

MEETING MINUTES
NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

DATE OF MEETING: Friday March 13, 2020 Time: 8:30 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: 164 825 483

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

Meeting called to order at 8:35am.

In Las Vegas:

Monique McCoy, LCSW, Board Member
Whitney Owens, PsyD, Board President

In Reno:

John Krogh, PhD, Board Member
Harry B. Ward, JD, Deputy Attorney General
Neena Laxalt, Board Lobbyist

On Bluejeans:

Stephanie Woodard, PsyD, Board Member
Tony Papa, PhD, Board Secretary/Treasurer
Stephanie Holland, PsyD, Board Member
Gary Lenkeit, PhD, Board Investigator
Sheila Young, PhD, Board Investigator
Sarah Ahmad, PsyD, Nevada Psychological Association Representative
Bree Mullin, PsyD, Member of the Public
Christine Moninghoff, PhD, Member of the Public
Dorothy (Person did not identify themselves on BlueJeans)
Michelle (Person did not identify themselves on BlueJeans)

2. Public Comment.

Bree Mullin asked the Board would consider a discussion around whether applicants taking the EPPP and EPPP2 exam and requesting accommodations would be able to be completed in closed session to protect privacy, especially information around character and diagnosis. Harry Ward, JD, Board District Attorney General stated that testing accommodations must be discussed in open meeting per open meeting law. Whitney Owens, PsyD, Board President, stated that the board discussed this concern in 2019, and it was determined at that time that the board is able to meet in closed session to discuss diagnosis, but must meet in open meeting to make decisions and discuss accommodations.

Dr. Owens asked the board what they would like to do to respond to concerns about COVID-19 and its impact on the practice of psychology and how to protect the public. The board agreed to send a letter via email to all licensees and registrants to provide information regarding obtaining continuing education credits, best practices around using telehealth to provide psychological services and HIPAA rules related to confidentiality and public health. Dr. Papa and Dr. Woodard agreed to send along information to be included in the email. Mr. Ward reported that as the agenda did not reflect a discussion around COVID-19, only information would be able to be provided at this time, and no decisions could be made until publicly noticed in open meeting. Dr. Owens states that she will add the discussion of COVID-19 on the agenda for the April meeting.

2. Review, discuss, and possible approval of minutes from previous meetings: February 14, 2020.

Bree Mullin requested to amend the meeting minutes to reflect proper vote from the February meeting from "5-0-0" to "6-0-0" as there were 6 board members present at the meeting.

Monique McCoy moved to accept the meeting minutes with this change. Tony Papa seconded. Board Vote 5-0-0. Dr. Stephanie Holland was not present for this vote.

3. 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 stated that there were no significant updates from the previous meeting, stating that costs are low currently due to not having an Executive Director in the office.

Monique McCoy moved to accept the treasurer’s report. Dr. Papa seconded. 5-0-0. Dr. Stephanie Holland was not present for this vote.

- A. Recouping outstanding Legal Fees Owed to the Board from Disciplinary and Unlicensed Practice cases.**
No updates at this time.
- B. Bookkeeping: On February 14th, the board approved the hiring of a bookkeeper to provide additional oversight on financial reporting and bookkeeping. An update will be provided to the board on the progress of hiring a bookkeeper.**
Dr. Papa and Dr. Owens are reviewing three candidates for the bookkeeping position. Plan to have an update for the board in April.
- C. Human Resources Consultant – The board will consider hiring a Human Resources consultant to create office policies related to the new Executive Director.**
Dr. Woodard found a wide range of proposals for the board. She asked the board for more direction on the scope of the HR work needed by the central office. Dr. Owens stated that the board needs specific policies around tracking hours, time off, oversight, how to provide FMLA, sick time, maternity time for the Executive Director and any office staff. Dr. Owens states that the lack of these policies has created challenges in managing board staff and discipline of staff. Dr. Woodard asked for a timeline of where these HR policies need to be in place. Dr. Owens states that it would be helpful to hire a consultant in April in order to have the policies in place by June for the new Executive Director.

4. Review of consumer complaints pending.

- A. 19-0514 – Mr. Ward will provide an update to the board regarding this case in the April meeting. Mr. Ward is reviewing files but this is taking some time given the transition of this board’s DAG personnel.**
- B. 19-0626 - Mr. Ward will provide an update to the board regarding this case in the April meeting. Mr. Ward is reviewing files but this is taking some time given the transition of this board’s DAG personnel.**
- C. 19-0709 - Mr. Ward will provide an update to the board regarding this case in the April meeting. Mr. Ward is reviewing files but this is taking some time given the transition of this board’s DAG personnel.**
- D. 19-0923 – Dr. Lenkeit reported that this complaint is about a psychologist who did a custody evaluation for court. He states that the complainant reported that the psychologist sent her home with tests to take and mailed tests to take at home. She states that her psychiatrist told her that the report was biased and slanted and there was not an accounting for her chronic pain. Additionally, the complainant states that the psychologist did not allow access to the medical records and also violated HIPAA by sending the report to a social worker. She states that the testing was inaccurate. The psychologist responded to the complaints. Dr. Lenkeit states that the complaint is related to the consumers dissatisfaction with the outcome of the evaluation and that the psychiatrists allegations are not specific or supported at this time. Additionally, adequate release was obtained for releasing information to the social worker. Dr. Lenkeit recommends dismissal of the complaint due to no violations of NRS or NAC at this time. **John Krogh motioned to dismiss the complaint. Monique McCoy seconded. Board vote 5-0-0. Dr. Holland was not present for this vote.****

- E. **19-1011** – This complaint, in conjunction with 10-1023 are complaints from different individuals about the same psychologist. Dr. Lenkeit is compiling a list of questions to the psychologist and the psychologists attorney. He will send the questions to Mr. Ward, the DAG to review to to communicate with the psychologists attorney.
- F. **19-1023** - This complaint, in conjunction with 10-1011 are complaints from different individuals about the same psychologist. Dr. Lenkeit is compiling a list of questions to the psychologist and the psychologists attorney. He will send the questions to Mr. Ward, the DAG to review to to communicate with the psychologists attorney.
- G. **19-1029** – Dr. Young states that this complaint is from a long time family friend of a patient from 3000 miles away stating that the psychologist did not report an incident of sexual abuse. The complaint was made on 10/15/2019 and was about information obtained in August of 2018. Dr. Young states that she spoke to the mother of the patient, and that she states that the complaint is invalid. Dr. Young recommended the complaint be dismissed. **John Krogh motioned to dismiss the complaint. Monique McCoy seconded. Board Vote – 5-0-0. Stephanie Holland was not present for this vote.**
- H. **19-1106** - Mr. Ward will provide an update to the board regarding this case in the April meeting. Mr. Ward is reviewing files but this is taking some time given the transition of this board’s DAG personnel.
- I. **19-1212a** – Dr. Young states that she was sent two complaints with the same number. Both complaints were forwarded to the DAG. Both complaints were accused of practicing without a license. This complaint resulted in a cease and desist letter being sent to a person who works as a life coach in dance. This person lists her degree in psychology, but does not state that she is a psychologist. After receiving the cease and desist letter, the person states that she has not delivered services listed in the scope of practice for a psychologist. After interviewing the person, Dr. Young recommended to dismiss the complaint due to lack of evidence that this person is engaging in the practice of psychology. **Monique McCoy motioned to dismiss. Tony Papa seconded. Board vote 5-0-0. Dr. Holland was not present for this vote.**

19-1212b – This complaint alleges that a person is representing themselves as an animal coach and that the person wrote on their business card that they provide “therapy” and list specific mental health problems treated. The card has a cartoon from the internet which is misleading. Dr. Young talked to the person and informed her that the cartoon is misleading. The person states that she is not a therapist and understands that the picture is misleading and did not mean to misrepresent herself. She agreed to not use the illustration on her cards anymore. Dr. Young recommended to dismiss the complaint. **Dr. Papa motioned to dismiss the complaint. Monique McCoy seconded. Board vote 5-0-0. Dr. Holland was not present for this vote.**
- J. **19-1223** – Dr. Young states that the psychologist informed her that they would be retaining an attorney on January 23, 2020. Mr. Ward will contact the attorney and will have an update for the board in April.

6. Discussion and update from hiring committee related to the hiring of new Executive Director.

The Board will have the opportunity to schedule interviews or request further information from applicants or the committee.

- a. Lisa Scurry
- b. Ellen Rahn
- c. Frank DiMaggio
- d. Yette De Luca
- e. Chase Parkey
- f. Mae Worthey Thomas
- g. LaTonia Wright

Dr. Owens, Board President, asked the board for permission to move forward in interviewing the candidates for Executive Director. Dr. Woodard asked if there is a limit to how many people the subcommittee would like to interview. Dr. Owens states that all 7 would be interviewed with board approval. Dr. Woodard asked if this list was complete with all applicants. Dr. Owens informed the board that this list is a list of qualified applicants, narrowed down from a list of 18.

Mr. Ward noted that interviews are subject to open meeting law and the board could decide what information they want presented to make a final hiring decision. Monique McCoy moved to allow for the committee to present just one candidate to the board. John Krogh concurred, but stated that if there was more than one that the subcommittee wanted to present, that would be acceptable. Dr. Woodard agreed with Dr. Krogh. **Monique McCoy motioned to allow the committee to move forward with interviews. John Krogh seconded. Board Vote 5-0-0. Stephanie Holland was not present for this vote.**

7. 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 continues to provide assistance in the office to process applications and organize filing in the office. Dr. Lenkeit continues to respond to emails with Dr. Owens help.

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

Dr. Owens informed the board that the spreadsheet has been updated and will be tabled until the hiring of a new Executive Director.

c. Update from the PsyPact Commissioner

Dr. Lenkeit reported that the rules and bylaws have been adopted in the last PSYPACT meeting. Dr. Owens reminded the public that there is a temporary practice for 30 days for people coming in to the state to practice as a non-resident consultant. Board discussion states that this is not meant to provide telehealth from across state lines.

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

The ATEAM presented the Policy and Procedure manual for the ATEAM. This manual describes how the ATEAM engages in decision making regarding applicants from non-APA accredited institutions. Dr. Owens explained that the purpose of the ATEAM is to create a pathway for applicants who come from a non-APA accredited institution to be able to achieve licensure in Nevada as long as their applications are deemed substantially equivalent. Dr. Woodard reported that she applauds the boards work in creating a pathway to licensure to both provide protection to the public as well as allow for additional qualified providers in our state.

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

- a) **R131-15: Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.** – Resubmitted to LCB in January for an “R” number by Morgan Gleich.
- b) **R133-17: Revises various provisions relating to the powers and duties of the Board; Discipline filings and Non-Resident Consultant** – Neena Laxalt states that this regulation has been in effect and can be taken off of the agenda.

- c) R057-19: Fees – No update.
- d) R058-19: Endorsement Language - No update.
- e) R114-19: Foreign Graduates - No update.
- f) R115-19: Supervision, payment of psychological assistant - No update.

9. 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.

Dr. Young noted that the EPP2 will be up and running by 11/2020 as planned.

10. Schedule of future Board meetings, hearings, and workshops. The Board may discuss and decide future meeting dates, hearing dates, and workshop dates. – No hearings or workshops scheduled in the next couple of months at this time. Plan to continue schedule as planned.

- a) **Schedule of New Board Member Training** – Plan to wait to schedule with new Executive Director.

11. Board needs, operations, and schedules.

- a. **Update/Report from Nevada Psychological Association Representative.** No update.
- b. **Update regarding Board membership** – No Update from the Governor’s office.
- c. **Need to begin utilizing NPDB query in Board office operations.** – In process, Dr. Owens will have an update in April.
- d. **Future Board meeting agenda items** – None at this time.
- e. **Review NAC/NRS in accordance to ASPPB Model Act** – On hold

12. 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.

Chad Doerr
 Robert Martin
 Dona Zimmerman
 Beverly Barclay

Dr. Krogh moved to approve. Dr. Papa seconded. Board vote 6-0-0.

Motion to close file due to lack of response/deadline from NAC 641.1503

| | | |
|-------------------|----------------------|--------------------|
| Lindsey Hailston | Durriyah Khorakiwala | Samantha Schilling |
| Centina Hernandez | Merry Larson | Lennon Tyler |
| Helen Jackson | Pakyan Ngai | |
| Leah Jacobs | Rosalinda Reyes | |

Dr. Krogh moved to approve. Monique McCoy seconded. Board vote 6-0-0.

13. 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 will present an update in the April meeting.

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

Language was prematurely sent to LCB by the previous Executive Director before the language was approved by the board. Once it is returned to the board from LCB, the board will vote on the new language and hold a public workshop.

15. Updates on the state exam and scheduling future dates for the exam.

Dr. Krogh took the state exam and confirmed that it is valid. The state exam is open for administration online next week for those who have been invited to take the state exam. Fees will be collected either in the board office or by PayPal.

Dr. Krogh moved to approve the exam to be offered once a month on the third week of the month for the following four months. Dr. Papa seconded. Board vote 6-0-0.

16. 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.

The BARC listserv response was limited but states that the states that responded have not experienced an increase in complaints since the postdoctoral requirement was lifted. Dr. Holland requested that the board hold off on the request until the ATEAM decides what is acceptable for internship equivalency. Dr. Papa agreed. Board discussion was supportive of delaying the discussion.

17. 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 states that he has no feedback at this time. He will follow up with the board in April.

18. 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 continues to determine reasons and rationales for allowing the practice of psychology without a license in the Nevada Department of Corrections. Mr. Ward is looking into rationales for the exception in NDOC. Mr. Ward reported that he would update the board in April.

19. Correspondence

- a. Scott Deatherage – Mr. Deatherage wrote a letter to the board office asking for clarification of certain NAC and NRS language. NAC 641.241 clearly states that psychologist must report violations of NRS 641.027. Per NRS 641.027 states the term "Psychologist" is regulated and those that use it must be licensed by the Board. Moreover, per Harry Ward/Deputy Attorney General opinion, the Board should open investigation.

Monique McCoy moved to give Dr Deatherage more info about ethics code related to issues and to get info to open a formal investigation by the board. Dr. Owens will follow up with Dr. Deatherage. Tony Papa seconded. Board vote 6-0-0.

- b. Angela Boykin – The board followed up with Dr. Boykin who requested information at the February board meeting about job ads and scope of practice of a psychologist. The job ad she provided looks to contain duties regulated under the scope of practice of psychologist as defined by NRS/NAC.

Monique McCoy moved to send a cease and desist letter by Harry Ward/Deputy Attorney General. Stephanie Woodard seconded. Board vote 6-0-0.

20. Public Comment.

Dr. Mullin thanked the board for their hard work.

(For Possible Action) 21. ADJOURNMENT

Meeting was adjourned at 11:40am.

Monique McCoy moved. Dr. Krogh seconded. Board vote 6-0-0.