

NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Meeting Minutes

September 11, 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 Whitney Owens, PsyD, at 8:30 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, Secretary/Treasurer John Krogh, PhD, and Members Stephanie Holland, PsyD, Monique McCoy, LCSW, Tony Papa, PhD, and Stephanie Woodard, PsyD, were present at roll call.

Also present were Harry B. Ward, JD, Deputy Attorney General, Lisa Scurry, Executive Director, Sheila Young, Board Investigator, Neena Laxalt, and members of the public: Adrienne Zimring, Brian Lech, Deborah Ribnick, Noelle Lefforge, James Tenney, Francesca Kassing, Lewis Etkoff, and Rachel Davis.

2. Public Comment

Dr. Deborah Ribnick made comment regarding the status of a consumer complaint and the length of time it took for resolution to be reached. The complaint was dismissed but she had not received formal notification.

Brian Lech made comment about continuing education and asked the Board to be flexible in how they may be earned. President Owens explained that all credits can be earned through online opportunities and that live credits require an interactive component with the speaker/host.

3. (For Possible Action) Discussion and Possible Approval of The Minutes of the Meetings of The Nevada State Board of Psychological Examiners From August 14, 2020 And August 28, 2020.

Board member Krogh pointed out a formatting error in the page numbers of the August 14 minutes. There was no other discussion or proposed changes to the minutes.

On motion by John Krogh, second by Stephanie, the Nevada State Board of Psychological Examiners approved the minutes of the meetings of August 14, 2020, and August 28, 2020, with the correction to the formatting of the page numbers. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

4. Financial Report

A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report For F/Y 2021 (July 1, 2020, Through June 30, 2021).

Secretary/Treasurer John Krogh presented the Treasurer's Report consisting of the actual revenues and expenditures since July 1, 2020. He stated that the finances are consistent with past experience. The license renewal period will open soon and the majority of the Board's revenue will come during that time.

Executive Director Lisa Scurry added that a new "actuals to budget" spreadsheet was created to illustrate and compare the monies coming in and going out against the approved budget.

On motion by Tony Papa, second by John Krogh, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2021. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

B. (For Possible Action) Discussion and Possible Action to Provide Direction To The Board Office Regarding The Status Of Recouping Outstanding Legal Fees Owed To The Board From Disciplinary And Unlicensed Practice Cases.

Executive Director Scurry stated there was no update on this item. Although Board office access to the State Controller's Collections website has been granted, the names and associated information for upload to that site are still being gathered.

5. (For Possible Action) Discussion and Possible Action to Provide Guidance on 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.

President Owens spoke about the requirement for continuing education credits as part of the license renewal process, as mentioned during public comment, and the methods by which licensees can obtain those credits. She added that she had not personally had difficulty finding "live" continuing education opportunities. ("Live" includes an event conducted online where the attendee can interact in real time with the presenter.)

There was discussion related to the availability of "live" opportunities. Board member Krogh stated licensees may be having trouble finding courses in certain specialties but added that there are generally many options available that are live and online.

Board Member McCoy, Continuing Education Chair, stated that she has been reviewing many CE events and added that there seem to be many available opportunities.

Dr. Holland stated that other psychologists have voiced concerns to her about difficulty in finding appropriate "live" events. She added that she could support extending the deadline for when continuing education credits are due.

Dr. Woodard added that the courses she has taken in an in-person format in the past are not available this year due to COVID.

There was discussion about reducing the number of "live" credits that would be required. Currently, licensees are required to earn 30 total credits in the biennium for renewal. Of those credits, 15 are "live" and 15 are not.

On motion by Tony Papa, second by Monique McCoy, the Nevada State Board of Psychological Examiners adjusted the requirement for continuing education credits to 9 live and 21 distance learning credits for the renewal period ending December 31, 2020. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

6. (For Possible Action) Discussion and Possible Action to Consider Potential Change(s) to Current Licensure Process to Allow for Temporary Licensure.

President Owens explained that the Rural Regional Health Policy Board has been discussing temporary licensure and a continuation of the provisions of Directive 011, the Governor's order related to COVID-19 and the state of emergency. That Directive has allowed for the temporary licensure or registration of individuals from other states to practice via telehealth with patients located in Nevada.

Executive Director Scurry explained that an informal group consisting of individuals from the various licensing Boards, including Social Workers, Marriage & Family Therapists, and Drug/Gambling Counselors, as well individuals representing the health policy board, has been discussing a potential Bill Draft Request (BDR) for the upcoming Nevada Legislative Session. The purpose of the proposed change to law would be to improve opportunities for licensure portability for mental health care professionals from other states to practice in Nevada, particularly in the rural areas. Ms. Scurry explained that she had concern while attending those meetings that the intent of the proposed change in law could impact the work of the Board of Psychological Examiners related to portability and licensure by endorsement. There has been concern that the proposed change in statute could undermine that work.

President Owens added that the Board of Psychological Examiners has both licensure by endorsement and the PsyPact process to provide expedited licensure to individuals from other states. She also spoke about the internship and psychological assistant process for psychologists and how they differ with other licensing boards.

Board member McCoy spoke about her experience with the Board in her discipline and spoke favorably about the licensing process for psychologists.

Board member Woodard reiterated some of the discussion from meetings of the rural health group. She added that the goals of that group do not necessarily align to the requirements for licensure of a psychologist. There is concern that passage of the bill in its current form could set the licensure requirements for psychologists back. The rural health group is mainly looking at the process for social workers. Dr. Woodard suggested the Board of Psychological Examiners continue to maintain a presence at the meetings.

7. Board Needs and Operations

A. (For Possible Action) Discussion and Possible Action Related To PSYPACT, Including an Update From The PSYPACT Commissioner

There was no report on PsyPact.

B. (For Possible Action) Discussion and Possible Action Related to Implementation of the Eppp2. Discussion May Include Information Received from ASPPB, The Beta Testing Start Date of November 2020, and Communication of Information to Individuals Affected by this Change.

Executive Director Scurry stated that as a result of action previously taken by the Board, qualified individuals who submit their application for licensure prior to November 1, 2020 will not be subject to the EPPP2. She added that the Board office has not received any additional information from ASPPB related to a change to the start date of November 1, 2020.

C. (For Possible Action) Discussion and Possible Action Related to the Nevada State Examination on Jurisprudence and Ethics, Including Potentially Entering into a Contract with A Consultant / Psychometrician in an Amount Not to Exceed \$10,000. Discussion May Include the Scope of Work of The Consultant to Conduct A Psychometric Review of the Administration of the Examination Such as Item Difficulty, Length Of Test, Passing Rate, And Number Of Questions.

Board member and State Exam Chair Stephanie Holland provided the Board with an update on efforts to find a psychometrician to review the online version of the state exam. She has been in communication with Dr. Stephen Benning to discuss a scope of work related to the statistical soundness of the exam including the number of questions, length of time given for the exam, and pass rate.

Dr. Benning has estimated that the work will take 20 – 25 hours to complete at a pay rate of \$200 per hour. He has offered to perform the work in trade for future renewal fees.

President Owens expressed discomfort with waiving any fees as it could cause accounting confusion in future years. She suggested paying for the services outright to fairly compensate him and added her thanks to him for making the offer.

Board member Holland inquired as to how the work should progress, if a subcommittee should be created to oversee the process, etc. She explained that Dr. Benning has asked questions about administration of the exam that the Board may need to discuss. Executive Director Scurry stated that the company that originally administered the exam will provide requested information about the in-person version of the test in the next few days. That information will be provided to Dr. Benning. Additional discussion will occur at the October 9, 2020 meeting of the Board, if necessary.

On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved extending an independent contract agreement to Dr. Stephen Benning to perform a psychometric review of the Nevada State Exam with Dr. Benning being compensated for up to 25 hours at an hourly rate of \$200. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

D. Update and Report from the Nevada Psychological Association

There was no report from the Nevada Psychological Association.

8. (For Possible Action) Review, Discussion, and Possible Action on Pending Consumer Complaints:

Harry Ward, Deputy Attorney General and Board legal counsel, responded to the public comment offered at the beginning of the meeting by apologizing for the delays in providing responses to past complaints. He added that his office and the Board office are working to update the complaint and discipline policies and procedures. The current policy states that when a Complainant retains an attorney, communication between the Board and the attorney will be conducted through the Board's legal counsel. He provided a brief summary of the process his office will utilize for the review and handling of complaints in the future to prevent further delays or confusion.

Board member Holland inquired as to the timeline for providing a response to a Respondent once the Board takes action on a matter. Mr. Ward responded that there is nothing in statute.

A. Complaint #19-0514

Mr. Ward stated there was no update on the matter from his office.

B. Complaint #19-0626

Mr. Ward stated there was no update on the matter from his office.

C. Complaint #19-0709

Mr. Ward stated there was no update on the matter from his office.

D. Complaint #19-1106

Mr. Ward stated there was no update on the matter from his office.

E. Complaint #19-1223

Mr. Ward stated there was no update on the matter from his office.

F. Complaint #20-0327

Executive Director Scurry provided Investigator Dr. Gary Lenkeit's summary and conclusion. The complaint originated from an allegation of inappropriate behavior on the part of a licensure applicant in another state where he was licensed. The requested response to the allegations went unanswered.

The investigator concluded that the Respondent violated Nevada Administrative Code (NAC) 641.210 (2). According to that section of the administrative code, failure to respond to the Board office within 30 days may be grounds for disciplinary action. The investigator recommended that the applicant's application for licensure be suspended until the applicant responds to the complaint.

Mr. Ward suggested his office notify the applicant that the application for licensure is being suspended. Although he is not currently licensed in Nevada, Mr. Ward stated that following this process would begin a file in case future action is needed.

On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners suspended the application of the Respondent in Complaint #20-0327. (Yea: John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard. Abstain: Whitney Owens) Motion Carries: 5-0

G. Complaint #20-0501

Mr. Ward stated there was no update on the matter from his office.

H. Complaint #20-0624

Mr. Ward stated there was no update on the matter from his office.

I. Complaint #20-0709

Board Investigator Dr. Sheila Young provided a summary on the complaint alleging wrongdoing by a psychologist in a custody matter. There were nine speculative allegations to the complaint, such as double billing. Dr. Young stated that the Respondent, upon notice of the complaint, provided appropriate explanations to each allegation.

Dr. Young concluded that, following a thorough review of the matter, there is no evidence to substantiate the complaint. She recommended dismissal with no other action by the Board.

Mr. Ward confirmed that the Respondent did not have an attorney.

On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners dismissed Complaint #20-0709 with no further action. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, and Stephanie Woodard.) Motion Carries: 6-0

J. Complaint #20-0728

Mr. Ward stated there was no update on the matter from his office.

K. Complaint #20-0818

Mr. Ward stated there was no update on the matter from his office.

L. Compliant #20-0819

Mr. Ward stated there was no update on the matter from his office.

9. (For Possible Action) Review and Possible Action on Applications for Licensure as a Psychologist or Registration as a Psychological Assistant, Intern or Trainee. 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 asked for a motion to approve the following applicants for licensure as a psychologist pending satisfactory completion of the application packet: Irina Abramians, Michael Abrams, Zyra Alandy-dy, Hope Bagley, Matthew Damon, Sharlene Jeffers, Anahita Kalianivala, Vesna Radojevic, Samantha Schilling, Jane Shatz, Angela Waldrop, and Carrie Wilkens.

On motion by John Krogh, second by Tony Papa, the Nevada State Board of Psychological Examiners approved the following applicants for licensure as a psychologist pending satisfactory completion of the application packet: Irina Abramians, Michael Abrams, Zyra Alandy-dy, Hope Bagley, Matthew Damon, Sharlene Jeffers, Anahita Kalianivala, Vesna Radojevic, Samantha Schilling, Jane Shatz, Angela Waldrop, and Carrie Wilkens. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, and Stephanie Woodard.) Motion Carries: 6-0

10. (For Possible Action) Correspondence – Discussion and Possible Action on Correspondence Related to Licensure As A Psychologist Or Registration As A Psychological Assistant, Intern Or Trainee

A. Possible Action to Approve the Registration of Francesca Kassing as a Psychological Assistant Pending Completion of Application for Licensure as A Psychologist.

Executive Director Scurry presented the application from Dr. Francesca Kassing to register as a psychological assistant pending completion of her application for licensure as a psychologist. Dr. Kassing is coming from Texas and will be doing a post-doctorate fellowship for one year although she has already completed Nevada's requirement of 1,750 post-doctoral supervised hours.

On motion by Tony Papa, second by John Krogh, the Nevada State Board of Psychological Examiners approved the application of Dr. Francesca Kassing to register as a psychological assistant pending completion of her application for licensure as a psychologist. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, and Stephanie Woodard.) Motion Carries: 6-0

11. (Possible Action) Discussion and Possible Action to Revise and/or Adopt the "Psychological Intern Checklist and Attestation – APA and/or APPIC Equivalency" Form as Recommended by The Application Tracking Equivalency and Mobility (ATEAM) Committee

President Owens explained that the Application Tracking Equivalency and Mobility (ATEAM) Committee has been reviewing the internship process. State law and the associated administrative code requires an internship be accredited by the American Psychological Association (APA) or be equivalent to that accreditation. The administrative code details the requirements for an internship to be considered equivalent.

To help ensure the requirements for internship are being met, the Committee has developed a "Psychological Intern Checklist and Attestation – APA and/or APPIC Equivalency" using the requirements outlined in the NAC. Once adopted, the document will be provided to supervisors of psychological interns, particularly when the internship is not APA accredited, to ensure the supervisor understands what is required.

On motion by Tony Papa, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the adoption of a new form entitled, "Psychological Intern Checklist and Attestation – APA and/or APPIC Equivalency." (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, and Stephanie Woodard.) Motion Carries: 6-0

12. (For Possible Action) Update on the Status of Regulations Submitted to the Legislative Counsel Bureau (LCB) For Changes to Nevada Administrative Code (NAC) Chapter 641

There was no report on the pending regulations. The Board Office has been working with the Legislative Counsel Bureau on final steps for adoption.

- 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

13. (For Possible Action) Discussion and Possible Action on the Status and/or to Provide Further Guidance Related to Regulations Proposed for Submission to the Legislative Counsel Bureau (LCB) For Changes to Nevada Administrative Code (NAC) Chapter 641

A. (Possible Action) Discussion and Possible Action on Proposed Revision To Language In The NAC (641.250) Related To The APA Ethics Code And The ASPPB Code Of Conduct

Executive Director Scurry informed the Board that the proposed change to the regulation to adopt the ASPPB Code of conduct is pending guidance from the Legislative Counsel Bureau on next steps. A workshop to solicit public comment will be scheduled for a future meeting.

B. (Possible Action) Discussion and Possible Action on The Proposed Revision and/or Removal of The Word "Moral" In Chapter 641 Of The NAC.

Executive Director Scurry informed the Board that the proposed change to the regulation to remove the word "moral" from Chapter 641 of Nevada Administrative Code is pending guidance from the Legislative Counsel Bureau on next steps. A workshop to solicit public comment will be scheduled for a future meeting.

C. (For Possible Action) Discussion and Possible Action to Propose a Draft Regulation to Clarify NRS 641.390, Representation or Practice Without License Or Registration Prohibited.

The Board has discussed concerns related to NRS 641.390 over the past few meetings. Those concerns stem from an exception granted through NRS 641.390 that allows certain non-licensed individuals to work as a psychologist. President Owens provided a

summary as to the reason the Board would like to make a change to the statute, expressing concern that a non-licensed psychologist employed by an agency such as the Correction Department could be asked to perform tasks for which he/she may not be properly trained. The proposed change is needed for the safety of inmates being assessed by someone who may not be properly trained and for the public who believes these individuals are licensed psychologists but who may not be.

President Owens presented the Board with a proposal to remove from NRS 641.390 part of section 1 and all of section 2. The proposed deleted language from section 1 reads, "except that any psychological scientist employed by an accredited educational institution or public agency which has set explicit standards may represent himself or herself by the title conferred upon him or her by such institution or agency." The proposed deleted language from section 2 reads, "This section does not grant approval for any person to offer services as a psychologist to any other person as a consultant, and to accept remuneration for such psychological services, other than that of an institutional salary, unless the psychologist has been licensed under the provisions of this chapter."

Board member Krogh made comment that the statute as written allows a public agency to call someone a psychologist who isn't a licensed psychologist, although they may have a doctorate.

Board member Woodard stated her belief that the new leadership in the Nevada Corrections Department may be supportive of this change. Mr. Ward added that the change may reduce litigation against the Corrections Department

On motion by Tony Papa, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the proposed deletion of certain language from NRS 641.390 (part of section 1 and all of section 2, as described above) and directed staff to take steps to introduce the proposed change during the 2021 Session of the Nevada Legislature. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, and Stephanie Woodard.) Motion Carries: 6-0

14. (For Possible Action) Discussion and Possible Action on Proposed Changes to Nevada Revised Statutes to Clarify Purpose, Scope of Use, and Use of Audio and Video Recordings in Therapy and Assessment Training for Psychological Trainees, Interns and Assistants.

Neena Laxalt, Board Lobbyist, informed the Board that the proposed bill does have a sponsor but there was no other update.

15. (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.

Harry Ward, Deputy Attorney General, informed the Board the matter is still in the initial disclosure process. There was no other update.

16. (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

- A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, October 9, 2020 at 8:30 a.m.

17. Requests for Future Board Meeting Agenda Items (No Discussion Among the Members Will Take Place on This Item)

There were no suggestions for future Board meetings.

18. Public Comment

Noelle Lefforge, Nevada Psychological Association, made comment about the Board action to change the continuing education requirements for renewal and expressed concern about licensees receiving enough CE credits in the area of cultural competency.

19. (For Possible Action) Adjournment

There being no further business, President Owens adjourned the meeting at 10:33 a.m.