

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

DATE OF MEETING: Friday February 14, 2020

Time: 9:00 a.m.

**University of Nevada, Las Vegas, 4505 S. Maryland Pkwy. System Computing Services, Room 102, Las Vegas, NV 89154
and by video conference to University of Nevada, Reno System Computing Services room 47, Reno, Nevada 89557
BlueJeans Meeting: 784 597 978**

1. Call to order/roll call to determine the presence of a quorum.

Meeting called to order at 9:05am.

In Las Vegas:

Monique McCoy, LCSW, Board Member

Whitney Owens, PsyD, Board President

Adrianna Wechsler Zimring, EdD, PhD, Member of the Public.

In Reno:

Stephanie Woodard, PsyD, Board Member

John Krogh, PhD, Board Member

Tony Papa, PhD, Board Secretary/Treasurer

Harry B. Ward. JD, Deputy Attorney General

On Bluejeans:

Stephanie Holland, PsyD, Board Member

Gary Lenkeit, PhD, Board Investigator

Sarah Ahmad, PsyD, Nevada Psychological Association Representative

Lauren Chapple-Love, PhD, Member of the Public

Bree Mullin, PsyD, Member of the Public

2. Public Comment.

No Public Comment

3. Review, discuss, and possible approval of minutes from previous meetings: January 23, 2020

The Board reviewed the minutes from the January 23, 2020 Board meeting. Dr. Papa approved the minutes for December 13, 2019, with no changes. Dr. Holland second. Board vote 6-0-0.

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

Dr. Papa, board Secretary/Treasurer noted that we are on target for our remaining budget for the biennium. The payroll is a little over budget at this time due to paying out the rest of the Executive Directors leave time. However, there will be some cost savings the board continues to be without an Executive Director over the next month, which will likely balance things out. Motion to accept the treasurers report. Seconded. Board vote 6-0-0.

- A.** Recouping outstanding Legal Fees Owed to the Board from Disciplinary and Unlicensed Practice cases.
No Updates at this time.
- B.** The Board will consider hiring a bookkeeper to provide additional oversight for the board's finances.

Brief Discussion and review of possible bookkeepers. Board motioned that the president and treasurer can move forward with hiring a bookkeeper to provide additional financial oversight. Motion seconded. Board vote: 6-0-0.

- C. Gary Lenkeit, board investigator, is asking for an increase in paid hours from 4 hours to 10 hours monthly for the months of January and February 2020 due to a high volume of complaints. The board will consider this request.

Board discussed how the investigators are often completing many hours above what they are being paid for. Motion to increase investigators to 12 additional hours through the end of the year to be used as needed. Board vote 6-0-0.

5. Review of consumer complaints pending.

- A. Complaint #19-0514
DAG is working with the psychologists attorney on a settlement. Will provide an update at the March 13th meeting.
- B. Complaint #19-0626
Currently under review by the DAG.
- C. Complaint #19-0709
Currently under review by the DAG
- D. Complaint #19-0923
Investigator will have an update for the board at the March 13th meeting
- E. Complaint #19-1011
Investigator will have an update for the board at the March 13th meeting.
- F. Complaint #19-1023
Investigator will have an update for the board at the March 13th meeting.
- G. Complaint #19-1029
Investigator is reviewing the case. Dr. Young to reach out to the complainant.
- H. Complaint #19-1106
Under review by the DAG.
- I. Complaint #19-1108
Voted for dismissal at the January 23rd meeting.
- J. Complaint #19-1212
Under review by the investigator
- K. Complaint #19-1223
Under review by the investigator

Public Hearing 9:30 am.

- 6. **LCB File No. R057-19: Proposed permanent regulation drafts R057-19 amends and updates NAC 641. During the public hearing, the public will be invited to provide comments on the proposed regulation draft.**

Dr. Adrianna Zimring noted that language was confusing as stated, "For Application for Licensure" and was not clear that this fee is also extended to registrations as well. She recommended a language change to state, "For Application for Licensure and Registration."

It was moved and seconded that the current language be accepted with change to the language of "For application for licensure and registration." To ensure that it is clear that the fee for application for registration is also charged a \$150 fee. Board President will submit changes to LCB in absence of an ED. Board Vote: 6-0-0

- 7. **Discussion and update from hiring committee related to the hiring of new Executive Director. Discussion will provide an update to the full Board regarding the job description, job posting, and status of application review. The Board may have the opportunity to schedule interviews or request further information from applicants or the committee.**

Board President presented hiring materials and informed the board that we, the hiring committee, will have candidates to present at the next board meeting in March 2020. No discussion.

8. Update regarding Board Office Operations

a. Update to regarding the Board office hours, and changes made to the office staffing related the interim of hiring an Executive Director, and other more permanent positions.

Ellen Rahn is covering board office on Fridays. Dr. Lenkeit is monitoring ED email. John Krogh will monitor and sign off on spending and account reconciliation so Dr. Papa is not solely responsible for the finances of the board office.

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

Dr. Owens presented the strategic plan and provided updates to the board. Discussion around how the board is communicating with its licensees and registrants, hiring an Human Resources consultant to help with office disciplinary policies, and office policy and procedures, and updating the website took place. Board voted to update the strategic plan with changes to these areas. Plan to present the updated Strategic Plan with these updates at the March 23, 2020 meeting. Board vote to accept updates to the strategic plan 6-0-0.

c. (Update regarding PSYPACT Commission and appointment of a new PsyPact Commissioner

Dr. Lenkeit has agreed to fill in as the interim PsyPact Commissioner until the summer when the position is up for reappointment.

d. Update from ATEAM: regarding applications reviewed, and further questions, or changes that may be necessary to the application process.

No updates at this time. ATEAM will present the ATEAM policy and procedure manual at the March 23, 2020 meeting.

9. Update regarding the status of regulations submitted to LCB for changes to NAC 641.

- a) R133-17: Revises various provisions relating to the powers and duties of the Board; Discipline filings and Non-Resident Consultant
- b) R057-19: Fees
- c) R085-19: Endorsement Language
- d) R114-19: Foreign Graduates
- e) R115-19: Various Changes to NAC 641

No updates at this time. Dr. Owens will look into the process for LCB to ensure that none of these changes get lost in process. Neena Laxalt, board lobbyist will assist Dr. Owens in this process.

10. Discussion of EPPP2.

- a) Discussion regarding information received from ASPPB, that the BETA testing date has been moved back to November 2020. The Board will address this change of testing and discuss how to contact and forward the information to individuals affected by this change.

Board President will continue to be in contact with ASPPB to identify any additional updates to provide the board.

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

- a) Schedule of New Board Member Training

Upcoming board meetings were announced. Ms. McCoy and Dr. Woodard both received one on one training with the Executive Director and the Board President prior to the Executive Directors departure.

12. Board needs, operations, and schedules.

a. Update/Report from Nevada Psychological Association Representative.

Dr. Sarah Ahmad presented two concerns to the board. NPA is requesting that more information is presented to prospective applicants about EPPP2 transition. Per a board discussion, more information will be sent to those impacted by the changes once Dr. Krogh has developed the new state exam procedure. Dr. Ahmad also informed the board that the NPA legislative committee is without a chair and that they will be having a meeting on March 21st to discuss legislative issues.

b. Update regarding Board membership

The board continues to wait for appointment of its 7th member from the Governors' office.

c. Need to begin utilizing NPDB query in Board office operations.

The National Provider Data Bank registration was not completed by the Executive Director prior to her departure. The Board President will work on completing the registration and get it up and running.

d. Future Board meeting agenda items

No new items added at this time.

e. Review NAC/NRS in accordance to ASPPB Model Act

Tabled for the March 13th, 2020 meeting.

(For Possible Action) 13. Review/decision upon applications for licensure or registration. 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.

Board motioned to approve the following applicants for licensure contingent on file completion and approval.

Natalie Bennet
Jeremy Bissram
Kimball Hawkens
Dorothy Parriott
Erik Welsh
Anna Welsh
Kerry Mullen
Kimberly Howlett
Tony Angelo

Board vote 6-0-0

The Board received a request for change of internship to The Ackerman Center for Michelle Zochowski due to her supervisor leaving her current internship at Healthy Minds. Board motioned to approve change of internship. Board vote: 6-0-0

14. Discussion of language development to cover the differences between APA Ethic Code and ASPPB Code of Conduct. Board will consider recommendations from APA Ethics Code to be placed in NAC 641.

Dr. Papa agreed to take the research that all board members completed on each of their sections of the ASPPB Code of Ethics, APA Ethics Code and NRS and NAC language and compile it for the following board meeting on March 13, 2020.

15. Discuss the future offerings for the Nevada Licensing Exam.

a. Necessary steps of Board office to facilitate the changes of State Exam

Due to ASPPB pushing back the launch date of the EPPP2, and the ending of the contract with Comira, the Board transitioned to an online state exam. A guide for taking the exam still needs to be created and Dr. Krogh agreed to take the exam and create the test taking guide for the exam. The exam material will stay the same as before at this time (Clinical/Ethics/NAC/NRS) until the implementation of the EPPP2, at which time it will become an open book test on NAC and NRS rules exclusively.

First date for the new exam will be March 13th and those who are needing to take the exam will be able to access the exam for one week after receiving the invitation to take the state exam. Motion to begin offering the new state exam on March 13, 2020. Seconded. Board vote: 6-0-0.

16. Discussion and development of language relating to the closure, whether permanent or temporary of a psychologist's private practice.

Dr. Krogh submitted review of the ASPPB language in December. Dr. Krogh will finalize language to present and submit for a board vote and discussion in March meeting.

17. The Board will discuss the requirement of Post-Doctoral supervision hours. As part of the discussion, the Board will discuss the merits, as well as merits and disadvantages to the requirement.

Dr. Papa presented an argument to end the post-doctoral supervision hour requirement for licensure in Nevada. He argued that Nevada has a shortage of psychologists, but there are insufficient post-doctoral opportunities for people to complete their clinical hours. He argued that of these, many of their hours are either poorly remunerated or require the applicant pay for supervision.

He went on to state that it is unclear why post-doctoral hours are required. He states that the requirement was established early in the field's history to assure that psychologists were adequately trained. He states that the field has matured and that the focus on the development and assessment of clinical core competencies, as well as the development of the APA Standards of Accreditation has obviated the requirement as the goal of internship is to ensure that psychologists are ready for solo practice at the completion of internship.

He reported that if the purpose of these hours is for clinical training, then competencies have not been defined or monitored/assessed in Nevada or any jurisdiction. If it is to train/ensure business acumen for setting up a private practice, then competencies are not clearly defined. He argued that this may not be applicable for many career paths for licensed psychologists and are not required for other helping professions who can set up a solo private practice and thus constitutes an undue burden on applicants.

Discussion focused on the need for more information. One area the board agreed on is that we are interested in getting more information about whether states that have dropped the requirements for post-doctoral hours have seen an increase in complaints related to people who have been licensed but did not complete a postdoctoral year. Dr. Owens volunteered to check with the ASPPB BARC listserve to see if she could gather more information for the March meeting. Dr. Papa agreed to gather more information if the listserve does not yield enough information.

18. Request for reactivation of Psychologist license from inactive status.

- a. Kirsten Gabriel Olson – Board vote to reinstate Dr. Olson's license. Board vote 6-0-0
- b. William Follette – Board vote to reinstate Dr. Follette's license. Board vote 5-0-1. Dr. Papa recused.

19. Discussion and review of AB 274; Whistleblower protection regarding individuals who report improper governmental practices.

Reviewed Whistleblower protections against reprisal or retaliatory action for state and local governmental officers and employees who file complaints with the Nevada Equal Rights Commission. Board Members and investigators will sign and submit a statement that they have read and understand these regulations in the next couple of weeks.

20. Discussion of the ASPPB 35th Midyear Meeting. Board will consider attendance for the ASPPB midyear meeting held in Montreal, Quebec on April 23-26, 2020.

The Board decided not to send anyone to the midyear meeting and instead try to send two people to the meeting in the fall. Board vote 6-0-0.

21. The Board will discuss language development to clarify purpose, scope of use, and use of audio and video recordings in therapy and assessment training for psychological trainees, interns and assistants.

Dr. Papa submitted draft language of a proposal to exempt video/audio recordings of health care treatment made for the purposed of training health care professionals from the need to add these recordings to a patients permanent health care record per NRS 629.021. No changes were recommended by the board. Dr. Papa will approach the licensing boards of other health care providers as defined in NRS 692.031 to assess support of concerns related to such exemption and whether they would support seeking legislative action for this in the current or modified form.

The proposed language read:

Video/Audio recordings of health care treatment made for the purposes of training health care professionals may be exempted from inclusion in the health care record if:

- The recording is used in the context of an approved training activity related to completion of an accredited education program for the health care profession as defined by the relevant professional boards.
- The patient provides an informed consent to allow recording to be made and used explicitly for this purpose.
- The exclusion does not exempt health care providers from keeping adequate records related to the medical history, examination, diagnosis or treatment of the patient that were recorded.
- Recordings that include protected health information or personal identifying information must be maintained in compliance with relevant state and federal law to ensure the privacy and confidentiality of the patient.

Board voted to have Dr. Papa speak to the other boards to determine their interest and willingness to support this language change. Board vote 6-0-0

22. Discussion of response from Attorney General Office regarding opinion request clarifying NRS 641.390.

A. Discussion of the need to develop NAC language clarifying NRS 641.390.

The board reviewed the AG opinion on the term “psychological scientist”. Board discussed how this rule in 641.390 seems to be providing a way for the government and for corrections facilities to work with the title of Psychologist without a license from this board. In some cases, workers without the proper degree or training are titled “psychologist” despite not having a license. The board discussed how this creates confusion for the public as well as possible harm to the public as workers may be engaging in the practice of psychology without the proper education or training. Dr. Papa agreed to discuss the term “psychological scientist” and come up with a definition for the following board meeting.

23. Correspondence

- a. Angela Boykin: Request for Board opinion or advice regarding Psychologists working as “coaches”
The board requested follow up and clarification from Dr. Boykin. Dr. Owens will reach out to Dr. Boykin to request the following information. 1. Is the job listing providers as “psychologists”? How

would one be listed on the website or materials? 2. What are the job duties listed for the position as a coach? How do those duties differ from work as a psychologist?

- b. Lauren Chapple-Love: Request for extension of post-doctoral status and placement of licensure for psychologist on hold. Board approved Dr. Chapple-Love's request to return to Psychological Assistant status at this time to finish licensure requirements. Board vote 6-0-0.

24. Testing Accommodations

- a. John Barona

Due to an incomplete accommodations application, the board wanted to ask Mr. Barona to resubmit the correct application along with diagnosis. Board denied application and Dr. Lenkeit will reach out to Mr. Barona to ask for him to resubmit the correct completed application.

25. Public Comment.

No public comment.

26. ADJOURNMENT

The meeting adjourned at 1:05pm. Board vote 6-0-0.