

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

DATE OF MEETING: Friday, July 12, 2019

Time: 2:00 p.m.

University of Nevada, Las Vegas, 4505 S. Maryland Pkwy. System Computing Services, Room 306, Las Vegas, NV 89154, by video conference to University of Nevada, Reno System Computing Services room 47, Reno, Nevada 89557, and via ZOOM Video Conferencing.

1. The meeting was called to order at 2:00 p.m.

In Las Vegas:

Sara Hunt, Ph.D., President-Elect, Nevada Psychological Association
Noelle Lefforge, Ph.D., President, Nevada Psychological Association
Carolina Perez, Psychological Assistant
Adriana Zimring, Ph.D., Public

Via ZOOM:

Stephanie Holland, Ph.D., Member
Lauren Chapple, Psychological Assistant, Diversity Committee Member, Nevada Psychological Association
Courtney Haight, Licensee
Danielle Bello, Ph.D., Licensee

In Reno:

Whitney Owens, Ph.D., President
Anthony Papa, Ph.D., Secretary-Treasurer
John Krogh, Ph.D., Member
Sarah Bradley, Senior Deputy Attorney General
Morgan Gleich, Executive Director

2. Public Comment.

No public comment.

3. Public Workshop for Language Development.

A. Update from July 1, 2019 stakeholders meeting.

President Owens noted no one was in attendance at this meeting save Board members which is why this workshop was occurring at this Board meeting.

B. Review of correspondence received regarding language change.

Director Gleich informed Board members of a letter she received by Dr. Sean Dodge that Board members had previously reviewed.

C. Development of NAC 641 Language.

1. Increase of Biennial Fee

President Owens allowed Dr. Papa to discuss this item as the new Secretary-Treasurer. Dr. Papa informed those in attendance that the Board had agreed to raise the Biennial Fee by \$100 at this time. Dr. Papa noted that the Board had brought this issue before the state Legislature who allowed the Board to raise fees up to \$800. As the Board is expanding and regulating more psychologists, as well as Psychological Assistants, Psychological Interns, and Psychological Trainees, in order for the Board office to have the resources to do so and receive adequate compensation, a \$600 Biennial Fee is appropriate at this time.

Director Gleich reminded those in attendance that as quorum is not met and the Board meeting was officially adjourned, the Board could not vote for any of these items. However, she went on to note that this is just the first step in a multistep process. Director Gleich will develop language and send it to the Legislative Council Bureau (LCB) who will then legalize it and ensure that the regulation is allowed. After this, the regulation change will receive a tracking number and likely be sent back to the Board at least once. Then, a public hearing will occur during a Board meeting where quorum is met, and Board members will decide to accept or deny changes. The regulation change will then be brought to the legislature for arguments for or against it, wherein anyone can testify in front of the legislature.

Dr. Papa wanted to point out that in regards to the raising of the Biennial fee, the Board's aim is not to do it every year. The hope is to do this now and hopefully stay at \$600 before it is revisited in a few years. The Biennial fee has not been raised since 1997 which has created issues in regards to resources for the Board office. Dr. Krogh remarked that this is feasible as it has been 22 years since a fee raise and agreed to its fairness.

Dr. Lefforge wondered about whether having different rates for introductory and established psychologists. Dr. Owens informed Dr. Lefforge that the Board does do prorated Biennial Fees, depending on where in the Biennium it is when an applicant is licensed. Dr. Owens noted it could create more work for the Board office to do this for new licensees and that doing it for established psychologists may be more feasible. Dr. Lefforge commented that as Nevada is at the low-end of per capita psychologists, making it harder to be licensed here could be damaging, especially considering the amount of money one has to expend to get their practice going.

Dr. Owens noted that some fees are waived for those who go through their full licensure process in Nevada, from intern to licensee, in order to decrease the burden of not only applicants but office staff, such that if someone is already registered with the Board, it creates less additional work to figure out if an applicant is licensable.

2. Introduction of CE Late Fee

Director Gleich informed those in attendance that at the same time the Board requested to raise the Biennial Fee, they requested this as well. This late fee would be for at which time an individual renews their license, if they do not complete their Continuing Education Units at time of renewal, they will be charged a late fee of \$100 in addition to the current Biennial Fee of \$500, even if they renew on time.

Director Gleich went on to remark that this was introduced due to licensees submitting their renewal forms with inadequate CEUs that do not meet requirements, such as adequate face-to-face units and/or suicide and ethics units. The process would be a little different than adequate renewal forms. The CEU forms will be reviewed by the Board office as well as a Board member to ensure accuracy as well as adequacy. As this creates additional work for the Board office, it was thought that introducing this fee would hopefully lessen that.

Dr. Holland remarked Director Gleich's tolerance in the past for individuals not meeting the requirements and that this is past due.

3. Development of clear Endorsement Language

Dr. Owens informed those in attendance that she developed a document last year after researching requirements for licensure in other states and territories and comparing them to Nevada's requirements. She noted the utility of this to see other states' requirements, and also which states have compensatory licensure requirements to help in easing the licensure process in Nevada. Dr. Papa is currently editing this document with any changes that have occurred since Dr. Owens created it.

4. Development of clear Foreign Applicant Language

Director Gleich informed those in attendance that at a previous Board meeting, it was motioned to accept the National Register's foreign equivalency. At this time, the Board just needs to create a regulation stating said acceptance and that the Board could assess additional training/education requirements if necessary. Dr. Papa agreed to draft this regulation.

5. Clarifying Language in NAC 641.152

Director Gleich informed those in attendance of this regulation change. It states that a supervisee has to be an employee of their supervisor.

Dr. Owens stated that the way that it is currently written was in the spirit that when Psychological Assistants or Psychological Interns are hired, they become an employee of their supervisor or where the supervisor is employed. It was written in that way for organizations such as universities or the VA that if they are not an employee of the supervisor, they are an employee of the organization, but subject to oversight by their supervisor.

There has been confusion surrounding this regulation, namely that supervisees could be 1099 contractual employees. The goal is to clean up the language around the intention of this regulation and make it clear. Chiefly, that all registrants are employees under the direction of their supervisor. In theory, as a 1099 employee, you are allowed to come and go. Ms. Bradley remarked that legally, this should not be allowed, as supervisors should have at least some control over their supervisees. Dr. Holland commented that it would be completely clear if within the regulation it was added that they could not be independent contractors and was tasked with drafting this language change.

Dr. Chapple commented on those brought on in a consulting capacity. Ms. Bradley answered that an individual should not obtain post-doctoral experience under a contract.

6. Clarifying Language in NAC 641.154

Dr. Owens noted that the necessity to clean up the language in this regulation was brought to the full Board's attention by Dr. Holland earlier this year. It was discussed to clean up the language in this regulation surrounding Psychological Assistants and Psychological Interns entitlement to be paid a fixed wage on a periodic basis. This goes hand-in-hand with #5, in regards to employment versus contractual work, ensuring that students are paid a consistent, not variable based on service, wage, and that they are employees of their supervisors.

Dr. Papa recalled from the previous discussion that the Board would prefer a fixed wage. Dr. Holland recalled changing the language in order to make this clearer, especially in regards to 'fixed wage on a periodic basis' vs. 'salary' or 'stipend'. The Nevada Psychological Association representatives stated that this language does not address what they have been asking for, particularly in the need for a minimum wage.

Dr. Owens remarked that in her mind, her concern is to ensure language clearness surrounding this language so someone is not, for example, agreed to be given \$5,000 a year and then also agrees to be paid for each patient. She wants to ensure that someone is paid by salary or stipend for an agreed upon amount and there are no additional fee negotiations.

Director Gleich reminded Dr. Owens that in the last language change, they added "an individual may not be paid on number of clients treated or assessed, the amount of money reimbursed by an insurance plan, or percentage of fees received".

Dr. Zimring offered changing it to 'salary' or 'stipend' and adding that it is a fixed amount on a fixed schedule, excepting promotions and raises. Dr. Papa added to Dr. Owens' point that including language surrounding remuneration would be necessary. Dr. Owens noted that this is necessary to ensure students are not being taken advantage of and that they would be allowed raises and/or bonuses if they were to be given them, it just

should not be based on the number of clients they see and the like. Dr. Krogh agreed to draft language changes. Board members continued to discuss what a fair and equitable salary would be and that the Board could deny a plan if the salary is considered to be lacking. A registrant's salary could vary depending on where they live and work. The Board agreed that tracking salaries from now on would be helpful for knowing what a fair salary would be for future applicants. It is not in the Board's purview to set wages, but knowing the average wages of registrants is helpful to ensure protections and avoiding exploitation.

7. Clarifying Language in NAC 641.161

Director Gleich informed those in attendance that this was added because Dr. Sean Dodge noted that he wanted the Board to address needs for changes. In relation to subsection 3 of this regulation, Dr. Dodge suggested eliminating this section altogether or at least modifying ensure clarity. Dr. Dodge worried that this clause is a hindrance to Psychological Assistants as not being able to advertise themselves as such hampers development for their future practice.

To her belief, Director Gleich believed this regulation was added to ensure the final post-doctoral year was focused on learning and not on developing your business. Ms. Bradley commented that this is likely added so they do not advertise themselves as fully licensed and to not take advantage, but other Boards do allow it in different capacities; for example, the Marriage & Family Therapy Board allows trainees to advertise themselves with the inclusion of "intern".

Dr. Krogh recalled in the past that they were allowed to do so. Dr. Owens commented that it is important to learn the business of psychology as a post-doc, but that any language changes would need to still protect the student and has no issue with individuals advertising themselves, so long as they were clear. Director Gleich noted that in the updated language that has not been officially codified, they may not advertise themselves independently as fully licensed and must include their title as well as their supervisor. The developed form that will be sent to Medicaid includes the individual, their title, and their supervisor. Changes have been made previously and Director Gleich will inform Dr. Dodge of them.

8. Discussion of other changes needed in NAC 641

Director Gleich was contacted by a psychologist who hired a Bachelor's level psychometrician and requested for the Board to drop the Master's level requirement, as prescribed under NAC 641.168, and edit it to say "properly trained". Director Gleich agreed to investigate this inquiry further and bring her findings to the August 9, 2019 Board meeting.