

NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS MEETING MINUTES

April 17, 2020

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

Call to Order: The meeting of the Nevada State Board of Psychological Examiners was called to order by President Dr. Whitney Owens at 8:35 a.m. Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada, this meeting was conducted via Zoom: 292-354-260.

Roll Call: Board President Whitney Owens, PsyD, and Members Tony Papa, PhD, Board Secretary/Treasurer, Stephanie Holland, PsyD, John Krogh, PhD, Monique McCoy, LCSW, and Stephanie Woodard, PsyD, were present.

Also present were Harry B. Ward, JD, Deputy Attorney General, Sheila Young, PhD, Board Investigator, Gary Lenkeit, PhD, Board Investigator, Neena Laxalt, Lobbyist, Lisa Scurry, NBOPE Executive Director, and members of the public: Dr. James Tenney, Dr. Danielle Bello, Dr. Bree Mullin, Brent Vogel, Dr. Amanda DeVillez, Shady Sirsy, and Dr. Danielle Moreggi.

2. Public Comment

There was no public comment at this time.

3. Review, discuss, and possible approval of minutes from previous meetings: March 13, 2020, March 28, 2020, & April 3, 2020. (For Possible Action)

The minutes of the March 13, 2020, March 28, 2020, and April 3, 2020 meetings were presented for review by the Board. The March 13 minutes were from a regular meeting, the March 28 minutes were the sub-committee to interview for a new executive director, and the April 3 meeting was the regular Board for the purpose of making a recommendation to hire a new executive director.

There were no recommended changes to any of the minutes.

On motion by Dr. Tony Papa, second by Dr. Stephanie Holland, the Nevada State Board of Psychological Examiners approved the minutes of the March 13, 2020 meeting of the Nevada State Board of Psychological Examiners, the March 28, 2020 meeting of the Sub-Committee To Hire A New Executive Director For The Board Of Psychological Examiners, and the April 3, 2020 meeting of the Nevada State Board of Psychological Examiners. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 6-0

4. The Board will discuss matters related to the COVID-19 pandemic. The board office has received inquiries surrounding licensure renewal, continuing education credits, temporary licensure, supervision concerns, obtaining clinical hours for licensure, and the use of telepsychology and interjurisdictional practice. The board will review Governor Sisolak's Directive 011.

Harry Ward, Deputy Attorney General, gave a brief description of what the Board could discuss related to COVID-19 and Directive 011. The Directive, issued by Governor Sisolak, provides parameters related to licensure, training, and telehealth matters during the current Declaration of Emergency.

To date, approximately 40 out-of-state psychologists have registered to practice under the Directive. Temporary licensure under the Directive allows for the use of telepsychology and interjurisdictional practice.

Related to continuing education (CE) requirements, 15 of the required 30 credits must be through in-person or online opportunities. Online opportunities must be interactive with the speaker in a live manner. There was discussion about availability of "live" CE as many live events have been canceled. Dr. Krogh, CE Chair, explained that many of the canceled events have been moved to online platforms that are interactive. The Board discussed ways to ensure all licensees understand the ways in which CE credits can be obtained, particularly the allowance of online events as long as they are interactive. Suggested methods included updating the Board's website and sending a mass email to all licensees.

The Board discussed clinical trainings and how the Board office will respond to individuals finishing their post-doctoral hours during the COVID situation. Dr. Owens stated there could be individuals who will be short their necessary hours as a result of not being able to complete certain aspects of their training. Dr. Papa stated he had been in contact with some internship sites and found that all of those sites had been able to provide the necessary training opportunities. He added that "face-to-face" hours includes video-conference opportunities. As a result, Dr. Papa didn't think there would be a disruption in students getting their clinical hours. Additional discussion included any direction provided by the American Psychological Association (APA), legal and ethical guidelines, and supervision occurring via telehealth versus face-to-face opportunities.

5. 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). (For Possible Action)

Secretary/Treasurer Dr. Tony Papa presented the Treasurer's Report and current financials. He explained that the overall payables for the past month totally approximately \$2,500 while the overall receivables were approximately \$8,500. As the license renewal period is approaching, Dr. Papa stated that there will likely be some spending down of the current balance but that there should be approximately \$75,000 remaining in the account going into the next biennium.

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

Dr. Lenkeit inquired on the status of recouping outstanding legal fees owed to the Board. President Owens explained that she and the new Executive Director will be looking into the matter and will provide an update at a future meeting.

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.

President Dr. Owens stated that the Board previously approved hiring a bookkeeper for the Office. She and the new Executive Director will be meeting to discuss next steps.

C. Human Resources Consultant – The board will consider hiring a Human Resources consultant to create office policies related to the new Executive Director.

Board Member Dr. Woodard provided an update on the steps taken to create office policies related to staff. Any research done will be provided to Executive Director Scurry to follow-up.

On motion by Dr. Stephanie Holland, second by Dr. Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the Treasurer's Report. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 6-0

6. Review of consumer complaints pending. (For Possible Action)

A. Complaint #19-0514

Deputy Attorney General Ward explained that he has attempted to contact the Respondent's attorney without success. The matter remains pending.

B. Complaint #19-0626.

Deputy Attorney General Ward explained that there has been no movement on this matter, although he has spoken with the Respondent's attorney. The matter remains pending.

C. Complaint #19-0709

Deputy Attorney General Ward explained that there has been no movement on this matter. It will remain on the agenda for the next meeting.

F. Complaint #19-1106

Deputy Attorney General Ward explained that a cease and desist letter in this matter has not gone out. The Office of the Attorney General will be investigating. The matter remains pending.

G. Complaint #19-1223

Deputy Attorney General Ward explained that there has been no movement on this matter. He has spoken to Board Investigator Dr. Young about the matter and it remains pending.

D. Complaint #19-1011

E. Complaint #19-1023

As Complaints #19-1011 and 19-1023 were filed against the same psychologist, Board Investigator Dr. Lenkeit presented both matters together.

Complaint #19-1011 was made anonymously by another psychologist. The complaint alleges inappropriate billing practices to include: that three 60-minute appointments for three separate individuals were scheduled within the same hour, non-licensed marriage and family therapists

(MFT) were assigned to conduct bariatric surgery evaluations which entailed psychological assessment components and the completed reports were signed by the psychologist and not the trainees, billings were for services from non-licensed practicum and extern trainees, and the psychologist signed off on reports submitted to insurance.

Dr. Lenkeit described the psychologist's background and his expansive practice, including his supervisory duties for both MFT and psychological interns. The Respondent provided information to explain the alleged double billing, the billing practices of his office, and the qualifications and licensure requirements of the interns that he supervises.

Complaint #19-1011 was made by an individual who was evaluated by the Respondent. The Complainant alleged she was evaluated by an intern and never saw the psychologist or spoke to him in person or on the telephone. She further alleged that the report did not indicate she was seen by an intern.

In response to the allegations, the Respondent has provided a copy of consent wherein the individual was notified of the intern's status.

Dr. Lenkeit explained that recommendations were made to the psychologist to be more transparent to clients. He added that none of the findings rise to the level of an infraction of state law, administrative code, or the code of ethics. Dr. Lenkeit recommended that both complaints be dismissed.

On motion by Dr. John Krogh, second by Dr. Stephanie Holland, the Nevada State Board of Psychological Examiners, finding no violations of Nevada Revised Statutes or Nevada Administrative Code Chapter 641 or the American Psychological Association Code of Ethics, dismissed Complaint #s 19-1011 and 19-1023. (Yea: Whitney Owens, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 5-0. Tony Papa recused himself.

7. Update regarding Board Office Operations (For Possible Action)

A. The board will vote on new office hours, and introduction of the Board's new Executive Director.

Executive Director Scurry recommended the office be open Monday through Thursday from 8 a.m. to 5:30 p.m. and on Fridays from 8 a.m. to 2 p.m.

On motion by Dr. Tony Papa, second by Dr. John Krogh, the Nevada State Board of Psychological Examiners approved the office hours as indicated above. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 6-0.

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

There was no update.

C. Update from the PsyPact Commissioner

Dr. Lenkeit explained that July 1 is the start date, although forms are still being developed. President Owens asked that information, once completed, be provided to the Board office to update the Website.

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

There was no update.

8. Update regarding the status of regulations submitted to LCB for changes to NAC 641. (For Possible Action)

President Owens explained that there are no updates on the following potential NAC changes. Neena Laxalt, Lobbyist, added that there is no activity in the Capitol, including the Legislative Counsel Bureau, during the COVID emergency.

A. R131-15: Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.

B. R057-19: Fees

C. R058-19: Endorsement Language

D. R114-19: Foreign Graduates

E. R115-19: Supervision, payment of psychological assistant

9. Discussion of EPPP2 (For Possible Action)

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.

There were no updates on the EPPP2.

Public Comment: It was stated that the testing centers for the EPPP are currently closed during the COVID situation.

10. Schedule of future Board meetings, hearings, and workshops. The Board may discuss and decide future meeting dates, hearing dates, and workshop dates. (For Possible Action)

President Owens suggested the Board schedule a full-day work session to discuss projects such as the Strategic Plan. The majority of the Board stated their availability for June 12, 2020.

A. Schedule of New Board Member Training

11. Board needs, operations, and schedules.

A. Update/Report from Nevada Psychological Association Representative.

There was no report.

B. Update regarding Board membership

President Owens explained that there have been no recommendations from the Governor's Office and that the Board will continue with six members for the foreseeable future.

C. Future Board meeting agenda items

There were no suggestions from members.

Neena Laxalt, Lobbyist, reminded the Board that discussion of any proposed legislation will need to take place in the future so that a sponsor(s) can be found and the Governor's Office notified.

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

There was no report.

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. (For Possible Action)

Applications for licensed psychologist were presented for approval contingent upon file completion.

On motion by Dr. Tony Papa, second by Dr. John Krogh, the Nevada State Board of Psychological Examiners approved the following applications for licensure contingent upon successful file completion: Tanya Crabb, Jan Karadimas, Beth Lavin, Maxwell Rappaport, Danielle Richards, Brenna Renn, Aaron Van Smith, Yvonne Westover. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 6-0.

Applications for licensed psychologist were presented to be closed due to a lack of response in accordance with Nevada Administrative Code (NAC) 641.1503.

On motion by Dr. John Krogh, second by Dr. Tony Papa, the Nevada State Board of Psychological Examiners closed the following application files due to lack of response in accordance with NAC 641.1503: Julie Armstrong, Nora Baladerian, Mary-Jo Bautista-Bohall, Erin Bigler, Cynthia Cameron, Suzana Flores, Nancy Grau, Kevin Greve, Kimball Hawkins, Marc McLaughlin, Anthony Petruzzello, Howard Reid, Kristine Turner-Sherman, Stephen Willis. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 6-0.

Candidate John Barona submitted a Study Plan and has requested approval to take the State Exam a fourth time in accordance with NAC 641.112. The Board discussed the merits of the Plan of Study and whether it meets the standards necessary to be granted such permission. Dr. Lenkeit expressed concern that while the proposed Plan mentions studying Chapter 641 of state law, it speaks more to EPPP preparation. Dr. Holland expressed similar concern that the Plan

doesn't go far enough to prepare the individual. She added that she would be willing to make contact and provide guidance into an appropriate Study Plan.

Public Comment: Amanda DeVillez made comment that the Candidate Guide that is provided to test takers as a resource is vague and doesn't provide much guidance.

The Board discussed the fact that the Candidate has taken the exam three times and should have some idea of what needs to be studied.

On motion by Dr. Tony Papa, second by Dr. John Krogh, the Nevada State Board of Psychological Examiners recommended the Student Plan not be approved and that Dr. Stephanie Holland shall contact the applicant to provide guidance into creating an appropriate Study Plan. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 6-0.

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. (For Possible Action)

There was no update. The item will return at a future meeting.

14. 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. (For Possible Action)

There was no update. The item will return at a future meeting.

15. 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. (For Possible Action)

Dr. Papa reminded the Board that this language development is a proposal to exempt training videos from the medical record. He has and is continuing to communicate with the various health-related State Boards. To date, five Boards have responded: the Board of Examiners for Marriage and Family Therapists, the Board of Dental Examiners, and the Board of Medical Examiners will each discuss the issue at future meetings; the Board of Examiners for Alcohol, Drug and Gambling Counselors is supportive; and the Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board has no position.

16. Discussion of response from Attorney General Office regarding opinion request clarifying NRS 641.390. (For Possible Action)

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

Harry Ward, Deputy Attorney General, stated that he has attempted to communicate with the Nevada Department of Corrections (NDOC) about the issue. That department is under new leadership so there have been delays in that communication.

President Owens reminded the Board that an inquiry was received by psychologists working in the NDOC who were concerned that they were being asked to do work outside their scope of practice. Upon further investigation, it was discovered that under current law psychologists

treating and/or giving advice to individuals in the custody of the NDOC are not currently required to be licensed.

Mr. Ward will continue researching into the issue and asked that the item return on a future agenda.

17. Public Comment

There was no public comment at this time.

18. ADJOURNMENT

There being no further business, President Owens recommended adjourning the meeting at 10:22 a.m.

On motion by Monique McCoy, second by Tony Papa, the Nevada State Board of Psychological Examiners adjourned the meeting. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, Monique McCoy, and Stephanie Woodard) Motion Carries Unanimously: 6-0.