form, but not content. (Yea: Whitney Owens, Lorraine Benuto, Catherine Pearson, Soseh Esmaeili, Stephanie Holland.) *Motion Carried: 5-0.*

4. Financials.

A. (For Possible Action) Discussion and Possible Action to Make Changes to and/or Tentatively Close Out the Fiscal Year 2023 Budget subject to an annual audit.

Executive Director Arnold presents the Fiscal Year 2023 Budget. Executive Director Arnold indicated that Fiscal Year 2023 came to an end, the Board stayed on track outpacing its budgeted revenue and overall remaining on par or below the budgeted expenditures. There appears to be about \$37,000 left over, and the information that the FY2023 budget provides will inform revisions to the FY2024 budget that will be addressed in Item 4C. This is a tentative close out. A final close out of FY2023 will happen after it has been reconciled through an annual audit. She was unsure if the Board wanted to approve a tentative close out or wait until the audit. Dr. Owens stated she is okay with waiting.

Executive Director Arnold indicated she had not been involved in a close out before, so she wanted to confirm. Dr. Owens was unsure if the Board had ever approved a close

out before. She knows the Board has approved an audit before but unsure if it needs to be done twice. As such, the Board will wait to vote.

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

As of June 30, 2023, the checking account balance was just under \$389,000.00 according to Executive Director Arnold. Through the end of FY2023, the Board was operating on \$170,959.93 of the deferred revenue primarily from renewals that have been previously addressed, and nothing has changed regarding the next expected deferred revenue allocations from renewals for the next biennium quarters have previously been identified and discussed.

The savings account balance was \$105,048.85.

In tentatively closing out the fiscal year, the Board brought in about 108% of the budgeted revenue and expenses were at about 89% of what was budgeted.

In addition to the end of FY2023, the Board has also completed the first quarter of the biennium, which allowed for the inclusion of the actual revenues and expenditures during that quarter with reference to what was budgeted.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Closing Out Fiscal Year 2023 and moving into Fiscal Year 2024. (Yea: Whitney Owens, Stephanie Holland, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson.) Motion Carried: 5-0.

C. (For Possible Action) Discussion and Possible Action to Approve any Recommended Changes to the Proposed Budget for Fiscal Year 2024.

Executive Director Arnold stated that based on actual revenue and expenditure numbers from FY 2023, there are a few adjustments to the FY2024 Budget. Under revenue, the amount in the deferred income category of new licensure and registrations was increased to reflect the amount that came in over the first quarter of the biennium and cast forward into Q2, 3, and 4. The amount projected to come in from licensure applications was increased a little based on the increasing number of applications the Board has received. As for the changes to expenditures, several items were adjusted based upon the real numbers from those expenditures during FY 2023. All changes are identified in the orange highlighted boxes. The proposed budget remains balanced, with

revenue expected to exceed expenses, and moving forward, this will be the budget we will be working with for this fiscal year.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the revisions to the Fiscal Year 2024 Budget. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0.

D. (For Possible Action) Discussion and Possible Action to Approve Proposed Engagement Letter and invoice from David A. Hines of Campbell Jones Cohen CPAs for the Annual Board Audit.

Executive Director Arnold presented the issue of approving the proposed engagement letter and invoice from David A. Hines of Campbell Jones Cohen CPAs for the annual board audit. Campbell Jones Cohen CPAs handled the annual audit last year. The annual audit fee is \$12,000 and Campbell Jones Cohen CPAs requests a \$6,000 deposit to secure their services, which has been accounted for in the 2024 budget.

On motion by Stephanie Holland, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the Engagement Letter and invoice from David A. Hines of Campbell Jones Cohen CPAs for the 2023 Annual Board Audit. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0

5. Legislative Update

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

Lobbyist Laxalt indicated that they were tracking approximately 35 bills after they were filtered. However, she discussed the top 10.

AB37 had to do with work force development. The Board was very supportive of that Bill. That Bill has gone on to be signed by the Governor in Chapter 424.

AB39 requires the collection of demographic information. A similar bill had previously passed in prior legislative sessions. There is some redundancy regarding what boards are already required to do.

AB198 did not pass. Assemblyman Orentlicher brought the Bill forward to the Board prior to the legislative session where it dealt with the uniform law act regarding telehealth. At that time, the Board was looking for a sponsor for their Bill and it was recommended they discuss it with Assemblyman Orentlicher. This Bill was in conflict with Psychology Compact. What ended up happening is that the Bill lowered the standards of what could be approved for telehealth in the state of Nevada. Essentially, the standards that the compacts had to be. From Orentlicher's explanation, this would be everyone who did not fit into the company. The Board opposed that Bill. The Bill got stripped in the first committee, but Assemblyman Orentlicher wanted again to strip that out and put the Bill back where it started. That changed nothing, so the Bill failed.

AB219 was regarding accepting public comment in open meetings.

AB236 was a psychology Bill the Board ran through Assemblywoman Monroe-Moreno which requires the correction department to stop using the term psychologist when dealing with their providers there that are not psychologists. This passed. This Bill was clean all the way through.

AB267 was similar to cultural competency training, which requires SB119 to make sure that insurance covers. Dr. Owens interjected and asked how many CEs licensees will need to take for cultural competency. Lobbyist Laxalt indicated it was increased from the 2 required from the last session. Dr. Chapple-Love confirmed it was 6 as she worked on the Bill.

SB119 requires insurance for telehealth.

SB150 failed. It required provisional licensees for psychologist assistants and part of that reasoning was insurance reimbursement. Dr. Owens believes it did not pass because it was heavily opposed by insurance companies. Dr. Owens would encourage the Board to try to work in future legislative sessions to revive the Bill as she will not be involved. She does not think it provides great protection to the public if they cannot be served by the Board's students. The insurance companies will likely continue to block the ability for the post docs to be paneled, which is not in the interest of the public.

SB431 was one of the governor's Bills and originally the Bill was putting in all kind of secretaries of the cabinet under the Governor's office. It ended up having a lot of changes. As it ended up coming out, it was stripped down quite a bit. The only impact to the Board was taking the Board's commission and placing them under the authority of Business and Industry. She has been assured by the executive of the Business Industry that it should not make any changes to what the Boards do. The Department of Business and Industry will be putting together a workshop due to the public questions. Some of the changes that may be looked at is ensuring there are standard

disciplinary procedures, but Lobbyist Laxalt does not know what this means yet. She does believe this is something the Board should keep an eye on.

Dr. Owens asked about the Bill regarding Board's having to meet in person 25% of the time. Lobbyist Laxalt believes it died.

Lobbyist Laxalt added that regulations will be worked on for AB244, just as a reminder, once that is done and the workshops are completed, it will go to the legislative commission so that is another opportunity to present the conflicts with the Board's ethics. There is a new chair. As such, the majority leader will be chairing the Legislative Commission now.

On SB431, Dr. Lenkeit looked it over and it said there must be a standard disciplinary policy. He thinks it would be hard to have a standard disciplinary that included psychologists, architects, plumbers, etc. all as one. In the complaint committee meeting the other day, Dr. Lenkeit suggested that the Board get together with MFTs, LCSW, and all the mental health professionals to use the Board's disciplinary policy as a standard for all the mental health professionals so they are prepared rather than going along with people that do not have the same ethical standards due to being in different professions. Lobbyist Laxalt confirmed her concern was voiced very loudly regarding the need to hear from the boards. She would like to get their opinions prior to moving forward.

Dr. Owens stated for the record that she did not understand the frenzy that is the legislative session for the Board. As such, she is acknowledging everyone's work, specifically Lobbyist Laxalt, Dr. Lenkeit, and Executive Director Arnold, throughout the session to keep her informed, working together, communicate with representatives, and making sure everything was in order to protect the folks the Board serves. Lobbyist Laxalt thanked Dr. Owens for Dr. Owens' hands on approach during session.

- B. (For Possible Action) Discussion and Possible Action on the Revision to Nevada Revised Statutes (NRS) 641.390, Representation or Practice Without License or Registration Prohibited, which passed and was signed into law during the 2023 Session of the Nevada State Legislature.**
- C. (For Possible Action) Discussion and Possible Action regarding and in response to 2023 AB244, which establishes certain rights of those who are compelled by court order to submit to a mental or physical examination.**

There were a lot of public appearances at the meeting to discuss the 2023 Session, which approved AB244. AB244 established certain rights of those who are compelled

by court order to submit to a mental or physical examination. Dr. Owens expressed AB244 is a concern for the Board. Dr. Owens shared her sentiment that DAG Ward's participation will be critical to this topic. As Dr. Kinsora specifically requested this item to be on the agenda, he will start the discussions on this item. With that, Dr. Owens gave the floor to Dr. Kinsora.

Dr. Kinsora presented the following statement:

Dear Members of the Nevada Board of Psychological Examiners,

I do not believe that in my 30 years of practice I have seen a greater threat to the practice of psychology than what is called for in AB244. There are three take-away here; this is a true public safety threat, it is a threat to the administration of justice, and if implemented, will destroy the validity of the tools that we use to appraise psychological, intellectual, and neurocognitive functioning.

I was fortunate to be trained by one of the leading neuropsychologists in the field, Manfred Greiffenstein. He would always tell me, with solemn seriousness that psychologists are the "Holders of the Measures". He taught me that this is a sacred responsibility, as the usefulness of many of our measures is entirely dependent on our ability to protect them.

The tools of our trade are standardized measures that only retain diagnostic validity when they are seen for the first time by a given patient or examinee (considerations for practice effects from a previous exam aside). Assuring public safety and assisting the triers of fact in civil and criminal proceedings are prominent roles played by psychologists and neuropsychologists. In clinical practice, neuropsychologists determine whether a physician can continue practicing medicine safely, an airline pilot can fly again, being responsible for the safety of dozens of lives, a police officer can return to duty with good judgement, or a bus driver can return to driving a bus. In the judicial system we assist the triers of fact in determining whether a brain injury has occurred, whether a defendant is competent to stand trial (or whether they are feigning incompetence), whether an aging individual can manage finances with sound judgement, or whether a plaintiff suffers from PTSD. Allowing protected test measures into the public domain as called for in AB244 will compromise these vital functions.

Neuropsychologists in particular are involved in examining test performance manipulation and symptom exaggeration. We assist the triers of fact in understanding the complex motivations behind a given litigants

symptom reporting and test performance, particularly in mild traumatic brain injury cases. In litigated cases it has been repeatedly shown that about 40% (+/- 10%) of litigants exaggerate or feign symptoms to win lawsuits. This is also true in workers compensation cases and disability insurance cases. This is a very consistent finding across many studies. Neuropsychologists and psychologists are the only experts who possess the empirically validated and legally/ethically protected test measures necessary to measure this type of deception and test manipulation. These are among the most protected measures that we use and they cannot fall into the hands of attorneys, nor the general public. If they do we will have no idea whether the examinee has learned which tests to pass and which items to endorse in order to feign injury.

Preventing a neuropsychologist from employing measures to detect malingering and deception appears to be one of the primary reasons for this legislation, despite what the legislators were told prior to voting on the bill. Most importantly, the drafters of this bill have forged a way to destroy the right that the opposing counsel has, to obtain an expert of their choosing to conduct an independent medical evaluation where exaggeration and test manipulation could be at play. They know that this legislation will deny them this expert if the neuropsychologist withdraws from the case. And it will give them the tools of our trade if we agree to proceed. Their relentless attempt to deny one side expert access to an evaluation has put psychologists in the middle of this fight.

However, they know that we cannot effectively argue this matter in court because no governing entity has provided unequivocal guidance with teeth. This is what I am urging the Licensing Board to do today; Give us the unequivocal rules that we need to protect standardized psychological and neuropsychological tests.

Presently and historically, the APA has walked far too softly on the matter of audio-recording of protected test material. The notion that with protective orders an attorney can safely have access to all of our protected test materials without any long term harm to our profession and to test validity is a fallacy. We have, however seen some teeth demonstrated in the two Amicus Briefs prepared by the Inter Organizational Practice Committee (IOPC) which is a coalition of representatives of all of the major national neuropsychology organizations in the US representing approximately 8,000 neuropsychologists in the United States.

The threat posed by attorney-possession of our test material is real. There are numerous publicized and researched examples of plaintiff attorneys misusing protected test material to coach their clients. Once psychologists allow attorneys access to our test materials, every personal injury attorney will have drawers filled with protected test manuals and forms; and full access to the performance and symptom validity measures that we use to detect test manipulation. These attorneys have no ethical guidelines that mandates the protection of these measures as is present for psychologists. Employees of the law firm will have full access to the measures. The measures will leak beyond those drawers further into the public sphere. This examiner is aware of several local personal injury attorneys who possess at least some protected test materials. Ultimately, with the dispersion of test items and test materials, our protected cognitive measures will lose validity and all of the research and funding that went into the development of those measures will be lost; and our ability to assist the triers of fact will diminish to the point of no return. Our ability to assist in public safety will be diminished.

And remember, under this law, the examinee, themselves can write down every item on the intellectual exam, every word on the memory exam, and can record every bit of it, without any restriction on how they use it, or where they post it.

Aside from the invalidating effect of test material dispersion, research clearly indicates that the mere presence of audio equipment, or other third party presence affects, and thus compromises neurocognitive test performance. In litigated cases, settlement often hinges on proving very mild changes in cognitive performance. Detecting mild changes with empirical confidence hinges on adhering to the standardized conditions in which the measures were developed. The increase in low scores caused by the presence of recording equipment and other interference allowed by AB244 would lead to erroneously identifying deficits where none exist. The effects of these interfering factors could be equal to or greater than the effects of a mild or moderate traumatic brain injury. To interpret under these conditions is impossible as the conditions would invalidate interpretation. Because of this, even if the neuropsychologist allowed recording, the expert would likely be subsequently disqualified from testifying; because, consistent with our ethical guidelines, the expert would be required to discuss the invalidating effects of the recordings. Thus, outside of catastrophic brain injury cases or severe dementia, there is no scenario under Third Party Observation in which we can ethically and validly interpret our test data. For this reason, the practice should be prohibited, even when the audio recording is only to be shared with

another psychologist. This means that psychologists must cease all test administration when confronted with these demands.

Only when the judicial system understands that no psychologist in Nevada is permitted to administer protected test measures under these conditions will they begin to form rules that are failsafe against this type of misinformed legislation. For this reason we need your guidance and a firm mandate on this matter or we will lose the fight entirely.

I am approaching the end of my career over the next five years, this is not from me. I have deep concerns over how passive psychologists have been. We seek to find compromise and work hard to try to understand where the opposite side is coming from. However, this law was wrought out of deceit in its presentation to lawmakers, and is designed for the destruction and removal of psychologists from half of the playing field in legal disputes. We cannot hesitate in this matter; for we would do so at our own peril.

*On October 1, 2018, the Nevada Board of Psychological Examiners drafted a letter to the Nevada State Supreme Court outlining the threats to validity when standardized measures are administered in the presence of audio recording equipment and/or other third party presence. And once again the Board weighed in on December 9, 2020 in the Supreme Court case *Moats v District Court (Burgess)*. These communications were deeply appreciated, and the latter served to overturn the previous legislation. However, we have repeatedly been told by the court that these communications are not really a directives by the Board, and that the only reason that we are refusing to allow the attorney to be present, or for a recording to be made, is because we choose to refuse. The letters are perceived of by the court as "wishywashy" in some respects. So, again, my plea to the Board is to give the psychologist of this state unequivocal guidance in a more clearly stated directive, in no uncertain terms that evaluations under these conditions runs counter to the ethical guidelines that psychologists follow and that it violates Nevada Revised Statutes (NRS) 52.380. The firming up of this guidance would greatly assist all psychologists when confronted with the demands of this legislation, and would go a great way toward preserving the validity of our measures for future use. Obviously, we are deeply concerned that the psychologist who only occasionally does forensic work will be intimidated by the legislation and will cave to the demands, unwittingly contributing the problem. Clear guidance from the Licensing Board would help in this instance. Finally, if the Board does draft something, please make it clear that this does not mean that psychologists from other States can enter Nevada and allow*

examinations under these same conditions. Obviously, if we cannot do them, attorneys could simply employ out of State psychologists who might be more than willing to destroy our profession for a forensic case in Nevada.

The final matter I would like to briefly discuss relates directly to a plea to the representative from the Office of the State Attorney General. The release of protected test material as allowed for in this bill is a clear threat to public safety. As already stated, psychologists and neuropsychologists are routinely asked to opine on matter related to an examinees ability to operate in the environment, or in their profession in a manner expected and in a manner that will provide safety to the broader community. The accuracy and validity of the cognitive and psychological measures is paramount to forming our opinions; opinions that could affect the safety and wellbeing of the general public. It is for this reason that we are ethically bound to protect these measures from dissemination, and to administer them in a manner consistent with standardization.

This AB244 is demanding that we disregard our ethical and legal obligations. Whether it be to an attorney heavily involved in personal injury litigation (and may be tempted by her cut of a multi-million dollar settlement), the examinee who may wish to feign the presence of a severe brain injury to win a lawsuit, the criminal who wants to feign incompetence without getting caught, the blogger who thinks that publishing the items from a standardized memory test would get him more attention on his blogger site, the paralegal who steals away the protected test material from the attorneys draw and shares them with others, or an airline pilot who wants to pass all of his cognitive tests, despite slipping toward dementia, the slow loss of these protected measures is a threat to the safety of the public and is a loss of our ability to assist physicians and the court in our examinations. Surely there must be a way to contest this on the basis of public safety. If there is merit to this possibility, I urge you to act quickly.

Dr. Owens thanked Dr. Kinsora for his statement.

Dr. Lenkeit stated that this type of measure has been in a lot of other states; it has passed in other states. He believes the way it has been interpreted is, AB244 says that a person can have an observer of choice present throughout the "examination" – Dr. Lenkeit thinks examination should be defined as a clinical interview only, psychological testing is an evaluation, it is not part of an examination/the entire process. Therefore, the client cannot have the observer present. Dr. Lenkeit reiterates that he believes that is the interpretation in other states.

Dr. Owens asked DAG Ward what his opinion as the attorney for the Board given Dr. Kinsora and Dr. Lenkeit's statements would be. While DAG Ward expresses his statement is not an official AG opinion, but it is his recommendation and opinion – psychologist and licensees should never disobey the law. If there is a statute or law, it is his suggestion that the licensee follow it. However, DAG Ward does provide some hypotheticals, such as: when the Plaintiff or defense attorney says you are going to be evaluated by court order and therefore they want to be there – hypothetically, what if the psychologist or psychiatrist implemented a disclaimer or waiver procedure which needed to be signed, and would not be released to the public, or put on the website, it is only to protect the licensee. DAG Ward believes licensees should be able to inform others that there is a concern to public safety if anything were to get out or be released to the public if the licensee complies with AB244. DAG Ward expressed his sentiment that he is not sure what else can be done. There is nothing else that can be done once a law is passed. DAG Ward cannot suggest that the licensees not follow the law because a licensee feels that their ethics override the law. He provides an example of a journalist; the journalist will say they will not disclose a person who gave them information then the Judge makes the decision to hold that person in contempt and put them in jail. DAG Ward cautions the licensees that a Judge can hold any person in contempt for not following the law.

Dr. Owens then posed a question, can the statutes of the Board clarify what Dr. Lenkeit said about the examination being only the clerical interview? Yes, DAG Ward does believe the Board can clarify or at least enact whether it is in statute or regulations to protect the Board's licensees. Granted, it may be in conflict with AB244, but that is something to deal with down the road. That would be an avenue or vehicle to attempt to resolve this problem.

Lobbyist Laxalt believes this Bill impacts all the healing arts, so there are quite a few professionals affected by this Bill. Lobbyist Laxalt asked DAG Ward, are other Boards doing anything to standardize how they are reacting to this Bill? She believes mental health is going to be impacted due to this Bill. Is there any unity for standardized regulation about the impact? DAG Ward says no, and he represents numerous other boards.

Dr. Owens reminds the public their comments are limited to 2 minutes and with that, opened the floor.

Dr. Jones-Forrester commented that she had 2 points: she is a neuropsychologist that does aeromedical waivers and fitness for duty evaluations. She acknowledged the Board and thanked them for their official statement and support for a similar issue made in October of 2018, regarding public safety and threat thereof to third party evaluations in particular. She acknowledges this is not simply a local issue or an issue

of individual practitioners, in neuropsychology, all of the national boards have made it clear that third party evaluation affects data and is unethical to present data in that scenario. Dr. Jones-Forrester does not feel it is appropriate where an evaluation should be conducted when the data is clearly invalid and against the rules of her professional organization, she confirms she believes it undermines professionalism also. She really appreciates DAG Ward's perspective on the legal implications. Dr. Jones-Forrester asked the Board to support them as they did in 2018, but also put in specific language how to guide them how to navigate this when asked to go against their own ethics and organization. It truly puts the licensees in a very difficult position. Dr. Jones-Forrester is very concerned about the public safety risk and reiterates that it undermines ethics and reputation. She thanks the Board and asks for continued support on this issue.

Dr. Etcoff is disappointed that the Board cannot do anything more strongly for the licensees, but, one thing he asked DAG Ward is, how do they get the Nevada Supreme Court involved as it was in 2021 with the previous for law restricting practice? He hopes there is a means to ask or petition the Supreme Court to once again rule against the law, which is about the money and "they" want to prevent neuropsychologists from doing these types of evaluations (as it costs them a lot of money). It is Dr. Etcoff's opinion that no psychologists should do this work, period. He believes if it is done, it would enable and cause someone to breach ethical guidelines, forensic guidelines, precepts. The research, as Dr. Kinsora stated, shows it simply should not be done. He expresses the most that can happen is record reviews and no IMEs should be conducted until the law is changed. Another part of the law that Dr. Etcoff believes is terrible is the threat of lawsuits against psychologists. He questions why a person would put them into a situation that would allow them to be sued, especially if a differing of opinion is a valid excuse for suit from the Plaintiff (if you were hired by the defense). When the Plaintiff is evaluated by a neuropsychologist, that neuropsychologist does not have a third party in the room, does not audio tape, does not video tape, and does not put at risk the neurological and psychological test. Why would only the neuropsychologist hired by the defense have to go through this procedure? Shouldn't the law be the same across the board, to be fair to everyone? Dr. Etcoff expresses the law is unfair in that sense. He asks the Board to do whatever they can to advise they strongly disagree with this law. He ends by sharing that he will not do another IME under these conditions.

Dr. Chapple-Love is present today as an ECP practicing in forensic psychology and as the NPA of the Nevada Psych Association. She believes she originally brought up her statement in May as she has a major concern now as she had then. NPA believes it is in theirs and the Board's interest to align to better help protect Nevadans, which is a major concern. She believes there will be a lot of people who will not do these evaluations, which evaluations are sorely needed throughout the state. Dr. Owens thanked Dr. Chapple-Love.

Dr. Belmont added that it is not isolated to a Nevada problem. Believes these measures are going to infect other states and potentially Canada, basically any jurisdiction that uses these evaluations. It will affect test validity. It is not just a Nevada problem. She expressed that protecting public safety for Nevada is the biggest point, but she believes every other state should also be protected before this law infects them.

Dr. Lang wondered if DAG Ward thought the Board had standing to seek injunction against the law as it is affecting so many? As an alternative, Dr. Lang asked if DAG Ward can ask the Attorney General for an official opinion given it is inconsistent with the last Supreme Court case. In response, DAG Ward indicated that this is not an official AG opinion, but he does not believe the Board has standing to seek an injunction for relief from AB244. He indicated the Board can request, in writing, for an AG opinion, which DAG Ward would assist the Board with preparing to put on the agenda. DAG Ward believes the AG's opinion would likely say something similar to DAG's earlier opinions. The AG cannot advise or suggest that anyone break the law. DAG Ward likes the idea that everyone digs in their heels to deny performing IMEs because it violates their ethics. Then the Board has to consider whether to bring an action against that licensee. Then maybe that licensee could bring their suit to the Supreme Court as unconstitutional, but that is a scenario that is 3-5 years into the future. It would be a long, drawn-out way to bring this discussion to the Supreme Court, but it cannot just be brought to the Supreme Court without foundation. There must be an action brought to advance to that level to be in front of the Supreme Court.

Dr. Owens asks DAG Ward, if the Board were to seek an AG's opinion and to seek information from national boards and organizations and ethics' code, not just referring to AB244, is it his opinion that essentially the only thing that can be done is that a licensee simply refuses to do the examination versus it being a violation of ethics and in opposition to public safety? DAG Ward reiterates this is not an official AG's opinion, but states he would not be involved in the AG's opinion because they have a solicited general and solicited assistant general that writes those but if they ask he would inform them he helped build the language for the request. However, DAG Ward would anticipate that the AG would tell the Board that the law must be followed. If the licensee feels that state or national ethics prevent you from doing this, then do not do it. But then where are the psychologists going to come from that are conducting these evaluations? The next question is does the Board have to file an action against the licensee for conducting the evaluation in violation of their ethics? If the Board does, then the defense is that state law requires the third party, it must be recorded, etc.

Dr. Etcoff points out that the base rate for malingering (symptom exaggeration) is conservatively 30%. He has been practicing for 40 years, and he believes that is correct. He poses the idea of how many millions of dollars it will cost the economy, the insurance companies, the state of Nevada to give people who are exaggerating in order

to receive money they do not deserve. He believes it will be wasteful for people who are not evaluated properly.

Dr. Kinsora addresses that the idea that the licensees give protected test materials to attorneys with the agreement that they protect them is worrisome. For example, the NFL used prior test materials to coach the players. So, in his opinion, they cannot put the test material into the hands of the attorneys, despite their ethical guidelines. He believes the licensees need to protect the test materials from everybody. With regard to following the law, if a law is created that tells the licensees that they have to torture the patient in order to get the truth out of them, they must refuse to take the case per their ethical guidelines. Why can't the Board create a guideline that prevents licensees from taking a case because it violates their ethical guidelines? He points out that no one forces the licensees to perform these tests, so they have to choose to not perform them and tell people to walk away when it is demanded. Dr. Etcoff expressed his shared sentiment.

Dr. Kuhl is a military psychologist and practicing in part-time forensic psychologist. He believes if it is appealed to the Nevada Supreme Court, they should consider the perception of the public and competing philosophies where they can see an opposing expert as a "hired gun". It is important to note that the role is not only to protect the client they are evaluating but also the public. If their tests are invalidated there is no potential way to get to the truth of the matter. The only way to protect the public is to preserve their test security to preserve truth. There is no way to do that if the tests are null and void. Sometimes the public may look at psychologists with a more sinister light.

Dr. Belmont wanted to add that as Dr. Kinosora and Dr. Etcoff noted, the law is about lawsuits, about personal injury litigants being able to beat licensees. She thinks the bigger picture is the protection of the public. She believes they will be taking services away from patients who need them, and it is not limited to personal injury cases, it is criminal work, people who are seeking information for educational purposes (ADHD, whatever that is, people who want to pass the bar exam but cannot because of complications), physician safety. There are so many different types of evaluations and services being removed that patients are not going to be able to receive, because the licensees will not provide these types of services. So, it is causing more damage to Nevada.

Dr. Lenkeit states that this is not just a Nevada issue, but that it has been brought up in other states. He indicates it has been implemented in other states and believes it will be important to look at those other states to see what they are doing, specifically for a work around. Dr. Lenkeit says that in other states, an observer can be present during an interview only and it does not expose the test material. He isn't sure what others think about this work around, but he believes it will be extremely difficult. Especially

considering this law has been enacted in other states and to his knowledge it has not been overturned by the Supreme Court.

Dr. Pearson asked if anyone knows how other state Psychology Boards have responded to similar legislation in their states. Dr. Lenkeit states the one state he knows about has not responded at all. The way it has been implemented is, yes you can be present during a clinical interview but no you cannot be present for psychological testing.

Dr. Benuto understands there is a subset of psychologists that will not be performing these evaluations, but her concern is that test security will be undermined as other psychologists may choose to participate in this process. This will have a significant impact on the field, not just the state. She reminds the Board of Dr. Kinsora's position that the psychologists refuse to conduct these types of evaluations so they are not violating their ethical guidelines but staying within the confines of the law. Dr. Benuto poses a question to Dr. Owens and DAG Ward, is the Board able to advise licensees of that? Dr. Owens deferred to DAG Ward. DAG Ward states the Board cannot implement a policy saying, licensee, you cannot do these interviews. The Board does not have that authority because there's a statute that would – a Board policy cannot override a statute or a regulation. A Board could adopt a policy for a complaint or administrative hearing, though. He would not suggest a policy saying the Board is going to prosecute a psychologist for conducting an examination while there is a third party in the room. One he believes it would be challenged as constitutional because it conflicts with a statute. He expresses that he believes the Board's hands are tied. DAG Ward thinks a way to challenge it would be for a psychologist or licensee to say they will do this and not obey the law, then be held in contempt by the Judge, they would have to hire an attorney, and bring it before the Supreme Court, indicate it is unconstitutional, ethically they cannot do this, etc. However, this would be time-consuming. The AG's office would not be able to represent that person should a licensee decide that route. It would be on the licensee to decide that. DAG Ward does like the idea of all the licensees saying no due to the third party and maybe setting their own confines within the law.

Dr. Owens asked DAG Ward if the Board can write a statement that discourages people from going against their ethical commitments. While Dr. Owens states she does understand the Board cannot tell people not to comply, she is wondering if a statement can be prepared that illustrates the ethical dilemma that discourages people from going against their ethical commitments. DAG Ward believes the Board expressed their opinion since 2018, that this is going to hurt the testing. The Board can issue a statement or policy and the Board can encourage its licensees to abide by the state and national ethics and not do anything unethical, even if there is a law that allows them to go outside of the ethics. Yes, the Board can take a stance. If it does, he suggests the language is put on the agenda and worked on with regards to AB244 to what the

licensee should or should not do with respect to complying with their ethics. The Board can adopt language to take a stance as the Board.

Dr. Holland asks if it would be feasible to include something, some educational information, for new licensees and renewals to educate the Board's psychologists about the dilemma. Even have them potentially sign something that says they have read the material. The Board would not tell them they cannot take a referral, but believes it is the role of the Board to inform the psychologists. Maybe it should be looked at from a different perspective since they cannot change the law. Instead, the Board should take a stand to educate psychologists more by attaching something they would need to acknowledge when they reup their licenses and apply. DAG Ward would have to look at the Board's regulations in regard to the application and/or renewal application to see if there is anything that can be done. There is a possibility to warn licensees to be aware of AB244, and leave it at that nature. DAG Ward said the Board cannot encourage them to not follow the law, but you can encourage them to be ethical.

Dr. Benuto informs the Board that in the past she knows that CEU requirements have been modified in the past on suicidality and ethics. Therefore, would it be possible to have a required CEU on the importance of test security? DAG Ward said yes, the Board has the authority under its regulations to require a CEU on testing, etc. He would have to review the Board's regulations, but believes it is possible. Simply put, the Board may just have to enact a regulation.

Dr. Owens points out there a few options to be considered and on the table. First, a statement on the Board's position relating to AB244. The other option would be asking for an AG's opinion. In terms of an AG's opinion, what Dr. Owens would want to happen is to have something beneficial and not more ammo or fuel for others to say that psychologists do not have to comply if they do not want to. If that is the only response that would come out of an AG's opinion, Dr. Owens is not confident that it would be especially helpful, but she is open to others' views. If there is an option that the AG's opinion would actually support it being in conflict with ethics and standard of practice, then she would be in favor or seeking an AG's opinion. The third option would be to clarify that an examination is just the clerical interview and not the testing. It sounds like this would need to be written into NAC, as soon as possible. Dr. Owens also mentions Dr. Benuto's suggestion for a CEU on test security. Dr. Benuto is concerned the CEU or Dr. Holland's suggestion is the delay for people to receive licensure. There broader issue is that there are a subset of psychologists that will adhere to the ethical code and refuse to do these evaluations, but the concern is those who are not going to. Also, she is worried about this being a financial avenue for those who do not have a strong background in assessment training and those individuals would be less likely to comply with respect to test security. The slow nature of going to the Supreme Court, CEUs, etc. would be too late because it only takes a few

of those test materials to be exposed in order for the information to be widely disseminated.

Also, Dr. Kuhl indicates that from a Legislative standpoint it should also be considered including test security within the Board's ethical training. So, there is exposure that way. Secondly, he believes they should be realistic with impending AI, some of the test security as it is already out there so it cannot be eliminated but more so minimize test security exposure. If anyone knows any colleagues doing this practice, they should be mindful to approach those colleagues as they may not know. But believes the conversation is important while considering other psychology and avenues.

Dr Jones-Forrester believes other states have resisted, believes Iowa is one. She is wondering if it would be helpful to the Board for those of them working on this topic for about a decade, would it be helpful to the Board to do research regarding what has been done in other states? How can they assist the Board, especially if it has been done really well elsewhere? Dr. Owens would like a bit of a conclusion about the next steps, but would appreciate expertise and guidance on the steps that will be taken to make this as helpful and useful as possible without reinventing the wheel.

Dr. Owens will accept 2 more comments before she wants to drive to a conclusion.

Dr. Etcoff suggested everyone attend the Second Annual Forensic Psychology Meeting and Workshops in Scottsdale in September 21-23. He expresses it is an amazing workshops with a zillion topics being taught by the most experienced people in the country.

Dr. Owens asks in regard to the Board issuing a statement on AB244, who would be in favor. Dr. Benuto, Dr. Holland, Dr. Esmaeili, and Dr. Pearson all support this option.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved that the Board should create and issue a statement on AB244. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0.

Dr. Owens asked if anyone on the Board would like to work with Dr. Jones-Forrester and Dr. Kinsora to work on drafting the statement. Dr. Benuto indicated she would be happy to work with them on that and stated she believes Dr. Kinsora has a great starting point. Dr. Holland shared the same sentiment and indicated she would be willing to take the lead on this to take Dr. Kinsora's information to prepare a statement. With that, Dr. Owens states that Dr. Holland will work with Dr. Jones-Forrester and Dr. Kinsora to prepare a statement which will then be shared with Dr. Benuto before it is brought to the Board during next month's meeting. She would like a nice tight turn around. Dr. Owens invites all members of the public to attend next month to make

comments, suggestions, etc. The intent is that it will be statement to share with registrants and licensees.

The next suggestion is for an AG's opinion. Dr. Owens believes the pros and cons have been discussed. She reiterates her concern that she does not want to do something that would "shoot [the Board] in the foot" but instead her intent and hope would be that the AG's opinion would be in support of the dilemma regarding ethical concerns and safety of the public. She does not want an AG's opinion to be what they already know: the licensees can refuse to do these services or that it will not demonstrate what the Board wants, she does not believe it makes a lot of sense to go this route. DAG Ward again reminds the Board and public that his opinion is not an official AG's opinion, but essentially what the Board would be asking in seeking an AG's opinion is about a conflict in the laws, which is generally sought through an AG's opinion. This is exactly what the Board would be seeking. He does believe the AG's opinion would notate there is a conflict with AB244 and the ethics and that the licensee would have to make a determination therein. DAG Ward does not believe it would be a waste of money or time, but believes it is the best route to get an official AG's opinion. If the AG could demonstrate that the law is in conflict with the Board's ethics, she does believe it could be beneficial to the Board's argument. However, she will defer to the experts to determine if they believe it would be helpful or not (Dr. Jones-Forrester, Dr. Kinsora, Dr. Beaumont).

Dr. Kinsora is concerned an AG's opinion would be counterproductive. He thinks attorneys believe they can be handed confidential information that will be protected per the attorneys' ethical guidelines, despite many examples otherwise. Unfortunately, the temptation when money is involved to share and seek confidential information is too high. The attorneys do not have the same confidential ethical protections that psychologists have, so a compromise would simply be unacceptable to psychologists. So, Dr. Kinsora believes it would not be beneficial. Dr. Owens responds by stating that she believes DAG Ward is indicating that the AG's opinion would demonstrate the conflict for the psychologists between the law and the Board's ethics and how that may bolster neuropsychologist and other psychologist who may use this as an avenue for revenue, which may dissuade them. So, the AG's opinion would not have anything to do with the attorneys, but more of an advisement to psychologists about it being in violation of the ethics. If the opinion was confined to that specific matter, per Dr. Kinsora, he would be in favor but he's concerned it would be beyond that. Dr. Owens believes the question can be phrased in a specific way so that the AG's opinion responds specifically to the question and not opine further beyond the question. The question would be simply, does AB244 conflict with the Board's ethics. Dr. Kinsora and Dr. Etcoff believe that would work, if that is the case.

Dr. Hollands says she thinks it is a risk that she is unsure if the Board really wants to take. From DAG Ward's thoughts and other comments, she asks, if the Board does not

ask for an AG' opinion, would that be okay? Dr. Owens state as she talks though the issue, the AG's opinion may be redundant to what is already known and will be in conjunction with the statement with Dr. Kinsora. DAG Ward reiterated that he would assist the Board in order to define the question, and while the AG may respond as predicted there is also a chance the AG's opinion opines that a psychologist could get a court order to protect themselves, no one put the information on the website, etc. He confirms there is a risk that in addition to the specific answer, they also opine further regarding the licensee's position of violation as opposed to a licensee simply stating no because their ethics prevent them from conducting the examination. Dr. Owens reiterated that it sounds like the Board believes it is too risky.

The third option is Dr. Lenkeit's thoughts to clarify "examination." She asks Dr. Lenkeit if other states have interrupted it through statute or an informal interpretation. Dr. Lenkeit indicated he was not certain but believes it is a more informal interpretation.

Dr. Pearson asks if there is a way the interpretation can be included in the statement from the Board as a way to incorporate for psychologists to interpret AB244? DAG Ward stated comment cannot be made until the language is seen, so he had no comment regarding the legitimacy or language to be used. Dr. Holland shared her concern again about the risk. As a psychologist, they can choose not to accept a reference, but once they accept a referral, there is an obligation to conduct an evaluation or examination and that is where the interpretation lies. Whereas someone else is saying what an examination is. Her thought is maybe less is more and a psychologist should not have to accept a referral if it is against the licensee's ethics.

Dr. Owens pulled up NRS, NAC. There is a defined definition for telehealth, and therefore as it pertains to examination, would it be helpful to define examination versus assessment or another type of examination. Dr. Belmont believed this option may be a compromise and a way to provide good faith that the licensees want to comply and follow the law and provide these services, but that the observation and recording has to be limited to the interview. It is a compromise she has made previously to pacify the request. The struggle lies with determining how to put that into the language, however, this may be the best option. Dr. Etcoff agreed with Dr. Belmont. He said it is a way to point out that the testing must be protected, and the licensees are willing to do whatever it takes ethically to perform these evaluations and this option shows they are trying. Dr. Lenkeit would like to see it written into NAC to be defined. He shared the compromised position thought. Dr. Holland was curious how long it could take. Dr. Owens said six months and Dr. Lenkeit said not as long as a Supreme Court case. Dr. Belmont said there is a provision in Iowa that protected test data only goes to a licensed psychologist within the United States that is in accordance with their state laws. She believed it would be nice for Nevada to do something similar with respect to AB244. She will find the statute and share it with the Board. Dr. Lenkeit confirmed he believes it would be beneficial to define psychological examination and also to state that

they cannot release the test data to anyone. Dr. Owens said six months, but if someone focused their time on it, while they may not be able to pass it in six months, the record could be plead and it could be known that there will be a difference. Dr. Owens does not want to be the one who takes on this task as she does not do testing. Dr. Lenkeit stated he would be willing to work on it with someone else. Dr. Pearson confirmed she would be a second set of eyes if Dr. Lenkeit drafted the language first.

Dr. Owens asked for a motion to approve Dr. Lenkeit and Dr. Pearson to create language defining an examination. Dr. Lenkeit confirmed the other language will be to prevent or prohibit test data from being released to anyone other than a licensed psychologist. The word Dr. Lenkeit would be psychological testing. Dr. Kinsora wondered if the wording should be administration of standardized test because a lot of people misunderstand testing to include a talk test or diagnostic examination that involves just talk. Dr. Lenkeit encourages Dr. Kinsora's involvement in language drafting. Dr. Owens thinks the word examination could be in AB244, so she wanted to confirm that the Board creates a definition about that that is just the clinical examination and the administration of the standard test is just that, about standardized tests.

On motion by Stephanie Holland, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved that Dr. Lenkeit and Dr. Pearson should create language defining an examination and a definition of standardized testing and additional language regarding the prohibition to release test data to anyone but a licensed psychologist which will be drafted by Dr. Lenkeit and Dr. Pearson. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Catherine Pearson.) Dr. Soseh Esmaeli was not involved with this vote as she was temporarily unavailable from the meeting, but the Board still held quorum. Motion Carried: 4-0.

Dr. Owens thanks everyone and encourages everyone to appear at the next Board meeting to further discuss. Executive Director Arnold confirmed the meeting is August 11, 2023.

6. Board Needs and Operations

- A. (For Possible Action) Discussion and Possible Action to Select Officers for the State of Nevada Board of Psychological Examiners for a One-Year Term from July 1, 2023, through June 30, 2024, from the Current Board Membership: Monique Abarca, Lorraine Benuto, Soseh Esmaeli, Stephanie Holland, Catherine Pearson, Whitney Owens, and Stephanie Woodard. Officers to be Selected may Include President, Secretary/Treasurer, Continuing**

Education Review Officer, Non-Resident Consultant Application Review Officer, and Exam Officer.

Executive Director Arnold reminded the Board of the positions that still needed to be selected were Secretary/Treasurer and the CE Coordinator. Monique Abarca, the current CE coordinator, was not present. Dr. Owens indicated she believed the Non-Resident Consultant Application Review Officer and Exam Officer also still needed to be confirmed. Dr. Holland believed she thought they would wait for today's meeting to confirm if anyone else was interested in the ATEAM position.

Dr. Pearson was not present during the last meeting, so Dr. Owens inquired if Dr. Pearson would be interested in any of the open positions. Dr. Pearson would like to hold off on the other positions if the ATEAM is still something the Board needs to vote on.

Dr. Owens asked Dr. Benuto if she had put more thought into the Secretary/Treasurer position. Dr. Benuto shared she is happy to give the position to anyone else that may be interested in the position, but she is happy to accept the role if there is a need. Dr. Owens informed Dr. Benuto she does not believe Dr. Benuto would be overwhelmed due to the Board Office being in such a nice, clean position. Executive Director Arnold confirmed she will work closely with Dr. Benuto to assist with the role.

For the Continuing Education Review Officer, Dr. Owens assumed Ms. Abarca will be interested in remaining in this position assuming her renewal application is approved.

Dr. Owens asked if Dr. Holland wished to stay as the Exam Officer as Dr. Owens shares what a great job she does at this role and that Dr. Holland knows more about the role than anyone else on the Board. Dr. Holland confirmed.

On motion by Soseh Esmaili, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved Dr. Benuto as the Secretary/Treasurer, Monique Abarca as the Continuing Education Review Officer, and Dr. Holland as the Exam Officer for the Fiscal Year 2023 to 2024. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0.

- B. (For Possible Action) Discussion and Possible Action to Select the Membership of the Application Tracking Equivalency and Mobility (ATEAM) Committee for a One Year Term from July 1, 2023, through June 30, 2024, from the Current Board Membership: Monique Abarca, Lorraine Benuto, Soseh Esmaili, Stephanie Holland, Catherine Pearson, Whitney Owens, and Stephanie Woodard.**

Current Members of the ATEAM Committee are Soseh Esmaeili, Stephanie Holland, and Catherine Pearson.

Currently on the ATEAM is Dr. Esmaeili, Dr. Pearson, and Dr. Holland. Dr. Owens asked how they felt to continue as the ATEAM. Dr. Esmaeili and Dr. Pearson shared their interest in staying on the Board. Executive Director Arnold reminded the Board that Dr. Woodard expressed interest in being a part of the ATEAM. Due to her absence, this topic was tabled for the next meeting.

C. (For Possible Action) Report from the Nevada Psychological Association.

Dr. Chappel-Love presented the Report from the Nevada Psychological Association. As the Board can see, AB244 is creating issues. Nevada Psychological Association worked on this since before the measure went into law and will continue to work on the topic. Many psychologists for the state were encouraged to show up to today's meeting as it is likely to impact everyone. With their Legislative efforts this year, she was hopeful of and proud of those efforts. There is an upcoming executive board meeting, where she suspects it will be discussed how the Nevada Psychological Association can best assist the Board in giving people guidance and allowing them to make their own decisions regarding what they want to do on their license, while giving up to date ethical information on what they're allowed to do. That is the focus. The Mentorship Program is up and running, which is exciting. Dr. Owens thanks Dr. Chappel-Love.

D. (For Possible Action) Report from the Executive Director on Board Office Operations.

Before Executive Director Arnold began her report, she mentioned that the ASPPB annual conference is coming up at the end of September so that everyone can consider if they want to attend. It is scheduled for September 27 to October 1 in Cleveland, OH.

Executive Director Arnold presented the office statistics spreadsheet. June was extremely busy with licensure applications and state examinations. It far exceeded the other months of the fiscal year and helped the Board end on a very strong fiscal note. The Board currently has 666 active licensees and 108 applications for licensure. Information was also included regarding the data on the applicants and registrations for the Board's psychological assistants, interns, and trainees.

Dr. Owens asked about the applicants versus the registrations on psychology interns. Executive Director Arnold believed the applicants started and never continued, but this was prior to her employment. The Board Office is reaching out to individuals who are close to expiration to help facilitate with their applications. Dr. Owens wonders if it is

about the applicants not coming into the state or realizing they do not have to apply. Executive Director Arnold is not sure as she was not present when those applications were received, but the Board Office is starting with the most critical in terms of expiration and reaching back to see if the Board can facilitate anything. Dr. Owens expressed concern about applicants not being exploited and that the Board is clear on the rules. She would request some data on this in order to try to avoid unnecessary applications since interns do not have to register with the Board if they do not plan to receive Medicaid reimbursement. Dr. Owens believes it should be clear on the website and the language should be permissive. Executive Director Arnold expressed a future goal to address this concern.

Dr. Esmaili wanted to clarify that for the people that are registering for postdoc, does their application expire after a year and then they have to reapply? Executive Director Arnold confirmed that they simply have to pay a registration fee to extend the application for another year. What if the contract is a two-year contract, per the laws does the applicant then have to pay the extension fee for the second year. Executive Director Arnold will have to further confirm but believes there is language that allows for a second year. She would like to really scrub the regulations regarding a licensee asking and being granted a two-year registration. Any extension after three years would have to be sought through Board approval.

Executive Director Arnold wanted to share with the Board a little about what Assistant Executive Director Weaver and her have been doing since Assistant Executive Director Weaver started in early June. For starters, the new computer came in at the beginning of June, and the Board Office set that up and it is running. They also worked with EITS to get a new state email address for Assistant to Executive Director Weaver's position. It is a similar email, with its reference being administrative, and Executive Director Arnold advised the Board they will likely see emails from Assistant Executive Director Weaver from that address. Executive Director Arnold expressed that Assistant Executive Director Weaver has been a life changer for her in this role in terms of getting the office organized and taking care of the paper filing backlog. Assistant to Executive Director Weaver has also taken on preparing all meeting minutes, and the Board Office is working together to put Assistant Executive Director Weaver in charge of application processing and ensuring she makes a comfortable transition into taking ownership of that aspect of the office operations. Assistant to Executive Director Weaver is also working on a records retention research project to help create a records retention policy and to be able to come to the Board with proposals for dealing with some of the old files and information in the office.

Executive Director Arnold informed the Board that Assistant to Executive Director Weaver has about two decades in the legal field, currently owns her own paralegal

business, and holds a master's degree in leadership and management. This Board is certainly getting a lot of bang for its buck in Assistant to Executive Director Weaver.

Finally, Executive Director Arnold is nearly finished with a project regarding the Board's regulations being disjointed between what is publicly published and available, which is from 2016, and the amendments to those regulations that have been approved at various times since 2018, but never incorporated into the published version. Executive Director Arnold has created a document that is the Board's regulations with all of the amendments identified on the Board's website incorporated into it. This document includes both internal and external hyperlinks throughout for ease of navigation, and also includes some comments in the form of footnotes to identify an anomaly or a link to a reference that is no longer valid. It is still in draft form, as Executive Director Arnold works out a few kinks in a few of the hyperlinks and is doing a final review and proofing to ensure accuracy. Executive Director Arnold has also since discovered additional regulations that were approved, but are not available on the website, that she wanted to include in the fully incorporated regulations document. Her vision is to come back to the Board with the final version for consideration about how to make it available *for informational purposes only* to the Board and the public. Because this is not a product of the LCB, it cannot be an official document. It's just intended to be helpful and to have a single document in which to consult the regulations as they should currently be. With that, Executive Director pulled up the document and discussed the revisions. Dr. Owens thanked Executive Director Arnold and pointed out that the LCB is so incredibly behind on this, which makes it hard for the Board. Having this information in one place will be incredibly helpful.

Dr. Feil indicated she felt this would be very beneficial to applicants and wanted to know when it will be available to the public, especially for someone like her who is an out of state psychologist looking to apply to become licensed in Nevada. Executive Director Arnold indicated she would be happy to share the document but did reiterate it is in draft form and still needed future revisions. Dr. Owens confirmed there is no concern sharing the document with Dr. Feil.

No further questions or comments were made.

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

- A. Complaint #19-0626
- B. Complaint #22-0930
- C. Complaint #23-0303

DAG Ward presented that Dr. Lenkeit, Dr. Young, Executive Director Arnold, and he met and those meetings are not subject to the open meeting law. These meetings are not under the open meeting law and are exempt from the open meeting law. Nothing has changed. During this meeting, they discussed the three listed complaints, as well as other pending complaints. DAG Ward and Dr. Lenkeit are available to answer questions should the Board have any questions or need to discuss specifics. They may have to have a hearing on one, they may have to add an agenda item for neuro feedback and licensing and biofeedback and licensing (under 2303) where a cease and desist letter may need to be discussed, which may need to be placed on the agenda for a future meeting. Dr. Lenkeit had nothing to add.

Dr. Owens acknowledged how short the complaint list is, but that it does not mean the Board Office is not receiving complaints with the exception of complaints that are not relevant to the Board's licensees.

No further questions or comments were made.

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

Dr. Owens requested approval for the following upon completion of licensure requirements: Monica Larson, Alexandra Montesi, Alexandra Matthews, Dalea Alawar, Stephanie Gstettenbauer, Danielle Miro, Margaret Jones, Jessica Liberman, Dallas Boyce, Elena Gavrilova, Leslie Feil, Katherine Beckwith, Leandrea Caver, Susan Chamberlain, Mary Lou Ancheta, Rachel Attya, Gail Shen, Anthony Bean, Kara Christensen, Osvelia Deeds, Amanda Wallick, and Steven Covelluzzi.

On motion by Esmaeili Soseh, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the above upon completion of licensure requirements. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0.

Dr. Owens expressed this is the longest list she has read and is a testament to how many applications the Board has received.

A. (For Possible Action) Discussion and Possible Action to Approve Dr. Melissa Stolsig's Application for Licensure.

Dr. Owens reviewed Melissa Stolsig's Application. Dr. Stolsig has been licensed in California since 2019, in Colorado and Florida since 2021. She attended the Chicago School of Professional Psychology in Los Angeles, which became APA accredited in 2018, but it was not APA accredited when Dr. Stolsig graduated. The ATEAM reviewed Dr. Stolsig's Application and did not have any concerns. Dr. Stolsig completed more than enough supervised hours for postop and the course work aligned with the criteria. The ATEAM approved Dr. Stolsig's Application and recommended the Board also approve. No further concern or comment.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved Dr. Melissa Stolsig's Application. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0.

B. (For Possible Action) Discussion and Possible Action on Dr. David McIntyre's Reinstatement of his License.

Dr. McIntyre has requested reinstated to have his license reinstated after non-renewal during the last renewal period. He also stated that he currently is licensed and practicing in Arizona. The Board confirmed he is in good standing with the Arizona Board. After reviewing his CE information Dr. McIntyre provided additional information regarding the same. Executive Director Arnold confirmed Dr. McIntyre had more than enough CEUs. No questions for reinstatement.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved Dr. David McIntyre's Reinstatement of his License upon payment of his reinstatement fees. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0.

C. (For Possible Action) Discussion and Possible Action on Dr. Lisa Rhee's appeal of the ATEAM's May 12, 2023, Decision Denying her Application for Licensure.

Dr. Lisa Rhee was an applicant for licensure whose initial application indicated she went to an APA-accredited program, but whose PLUS application revealed a discrepancy that required ATEAM approval. In reviewing Dr. Rhee's application and supporting materials, the ATEAM denied Dr. Rhee's application for licensure based on her internship not meeting Nevada's requirements. Dr. Rhee has appealed that decision.

In her initial application for licensure, Dr. Rhee indicated that her educational program – UCLA's Education Department and the Psychological Studies in Education program – is APA accredited. Upon review of the PLUS application, that accreditation was not

verified. In looking at the APA's accreditation website, it appeared that UCLA's Education Department and the Psychological Studies in Education program are *not* accredited by the APA.

The ATEAM first reviewed Dr. Rhee's application during its April 7, 2023, meeting. Dr. Holland had initially been assigned to review Dr. Rhee's application, but when she was unexpectedly unable to attend that meeting, Dr. Esmaeili and Dr. Pearson reviewed it and both had several questions on Dr. Rhee's coursework and internship/supervision. Dr. Esmaeili and Dr. Pearson decided to postpone any determination on Dr. Rhee's application until Dr. Holland returned and they could include her review of the application.

In advance of the May 12, 2023, ATEAM meeting, Dr. Holland provided her review sheet in which she indicated that Dr. Rhee's application would be denied based upon Dr. Rhee's internship, which had been supervised by an unlicensed psychologist and spanned over 4 years and because her degree is focused on research and not clinical work. During that meeting, which Dr. Rhee attended and in which she participated, Dr. Holland and Dr. Rhee talked at length about Nevada's specific requirements and guidelines as they related to Dr. Rhee's education and experience and Dr. Holland not knowing how she could get around those requirements. Dr. Rhee provided some information about her internship, and also noted that, since applying for licensure in Nevada, she became licensed in Texas and New Mexico. She also stated that she has met all of the requirements for licensure in California, only needing to pay the licensure fee to be licensed there. Dr. Rhee also explained that the opportunity she has to work in Nevada is to work with agencies that provide ADA services to clients who need diagnostic evaluations and help address the extensive waitlist that currently exists.

In appealing to the Board, Dr. Rhee has provided additional explanation regarding her internship and coursework, and stated that she is applying for licensure with the intent of providing diagnostic services for children with development concerns in the community.

Dr. Owens separately reviewed Dr. Rhee's application earlier in the week and confirmed she does not meet the criteria for licensure in Nevada. However, Dr. Owens is not sure how she was licensed in New Mexico, a green state, since they also have the APA requirement. She further confirms the internship and coursework also do not meet Nevada standards. While Dr. Owens believes it is unfortunate, she does not know how the Board can approve Dr. Rhee's application, despite the need for Dr. Rhee's services. Dr. Holland indicates Dr. Rhee does not meet the equivalency for multiple reasons, but it was discussed that Dr. Rhee come to the Board and appeal the decision based on the need in the community. But, Dr. Owens stated that the equivalency would not be there even if Dr. Rhee were to ameliorate other concerns of the application. Dr. Benuto agreed with Dr. Owens' point.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners denied Dr. Lisa Rhee's Application. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 5-0.

D. (For Possible Action) Discussion and Possible Action on:

- i. the Request for Psychological Assistant Tracy Basile to be supervised by Dr. Christopher Shewbarran (PY1022), a licensed Psychologist who has had supervised supervision and supervision coursework, but who has been licensed for less than three years.**
- ii. Granting Dr. Soseh Esmaeili an Exception to the Number of Supervisees she can Supervise in Order to be Able to Supervise Psychological Assistant Tracy Basile.**

After looking at all of the data over the past three years, Dr. Owens wanted to confirm that the decision to waive the three-year requirement was consistent with past decisions. She confirmed it has not been done a lot but, in some circumstances, this has been waived. For instance, in the past it was waived due to the person being the only individual to provide the specific kind training in the area. Dr. Owens thinks she would be comfortable with waiving the three-year requirement for Dr. Shewbarran with the understanding that Dr. Esmaeili can provide backup.

Dr. Esmaeili indicated that Ms. Basile needed to work so any delay on voting due to not having quorum may prevent Ms. Basile from future consideration. Dr. Esmaeili stated she does not believe Ms. Basile could hold off for another month to wait for a decision. Dr. Lenkeit proposed that a brief 10-minute Board meeting in a week that may resolve the vote before the next Board meeting. Dr. Owens wondered if Dr. Benuto could jump back on for the vote today. Executive Director Arnold called Dr. Benuto to request that she attend the meeting again for purposes of the vote. Dr. Benuto called back in to the meeting to participate in the vote on this agenda item.

On motion by Lorraine Benuto, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved waiver of the three-year requirement to approve Dr. Shewbarren to supervise Tracy Basile with Dr. Esmaeili as a secondary supervisor. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Catherine Pearson.) Motion Carried: 4-0. Soseh Esmaeili recused herself from the vote.

9. (For Possible Action) Discussion and Possible Action on the June 28, 2023, meeting of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

Dr. Owens indicated it was a lively Ad Hoc Committee, but that they were getting closer. Dr. Paul brought some ideas per Dr. Owens during the last meeting revolved around calculating how many supervisees a supervisor can have. A discussion was held regarding ethical reasons why specification about how many supervisees a supervisor can have. Dr. Owens believe it is more than sufficient in order for a supervisor to have plenty of supervisees while protecting the public. There were discussions regarding no limitation on psychologists regarding how many patients can be seen and other discussion. The discussions seem to revolve around the number of lives that could be affected. The Ad Hoc Committee is hoping to have some recommendations for the Board in August around limiting number of supervisees, changing the three-year requirement to more of a competency based approach. The Subcommittee is so far not in favor of registering supervisors, but creating some of the other requirements to sure up the supervising requirements.

No further comment or discussions were held.

10. (For Possible Action) Discussion and Possible Action on Dr. Gary Lenkeit's Proposed Addendum to the Board's Complaint and Disciplinary Policy regarding Court Ordered Evaluations and Court Ordered Psychological Services.

Dr. Owens had a point of clarification she wanted to ask Dr. Lenkeit regarding the addendum to complaint policy for court ordered services as she does not address this type of work. The provision she wanted clarification on indicates "a complaint may not be filed with the licensee is under court appointment to provide the particular psychological service." With that, Dr. Owens asked Dr. Lenkeit why the complaint would not be able to happen while they are under the services. Dr. Lenkeit stated that some people are under court order for services and they do not want those services, so this may be an avenue to terminate those services by filing a complaint. Dr. Owens wanted to know if there was an argument to be had about a psychologist actually engaging in unethical or problematic behavior do they need to preserve a pathway for valid complaints. Per Dr. Lenkeit, the pathway would be for the individual to go back to court to have them removed, then file a complaint against them. Dr. Owens would like that to be clarified in the language as she does not believe the current language allows for an understanding of a future avenue, which may limit a person's understanding of their options. Dr. Lenkeit supposed that it could be stated that a complaint may not be filed with the licensee is under court appointment to provide the particular psychological service unless the person has applied to terminate services with the court. Dr. Holland

suggested that because they have recourse through the Court. Dr. Lenkeit confirmed that would be better. Dr. Owens believed it would be important to include additional language regarding this topic and then the rest of the policy looks fine to her. Executive Director Arnold to add addendum and revise with the additional information as discussed.

Dr. Pearson wanted to know for the addendum for the court ordered evaluations, the first section about a court order appointing a licensee in the case, at least for court ordered competency evaluations, she sees where the court orders do not specifically name the individual. Dr. Lenkeit is not sure how it is done outside Clark County but does recall the competency evaluations do not specifically name individuals as the person but believes simply a court order would be sufficient. Dr. Pearson is not sure if it is sufficient to ask for the name of the evaluator in the court order specifically for the examination. Dr. Lenkeit believes it would be sufficient to have the evaluation completed. Dr. Lenkeit has previously seen a court order with a letter appointing him to do that in the case of competency. Dr. Pearson confirmed sometimes a formal letter is not provided, but instead it is more of an informal process with the Court order indicating that this is the specific examiner. He is not sure how to revise the language to include this topic. Dr. Lenkeit thinks the language is sufficient, especially when considering family court services, the person would be named. So, a copy of the court order in the case and taking out appointment of the licensee would be sufficient. Dr. Owens thanked Dr. Lenkeit for preparing and believes this will make it clearer for those who need to utilize the pathway.

On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved Dr. Gary Lenkeit's Proposed Addendum to the Board's Complaint and Disciplinary Policy regarding Court Ordered Evaluations and Court Ordered Psychological Services with the changes as proposed by Dr. Owens and Dr. Pearson. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Catherine Pearson.) Motion Carried: 4-0.

11. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates.

A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, August 11, 2023, at 8:00 a.m.

No conflicts, questions, or comments were discussed or presented for the August 11, 2023, meeting date. Dr. Owens warned the Board that this meeting may be longer, again, due to AB244 and the suggested changes to the definitions. She indicated a three-hour meeting should be planned as opposed to the two-hour meeting. DAG Ward will not be present, but will prepare a substitute in his place for the meeting.

B. The date and location for the Nevada Board of Psychological Examiners' next strategic planning meeting.

Dr. Owen suggested the strategic planning meeting be held in Reno. These meetings are critical for the Board at least once a year. The future meeting dates were discussed and are scheduled for September 8, October 13, and November 3 per Executive Director Arnold. Dr. Owens cannot do the September meeting. Dr. Owens believes this will be a single-day meeting, that would not require an overnight stay for those out of the Reno area. DAG Ward pointed out that the strategic planning meeting can be done hybrid with zoom participation so the public may also join the meeting. Dates were discussed between the Board.

The strategic planning meeting is tentatively planned for November 3 after discussion with the Board member's schedules were held. Should Dr. Esmaeili or Dr. Holland not be able to attend in person, there will be a zoom exception allowed, but Dr. Owens urges everyone to attend the meeting in person, if possible. Dr. Owens believes food and flights will be provided by the Board due to the budget status. Executive Director Arnold will send an email to everyone to confirm their schedules and ensure everyone clears their schedules to attend.

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

No public comment at this time.

13. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 10:59 a.m.

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

DATE: August 11, 2023

ITEM:

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

SUMMARY:

As of July 31, 2023, the checking account balance was \$382,641.37. The Board is now operating on the almost \$81,000.00 net revenue for the second biennium deferred income distribution as well as about \$22,000.00 from the other deferred revenue distributions such as late renewal fees, new licensures, and registrations. Nothing has changed regarding the next expected deferred revenue allocations from all sources.

The savings account balance was \$105,052.85.

As we begin the new fiscal year, the Board is at about 4% of budgeted expenditures and about 45% of expected revenue, most of that due to the deferred income allocated to this biennium quarter.

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

7/31/23

		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY24-1 Biennial-Q2 July 2023-December 2023 Budgeted	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
INCOME								
Deferred Revenue								
	Renewals - 7/1/23 and 1/1/24	161,460.66	80,730.33	50.00%	Renewals 23-24 biennium (1/1/23)	80,730.33	80,730.33	80,730.33
	Late Renewals - 7/1/23	31,639.96	15,819.98	50.00%	Late Renewals 23-24 biennium (7/1/23)	15,819.98	15,819.98	15,819.98
	New Licensure and Registrations	15,466.50	6,233.25	40.30%	New Licensure, Registrations, Reinstatements	6,233.25	9,233.25	8,598.34
Regular Revenue	23-24 Biennium Q4 New Licensure and Registrations							1,800.00
	Applications							
	Psychologist Application	10,000.00	915.30	9.15%		5,000.00	5,000.00	4,250.00
	PA Application	3,500.00	930.60	26.59%		1,750.00	1,750.00	1,750.00
	Intern Application	800.00	155.10	19.39%		400.00	400.00	500.00
	Trainee Application	1,250.00		0.00%		625.00	625.00	625.00
	Non-Resident Consultant	800.00	100.00	12.50%		400.00	400.00	500.00
	CE App Fee	1,000.00	30.89	3.09%		500.00	500.00	500.00
	Other							
	Late Fees					0.00	0.00	0.00
	Psychologist State Exam	8,000.00	1,226.56	15.33%		4,000.00	4,000.00	6,000.00
	New and Duplicate License	1,000.00	200.00	20.00%		500.00	500.00	750.00
	Verification of Licensure	200.00		0.00%		100.00	100.00	100.00
	Cost Recovered (Disciplinary)					0.00	0.00	0.00
	Interest, Misc	50.00		0.00%		25.00	25.00	25.00

Total Income		\$235,167.12	\$106,342.01	45.22%	Income	\$ 116,083.56	\$ 119,083.56	\$ 121,948.65
Payroll Expenses		FY23 Budgeted Amount	FY24 Actual	% actual to budget		FY24-1 Biennial-Q2 July 2023-December 2023 Budgeted	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
	Board Salary/Per Diem	9,000.00		0.00%		4,500.00	4,500.00	4,500.00
	Executive Director	50,000.00		0.00%		25,000.00	25,000.00	30,600.00
	Staff Salary (Part-Time)	20,000.00	290.90	0.00%		10,000.00	10,000.00	7,800.00
	Staff Benefits Reserve	1,500.00		0.00%		750.00	750.00	1,500.00
	Investigator Salary	10,000.00	948.00	9.48%		5,000.00	5,000.00	5,000.00
	Workers Compensation	1,200.00		0.00%		600.00	600.00	500.00
	PERS	19,000.00	255.11	1.34%		9,000.00	10,000.00	10,000.00
	Payroll Taxes (SS, Medicare)	13,000.00	498.98	3.84%		6,500.00	6,500.00	1,200.00
	Other Payroll Expenses	700.00	70.00	10.00%		350.00	350.00	250.00
	Total Payroll	124,400.00	2,062.99	1.66%		61,700.00	62,700.00	61,350.00
Operating Expenses		FY23 Budgeted Amount	FY24 Actual	% actual to budget		FY24-1 Biennial-Q2 July 2023-December 2023 Budgeted	FY24-2 Biennial-Q3 January 2024 - June 2024 Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024 Budgeted
	Out of State	6,500.00		0.00%		3,000.00	3,500.00	3,500.00
	Meals							
	Lodging							
	Airfare							
	In-State Travel	1,000.00				1,000.00		1,500.00
	Supplies	750.00	316.01	42.13%		375.00	375.00	375.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	2,500.00	1,762.95	70.52%		1,250.00	1,250.00	1,000.00
	Print-Copy	800.00		0.00%		400.00	400.00	350.00
	Copy Lease	1,400.00	112.79	8.06%		700.00	700.00	750.00
	Rent	14,500.00		0.00%		7,000.00	7,500.00	7,500.00
	Postage	250.00	63.00	25.20%		125.00	125.00	300.00
	DoIt Web SV	1,500.00	125.33	8.36%		750.00	750.00	500.00
	Telephone & Internet	1,750.00	132.70	7.58%		875.00	875.00	625.00

Software & Database	7,000.00	197.98	2.83%		3,500.00	3,500.00	3,500.00
Legal & Professional Fees	30,000.00		0.00%		15,000.00	15,000.00	17,500.00
Tort Claim	1,000.00		0.00%		0.00	1,000.00	0.00
Professional Services (Auditor, Bookkeeper, Lobbyist)	27,500.00	4,266.75	15.52%		17,500.00	10,000.00	17,500.00
Dues & Reg (ASPPB, Conf, Continuing Ed)	6,000.00		0.00%		1,500.00	4,500.00	4,000.00
Admin Services (LCB)	1,000.00		0.00%		500.00	500.00	500.00
Banking Fees	250.00	1.00	0.40%		125.00	125.00	125.00
PayPal Fees (against regular revenue)	1,250.00	90.18	7.21%		625.00	625.00	500.00
Miscellaneous Expense	500.00		0.00%		250.00	250.00	250.00
Uncategorized Expense	500.00				250.00	250.00	150.00
Total Expenses	\$98,450.00	\$7,068.69	7.18%		\$51,725.00	\$47,725.00	\$60,475.00
Total Expenses + Payroll	\$222,850.00	\$9,131.68	4.10%		\$113,425.00	\$110,425.00	\$121,825.00
Total Income	\$ 235,167.12	\$106,342.01	45.22%		\$ 116,083.56	\$ 119,083.56	\$ 121,948.65
Final Balance	\$12,317.12	\$97,210.33			\$2,658.56	\$8,658.56	\$123.65

NV State Board of Psychological Examiners

Balance Sheet for Monthly Board Meeting

As of July 31, 2023

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
1100 Cash in Bank	382,641.37
3309 Savings	105,048.85
Total Bank Accounts	\$487,690.22
Accounts Receivable	
1200 Accounts Receivable	0.00
Total Accounts Receivable	\$0.00
Other Current Assets	
12000 Undeposited Funds	0.00
12100 Inventory Asset	0.00
1400 Prepaid Expenses	1,108.00
Uncategorized Asset	112.50
Total Other Current Assets	\$1,220.50
Total Current Assets	\$488,910.72
Other Assets	
1300 Deferred outflows of resources	0.00
Total Other Assets	\$0.00
TOTAL ASSETS	\$488,910.72
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	1,367.32
2100 Payroll Liabilities	1,992.06
2107 Federal Taxes (941/944)	142.53
2108 PERS	21,565.75
NV Unemployment Tax	0.00

NV State Board of Psychological Examiners

Balance Sheet for Monthly Board Meeting

As of July 31, 2023

	TOTAL
Total 2100 Payroll Liabilities	23,700.34
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	-37,592.03
2700 Direct Deposit Payable	0.00
Total Other Current Liabilities	\$ -13,495.45
Total Current Liabilities	\$ -13,495.45
Total Liabilities	\$ -13,495.45
Equity	
3000 Opening Bal Equity	1,315.04
3900 2550 Fund Balance	425,698.97
Net Income	75,392.16
Total Equity	\$502,406.17
TOTAL LIABILITIES AND EQUITY	\$488,910.72

NV State Board of Psychological Examiners

ITEM 4A

Profit and Loss Monthly Board Meeting

July 2023

	TOTAL
Income	
4010 Psychologist Application	
40100 Psychologist Application	915.30
40101 PA Application	930.60
40102 Intern Application	155.10
Total 4010 Psychologist Application	2,001.00
4015 Psychologist State Exam	1,226.56
4020 Psych Biennial	83,480.00
40201 Prorated Psych Biennial	3,379.26
Total 4020 Psych Biennial	86,859.26
4025 Psychologist Licensing Fee	
40251 New License	200.00
Total 4025 Psychologist Licensing Fee	200.00
4028 Registration Fee	
40281 Psych Asst fee	463.29
40282 Psych Intern Fee	77.21
40283 Psych Trainee	61.78
Total 4028 Registration Fee	602.28
4030 Non-Resident Consultant	100.00
4055 Continuing Education	30.89
Total Income	\$91,019.99
GROSS PROFIT	\$91,019.99
Expenses	
307910 7210 Dolt Web SVb	125.33
5175 Board Staf	
51752 Executive Assistant	290.90
51753 Investigator Salary	948.00
Total 5175 Board Staf	1,238.90
5300 PERS	255.11
7015 Supplies	316.01
7020 Office Expense	1,725.95
85100 Shredding	37.00
Total 7020 Office Expense	1,762.95
7100 Postage	63.00
7200 Utilities	
7290 Telephone	132.70
Total 7200 Utilities	132.70
7500 Copy Lease	112.79
7770 Software	197.98

NV State Board of Psychological Examiners

Profit and Loss Monthly Board Meeting

July 2023

	TOTAL
8050 Prof Servs	3,225.00
8055 Lobbyist	1,041.75
Total 8050 Prof Servs	4,266.75
9001 Banking Fees	
9002 Bank Crgs	1.00
Total 9001 Banking Fees	1.00
9100 Payroll Expenses	70.00
9110 Company Contributions	
Retirement	780.92
Total 9110 Company Contributions	780.92
9130 Wages	5,574.42
Taxes	
9111 Federal Taxes (941/944)	498.98
NV Unemployment Tax	0.00
Total Taxes	498.98
Total 9100 Payroll Expenses	6,924.32
PayPal Fees	230.99
Total Expenses	\$15,627.83
NET OPERATING INCOME	\$75,392.16
NET INCOME	\$75,392.16

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
3309 Savings							
	Beginning Balance						105,048.85
Total for 3309 Savings							
1100 Cash in Bank							
	Beginning Balance						388,897.00
07/03/2023	Deposit				-Split-	802.42	389,699.42
07/05/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-31.31	389,668.11
07/05/2023	Expense		Shred-it Reno		7020 Office Expense:85100 Shredding	-37.00	389,631.11
07/06/2023	Expense		Burgarello Alarm		7020 Office Expense	-155.59	389,475.52
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 06/23/2023-07/06/2023	2700 Direct Deposit Payable	-612.34	388,863.18
07/07/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 06/23/2023-07/06/2023	2700 Direct Deposit Payable	-1,855.43	387,007.75
07/07/2023	Expense		Michelle Fox		8050 Prof Servs	-180.00	386,827.75
07/10/2023	Expense		Kelly N. Weaver		5175 Board Staf:51752 Executive Assistant	-290.90	386,536.85
07/11/2023	Expense		PERS		5300 PERS	-255.11	386,281.74
07/12/2023	Deposit				-Split-	1,715.85	387,997.59
07/12/2023	Expense		Michelle Fox		8050 Prof Servs	-45.00	387,952.59
07/12/2023	Expense		Bank of America		9001 Banking Fees:9002 Bank Crgs	-1.00	387,951.59
07/12/2023	Expense		AT&T		7200 Utilities:7290 Telephone	-63.06	387,888.53
07/13/2023	Tax Payment		IRS	Tax Payment for Period: 06/01/2023-06/30/2023	2100 Federal Income Withholding	-1,388.34	386,500.19
07/13/2023	Expense		Red Rock Spring Water		7020 Office Expense	-13.50	386,486.69
07/14/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-94.02	386,392.67
07/14/2023	Expense				-Split-	-1,947.78	384,444.89
07/17/2023	Expense		QuickBooks Payroll Service		9100 Payroll Expenses	-70.00	384,374.89
07/18/2023	Deposit		Timothy Law		4015 Psychologist State Exam	200.00	384,574.89
07/19/2023	Deposit				-Split-	1,172.07	385,746.96
07/19/2023	Expense		AT&T		7200 Utilities:7290 Telephone	-69.64	385,677.32
07/20/2023	Expense		Canon Financial Services, Inc.		7500 Copy Lease	-112.79	385,564.53
07/21/2023	Expense		Kathleen Laxalt		8050 Prof Servs:8055 Lobbyist	-1,041.75	384,522.78
07/21/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 07/07/2023-07/20/2023	2700 Direct Deposit Payable	-1,855.42	382,667.36
07/21/2023	Payroll Check	DD	Kelly N. Weaver	Pay Period: 07/07/2023-07/20/2023	2700 Direct Deposit Payable	-258.58	382,408.78
07/25/2023	Expense				-Split-	-3,166.08	379,242.70
07/26/2023	Deposit				-Split-	1,809.16	381,051.86
07/28/2023	Deposit				-Split-	830.00	381,881.86
07/28/2023	Expense			Bank error correction - read \$100 as \$180 in deposit	4030 Non-Resident Consultant	-80.00	381,801.86
07/31/2023	Deposit				-Split-	839.51	382,641.37
Total for 1100 Cash in Bank							
							\$ -
							6,255.63
1400 Prepaid Expenses							
	Beginning Balance						1,108.00

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Total for 1400 Prepaid Expenses							
Uncategorized Asset							
	Beginning						112.50
Total for Uncategorized Asset							
2100 Payroll Liabilities							
	Beginning						1,992.06
Total for 2100 Payroll Liabilities							
2107 Federal Taxes (941/944)							
	Beginning						142.53
Total for 2107 Federal Taxes (941/944)							
2108 PERS							
	Beginning						20,003.91
07/07/2023	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	390.46	20,394.37
07/07/2023	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	390.46	20,784.83
07/21/2023	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	390.46	21,175.29
07/21/2023	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	390.46	21,565.75
Total for 2108 PERS						\$1,561.84	
NV Unemployment Tax							
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
07/07/2023	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
07/21/2023	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
07/21/2023	Payroll Check	DD	Kelly N. Weaver	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
Total for NV Unemployment Tax						\$0.00	
Total for 2100 Payroll Liabilities with subs						\$1,561.84	
2600 Deferred Revenue							
	Beginning						45,887.97
07/01/2023	Journal Entry	AJE-13		ADJ to income	-Split-	-83,480.00	-37,592.03
Total for 2600 Deferred Revenue						\$ - 83,480.00	
2700 Direct Deposit Payable							
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	Direct Deposit	1100 Cash in Bank	-612.34	-612.34
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 06/23/2023-07/06/2023	-Split-	612.34	0.00
07/07/2023	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,855.43	-1,855.43
07/07/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 06/23/2023-07/06/2023	-Split-	1,855.43	0.00
07/21/2023	Payroll Check	DD	Kelly N. Weaver	Direct Deposit	1100 Cash in Bank	-258.58	-258.58
07/21/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 07/07/2023-07/20/2023	-Split-	1,855.42	1,596.84
07/21/2023	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,855.42	-258.58
07/21/2023	Payroll Check	DD	Kelly N. Weaver	Pay Period: 07/07/2023-07/20/2023	-Split-	258.58	0.00
Total for 2700 Direct Deposit Payable						\$0.00	
2100 Federal Income Withholding							
	Beginning						1,096.95

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	408.19	1,505.14
07/07/2023	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	603.83	2,108.97
07/13/2023	Tax Payment		IRS	Federal Taxes (941/943/944)	1100 Cash in Bank	-1,388.34	720.63
07/21/2023	Payroll Check	DD	Kelly N. Weaver	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	42.84	763.47
07/21/2023	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	603.85	1,367.32
Total for 2100 Federal Income Withholding						\$270.37	
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							425,698.97
Total for 3900 2550 Fund Balance							
4055 Continuing Education							
07/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX68285349 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	30.89	30.89
Total for 4055 Continuing Education						\$30.89	
4010 Psychologist Application							
40100 Psychologist Application							
07/03/2023	Deposit			Psych App	1100 Cash in Bank	155.10	155.10
07/03/2023	Deposit			Psych App	1100 Cash in Bank	155.10	310.20
07/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX99993971 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	465.30
07/28/2023	Deposit			BKOFAMERICA ATM 07/28 #XXXXX2525 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	150.00	615.30
07/28/2023	Deposit			BKOFAMERICA ATM 07/28 #XXXXX2525 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	150.00	765.30
07/28/2023	Deposit			BKOFAMERICA ATM 07/28 #XXXXX2525 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	150.00	915.30
Total for 40100 Psychologist Application						\$915.30	
40101 PA Application							
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	155.10
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	310.20
07/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX68285349 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	465.30
07/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX99993971 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	620.40
07/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX99993971 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	775.50
07/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX99993971 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	930.60
Total for 40101 PA Application						\$930.60	
40102 Intern Application							
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	155.10	155.10
Total for 40102 Intern Application						\$155.10	
Total for 4010 Psychologist Application						\$2,001.00	
4015 Psychologist State Exam							

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	206.64	206.64
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	206.64	413.28
07/18/2023	Deposit		Timothy Law	BKOFAMERICA ATM 07/18 #XXXXX9811 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	200.00	613.28
07/28/2023	Deposit			BKOFAMERICA ATM 07/28 #XXXXX2525 DEPOSIT MEADOWOOD RENO NV CKCD XXXXX9XXXXX69419	1100 Cash in Bank	200.00	813.28
07/31/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX60864493 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	206.64	1,019.92
07/31/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX60864493 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	206.64	1,226.56
Total for 4015 Psychologist State Exam						\$1,226.56	
4020 Psych Biennial							
07/01/2023	Journal Entry	AJE-13		ADJ to income	-Split-	83,480.00	83,480.00
Total for 4020 Psych Biennial						\$83,480.00	
40201 Prorated Psych Biennial							
07/03/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX14199931 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	464.84	464.84
07/12/2023	Deposit			New licensure	1100 Cash in Bank	463.65	928.49
07/12/2023	Deposit			New Licensure - Military	1100 Cash in Bank	222.12	1,150.61
07/19/2023	Deposit			reinstatement	1100 Cash in Bank	454.17	1,604.78
07/19/2023	Deposit			New licensure	1100 Cash in Bank	449.45	2,054.23
07/26/2023	Deposit			New licensure	1100 Cash in Bank	448.26	2,502.49
07/26/2023	Deposit			New licensure	1100 Cash in Bank	447.08	2,949.57
07/31/2023	Deposit			New licensure	1100 Cash in Bank	429.69	3,379.26
Total for 40201 Prorated Psych Biennial						\$3,379.26	
Total for 4020 Psych Biennial with subs						\$86,859.26	
4025 Psychologist Licensing Fee							
40251 New License							
07/03/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX14199931 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	25.00	25.00
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	25.00	50.00
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	25.00	75.00
07/19/2023	Deposit			New license certificate	1100 Cash in Bank	25.00	100.00
07/19/2023	Deposit			New license certificate	1100 Cash in Bank	25.00	125.00
07/26/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX99993971 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	25.00	150.00
07/26/2023	Deposit			License Certificate	1100 Cash in Bank	25.00	175.00
07/31/2023	Deposit			License Certificate	1100 Cash in Bank	25.00	200.00
Total for 40251 New License						\$200.00	
Total for 4025 Psychologist Licensing Fee						\$200.00	
4028 Registration Fee							
40281 Psych Asst fee							
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	154.43	154.43
07/26/2023	Deposit			PA Registration	1100 Cash in Bank	154.43	308.86
07/26/2023	Deposit			PA Registration	1100 Cash in Bank	154.43	463.29
Total for 40281 Psych Asst fee						\$463.29	
40282 Psych Intern Fee							
07/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX68285349 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	77.21	77.21
Total for 40282 Psych Intern Fee						\$77.21	
40283 Psych Trainee							
07/03/2023	Deposit			PT Reg	1100 Cash in Bank	30.89	30.89
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004	1100 Cash in Bank	30.89	61.78

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD							
Total for 40283 Psych Trainee						\$61.78	
Total for 4028 Registration Fee						\$602.28	
4030 Non-Resident Consultant							
07/28/2023	Deposit			NRC Application	1100 Cash in Bank	100.00	100.00
07/28/2023	Deposit			Bank error-read \$100 as \$180	1100 Cash in Bank	80.00	180.00
07/28/2023	Expense			Bank error correction - read \$100 as \$180 in deposit	1100 Cash in Bank	-80.00	100.00
Total for 4030 Non-Resident Consultant						\$100.00	
307910 7210 Dolt Web SVb							
07/05/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	31.31	31.31
07/14/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	94.02	125.33
Total for 307910 7210 Dolt Web SVb						\$125.33	
9100 Payroll Expenses							
07/17/2023	Expense		QuickBooks Payroll Service	INTUIT * DES:QBooks Pay ID:7516213 OF PSYCHOLGIC CO ID:XXXXX56346 CCD	INDN:NV BOARD 1100 Cash in Bank	70.00	70.00
Total for 9100 Payroll Expenses						\$70.00	
9110 Company Contributions Retirement							
07/07/2023	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	390.46	390.46
07/21/2023	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	390.46	780.92
Total for Retirement						\$780.92	
Total for 9110 Company Contributions						\$780.92	
9130 Wages							
07/07/2023	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	2,647.21
07/21/2023	Payroll Check	DD	Kelly N. Weaver	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	280.00	2,927.21
07/21/2023	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	5,574.42
Total for 9130 Wages						\$5,574.42	
Taxes							
9111 Federal Taxes (941/944)							
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	Social Security Employer	2700 Direct Deposit Payable	58.78	58.78
07/07/2023	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.13	222.91
07/07/2023	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.38	261.29
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	Medicare Employer	2700 Direct Deposit Payable	13.75	275.04
07/21/2023	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.13	439.17
07/21/2023	Payroll Check	DD	Kelly N. Weaver	Social Security Employer	2700 Direct Deposit Payable	17.36	456.53
07/21/2023	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.39	494.92
07/21/2023	Payroll Check	DD	Kelly N. Weaver	Medicare Employer	2700 Direct Deposit Payable	4.06	498.98
Total for 9111 Federal Taxes (941/944)						\$498.98	
NV Unemployment Tax							
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
07/07/2023	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
07/07/2023	Payroll Check	DD	Laura M.	NV Career Enhancement Program	2700 Direct Deposit	0.00	0.00

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
			Arnold		Payable		
07/21/2023	Payroll Check	DD	Laura M. Arnold	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
07/21/2023	Payroll Check	DD	Kelly N. Weaver	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
07/21/2023	Payroll Check	DD	Kelly N. Weaver	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
07/21/2023	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
Total for NV Unemployment Tax						\$0.00	
Total for Taxes						\$498.98	
Total for 9100 Payroll Expenses with subs						\$6,924.32	
5175 Board Staf							
51752 Executive Assistant							
07/10/2023	Expense		Kelly N. Weaver	PAYROLL DES:PAYROLL ID:8480390 BOARD OF PSYC CO ID:XXXXX00242 CCD	INDN:NV STATE 1100 Cash in Bank	290.90	290.90
Total for 51752 Executive Assistant						\$290.90	
51753 Investigator Salary							
07/07/2023	Payroll Check	DD	Gary C. Lenkeit	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	948.00	948.00
Total for 51753 Investigator Salary						\$948.00	
Total for 5175 Board Staf						\$1,238.90	
5300 PERS							
07/11/2023	Expense		PERS	TRANSFER NV BOARD OF PSYCHOLO:Public Employee's Re Confirmation# XXXXX58557	1100 Cash in Bank	255.11	255.11
Total for 5300 PERS						\$255.11	
7015 Supplies							
07/14/2023	Expense			Office Depot - licensee file folders	1100 Cash in Bank	121.22	121.22
07/14/2023	Expense			Home Depot - Office key and batteries	1100 Cash in Bank	14.03	135.25
07/14/2023	Expense			external hard drive-backup	1100 Cash in Bank	113.67	248.92
07/25/2023	Expense			Computer display cord	1100 Cash in Bank	10.81	259.73
07/25/2023	Expense			File Folders	1100 Cash in Bank	56.28	316.01
Total for 7015 Supplies						\$316.01	
7020 Office Expense							
07/06/2023	Expense		Burgarello Alarm	Burgarello Alarm Bill Payment	1100 Cash in Bank	155.59	155.59
07/13/2023	Expense		Red Rock Spring Water	Red Rock Spring Water Bill Payment	1100 Cash in Bank	13.50	169.09
07/14/2023	Expense			Computer Docking Station	1100 Cash in Bank	237.10	406.19
07/14/2023	Expense			Laptop Computer	1100 Cash in Bank	1,319.76	1,725.95
Total for 7020 Office Expense						\$1,725.95	
85100 Shredding							
07/05/2023	Expense		Shred-it Reno	Shred-it USA Bill Payment	1100 Cash in Bank	37.00	37.00
Total for 85100 Shredding						\$37.00	
Total for 7020 Office Expense with subs						\$1,762.95	
7100 Postage							
07/14/2023	Expense			Stamps	1100 Cash in Bank	63.00	63.00
Total for 7100 Postage						\$63.00	
7200 Utilities							
7290 Telephone							
07/12/2023	Expense		AT&T	AT&T Local and Long Distance Bill Payment	1100 Cash in Bank	63.06	63.06
07/19/2023	Expense		AT&T	AT&T Local and Long Distance Bill Payment	1100 Cash in Bank	69.64	132.70
Total for 7290 Telephone						\$132.70	
Total for 7200 Utilities						\$132.70	
7500 Copy Lease							
07/20/2023	Expense		Canon Financial Services, Inc.	Canon Financial Services Bill Payment	1100 Cash in Bank	112.79	112.79
Total for 7500 Copy Lease						\$112.79	

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
7770 Software							
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	19.99	19.99
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	19.99	39.98
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	-19.99	19.99
07/14/2023	Expense			Google	1100 Cash in Bank	60.00	79.99
07/14/2023	Expense			Jotform	1100 Cash in Bank	19.00	98.99
07/25/2023	Expense			Google suite	1100 Cash in Bank	60.00	158.99
07/25/2023	Expense			Adobe	1100 Cash in Bank	19.99	178.98
07/25/2023	Expense			Jotform	1100 Cash in Bank	19.00	197.98
Total for 7770 Software						\$197.98	
8050 Prof Servs							
07/07/2023	Expense		Michelle Fox	Zelle Transfer Conf# pbcqc0ips; Fox, Michelle	1100 Cash in Bank	180.00	180.00
07/12/2023	Expense		Michelle Fox	Zelle Transfer Conf# nr15dktzu; Fox, Michelle	1100 Cash in Bank	45.00	225.00
07/25/2023	Expense			Campbell Jones Cohen - Audit	1100 Cash in Bank	3,000.00	3,225.00
Total for 8050 Prof Servs						\$3,225.00	
8055 Lobbyist							
07/21/2023	Expense		Kathleen Laxalt	Kathleen Laxalt Bill Payment	1100 Cash in Bank	1,041.75	1,041.75
Total for 8055 Lobbyist						\$1,041.75	
Total for 8050 Prof Servs with subs						\$4,266.75	
9001 Banking Fees							
9002 Bank Crgs							
07/12/2023	Expense		Bank of America	External transfer fee - 3 Day - 07/11/2023 Confirmation: XXXXX5738	1100 Cash in Bank	1.00	1.00
Total for 9002 Bank Crgs						\$1.00	
Total for 9001 Banking Fees						\$1.00	
PayPal Fees							
07/03/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX14199931 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	5.90	5.90
07/03/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX14199931 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	15.14	21.04
07/03/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX14199931 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	1.57	22.61
07/03/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX14199931 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	5.90	28.51
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	7.70	36.21
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	5.11	41.32
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	9.11	50.43
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	5.90	56.33
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	5.90	62.23
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	1.41	63.64
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	5.90	69.54
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	7.70	77.24
07/12/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX33896004 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	15.10	92.34
07/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX68285349 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	5.90	98.24
07/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX68285349 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	3.18	101.42
07/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX68285349 INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	1.41	102.83
07/19/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX68285349	1100 Cash in Bank	17.21	120.04

NV State Board of Psychological Examiners

General Ledger

July 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
07/19/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX68285349	1100 Cash in Bank	17.05	137.09
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	17.01	154.10
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	5.11	159.21
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	14.61	173.82
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	5.90	179.72
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	5.11	184.83
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	5.90	190.73
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	5.90	196.63
07/26/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX99993971	1100 Cash in Bank	5.90	202.53
07/31/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX60864493	1100 Cash in Bank	6.67	209.20
07/31/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX60864493	1100 Cash in Bank	7.70	216.90
07/31/2023	Deposit			INDN:NEVADA BOARD OF PSYCHO CO ID:PAYPALSD11 PPD PAYPAL DES:TRANSFER ID:XXXXX60864493	1100 Cash in Bank	14.09	230.99
Total for PayPal Fees						\$230.99	

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

DATE: August 11, 2023

ITEM:

4B - (For Possible Action) Discussion and Possible Action to Approve any Recommended Changes to the Proposed Budget for Fiscal Year 2024 (July 1, 2023 through June 30, 2024).

SUMMARY:

There are no changes to the budget since the Board approved the revisions at the July meeting. The only information that has been added are the income and expenses for July 2023.

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

7/31/23

		FY24 Budgeted Amount	FY24 Actual	% actual to budget
INCOME				
Deferred Revenue				
	Renewals - 7/1/23 and 1/1/24	161,460.66	80,730.33	50.00%
	Late Renewals - 7/1/23	31,639.96	15,819.98	50.00%
	New Licensure and Registrations	15,466.50	6,233.25	40.30%
Regular Revenue	23-24 Biennium Q4 New Licensure and Registrations			
	Applications			
	Psychologist Application	10,000.00	915.30	9.15%
	PA Application	3,500.00	930.60	26.59%
	Intern Application	800.00	155.10	19.39%
	Trainee Application	1,250.00		0.00%
	Non-Resident Consultant	800.00	100.00	12.50%
	CE App Fee	1,000.00	30.89	3.09%
	Other			

	Late Fees			
	Psychologist State Exam	8,000.00	1,226.56	15.33%
	New and Duplicate License	1,000.00	200.00	20.00%
	Verification of Licensure	200.00		0.00%
	Cost Recovered (Disciplinary)			
	Interest, Misc	50.00		0.00%
Total Income		\$235,167.12	\$106,342.01	45.22%

Payroll Expenses		FY23 Budgeted Amount	FY24 Actual	% actual to budget
	Board Salary/Per Diem	9,000.00		0.00%
	Executive Director	50,000.00		0.00%
	Staff Salary (Part-Time)	20,000.00	290.90	0.00%
	Staff Benefits Reserve	1,500.00		0.00%
	Investigator Salary	10,000.00	948.00	9.48%
	Workers Compensation	1,200.00		0.00%
	PERS	19,000.00	255.11	1.34%
	Payroll Taxes (SS, Medicare)	13,000.00	498.98	3.84%
	Other Payroll Expenses	700.00	70.00	10.00%
	Total Payroll	124,400.00	2,062.99	1.66%

Operating Expenses		FY23 Budgeted Amount	FY24 Actual	% actual to budget
---------------------------	--	-----------------------------	--------------------	---------------------------

	Out of State	6,500.00		0.00%
	Meals			
	Lodging			
	Airfare			
	In-State Travel	1,000.00		
	Supplies	750.00	316.01	42.13%
	Office Expense (Office Furniture, Shredding, Office Equipment)	2,500.00	1,762.95	70.52%
	Print-Copy	800.00		0.00%
	Copy Lease	1,400.00	112.79	8.06%
	Rent	14,500.00		0.00%
	Postage	250.00	63.00	25.20%
	DoIt Web SV	1,500.00	125.33	8.36%
	Telephone & Internet	1,750.00	132.70	7.58%
	Software & Database	7,000.00	197.98	2.83%
	Legal & Professional Fees	30,000.00		0.00%
	Tort Claim	1,000.00		0.00%
	Professional Services (Auditor, Bookkeeper, Lobbyist)	27,500.00	4,266.75	15.52%
	Dues & Reg (ASPPB, Conf, Continuing Ed)	6,000.00		0.00%
	Admin Services (LCB)	1,000.00		0.00%
	Banking Fees	250.00	1.00	0.40%
	PayPal Fees (against regular revenue)	1,250.00	90.18	7.21%
	Miscellaneous Expense	500.00		0.00%
	Uncategorized Expense	500.00		
	Total Expenses	\$98,450.00	\$7,068.69	7.18%

Total Expenses + Payroll	\$222,850.00	\$9,131.68	4.10%	
Total Income	\$ 235,167.12	\$106,342.01	45.22%	
Final Balance	\$12,317.12	\$97,210.33		

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

DATE: August 11, 2023

ITEM:

4C - (For Possible Action) Discussion and Possible Action to Renew the Board's Independent Contractor Agreement with its bookkeeper, Michelle Fox.

SUMMARY:

It is time to renew the Board's independent contractor agreement with its bookkeeper, Michelle Fox, effective July 1, 2023. Using the same contract that the Board has had with her since she began her service to the Board, I made one minor adjudgment to her hourly contract amount, upping it from \$45/hour to \$47.50/hour, as has been customary in the previous contract renewals with Ms. Fox.

INDEPENDENT CONTRACTOR AGREEMENT

This Independent Contractor Agreement (this "Agreement") is made effective as of July 01, 2023, by and between State of Nevada Board of Psychological Examiners (the "Recipient"), of 4600 Kietzke Lane, Bldg B-116, Reno, Nevada 89502, and Michelle Fox (the "Contractor"), of 1704 Maple Creek Lane, Carson City, Nevada 89701. In this Agreement, the party who is contracting to receive the services shall be referred to as "Recipient", and the party who will be providing the services shall be referred to as "Contractor."

1. DESCRIPTION OF SERVICES. Beginning the date this agreement is executed through June 30, 2023, the Contractor will provide the following services (collectively, the "Services"):

Scope of work to be performed: Close out Fiscal Year 2022 and support Fiscal year 2023; Enter and/or review financial transactions; Reconcile all Bank Accounts; Set-up filing system for all relative documents.

2. PAYMENT FOR SERVICES. The Recipient will pay compensation to the Contractor for the Services. Payments will be made as follows: \$47.50 per hour payable upon receipt of invoice for services rendered. Amount not to exceed \$1,999.99.

No other fees and/or expenses will be paid to the Contractor, unless such fees and/or expenses have been approved in advance by the appropriate executive on behalf of the Recipient in writing. The Contractor shall be solely responsible for any and all taxes, Social Security contributions or payments, disability insurance, unemployment taxes, and other payroll type taxes applicable to such compensation.

3. TERM/TERMINATION. This Agreement may be terminated by either party upon 30 days' written notice to the other party.

A regular, ongoing relationship of indefinite term is not contemplated. The Recipient has no right to assign services to the Contractor other than as specifically contemplated by this Agreement.

However, the parties may mutually agree that the Contractor shall perform other services for the Recipient, pursuant to the terms of this Agreement.

4. RELATIONSHIP OF PARTIES. It is understood by the parties that the Contractor is an independent contractor with respect to the Recipient, and not an employee of the Recipient. The Recipient will not provide fringe benefits, including health insurance benefits, paid vacation, or any other employee benefit, for the benefit of the Contractor.

It is contemplated that the relationship between the Contractor and the Recipient shall be a

non-exclusive one. The Contractor also performs services for other organizations and/or individuals.

The Recipient has no right to further inquire into the Contractor's other activities.

5. RECIPIENT'S CONTROL. The Recipient has no right or power to control or otherwise interfere with the Contractor's mode of effecting performance under this Agreement. The Recipient's only concern is the result of the Contractor's work, and not the means of accomplishing it. Except in extraordinary circumstances and when necessary, the Contractor shall perform the Services without direct supervision by the Recipient.

6. PROFESSIONAL CAPACITY. The Contractor is a professional who uses his or her own professional and business methods to perform services. The Contractor has not and will not receive training from the Recipient regarding how to perform the Services.

7. PERSONAL SERVICES NOT REQUIRED. The Contractor is not required to render the Services personally and may employ others to perform the Services on behalf of the Recipient without the Recipient's knowledge or consent. If the Contractor has assistants, it is the Contractor's responsibility to hire them and to provide materials for them.

8. NO LOCATION ON PREMISES. The Contractor has no desk or other equipment either located at or furnished by the Recipient. Except to the extent that the Contractor works in a territory as defined by the Recipient, his or her services are not integrated into the mainstream of the Recipient's business.

9. NO SET WORK HOURS. The Contractor has no set hours of work. There is no requirement that the Contractor work full time or otherwise account for work hours.

10. EXPENSES PAID BY CONTRACTOR. The Contractor's business and travel expenses are to be paid by the Contractor and not by the Recipient.

11. CONFIDENTIALITY. Contractor may have had access to proprietary, private and/or otherwise confidential information ("Confidential Information") of the Recipient. Confidential Information shall mean all non-public information which constitutes, relates or refers to the operation of the business of the Recipient, including without limitation, all financial, investment, operational, personnel, sales, marketing, managerial and statistical information of the Recipient, and any and all trade secrets, customer lists, or pricing information of the Recipient. The nature of the information and the manner of disclosure are such that a reasonable person would understand it to be confidential. The Contractor will not at any time or in any manner, either directly or indirectly, use for the personal benefit of the Contractor, or divulge, disclose, or communicate in any manner any Confidential Information. The Contractor will protect such information and treat the Confidential Information as strictly confidential. This provision shall continue to be effective after the termination of this Agreement. Upon termination of this Agreement, the Contractor will return to the Recipient all Confidential Information, whether physical or electronic, and other items that were used, created, or controlled by the Contractor during the term of

this Agreement.

This Agreement is in compliance with the Defend Trade Secrets Act and provides civil or criminal immunity to any individual for the disclosure of trade secrets: (i) made in confidence to a federal, state, or local government official, or to an attorney when the disclosure is to report suspected violations of the law; or (ii) in a complaint or other document filed in a lawsuit if made under seal.

12. NO RIGHT TO ACT AS AGENT. An "employer-employee" or "principal-agent" relationship is not created merely because (1) the Recipient has or retains the right to supervise or inspect the work as it progresses in order to ensure compliance with the terms of the contract or (2) the Recipient has or retains the right to stop work done improperly. The Contractor has no right to act as an agent for the Recipient and has an obligation to notify any involved parties that it is not an agent of the Recipient.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire contract between the parties. All terms and conditions contained in any other writings previously executed by the parties regarding the matters contemplated herein shall be deemed to be merged herein and superseded hereby. No modification of this Agreement shall be deemed effective unless in writing and signed by the parties hereto.

14. WAIVER OF BREACH. The waiver by the Recipient of a breach of any provision of this Agreement by Contractor shall not operate or be construed as a waiver of any subsequent breach by Contractor.

15. SEVERABILITY. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

16. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of Nevada.

17. SIGNATORIES. This Agreement shall be signed by Dr. Whitney Owens, Board President, on behalf of Recipient, and by Michelle Fox as Contractor. This Agreement is effective as of the date signed below.

RECIPIENT:
State of Nevada Board of Psychological Examiners

By: _

Whitney Owens, Psy.D.,
Board President

Dated

By: _

Harry B. Ward, J.D.
Deputy Attorney General

Dated

CONTRACTOR:
Michelle Fox

By: _

Dated

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

DATE: August 11, 2023

ITEM:

5A - (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, of the 2023 Session of the Nevada Legislature, 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. This item may include, but is not limited to, the following:

- Proposed change to NAC 641.136 resulting from the passage of AB 267 – Changes to cultural diversity continuing education requirement.

SUMMARY:

AB 267 is a bill that passed through the 2023 legislative session and was signed into law by the Governor. It generally addressed cultural competency training in the context of health care, and specific to this Board and its licensees, it revised NRS 641.220 to increase cultural competency continued education instruction for psychologists from 2 hours to 6 hours. That change is in section 8 of the bill.

In order to align with that statutory revision, the Board needs to amend NAC 641.136, which is the Board's continuing education regulation. The proposed change is in subsection 1. It indicates deleting the number 2 before the word "hours" in red strike out font, and adding the number 6 before the word "hours" in blue bold italics font.

NAC 641.136 Continuing education: Requirements for renewal of license as a psychologist; acceptance or approval of courses and programs by Board. (NRS 641.100, 641.110, 641.220)

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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R090-01, 2-7-2002; R117-08, 12-17-2008; R209-09, 10-15-2010; R038-16, 12-21-2016; A by R171-18, 1-30-2019, A by R127-21, 9/28/2022)

Assembly Bill No. 267—Assemblymen Torres; D’Silva, Duran,
González, Brittney Miller and Nguyen

Joint Sponsors: Senators Donate, Flores; and Nguyen

CHAPTER.....

AN ACT relating to health care; revising provisions relating to the requirement that certain medical facilities conduct training of certain agents and employees in cultural competency; requiring the Office of Minority Health and Equity of the Department of Health and Human Services to establish, maintain and distribute a list of courses and programs relating to cultural competency that certain medical facilities are required to use to conduct training of certain agents and employees; increasing the number of hours of instruction relating to cultural competency that certain health care professionals are required to complete; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that the State Board of Health shall require, by regulation, a medical facility, facility for the dependent and certain other facilities to conduct training relating specifically to cultural competency for any agent or employee of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are: (1) from various racial and ethnic backgrounds; (2) from various religious backgrounds; (3) persons with various sexual orientations and gender identities or expressions; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population that such an agent or employee may need to better understand. Such training relating to cultural competency must be provided through a course or program that is approved by the Department of Health and Human Services. (NRS 449.103) **Section 1** of this bill: (1) requires the Board to set forth by regulation the frequency with which such a facility is required to conduct the training relating to cultural competency; and (2) creates an exception to the requirement to provide such training if an agent or employee of the facility has successfully completed a course or program of cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable. **Section 1** further limits the requirement to receive training relating to cultural competency to agents and employees who: (1) provide clinical, administrative or support services and regularly have direct patient contact as part of their regular job duties; or (2) oversee such agents or employees. **Section 1** further requires the Office of Minority Health and Equity of the Department of Health and Human Services to: (1) establish and maintain a list of courses and programs on cultural competency that are approved for training relating to cultural competency; (2) make the most current list available on the Internet website of the Office; and (3) ensure that the list is distributed to each facility required to conduct the training on cultural competency. Finally, **section 1**: (1) authorizes a facility to apply to the Department to provide a course or program on cultural competency that is not already approved by the Department; and (2)



requires the Department to report annually to certain joint interim committees of the Legislature the average length of time within which the Department approved a course or program of training in the immediately preceding year.

Existing law requires, as a prerequisite for the renewal of a license, a nurse, psychologist, marriage and family therapist, clinical professional counselor, social worker or behavior analyst to complete at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 632.343, 641.220, 641A.260, 641B.280, 641D.360) Existing law requires, as a prerequisite for the renewal of a license or certificate, an alcohol and drug counselor or problem gambling counselor to complete at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 641C.450) **Section 3** of this bill requires a nurse to complete at least 4 hours of such instruction. **Sections 5-7** of this bill require a psychologist, marriage and family therapist, clinical professional counselor or social worker to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 8** of this bill requires an alcohol and drug counselor or problem gambling counselor to complete at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 9** of this bill requires a behavior analyst to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.103 is hereby amended to read as follows:
449.103 1. ~~For~~ *Except as otherwise provided in subsection 3, to* enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who ~~provides care to a patient or resident of the facility~~ *is described in subsection 2* to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who ~~provides care to a patient or resident of the facility~~ *is described in subsection 2* so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

- (a) From various racial and ethnic backgrounds;
- (b) From various religious backgrounds;
- (c) Persons with various sexual orientations and gender identities or expressions;
- (d) Children and senior citizens;
- (e) Persons with a mental or physical disability; and



(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

↳ *The Board shall set forth by regulation the frequency with which a medical facility, facility for the dependent or other facility is required to provide such training relating to cultural competency.*

2. ~~The~~ *Except as otherwise provided in subsection 3, the requirements of subsection 1 apply to any agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who:*

(a) *Provides clinical, administrative or support services and has direct patient contact at least once each week on average as a part of his or her regular job duties; or*

(b) *Oversees an agent or employee described in paragraph (a).*

3. *A medical facility, facility for the dependent or other facility is not required to provide training relating specifically to cultural competency to an agent or employee who is described in subsection 2 and who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.*

4. *Except as otherwise provided in subsection 6, the training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.*

5. *The Office of Minority Health and Equity of the Department of Health and Human Services shall:*

(a) *Establish and maintain a list of the courses and programs that are approved for training relating to cultural competency pursuant to subsection 4. The Office shall make the most current list available on the Internet website of the Office.*

(b) *Ensure that the list established and maintained pursuant to paragraph (a) is distributed to each medical facility, facility for the dependent or other facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.*

6. *A medical facility, facility for the dependent or other facility which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and*



Human Services to provide a course or program on cultural competency that is not approved by the Department pursuant to subsection 4. Any such request must be approved or denied by the Department not later than 10 business days after the receipt of the application.

7. On or before October 1 of each year, the Department of Health and Human Services shall report the average length of time within which the Department approved a course of program or training relating to cultural competency in the immediately preceding year pursuant to subsection 4 or 6, as applicable, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

8. As used in this section:

(a) "Direct patient contact" means direct contact with a patient or resident of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which is in person or using telephone, electronic mail, telehealth or other electronic means, except that the term does not include incidental contact.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or
- (d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable



relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least ~~2~~ 4 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:



- 6 -

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or



her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.



(b) A requirement that the holder of a license must biennially receive at least ~~2~~ 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 6. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or



another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least ~~12~~ 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 7. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.



(b) A requirement that every 2 years the holder receive at least ~~2~~ **6** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 8. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least ~~[1-hour]~~ **3 hours** of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.



(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

Sec. 9. NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.



3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least ~~2~~ 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 9.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9.5, inclusive, of this act become effective:



- (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- (b) On January 1, 2024, for all other purposes.



		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	FY21 Totals
Psychologists	Licenses Issued												5	5	58
	Applications Received												6	6	62
Psychological Assistants	Registrations Issued												3	3	17
	Applications Received												7	7	19
Psychological Interns	Registrations Issued												2	2	7
	Applications Received												0	0	10
Psychological Trainees	Registrations Issued												0	0	15
	Applications Received												0	0	13
Non-Resident Consultants	Registrations Issued												1	1	13
Background Checks	Reviewed												1	1	8
Continuing Education	Applications Reviewed												2	2	32
State Exams	Administered												6	6	71
Complaints	Received												4	4	13
	Informal												0	0	2
Totals		0	0	0	0	0	0	0	0	0	0	0	37	37	340

Licenses

<u>Active Licenses</u>	<u>Inactive</u>	<u>Expired</u>
669	62	448

Applications and Registrations

	<u>Psychs</u>	<u>PAs</u>	<u>PIs</u>	<u>PTs</u>
<u>Applications</u>	106	58	23	41
<u>Registrations</u>		34	10	37

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

DATE: August 11, 2023

ITEM:

9 - (For Possible Action) Discussion and Possible Action on the Recommendations of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

SUMMARY:

As a result of its monthly meetings since April 2023, the Board's Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees is ready to begin making recommendations to the Board. Those initial recommendations are some of the proposed revisions to its regulations and creating a supervisor handbook. The proposed regulation revisions that are ready for the Board's review and consideration are included in the meeting materials.

NAC 641.1519 Qualifications of supervisor. ([NRS 641.100](#), [641.170](#))

1. A psychologist who wishes to serve as a supervisor of a psychological assistant, psychological intern or psychological trainee must:

(a) Except as otherwise approved by the Board, be licensed by the Board to practice psychology; and

(b) Have ~~had training in clinical supervision, including, without limitation, the completion of continuing education courses, other courses or courses of independent study relating to clinical supervision.~~ *Obtained appropriate training such that s/he is able to competently provide supervision. The training may consist of the following:*

(1) 15 Continuing Education Credits (CEUs).

(i) These CEUs may be obtained from an approved accrediting agency identified in NAC 641.136.

(ii) Half of these CEUs may be obtained via self-study from an approved accrediting agency identified in NAC 641.136. .

(2) One semester of supervised supervisory experience. A psychological assistant, psychological intern or psychological trainee may provide clinical supervision to a junior psychological assistant, psychological intern or psychological trainee under the supervision of a board approved supervisor as part of a graduate-level supervision course, or other formal training plan to develop supervision competencies.

(3) A semester-long formal course in supervision.

(4) A combination of the above that are equivalent to any one of the above.

2. ~~In addition to the requirements of subsection 1, a psychologist who wishes to serve as a supervisor of a psychological assistant must, except as otherwise approved by the Board, have been licensed to practice psychology for 3 years or more.~~ *If a supervisor has not received training as provided in subsection (1)(b) above, the supervisor may submit his or her training experiences for review by the Board, which will conduct an equivalency evaluation to determine if the supervisor has received adequate training.*

3. A supervisor of:

(a) A psychological assistant shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsections 1 and 2.

(b) A psychological intern or psychological trainee shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsection 1.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R117-08, 12-17-2008; R038-16, 12-21-2016; A by R074-18, 1-30-2019)—(Substituted in revision for NAC 641.1563)

NAC 641.152 Supervision; assignment of psychological assistant to specialist. ([NRS 641.100](#), [641.170](#))

1. Except as otherwise provided in subsection 5, a psychological assistant or psychological intern may work only under the supervision and control of a psychologist who satisfies the requirements of [NAC 641.1519](#).

2. Except as otherwise provided in subsection 5, a psychological trainee may work only under the supervision and control of a supervisor who is formally assigned by his or her home doctoral training program in compliance with required practicum training elements set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association and Section C of the Implementing Regulations of the Commission on Accreditation of the American Psychological Association.

3. Subject to the conditions set forth in subsection 5 and NAC 641.161, *a supervisor of record may employ a nested supervision model (i.e., supervision of a nonlicensed psychological trainee or psychology intern by a nonlicensed psychological intern or psychological assistant) not to exceed a total of 4 full time equivalent supervisees (up to 40 hours per work week). The supervisor of record must provide supervisor in training weekly supervision of supervision.*

~~(a) A psychological assistant may supervise a psychological intern or psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/section-c-soa.pdf>.~~

~~(b) A psychological intern may supervise a psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association.~~

4. The supervisor of a psychological assistant, psychological intern or psychological trainee is responsible for:

(a) The adequate supervision of the psychological assistant, psychological intern or psychological trainee; and

(b) The care plan of each client and patient treated or assessed by a psychological intern or psychological trainee under the supervision of the psychological assistant or psychological intern, as applicable, pursuant to subsection 3.

5. **[The Ad Hoc committee is still working on the following section]** *The supervisor of record must ensure the following supervision activities:*

(a) For a psychological trainee: Supervision activities shall be no less than twenty-five (25) percent of the trainees time spent in service-related activities defined as treatment/intervention, assessment, interviews, report-writing, case presentations, and consultations. Most of the supervision (a minimum of seventy-five (75%) percent) shall be individual, in-person with a licensed psychologist, at least half of which shall be with the supervisor of record. The remainder of the supervision may be in a group setting, and/or be provided by another licensed mental health provider or by a more advanced trainee under the supervision of the supervisor of record.

(b) For a psychology intern: Supervision shall be no less than 10 (ten) percent of the total time worked each week. At least fifty (50) percent of the supervision shall be in individual, in-person supervision, at least half of which must be with the supervisor of record(s). The remainder of the supervision may be in a group setting, and/or be provided by another licensed mental health provider or by a more advanced trainee under the supervision of the supervisor of record.

(c) For a psychological assistant: Supervision shall be at least two individual hours for each week worked (23-40 hours); or at least one individual hour for each week worked (16-20 hours).

6. The supervisor of record must provide a minimum of individual direct supervision to each supervisee under their organization as follows (inclusive of supervisees working within a nested model of supervision):

(a) Practicum: 1 hour of individual supervision for every 10 hours of service-related activities and not less than 1/2 hour every week.

(b) Internship: 1 hour of individual supervision for every 20 hours of service-related activities and not less than 1 hour every week including supervision of supervision as applicable.

(c) Postdoctoral: 2 hours of individual supervision for every 40 hour work week, including supervision of supervision, as applicable.

7. For specific skill training, the supervisor of a psychological assistant, psychological intern or psychological trainee may assign the psychological assistant, psychological intern or psychological trainee to a specialist, including, without limitation, a person who is licensed in this State as a psychiatrist, behavior analyst, social worker, marriage and family therapist or clinical professional counselor or a person who is licensed or certified in this State as an alcohol and drug abuse counselor. The specialist must have clearly established practice and teaching skills that are demonstrable to the satisfaction of the Board. Not more than one-quarter of the number of supervised hours needed to fulfill the required year of postdoctoral experience may be accrued under the direction of specialists. Any services submitted by a supervisor for reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of a psychological assistant, psychological intern or psychological trainee pursuant to [NRS 422.27239](#) while under the supervision of a specialist pursuant to this subsection must also be supervised by the supervisor.

~~6.8.~~ A psychological assistant or psychological intern must be:

(a) An employee of the supervisor; or

(b) If the psychological assistant or psychological intern is not employed by the supervisor and the supervisor is not employed by the agency at which the psychological assistant or psychological intern is based, a party to a written agreement with the supervisor and agency specifying payment terms and the role of the supervisor or training committee over the training of the psychological assistant or psychological intern, including, without limitation, acknowledgement by all parties that:

(1) The supervisor or training committee will have access to all patient medical records and full oversight and responsibility for the work and training plan of the psychological assistant or psychological intern; and

(2) The psychological assistant or psychological intern may not be an independent contractor of the supervisor or agency during the term of the contract.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; R089-03, 1-18-2005; R111-13, 10-24-2014; A by R133-17, 12-19-2018; A by R074-18, 1-30-2019, A by R115-19, 2/28/2022)

NAC 641.158 Limitations on number of assistants, interns and supervisors. ([NRS 641.100](#), [641.170](#))

1. ~~A psychologist may serve as a supervisor to:~~

~~(a) Not more than three full-time equivalent psychological assistants;~~

~~(b) Not more than two full-time equivalent psychological interns;~~

~~(c) Not more than four part-time psychological trainees working not more than 10 hours each per week; or~~

~~(d) A combination of not more than five psychological assistants, psychological interns, psychological trainees or other interns licensed, registered or certified, as applicable, under the provisions of chapter 641A, 641B or 641C of NRS,~~

~~→ at the same time.~~

A supervisor shall be responsible for the case supervision of not more than four (4) full-time equivalent supervisees (up to 40 hours per work week). A familiar or multiple relationship that compromises objectivity shall not exist between the supervisee and the supervisor. A supervisor may only supervise the number of supervisees for which he or she can provide adequate supervision, but in no case shall he or she serve as primary supervisor for post-licensure purposes to more than four (4) supervisees at any one time.

2. A psychological assistant or psychological intern may not be employed by more than two supervisors at the same time.

3. A psychological trainee may not be assigned to more than two training sites at the same time.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005; R111-13, 10-24-2014; R038-16, 12-21-2016; A by R074-18, 1-30-2019)

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

DATE: August 11, 2023

ITEM:

10 - (For Possible Action) Discussion and Possible Action in response to the July 18, 2023, Letter from the Department of Business and Industry to the Board's Executive Director regarding AB 431.

SUMMARY:

As a result of SB 431, which passed through the 2023 legislative session and was signed into law by the Governor, the Department of Business and Industry will now have general oversight and centralized administration of, among others, the Board of Psychological Examiners. The Board office received the July 18, 2023, letter from the Department of Business and Industry's Office of the Director that:

- identified six main areas on which it would be working on uniform standards and procedures,
- highlighted its focus on how discipline cases will be administered, and
- stated the director would be contacting me to set up a time to meet and answer my questions.

The Board office has not yet received further contact or a request for a meeting date.

JOE LOMBARDO
Governor



TERRY J. REYNOLDS
Director

**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE DIRECTOR**

July 18, 2023

Dear Executive Director Laura Arnold,

As you are probably aware SB 431 (Governor's Modernization Bill) was passed through the 82nd Legislative session and signed by the Governor. The legislation contained provisions that provided for "general oversight" and centralized administration of Nevada's occupational boards and commissions by the Department of Business and Industry (See attached sections of the new legislation). To determine the most effective and appropriate oversight, we will be focusing on these main areas and working on uniform standards and procedures.

- 1) Staffing and budgets
- 2) Internal controls and procedures
- 3) Personnel policies and procedures
- 4) Licensing, investigations, and disciplinary procedures
- 5) Reporting requirements
- 6) Website structure addressing public information on licensing, consumer protection and occupational regulation.

One of the areas we will focus on is how discipline cases will be administered and separating the policy board from the administrative process for disciplinary hearings.

Obviously, this is going to be a large task and it will take time and your assistance to come up with standards and an equitable format for oversight. In that regard, I will work with the Governor's office on putting together a work group to help guide this effort. In addition, it is our intention to develop additional recommendations to take to the 2025 legislative session.

Our office will be contacting you directly to set a up time to meet and answer any questions you may have as we begin this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry J. Reynolds".

Terry J. Reynolds
Director

~~(3) The competitive advantages and weaknesses of this State;~~
~~(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;~~
~~(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~
~~(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and~~
~~(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.270.~~
~~3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~
~~4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~
~~5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~
~~6. Shall develop and administer a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities.~~
~~7. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~
~~(7.) 8. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~
~~(8.) 9. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature. (Deleted by amendment.)~~

Sec. 18. Chapter 252 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 22, inclusive, of this act.

Sec. 19. 1. *The Office of Nevada Boards, Commissions and Councils Standards is hereby created within the Department of Business and Industry.*

2. *The Director shall appoint a Deputy Director of the Office and shall retain the required staff and adopt the necessary regulations and procedures to effectively administer the responsibilities of the Office.*

Sec. 20. 1. *The Office of Nevada Boards, Commissions and Councils Standards shall be responsible for:*

(a) *Centralized administration;*

1 (b) A uniform set of standards for investigations, licensing and discipline,
2 including, without limitation, separating the roles and responsibilities for
3 occupational licensure from the roles and responsibilities for occupational
4 discipline;

5 (c) A uniform set of standards for internal controls;

6 (d) A uniform set of standards for legal representation;

7 (e) A consistent set of structural standards for boards and commissions;

8 (f) Transparency and consumer protection; and

9 (g) Efficacy and efficiency.

10 2. To the extent permitted by the Nevada Constitution and federal law, all
11 boards, commissions and councils of this State shall be all under the purview of
12 the Office, including, without limitation

13 ~~(a) Statutory bodies created by the Legislature, including, without limitation:~~

14 ~~(1) The Commission on Ethics created by NRS 381A.200.~~

15 ~~(2) The Governor's Advisory Council on Education Relating to the
16 Holocaust created by NRS 333C.020.~~

17 ~~(3) The Southern Nevada Enterprise Community Board created by
18 section 8 of chapter 607, Statutes of Nevada 2007, at page 1782.~~

19 ~~(4) The Nevada State Board on Geographic Names created by NRS
20 227.110.~~

21 ~~(5) A state grazing board created by NRS 568.040.~~

22 ~~(6) The Central Committee of Nevada State Grazing Boards established
23 in NRS 568.170.~~

24 ~~(7) The Nevada High Speed Rail Authority created by NRS 705.850.~~

25 ~~(8) The Board of Trustees of the Fund for Hospital Care to Indigenous
26 Persons as set forth in NRS 438.106.~~

27 ~~(9) The Board for the Regulation of Liquefied Petroleum Gas created by
28 NRS 590.185.~~

29 ~~(10) The Advisory Council for Prosecuting Attorneys created by NRS
30 242.4040.~~

31 ~~(11) The Nevada-Tahoe Regional Planning Agency created by NRS
32 278.792.~~

33 ~~(12) The Commission to Study Governmental Purchasing as set forth in
34 NRS 232.215.~~

35 ~~(13) The Nevada Commission for Women created by NRS 2221.020.~~

36 ~~(14) The Commission to Review the Compensation of Constitutional
37 Officers, Legislators, Supreme Court Justices, Judges of the Courts of Appeals,~~

38 ~~District Judges and Elected County Officers created by NRS 281.5~~

39
40
41 (b) ~~Professional~~ professional and occupational licensing boards created by
42 the Legislature ~~for~~ shall be under the purview of the Office, including, without
43 limitation:

44 1 (a) The Nevada State Board of Accountancy created by NRS
45 628.035.

46 ~~(2)~~ (b) The Board of Examiners for Alcohol, Drug and Gambling
47 Counselors created by NRS 641C.150.

48 ~~(3)~~ (c) The State Board of Architecture, Interior Design and
49 Residential Design created by NRS 623.050.

50 ~~(4)~~ (d) The Board of Athletic Trainers created by NRS 640B.170.

51 ~~(5)~~ (e) The State Barbers' Health and Sanitation Board created by
52 NRS 643.020.

53 ~~(6)~~ (f) The Board of Applied Behavior Analysis created by NRS
54 641D.200.

- 1 7 (g) *The Chiropractic Physicians' Board of Nevada created by NRS*
2 *634.020.*
- 3 ~~((8))~~ (h) *The State Contractors' Board created by NRS 624.040.*
- 4 ~~((9))~~ (i) *The Commission on Construction Education created by NRS*
5 *624.570.*
- 6 ~~((10))~~ (j) *The State Board of Cosmetology created by NRS 644A.200.*
- 7 ~~((11))~~ (k) *The Certified Court Reporters' Board of Nevada created by*
8 *NRS 656.040.*
- 9 ~~((12))~~ (l) *The Board of Dental Examiners of Nevada created by NRS*
10 *631.120.*
- 11 ~~((13))~~ (m) *The Committee on Dental Hygiene and Dental Therapy*
12 *created by NRS 631.205.*
- 13 ~~((14))~~ (n) *The State Board of rofessional Engineers and Land*
14 *Surveyors created by NRS 625.100.*
- 15 ~~((15))~~ (o) *The Nevada Funeral and Cemetery Services Board created by*
16 *NRS 642.020.*
- 17 ~~((16))~~ (p) *The Nevada Board of Homeopathic Medical Examiners*
18 *created pursuant to NRS 630A.100.*
- 19 17 (q) *The State Board of Landscape Architecture created by NRS*
20 *623A.080.*
- 21 ~~((18))~~ (r) *The Board of Examiners for Marriage and Family Therapists*
22 *and Clinical Professional Counselors created by NRS 641A.090.*
- 23 ~~((19))~~ (s) *The Board of Massage Therapy created by NRS 640C.150.*
- 24 20 (t) *The Board of Medical Examiners created pursuant to NRS*
25 *630.050.*
- 26 ~~((21))~~ (u) *The State Board of Nursing created by NRS 632.020.*
- 27 ~~((22))~~ (v) *The Advisory Committee on Nursing Assistants and Medication*
28 *Aides created by NRS 632.072.*
- 29 ~~((23))~~ (w) *The Board of Occupational Therapy created by NRS*
30 *640A.080.*
- 31 ~~((24))~~ (x) *The Board of Dispensing Opticians created by NRS 637.030.*
- 32 ~~((25))~~ (y) *The Nevada State Board of Optometry created by NRS*
33 *636.030.*
- 34 ~~((26))~~ (z) *The State Board of Oriental Medicine created by NRS*
35 *634A.030.*
- 36 ~~((27))~~ (aa) *The State Board of Osteopathic Medicine created pursuant to*
37 *NRS 633.181.*
- 38 ~~((28))~~ (bb) *The Commission on Postsecondary Education created by NRS*
39 *394.383.*
- 40 20 (cc) *The State Board of Pharmacy created by NRS 639.020.* ~~((30))~~
- 41 (dd) *The Nevada Physical Therapy Board created by NRS 640.030.* ~~((31))~~
- 42 (ee) *The State Board of Podiatry created by NRS 635.020.*
- 43 32 (ff) *The Private Investigator's Licensing Board created by NRS*
44 *648.020.*
- 45 ~~((32))~~ (gg) *The Board of sychological Examiners created by NRS*
46 *641.030.*
- 47 ~~((34))~~ (hh) *The Board of Environmental Health Specialists created by*
48 *NRS 625A.030.*
- 49 ~~((35))~~ (ii) *The Board of Examiners for Social orers created pursuant*
50 *to NRS 641B.100.*
- 51 36 (jj) *The Speech-Language Pathology, Audiology and Hearing Aid*
52 *Dispensing Board created by NRS 637B.100.*

1 ~~(37)~~ **(kk)** *The Nevada State Board of Veterinary Medical Examiners*
2 *created by NRS 638.020.*

3 ~~(e)~~ *Interstate boards and commissions created by the Legislature includ*
4 *of*

5 ~~(1) The California Nevada Interstate Compact Commission of the State~~
6 ~~of Nevada as set forth in NRS 638.280.~~

7 ~~(2) The California Nevada Super Speed Ground Transportation~~
8 ~~Commission as set forth in NRS 705.4293.~~

9 ~~(3) The education commission of the states as set forth in NRS 200.015.~~

10 ~~(4) The Interstate National Economic Compact as set forth in NRS~~
11 ~~629.100.~~

12 ~~(5) The Interstate Oil Compact Commission as set forth in NRS 622.100.~~

13 ~~(6) The National Conference of Commissioners on Uniform State Laws~~
14 ~~as set forth in NRS 219.020.~~

15 ~~(7) The Nevada State Council for Interstate Juvenile Supervision as set~~
16 ~~forth in NRS 631.015.~~

17 ~~(8) The Tahoe Regional Planning Agency as set forth in NRS 277.200.~~

18 ~~(9) The Nevada Interstate Nuclear Power as set forth in NRS 409.020.~~

19 ~~(10) The Rocky Mountain Low Level Radioactive Waste Board as set~~
20 ~~forth in NRS 459.008.~~

21 ~~Sec. 21. The Workforce Innovation Division of the Department consists~~
22 ~~of~~

23 ~~1. The Office of Science, Innovation and Technology established in NRS~~
24 ~~222.600.~~

25 ~~2. The Governor's ~~_____~~ NRS 222.065.~~

26 ~~3. The Governor's ~~_____~~ NRS 222.025.~~

27 ~~4. The State Apprenticeship Council created by NRS 610.020.~~

28 ~~5. Such other bureaus or units as the Director may establish. (Deleted by~~
29 ~~amendment.)~~

30 ~~Sec. 22. The Workforce Security Division of the Department consists of~~

31 ~~1. The Research, Analysis and Accountability Bureau.~~

32 ~~2. The Unemployment Insurance Administration Bureau.~~

33 ~~3. Such other bureaus or units as the Director may establish. (Deleted by~~
34 ~~amendment.)~~

35 ~~Sec. 23. NRS 232.213 is hereby amended to read as follows:~~

36 ~~232.213 1. The Department of Administration is hereby created.~~

37 ~~2. The Department consists of a Director and the following:~~

38 ~~(a) Risk Management Division.~~

39 ~~(b) Hearings Division, which consists of hearing officers, compensation~~
40 ~~officers and appeals officers.~~

41 ~~(c) State Public Works Division.~~

42 ~~(d) Purchasing Division.~~

43 ~~(e) Administrative Services Division.~~

44 ~~(f) Division of Human Resource Management.~~

45 ~~(g) ~~Division of Enterprise Information Technology Services.~~~~

46 ~~(h) ~~Division of State Library, Archives and Public Records.~~~~

47 ~~(i) ~~Fleet Services Division.~~~~

48 ~~(j) ~~Public Employees' Deferred Compensation Program.~~~~

49 ~~(k) ~~Mail Services Division.~~~~

50 ~~Sec. 24. NRS 232.215 is hereby amended to read as follows:~~

51 ~~232.215 The Director:~~

52 ~~1. Shall appoint an Administrator of the:~~

53 ~~(a) Risk Management Division;~~

- 2 (b) State Public Works Division;
 3 (c) Purchasing Division;
 4 (d) Administrative Services Division;
 5 (e) Division of Human Resource Management;
 6 (f) ~~Division of~~
 7 ~~(e) Division of State Library, Archives and Public Records;~~
 8 ~~(f) (g) Fleet Services Division; and~~
 9 ~~i (h) Mail Services Division.~~

10 2. Shall, with the concurrence of the Governor and the Committee to
 11 Administer the Public Employees' Deferred Compensation Program, appoint the
 12 Executive Officer of the Public Employees' Deferred Compensation Program.

13 3. Shall serve as Chief of the Hearings Division and shall appoint the hearing
 14 officers and compensation officers. The Director may designate one of the appeals
 15 officers in the Division to supervise the administrative, technical and procedural
 16 activities of the Division.

17 4. Is responsible for the administration, through the divisions of the
 18 Department, of the provisions of chapters 233F, 242 and 284 of NRS, NRS 287.250
 19 to 287.370, inclusive, and chapters 331, 333, 336, 338, 341 and 378 of NRS and all
 20 other provisions of law relating to the functions of the divisions of the Department.

21 5. Is responsible for the administration of the laws of this State relating to the
 22 negotiation and procurement of medical services and other benefits for state
 23 agencies.

24 6. Has such other powers and duties as are provided by law.

25 **Sec. 25.** NRS 232.2165 is hereby amended to read as follows:

26 232.2165 1. The Administrator of:

- 27 (a) The State Public Works Division;
 28 (b) The Purchasing Division;
 29 (c) The Administrative Services Division;
 30 (d) The Division of Human Resource Management;
 31 ~~(e) The Division of Enterprise Information Technology Services;~~
 32 ~~(f) The Division of State Library, Archives and Public Records;~~
 33 ~~(g) The Fleet Services Division; and~~
 34 ~~(h) The Mail Services Division,~~

35 ~~↳ of the Department serves at the pleasure of the Director and is in the unclassified
 36 service of the State.~~

37 2. The Executive Officer of the Public Employees' Deferred Compensation
 38 Program appointed pursuant to NRS 232.215 is in the unclassified service of the
 39 State and serves at the pleasure of the Director, except that he or she may be
 40 removed by a majority vote of the Committee to Administer the Public Employees'
 41 Deferred Compensation Program.

42 **Sec. 26.** NRS 232.217 is hereby amended to read as follows:

43 232.217 Unless federal law or regulation otherwise requires, the
 44 Administrator of the:

- 45 1. State Public Works Division;
 46 2. Purchasing Division;
 47 3. Division of Human Resource Management;
 48 4. ~~Division of Enterprise Information Technology Services;~~
 49 ~~Division of State Library, Archives and Public Records; and~~
 50 ~~(6) 5. Fleet Services Division,~~

51 ~~↳ may appoint a Deputy and a Chief Assistant in the unclassified service of the
 52 State, who shall not engage in any other gainful employment or occupation except
 as otherwise provided in NRS 284.143.~~

1 **Sec. 27.** NRS 232.219 is hereby amended to read as follows:

2 232.219 1. The Department of Administration's Operating Fund for
3 Administrative Services is hereby created as an internal service fund.

4 2. The operating budget of each of the following entities must include an
5 amount representing that entity's share of the operating costs of the central
6 accounting function of the Department:

7 (a) State Public Works Division;

8 (b) Purchasing Division;

9 (c) Hearings Division;

10 (d) Risk Management Division;

11 (e) Division of Human Resource Management;

12 (f) ~~Division of Enterprise Information Technology Services;~~

13 —g Division of State Library, Archives and Public Records;

14 ~~(h)~~ (g) Fleet Services Division;

15 ~~(i)~~ (h) Public Employees' Deferred Compensation Program; and

16 ~~(j)~~ (i) Mail Services Division.

17 3. All money received for the central accounting services of the Department
18 must be deposited in the State Treasury for credit to the Operating Fund.

19 4. All expenses of the central accounting function of the Department must be
20 paid from the Fund as other claims against the State are paid.

21 **Sec. 28.** NRS 232.505 is hereby amended to read as follows:

22 232.505 As used in NRS 232.505 to 232.866, inclusive, *and sections 19 to*
23 *22, inclusive, of this act*, unless the context requires otherwise:

24 1. "Department" means the Department of Business and Industry.

25 2. "Director" means the Director of the Department.

26 **Sec. 29.** NRS 232.510 is hereby amended to read as follows:

27 232.510 1. The Department of Business and Industry is hereby created.

28 2. The Department consists of a Director and the following:

29 (a) Consumer Affairs Unit within the Office of the Director.

30 (b) Division of Financial Institutions.

31 (c) Housing Division.

32 (d) Real Estate Division.

33 (e) Division of Insurance.

34 (f) Division of Industrial Relations.

35 (g) Office of Labor Commissioner.

36 (h) Taxicab Authority.

37 (i) Office of the Nevada Attorney for Injured Workers.

38 (j) Nevada Transportation Authority.

39 (k) Division of Mortgage Lending.

40 (l) *Office of Nevada Boards, Commissions and Councils Standards.*

41 (m) Any other office, commission, board, agency or entity created or placed
42 within the Department pursuant to a specific statute, the budget approved by the
43 Legislature or an executive order, or an entity whose budget or activities have been
44 placed within the control of the Department by a specific statute.

45 **Sec. 30.** NRS 232.520 is hereby amended to read as follows:

46 232.520 The Director:

47 1. Shall appoint a chief or executive director, or both of them, of each of the
48 divisions, offices, commissions, boards, agencies or other entities of the
49 Department, unless the authority to appoint such a chief or executive director, or
50 both of them, is expressly vested in another person, board or commission by a
51 specific statute. In making the appointments, the Director may obtain lists of
52 qualified persons from professional organizations, associations or other groups
53 recognized by the Department, if any. The chief of the Consumer Affairs Unit is the

1 Commissioner of Consumer Affairs, the chief of the Division of Financial
 2 Institutions is the Commissioner of Financial Institutions, the chief of the Housing
 3 Division is the Administrator of the Housing Division, the chief of the Real Estate
 4 Division is the Real Estate Administrator, the chief of the Division of Insurance is
 5 the Commissioner of Insurance, the chief of the Division of Industrial Relations is
 6 the Administrator of the Division of Industrial Relations, the chief of the Office of
 7 Labor Commissioner is the Labor Commissioner, the chief of the Taxicab
 8 Authority is the Taxicab Administrator, the chief of the Nevada Transportation
 9 Authority is the Chair of the Authority, the chief of the Division of Mortgage
 10 Lending is the Commissioner of Mortgage Lending , *the chief of the Office of*
 11 *Nevada Boards, Commissions and Councils Standards is the Deputy Director of*
 12 *the Office appointed pursuant to section 19 of this act* and the chief of any other
 13 entity of the Department has the title specified by the Director, unless a different
 14 title is specified by a specific statute.

15 2. Is responsible for the administration of all provisions of law relating to the
 16 jurisdiction, duties and functions of all divisions and other entities within the
 17 Department. The Director may, if he or she deems it necessary to carry out his or
 18 her administrative responsibilities, be considered as a member of the staff of any
 19 division or other entity of the Department for the purpose of budget administration
 20 or for carrying out any duty or exercising any power necessary to fulfill the
 21 responsibilities of the Director pursuant to this subsection. This subsection does not
 22 allow the Director to preempt any authority or jurisdiction granted by statute to any
 23 division or other entity within the Department or to act or take on a function that
 24 would contravene a rule of court or a statute.

25 3. May:

26 (a) Establish uniform policies for the Department, consistent with the policies
 27 and statutory responsibilities and duties of the divisions and other entities within the
 28 Department, relating to matters concerning budgeting, accounting, planning,
 29 program development, personnel, information services, dispute resolution, travel,
 30 workplace safety, the acceptance of gifts or donations, the management of records
 31 and any other subject for which a uniform departmental policy is necessary to
 32 ensure the efficient operation of the Department.

33 (b) Provide coordination among the divisions and other entities within the
 34 Department, in a manner which does not encroach upon their statutory powers and
 35 duties, as they adopt and enforce regulations, execute agreements, purchase goods,
 36 services or equipment, prepare legislative requests and lease or use office space.

37 (c) Define the responsibilities of any person designated to carry out the duties
 38 of ~~the~~ Director relating to financing, industrial development or business
 39 support services.

40 4. May, within the limits of the financial resources made available to the
 41 Director, promote, participate in the operation of, and create or cause to be created,
 42 any nonprofit corporation, pursuant to chapter 82 of NRS, which he or she
 43 determines is necessary or convenient for the exercise of the powers and duties of
 44 the Department. The purposes, powers and operation of the corporation must be
 45 consistent with the purposes, powers and duties of the Department.

46 5. For any bonds which the Director is otherwise authorized to issue, may
 47 issue bonds the interest on which is not exempt from federal income tax or
 48 excluded from gross revenue for the purposes of federal income tax.

49 6. May, except as otherwise provided by specific statute, adopt by regulation
 50 a schedule of fees and deposits to be charged in connection with the programs
 51 administered by the Director pursuant to chapters 348A and 349 of NRS. Except as
 52 otherwise provided by specific statute, the amount of any such fee or deposit must
 53 not exceed 2 percent of the principal amount of the financing.

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

DATE: August 11, 2023

ITEM:

13 - (For Possible Action) Discussion and Possible Action to Permit the Board's Executive Director to carry her unused vacation time from FY2023 through November and to take 7 days in mid-November, 3.75 of which would be from FY2023.

SUMMARY:

This Board's HR policy states that the Executive Director

- accrues 1.25 days of vacation per month
- cannot accrue more than 15 days of vacation per fiscal year, and
- must use all vacation time on or before September 1 that follows the fiscal year or forfeit any vacation time not used.

Since beginning my role as executive director for the Board on January 18, 2023, I have accrued a total of 6.75 vacation days, of which I took 3 in May for a family event. I will not be able to take the remaining 3.75 days prior to September 1, 2023, but have a vacation planned and booked for mid-November for which I would like to use those 3.75 accrued vacation days and 3.25 of the vacation days I will have accrued during FY 2024 at that time, for a total of 7 vacation days. The dates on which I will be gone are Thursday, November 9 through Monday, November 20, 2023, returning to the office Tuesday, November 21, 2023. I will ensure that notice of the office's closure and limited operations is posted at the office, on the website, via automatic email responses, and on the phone's message machine.

Laura M. Arnold

	DATE	Date used	VACATION USED	SICK USED	VACATION ACCRUED	TOTAL VACATION ACCRUED	SICK LEAVE ACCRUED	TOTAL SICK LEAVE ACCRUED	NOTES
FY2023	1/31/2023				0.5	0.5	0.5	0.5	Began accruing on 1/18/2023 @ ~.04 days/day
	2/28/2023				1.25	1.75	1.25	1.75	
	3/31/2023				1.25	3	1.25	3	
	4/30/2023				1.25	4.25	1.25	4.25	
	5/31/2023	17-19-May-23	3		1.25	2.5	1.25	5.5	
	6/30/2023				1.25	3.75	1.25	6.75	
FY2024	7/31/2023	24-Jul-23		1	1.25	1.25	1.25	7	
	8/31/2023				1.25	2.5			
	9/30/2023				1.25	3.75			
	10/31/2023				1.25	5			
	11/30/2023				1.25	6.25			
	12/31/2023				1.25	7.5			

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

DATE: August 11, 2023

ITEM:

14 - (For Possible Action) Discussion and Possible Action regarding and in response to 2023 AB244, which establishes certain rights of those who are compelled by court order to submit to a mental or physical examination.

SUMMARY:

During the July 14, 2023, Board meeting, Dr. Thomas Kinsora read a statement into the record regarding AB 244's impact on the practice of psychology. AB244, which passed through the 2023 legislature and which the Governor signed into law, establishes the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances. Dr. Kinsora and Dr. Holland worked together to prepare a proposed position statement for the Board in reference to AB244, and Dr. Lenkeit drafted proposed additional regulation language as it relates to AB244.

The Board has reviewed the provisions of AB244. The law appears at first glance to contain protections for those compelled to undergo examinations, largely in civil litigation. The uniquely narrow focus of this legislation raises concerns in some Board members over the underlying purpose of the legislation. The Board is skeptical as to the need for the provisions of AB244, since the rules and guidelines pertaining to ethical behavior of psychologists are among the strictest guidelines of any profession, and are already governed closely by this Board. Complaints related to a psychologist's interactions with an examinee during a Rule 35 examination have rarely, if ever, been reported to the Board. The law appears to be a solution without a problem; and its passage poses several insurmountable legal and ethical conflicts for licensed psychologists practicing in the State. It also presents risks that are unprecedented to the practicing psychologist, and to public safety.

Regarding whether a psychologist can lawfully and ethically conduct an examination under the conditions called for in AB244, this Board does have an opinion. AB244 contains provisions that place licensed psychologists in an untenable position. By following AB244, the psychologist will break Nevada Administrative Code NAC 641.234¹, violate laws pertaining to the release of proprietary material (including copyright laws), and violate ethical codes pertaining to the protection of standardized test content. Further, by agreeing to administer standardized measures under the conditions specified in AB244 (which necessitates non-standardized administration), the psychologist will more likely than not invalidate some or all of the standardized measures, particularly those related to cognitive functioning; and have yet unknown effects on the validity of other measures administered. This matter has been discussed in two previously drafted Board opinions addressing very similar matters.

The Board has considered multiple scenarios under which the provisions of AB244 might be considered tenable by a practicing psychologist. However, we have been unable to identify an instance in which the results of standardized tests of psychological functioning, academic abilities, or cognitive functioning can be interpreted validly in the presence of third party observation, whether this be an audio recorder, video, or observer. Research clearly indicates that the mere presence of audio equipment, or other third-party presence, has a demonstrated effect on neurocognitive processing, thereby affecting test performance. The effect on test performance cannot be predicted or factored out reliably. In this respect, the third party observer (recording equipment) disrupts the examination. Even if the effect could be factored out reliably, the dissemination of protected test material to non-psychologists cannot be justified from an ethical or legal standpoint. The long term effects of the release of this protected material would be devastating and would pose a threat to the public.

Assuring public safety and assisting the triers of fact in civil and criminal proceedings are prominent roles played by psychologists and neuropsychologists. In clinical practice, psychologists assist in determining, for example, whether a physician can continue practicing medicine safely, an airline pilot can fly again, or a police officer can return to duty with good judgement. In the judicial system psychologists regularly assist the triers of fact in determining whether a brain injury has occurred, whether a defendant is competent to stand trial (or whether they are feigning incompetence), or whether an aging individual can manage finances with sound judgement. Psychologists who agree to conduct examinations under the conditions of AB244 will compromise these vital functions through the dissemination of the protected measures and long-term weakening of test validity. This directly violates the psychologist's legal and ethical obligations.

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

Psychologists are involved in examining test performance manipulation and symptom exaggeration. Understanding the complex motivations behind a given examinee's symptom reporting and test performance is vital to the administration of justice. The Board is aware that in civil litigation cases +/- 30% of litigants have been shown to exaggerate or feign symptoms to win lawsuits. This is also true in workers compensation cases and disability insurance cases. This is a very consistent finding across many studies. Psychologists are the only experts who possess the empirically validated and legally/ethically protected test measures necessary to measure this type of deception and test manipulation. Dissemination of these materials to non-psychologists would invalidate their use. Psychologists would be placed in a situation where it is unclear whether the examinee has simply learned which tests to pass and which items to endorse in order to feign injury or hide true psychopathology.

It is the Board's opinion that standardized measures only retain interpretive validity when they are novel to the patient or examinee (considerations for practice effects from a previous exam aside). Dissemination of protected test material to non-psychologists, whoever they may be, will begin a process that will inevitably lead to the invalidity of the tests themselves. Tests that have, in many cases, decades of research behind their use and validation. Non-psychologists, including attorneys, have no ethical guidelines that mandate the protection of these measures, as is present for psychologists. For this reason, even court-order protection of this material is concerning to the Board as these orders are easily breached, and in such cases protected test material leaves the confines of the intended protection. Further, such orders still expose the attorney, who may have extremely high financial stakes in a case, to material that can be used to coach future clients. This Board, largely made up of clinical psychologists, considers the possibility of these breaches to be unfortunate, but entirely consistent with human behavior in such high stakes situations, and is well documented in the real world. For this reason, it is the Board's opinion that such protective orders create a concerning problem for test security and the long term validity of measures used by psychologists. It is our opinion that the production of protected raw test material to another psychologist-expert provides the best way to allow for reanalysis while ensuring that protected test measures stay protected.

The Board's position statement also wishes to stress that the administration of standardized measures remain consistent with standardization procedure under which they were developed. Psychological/Neuropsychological test measures have not been standardized in the presence of an observer. Rather, neuropsychological test administration has been standardized using a rigorous set of controlled conditions, which did not include the presence of a third party. In addition, the presence of a third party observer and/or the videotaping the administration of formal test procedures is inconsistent with positions set forth in American Psychological Association (APA) among other professional organizations. Manuals for a number of common standardized tests (for example, the WAIS III, WMS-III, and others) specifically state that third party observers should be excluded from the examination room to keep it free from distraction. Several test publishers will withdraw their license from the psychologist if they violate test protection.

Ultimately, the examinations covered in AB244 are largely related to civil litigation. Psychologists are under no obligation to agree to conduct the examination under these conditions, nor are they obligated to subject themselves to lawsuits for not following any portion of the law during the course of such an examination. Our position on this matter for those practicing psychology in the State of Nevada is summarized below:

Engaging in an examination under the conditions of AB244 will break Nevada

Administrative Code NAC 641.234, violate laws pertaining to the release of proprietary material (including copyright laws), and violate ethical codes pertaining to the protection of standardized test content. Further, by agreeing to administer standardized measures under the conditions specified in AB244, the psychologist will more likely than not invalidate some or all of the standardized measures, particularly those related to cognitive functioning; and the conditions may have unknown effects on the validity of other measures administered. The dissemination of protected test material is difficult to justify from an ethical or legal standpoint. The interpretability of any test data collected under these conditions is compromised. The long term effects of the release of this protected material would be harmful to the future practice of psychology, and would pose a threat to the public.

The Board strongly supports of the Position Statement(s) by the American Academy of Clinical Neuropsychology (2001) and the National Academy of Neuropsychology (1999), as well as updated and more recent Interorganizational Position Statements by the National Academy of Neuropsychology (2021), the American Academy of Clinical Neuropsychology (2021) and the American Academy of Professional neuropsychology (2021 on the presence of observers during neuropsychological testing and confirming the organizations' opposition to third party observer (TPO).

Upon receiving a referral for this type of evaluation, the psychologist might consider a binding, signed agreement, which prevents any type of recording, taking notes, live monitoring, or direct observation during the administration of standardized testing. The psychologist might wish to make it clear to all parties that for the purposes of AB244, the "examination" includes the diagnostic clinical interview only, which can be recorded, but is nonetheless altered by the presence of a third party. However, for the purposes of AB244, psychometric testing, involving the administration of protected standardized tests stands alone, and is not included in the definition of "examination". Instead it will be viewed as a protected standardized procedure that cannot be compromised by the provisions of AB244. Careful protection of all protected test material, consistent with ethical standards is advised. Further, psychologists should be aware that even in not litigated cases, without a signed or well documented verbal agreement, any citizen in Nevada, has the right to secretly tape or wear a listening device, unless otherwise agreed to beforehand. For this reason, such agreements might be considered upon initial contact in all clinical settings where standardized testing might be conducted.

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

Proposed additions to NAC 641.001 (Definitions):

NAC 641.001 Definitions. (NRS 641.100)

1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641.003 to 641.011, inclusive, and sections 2 and 3 of this regulation have the meanings ascribed to them in those sections.

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

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

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

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R209-09, 10-15-2010; A by R133-17, 12-19-2018; A by R074-18, January 30, 2019)

Proposed addition to NAC 641.234 (Assessments):

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

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

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

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

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

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

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

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

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

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

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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R209-09, 10-15-2010)

Assembly Bill No. 244—Assemblywoman Torres

CHAPTER.....

AN ACT relating to health care; establishing the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances; authorizing a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other appropriate relief in certain circumstances; repealing provisions relating to a mental or physical examination required of certain persons in a civil action; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes an observer to be present at a mental or physical examination ordered by a court for the purpose of discovery in a civil action. The observer may: (1) be an attorney for the person undergoing the examination; and (2) make an audio or stenographic recording of the examination. (NRS 52.380) In 2021, the Nevada Supreme Court held that such a statute is unconstitutional because it: (1) is a procedural statute that does not create a substantive right; and (2) attempts to abrogate an existing rule of procedure that the court “prescribed under its inherent authority to regulate the judicial process.” (*Lyft, Inc. v. Eighth Jud. Dist. Court*, 137 Nev. Adv. Op. 86, 501 P.3d 994, 1002 (2021); N.R.C.P. 35) **Section 2** of this bill repeals this statute.

Section 1 of this bill provides that, with certain exceptions, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation has the right to: (1) receive notice of the examination at least 21 days before the date of the examination; (2) have an interpreter and certain observers present throughout the examination; (3) take notes or appoint an observer to take notes during the examination; and (4) after providing notice to the examiner, make certain recordings of the examination. **Section 1** further provides that the testimony or reports of the examiner are not privileged communications.

Section 1 authorizes a person compelled to submit to a mental or physical examination to bring an action against a person who has violated the rights established by **section 1**, if notice of the alleged violation is provided to that person not later than 7 days before the action is commenced. The person compelled to submit to a mental or physical examination may obtain certain remedies in that action, including: (1) attorney’s fees; (2) actual damages or a fine of \$1,500, whichever is greater; (3) injunctive and protective relief; and (4) an order prohibiting the use of any information gathered during the examination in any judicial or administrative proceeding.

Finally, **section 1** exempts from the requirements of **section 1** certain compelled mental or physical examinations, including, without limitation, such an examination conducted by an examiner with whom the person compelled to submit to the examination has a preexisting relationship as a patient or will have a future relationship as a patient.



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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise provided in this section, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation retains the right to:

(a) Unless otherwise specified or agreed upon by both parties, receive notice of the requesting party's intention to compel the person to submit to a mental or physical examination at least 21 days before the date of the examination;

(b) Have any observer of choice present throughout the examination, including, without limitation, the person's attorney, provider of health care or any other person hired by or on behalf of the person;

(c) Have an interpreter present if the person believes that an interpreter is necessary to facilitate communication with the examiner;

(d) Take notes or appoint an observer to take notes during the examination; and

(e) After providing notice to the examiner, make an audio, stenographic or video recording of the examination or appoint an observer to make such a recording.

2. The testimony or reports of an examiner who conducts an examination of a person compelled to submit to a mental or physical examination described in subsection 1 are not privileged communications.

3. An examiner may suspend the examination of a person compelled to submit to a mental or physical examination pursuant to subsection 1 if an observer attending the examination disrupts or attempts to participate in the examination.

4. A person compelled to submit to a mental or physical examination may bring an action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief, if notice of the alleged violation is provided to the person who allegedly violated this section not later than 7 days before the action is commenced:

(a) Attorney's fees;



- 3 -

(b) *Actual damages or a fine of \$1,500, whichever is greater;*
 (c) *Injunctive relief;*
 (d) *Protective relief; or*
 (e) *An order prohibiting the use of any information gathered at the examination in any judicial or administrative proceeding.*

5. *The provisions of subsection 1 do not apply to a person compelled to submit to a mental or physical examination pursuant to titles 5, 14, 15 and 39 of NRS and chapter 432B of NRS.*

6. *As used in this section:*

(a) *“Examiner” means a person conducting a mental or physical examination.*

(b) *“Mental or physical examination” does not include any evaluation:*

(1) *Made with respect to a child custody proceeding, as defined in NRS 125A.055; or*

(2) *Conducted by an examiner with whom the person compelled to submit to the examination has a preexisting relationship as a patient or will have a future relationship as a patient.*

Sec. 1.5. 1. The amendatory provisions of this act apply only to a mental or physical examination conducted on or after the effective date of this act.

2. As used in this section, “mental or physical examination” has the meaning ascribed to it in section 1 of this act.

Sec. 2. NRS 52.380 is hereby repealed.

Sec. 3. This act becomes effective upon passage and approval.

20 ~~~~~ 23

