

NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS MEETING MINUTES

June 12, 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 8:31 a.m. Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada, this meeting was conducted online via Zoom.

Roll Call: Board President Whitney Owens, PsyD, and Members Tony Papa, PhD, Board Secretary/Treasurer, Stephanie Holland, PsyD, and John Krogh, PhD, were present at roll call. Stephanie Woodard, PsyD, was absent at roll call. Member Monique McCoy, LCSW, joined the meeting at 8:57 a.m.

Also present were Harry B. Ward, JD, Deputy Attorney General, Neena Laxalt, Lobbyist, Lisa Scurry, Executive Director, Gary Lenkeit, PhD, and members of the public: James Tenney, Maggie Adams, Robert Martin, Dane Littlefield, Amanda DeVillez, Hal Taylor, Bree Mullin, Brent Vogel, Adrianna Zimring, Corey Kuhn, Andrea Bevan, Noelle Lefforge, Michael Scolatti, Vivian Stovall, Tara Raines, and Joe Gutberlet.

2. Public Comment

Dr. Bree Mullin asked if Item 16a could be moved toward the beginning of the agenda.

Harry Ward, Deputy Attorney General, reminded the Board and the public that public comment can be submitted via email.

Dr. James Tenney asked if the Board could provide an opinion regarding public health departments and what standing they have to require contact tracing, especially regarding confidentiality and private practice.

Dr. Owens read a statement regarding current events related to diversity, racial inequity, and social justice. She reminded the Board of their charge to ensure the policies and regulations enacted are anti-racist and consider the barriers faced by some individuals. She asked that the members be mindful of equitable paths to licensure.

Hal Taylor, Board of Examiners for Marriage and Family Therapists, introduced himself as the public member representative to that Board. He will be the contact between the two Boards for the proposed change to NRS 629 related to training videos.

3. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO SELECT OFFICERS FOR THE STATE BOARD OF PSYCHOLOGICAL EXAMINERS FOR A ONE-YEAR TERM ENDING JUNE 30, 2021 FROM THE CURRENT BOARD MEMBERSHIP. OFFICERS TO BE SELECTED MAY INCLUDE PRESIDENT,

SECRETARY/TREASURER, CONTINUING EDUCATION OFFICER, AND EXAM OFFICER.

President Owens opened the item for nominations for the Board positions of President, Secretary/Treasurer, Continuing Education Officer, and Exam Officer. She added that it has been recommended in the past to have a Northern Board member as Secretary/Treasurer due to the location of the Board Office being in Reno.

Dr. Krogh was asked if he would be interested in the position of Secretary/Treasurer. Outgoing Secretary/Treasurer Dr. Papa explained that now that the Office has an Executive Director and is bringing a bookkeeper on board to assist with financial oversight, the duties of the Secretary/Treasurer should not be more than 3-4 hours per month. At that Dr. Krogh stated his willingness to serve in the position.

Dr. Holland expressed her willingness to serve as either Exam or Continuing Education Officer.

Member McCoy expressed her willingness to serve as Continuing Education Officer.

President Owens stated her willingness to serve as President for an additional term.

On motion by Anthony Papa, second by John Krogh, the Nevada State Board of Psychological Examiners approved Whitney Owens as President, John Krogh as Secretary/Treasurer, Monique McCoy as Continuing Education Officer, and Stephanie Holland as Exam Officer for terms ending June 30, 2021. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, and Monique McCoy) Motion Carries Unanimously: 5-0

4. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO SELECT THE PSYPACT COMMISSIONER FROM CURRENT BOARD MEMBERSHIP OR OTHER LICENSED PSYCHOLOGISTS IN THE STATE OF NEVADA FOR A TERM ENDING JUNE 30, 2021.

President Owens explained that that the PsyPact Commissioner is the Nevada liaison to the Association of State and Provincial Psychology Boards (ASPPB) and the PsyPact Commission. Dr. Gary Lenkeit has served in the role for the past few months and indicated his willingness to continue.

On motion by Monique McCoy, second by John Krogh, the Nevada State Board of Psychological Examiners approved Gary Lenkeit as the PsyPact Commissioner for a term ending June 30, 2021. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, and Monique McCoy) Motion Carries Unanimously: 5-0

5. (For Possible Action) DISCUSSION AND POSSIBLE APPROVAL OF MINUTES FROM PREVIOUS MEETINGS OF THE STATE BOARD OF PSYCHOLOGICAL EXAMINERS: MAY 8, 2020.

(This item was taken out of order.)

There were no recommended changes to the minutes.

President Owens stated for the record that the new format for the minutes and the agenda show an intention to adhere to Open Meeting Law and thanked the Executive Director.

On motion by John Krogh, second by Anthony Papa, the Nevada State Board of Psychological Examiners approved the minutes of the meeting of May 8, 2020. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, and Monique McCoy) Motion Carries Unanimously: 5-0

6. (For Possible Action) DISCUSSION OF MATTERS RELATED TO THE COVID-19 PANDEMIC AND GOVERNOR SISOLAK'S DIRECTIVE 011. DISCUSSION MAY INCLUDE LICENSURE RENEWAL, CONTINUING EDUCATION CREDITS, TEMPORARY LICENSURE, SUPERVISION CONCERNS, OBTAINING CLINICAL HOURS FOR LICENSURE, AND THE USE OF TELEPSYCHOLOGY AND INTERJURISDICTIONAL PRACTICE.

Executive Director Scurry explained that over 130 psychologists across the county have applied for received temporary licensure through the Governor's Directive 011. She added that approved individuals have been inquiring about how long the emergency directive will last.

President Owens asked the members for their thoughts regarding these temporary licenses. She suggested that verification of licensure should occur at this point, particularly because there is no set timeframe for the emergency directive but that continuity of care for patients will be essential. Deputy Attorney General Ward added that it is possible that as the state begins to open again, Directives could end with little warning or lead time.

Executive Director Scurry explained that the applicants for the temporary licenses have been informed that the license is only good for the length of Directive 011 and that they will be informed as the Office becomes aware of additional information.

Dr. Lenkeit stated that the initial applicants were mainly from psychologists at universities wanting to continue caring for students who had been sent home to shelter in Nevada. He questioned if the process isn't being used by psychologists to practice across state lines without the benefit of Nevada licensure. Dr. Lenkeit suggested that those individuals could be directed to the PsyPact process, where available, to obtain licensure.

President Owens inquired as to what authority the Board office would have to deny applications coming in under the umbrella of the Directive when they do not appear to be COVID related. Mr. Ward agreed that when the Directive expires, the temporary licenses will expire. He added that the Board cannot discriminate by denying an applicant on the belief that the need for the application is not COVID related.

There was discussion regarding conducting at least a minimal license verification and confirmation that the applicant is in good standing in the state where they are licensed.

Dr. Papa asked about the responsibility of the Board to ensure for continuity of care. He specifically mentioned the example of college students who came back to Nevada when their out-of-state universities closed last spring. Those students could potentially remain in Nevada into the fall or beyond the time when the Directive is still in place, particularly if some colleges remain closed.

There was discussion regarding transition of care and planning for ensuring patient care when the out-of-state psychologist no longer has temporary licensure in Nevada. President Owens suggested that when the Directive ends, there may be a need to extend the temporary license to allow time for the Board Office to process applications for those wishing to get licensed in Nevada.

The Board discussed their authority to establish a transitional license. Mr. Ward will research the Board's authority.

President Owens also reminded licensees that they should be following recommended guidelines to prevent the spread of COVID.

7. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO CONSIDER POTENTIAL CHANGE TO CURRENT LICENSURE PROCESS TO ALLOW FOR TEMPORARY LICENSURE.

President Owens opened the discussion of temporary licenses by describing the process for granting temporary licensure to non-resident consultants. Under NAC 641.169 there must be a Nevada licensed psychologist who will be responsible for the conduct of the non-resident psychologist who shall serve in a consultant capacity.

President Owens inquired if the Board would be interested in expanding the provision to allow for temporary licensure for patient care. She added that this has been discussed previously as a means to address the shortage of psychologists in the state. Dr. Papa added that the Board has also previously discussed using temporary licensure to allow a registered psychological assistant to practice while the final licensure application is in the process of being approved. Dr. Owens added that having a temporary licensure process would also help individuals who are moving a practice to Nevada from another state.

Dr. Lenkeit suggested that the Board keep the non-resident consultant process separate from temporary licensure. He point out that non-resident consultants are generally in Nevada for a short time to conduct testing or consult on a criminal matter. Temporary licensure would be specific to patient care and should be its own provision of law/code. Dr. Holland and Dr. Papa stated their agreement with keeping the two processes separate.

This item will return for discussion at a future meeting.

8. (For Possible Action) REVIEW, DISCUSSION, 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).

(This item was taken out of order.)

Secretary/Treasurer Tony Papa presented the checking/savings account balances and confirmed that nothing out of the norm has occurred financially. Dr. Papa added that the Board Office is in the process of hiring a consulting bookkeeper to provide additional financial oversight.

Executive Director Scurry informed the Board that the proposed bookkeeper contract has been reviewed and approved by the State Attorney General's office and is pending approval, if needed, by the Board of Examiners. Due to contract being less than \$2,000, such review and approval by the Board of Examiners may not be necessary.

Harry Ward, Deputy Attorney General, confirmed the process for contract approval and stated the contract would return for Board approval in July, if necessary.

On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the Treasurer's Report. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, and Monique McCoy)
Motion Carries Unanimously: 5-0

A. DISCUSSION OF BOARD MEMBER PAY/REIMBURSEMENT PROCESS AND COST

President Owens stated that Board members are paid for attendance at Board meetings. Procedurally, the members were asked if they prefer to be paid monthly or quarterly.

Dr. Holland expressed that quarterly payments would be appropriate. Dr. Krogh agreed.

B. DISCUSSION OF RECOUPING OUTSTANDING LEGAL FEES OWED TO THE BOARD FROM DISCIPLINARY AND UNLICENSED PRACTICE CASES.

Executive Director Scurry explained that she is working with the State Controller's Office to gain access to the online collections system. She added that an update will be provided in July if any progress has been made by then.

9. (For Possible Action) REVIEW OF PENDING CONSUMER COMPLAINTS:

A. Complaint #19-0514

Harry Ward, Deputy Attorney General, provide a brief summary of the complaint, an alleged HIPAA violation, adding that the Respondent is represented by counsel. The matter is ongoing.

B. Complaint #19-0626

Mr. Ward stated that the Respondent is represented by counsel. The allegation is of unethical behavior and negotiations with counsel are ongoing, including the continued exchange of documents and information (discovery).

C. Complaint #19-0709

Mr. Ward explained that this matter is a "companion case" to 19-0626. The alleged violation is unethical behavior. The matter is pending a reply from the Respondent.

D. Complaint #19-1106

Mr. Ward explained that the complaint stems from an accusation of unlicensed activity or practicing psychology without a license. The matter is under further investigation by the Attorney General's Office for misrepresentations by the Respondent to the general public and remains pending.

E. Complaint #19-1223

Mr. Ward stated that this matter is related to Doctors on Demand. The Respondent is represented by counsel and discovery in the matter is ongoing.

F. Complaint #20-0327

G. Complaint #20-0501

H. Complaint #20-0504

Mr. Ward explained that the three 2020 matters, F, G and H, are pending with little action to date.

Gary Lenkeit clarified that the Respondent in Complaint 20-0327 is not a psychologist but someone applying for licensure. The response from the Respondent in the matter is pending.

Member McCoy joined the meeting at 8:57 a.m.

10. (For Possible Action) UPDATE REGARDING BOARD OFFICE OPERATIONS

A. UPDATE FROM THE PSYPACT COMMISSIONER

Dr. Lenkeit, PsyPact Commissioner reminded the Board members that the licensees will be able to begin applying to be credentialed through PsyPact as of July 1. There are two credentials available: interjurisdictional practice certificate and the E-passport. Once an individual has the interjurisdictional practice certificate, they can apply for the E-passport which allows for practice through telemedicine.

To be credentialed through PsyPact, applicants must be in good standing in their state of licensure and present credentials from the doctorate location to the Association of State and Provincial Psychology Boards (ASPPB).

11. (For Possible Action) UPDATE REGARDING THE STATUS OF REGULATIONS SUBMITTED TO LCB FOR CHANGES TO NAC 641.

(This item taken out of order.)

- 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

Neena Laxalt, Board Lobbyist, provided an update on activity at the Nevada State Legislature and the Legislative Commission. She informed the Board that the various committees have already begun or will begin meeting in the near future. If any items of interest to the Board are scheduled, the Board office will be notified.

Executive Director Scurry provided an update on the upcoming meeting of the Committee on Health Care. That Committee will review regulation R114-19 related to foreign graduates. The change in regulation would have foreign graduates go through the National Register for credentialing, making the process cost effective and thorough.

12. (For Possible Action) REVIEW AND DISCUSSION OF THE CURRENT STATE EXAMINATION CONTENT AND PROCESS; AND POSSIBLE ACTION TO APPOINT A MEMBER OR MEMBERS OF THE BOARD TO REVIEW THE CURRENT STATE EXAMINATION AND MAKE ADJUSTMENTS, AS NECESSARY.

Dr. Owens explained that the state examination moved to an online format in early 2020. Since then, five applicants have taken the exam and all have failed. Dr. Owens suggested that a review of the exam may be necessary to ensure the efficacy of the questions.

Dr. Holland, Exam Coordinator, inquired if the Board should review the previous testing administration process as those iterations underwent greater review and had a larger pool of takers. In that way, the Board can be better assured that the questions have been thoroughly vetted.

Dr. Owens asked if the Board wanted to select a member to review the exam, to designate two or three reviewers, or create a formal sub-committee. She added that in her review of the questions, a few appeared to need revision as they were either confusing or were written in such a way as there could be more than one correct answer.

There was discussion regarding test development and a review process. Dr. Holland, Dr. Papa, and Dr. Krogh offered to review the test. Dr. Lenkeit suggested decreasing both the number of questions, which is currently 50, and the passing score, which is currently 94 out of 100.

Public Comment – Dr. Andrea Bevan made comment as a psychological assistant whose licensure is pending taking the exam. She expressed concern about the time between completing the requirements of a psychological assistant and becoming a licensed psychologist combined with the current delay of the state exam.

13. (For Possible Action) 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.

There was no discussion on this item.

14. DISCUSSION OF BOARD NEEDS, OPERATIONS, AND SCHEDULES.

- A. Update/Report from Nevada Psychological Association Representative.

Dr. Lefforge, Nevada Psychological Association, discussed the concerns the NPA has been hearing regarding the EPPP2 and that beta testing will occur in Nevada. She expressed concern about four factors relating to getting applicants licensed. First, she spoke of the ongoing mental health crisis in Nevada; second, the focus of the Board on the reorganization of the Board office combined with other significant issues demanding the Board's attention; third, the undue pressure placed on applicants including potentially forcing them to take the test before they are ready; and fourth, consideration of systemic factors and equitability. These factors, she stated, raise the question of whether Nevada should be BETA testing the exam.

President Owens thanked Dr. Lefforge for her comments and stated that she would be meeting with the leadership at ASPPB. The factors discussed may be considered as the decision to move forward is discussed in the future.

B. Update regarding Board membership

With the recent resignation and pending departure of Dr. Papa from the Board, there are currently two vacancies to be filled. There was discussion about contacting the appropriate people in the Governor's Office about getting the positions filled.

C. Future Board meeting agenda items (No discussion among the members will take place on this item)

There were no suggestions for future agenda items.

15. (For Possible Action) 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.

The following names were presented for approval of their licensure applications contingent upon successful file completion: Anthony Francisco, Ariel Gonzalez, Jonathan Gould, Francesca Kassing, Tiffany O'Shaughnessy, and Rhea Pobuda.

On motion by John Krogh, second by Anthony Papa, the Nevada State Board of Psychological Examiners approved the licensure applications of Anthony Francisco, Ariel Gonzalez, Jonathan Gould, Francesca Kassing, Tiffany O'Shaughnessy, and Rhea Pobuda contingent upon successful file completion. (Yea: Whitney Owens, Tony Papa, John Krogh, and Monique McCoy. Stephanie Holland was not present at the vote) Motion Carries Unanimously: 4-0

16. (For Possible Action) CORRESPONDENCE – DISCUSSION AND POSSIBLE ACTION ON CORRESPONDENCE RECEIVED FROM LICENSURE APPLICANTS

(This item was taken out of order.)

A. Lauren Chapple-Love

President Owens explained that Dr. Chapple-Love submitted a Study Plan and was requesting permission from the Board to take the Examination for Professional Practice

in Psychology (EPPP) an additional time in accordance with NAC 641.112(4). There were no questions, comments or concerns related to the submitted Study Plan.

On motion by Anthony Papa, second by John Krogh, the Nevada State Board of Psychological Examiners approved the Study Plan of Lauren Chapple-Love to take the EPPP in accordance with NAC 641.112(4)(b). (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, and Monique McCoy) Motion Carries Unanimously: 5-0

B. Tara Raines

President Owens explained that Dr. Tara Raines submitted an application for reactivation of her license. There were no questions, comments, or concerns from the Board.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved reactivation of the license of Tara Raines. (Yea: Whitney Owens, Tony Papa, Stephanie Holland, John Krogh, and Monique McCoy) Motion Carries Unanimously: 5-0

17. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PSYCHOLOGIST LICENSING APPLICATION OF THE FOLLOWING INDIVIDUALS WHO APPLIED FOR LICENSURE UNDER THE EXPEDITED PROCESS AS A 20+ YEAR SENIOR, AMERICAN BOARD OF PROFESSIONAL PSYCHOLOGISTS (ABPP), CERTIFICATE OF PROFESSIONAL QUALIFICATION (CPQ), AND/OR THE NATIONAL REGISTER OF HEALTH SERVICE PSYCHOLOGISTS (NRHSPP). 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.

President Owens presented items (A) and (B) below stating that both individuals have applied under the non-standard application (20+ Senior or credentialing under the American Board of Professional Psychologists (ABPP), Certificate Of Professional Qualification (CPQ), and/or the National Register of Health Service Psychologists (NRHSPP)). As issues were raised in their files in their original states of licensure, the applications were brought before the Board for approval.

A. Robert Martin

The complaint against Dr. Martin stemmed from an allegation of unethical conduct several years ago. After review of the application file, the Board had no discussion and expressed no concerns with his pending licensure. There were no questions for Dr. Martin.

On motion by Tony Papa, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the licensure application of Dr. Robert Martin contingent upon successful file completion. (Yea: Whitney Owens, Tony Papa, John Krogh, and Monique McCoy. Stephanie Holland was not present at the vote) Motion Carries Unanimously: 4-0

B. Michael Scolatti

The complaint against Dr. Scolatti stemmed from a 1992 allegation of negligence. After review of the application file, the Board had no discussion and expressed no concerns with his pending licensure. There were no questions for Dr. Scolatti.

On motion by John Papa, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the licensure application of Dr. Michael Scolatti contingent upon successful file completion. (Yea: Whitney Owens, Tony Papa, John Krogh, and Monique McCoy. Stephanie Holland was not present at the vote) Motion Carries Unanimously: 4-0

18. (Possible Action) DISCUSSION OF LANGUAGE DEVELOPMENT TO COVER THE DIFFERENCES BETWEEN APA ETHICS CODE AND ASPPB CODE OF CONDUCT. BOARD WILL CONSIDER RECOMMENDATIONS FROM APA ETHICS CODE TO BE PLACED IN NAC 641.

Dr. Papa reviewed a chart of comparison showing the differences and similarities between the ASPPB Code of Conduct, the APA Ethics Code and provisions of state laws and regulations. The following areas were highlighted and discussed.

APA Ethics Code, Section 1, Resolving Ethical Issues, 1.06 – Cooperating with Ethics Committees: Chapter 641 of NRS / NAC has no language that states licensees must cooperate with investigations by the Board.

Dr. Papa inquired if this language is stated elsewhere in NRS to provide general direction. He added that NAC 641.174(2) does speak to answering a complaint in a timely manner. Deputy Attorney General Ward stated his belief that the Board does have the authority to require a licensee to cooperate even if not specifically stated.

APA Ethics Code, Section 1, Resolving Ethical Issues, 1.07 – Improper Complaints: Dr. Papa explained that this section prohibits the filing of frivolous complaints or lawsuits. He added that NRS 641.270 states the Board will follow-up on non-frivolous complaints.

Dr. Krogh inquired if the Board currently has the ability to take action against a frivolous complaint. Mr. Ward stated his belief that the Board could move forward against a filer of a complaint when the filing is considered to be unethical.

There was discussion about conflicting language between the APA and the ASPPB documents and whether or not the Board could adopt both, even if there is conflicting language. Dr. Papa stated that ASPPB originally developed a code of conduct separate from APA because the APA code is more aspirational than operational.

President Owens asked the members if they wished to move forward with moving 1.07 into the regulations. Dr. Krogh and Ms. McCoy agreed the Board should move forward with adding a regulation related to improper complaints.

APA Ethics Code, Section 1, Resolving Ethical Issues, 1.08 – Unfair Discrimination Against Complainants and Respondents: This provision states that an individual, against whom a complaint has been filed, cannot be discriminated against simply because a complaint has been filed. There is no similar language in NRS or NAC.

Following discussion, the Board felt this section did not need to be added to the Board's regulations but could be handled on a case-by-case basis if the need arose.

APA Ethics Code, Section 2, Competence, 2.01 – Boundaries of Competence: Dr. Papa explained that the Code of Conduct states a psychologist should be competent, with no further explanation. The APA Ethics Code encourages obtaining the competence necessary to provide "appropriate mental health services" through "relevant research, training, consultation, or study."

There was discussion of the provision in NAC 641.208(2) which states that, except in an emergency, a psychologist shall not "practice or offer to practice beyond the scope of his or her license, or accept or perform any professional service which he or she knows, or has reason to know, he or she is not competent to perform."

There was discussion about whether the language in the NAC was sufficient related to a psychologist, for example, in a rural area where there may not be a competent specialist as defined in the law. The concern being that the psychologist may not treat a patient out of concern that he/she does not meet the competency standard.

President Owens summarized by inquiring if the Board would be able to take action, under the current regulations, against someone determined not to be competent in a particular area and who didn't take the necessary steps to become competent. Mr. Ward replied that he believed the Board would be able to take action against that person.

Dr. Papa countered that what is missing is the ability for the psychologist to gain competency at the same time as providing necessary services to a patient. He added that without that "safety net," a patient may not have access to someone with specialization. The psychologist who is deemed not competent, under the law, would refuse to treat that patient. The APA code provides a pathway for the psychologist to begin to see the patient while building competency where the current Nevada regulations do not offer any such pathway.

This item will return for additional discussion at the next meeting of the Board.

19. (For Possible Action) 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.

There was no discussion of this item.

20. (For Possible Action) 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.

There was no discussion of this item.

21. (For Possible Action) DISCUSSION OF U.S. DISTRICT COURT CASE 2:20-CV-00651-KJD-VCF WHERE THE STATE OF BOARD PSYCHOLOGICAL EXAMINERS IS A NAMED DEFENDANT.

There was no discussion of this item.

22. (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.

There was no discussion of this item.

23. PUBLIC COMMENT.

Dr. Corey Kuhn inquired when the EPPP2 will be required, and specifically if those who are currently finishing their Psychological Assistant hours will have to take it. President Owens explained that only those who complete the requirements for licensure prior to the launch of EPPP2 in or about November 2020 will not be subject to take that exam.

24. (For Possible Action) ADJOURNMENT

There being no more business, President Owens declared the meeting adjourned at 11:15 a.m.