

NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Meeting Minutes

October 9, 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, and Tony Papa, PhD, were present at roll call. Board Member Stephanie Woodard, PsyD, joined the meeting at 8:35 a.m.

Also present were Harry B. Ward, Deputy Attorney General, Neena Laxalt, Lobbyist, Lisa Scurry, Executive Director, and members of the public Wynonna David, Anthony Francisco, Jane Shatz, Brent Vogel, Gabriela Olavarrieta, Noelle Lefforge, Patricia McGuire, James Tenney.

Mr. Ward made comment that although Dr. Esmaeili has been selected as a new member on the Board, she will not be able to vote until the paperwork has been processed at the State level.

2. PUBLIC COMMENT.

There was no public comment at this time.

Ms. Scurry noted that no public comment was sent to the Board prior to the meeting through email.

3. (For Possible Action) DISCUSSION AND POSSIBLE APPROVAL OF THE MINUTES OF THE MEETING OF THE NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS FROM SEPTEMBER 11, 2020.

There was no discussion nor recommended changes to the minutes.

On motion by Tony Papa, second by John Krogh, the Nevada State Board of Psychological Examiners approved the minutes of the meeting of September 11, 2020. (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 financial report. He explained that the licensure renewal process has begun and revenue should begin to arrive in the account for Board operations over the next two years.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the financial report for fiscal year 2011 as it stands to date. (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.

There was no report or discussion on this item.

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 explained that there have been complaints about the length of time it has been taking for application approvals through the PLUS system of the Association of State and Provincial Psychology Boards (ASPPB). She added this is related to COVID because ASPPB staff are working from home as a result of the pandemic which has slowed the process. ASPPB has also had technical problems with their firewall and servers which delayed communication during the summer months. A meeting was held between Dr. Owens and Director Scurry with three ASPPB staff members to problem solve some of the issues.

President Owens described the COVID Trace application for phones and encouraged everyone to download it the interest of public health.

Dr. Woodard mentioned that the Department of Health and Human Services is utilizing the app to let people know if they have come into contact with someone who is positive for COVID. She added that thousands of people have downloaded and are using the app.

Director Scurry informed the Board that the office has registered 225 psychologists from other jurisdictions under Directive 011.

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

There was no report or discussion.

7. BOARD NEEDS AND OPERATIONS

A. (For Possible Action) DISCUSSION AND POSSIBLE ACTION RELATED TO PSYPACT, INCLUDING AN UPDATE FROM THE PSYPACT COMMISSIONER

In Dr. Lenkeit's absence, Director Scurry explained that ASPPB is still working out the process for notifying state Board's when an individual has been approved under PsyPact.

President Owens inquired how an individual who has been approved under PsyPact should represent themselves. For example, what is appropriate for an email signature line.

B. UPDATE AND REPORT FROM THE NEVADA PSYCHOLOGICAL ASSOCIATION

(This item was taken out of order.)

Dr. Noelle Lefforge, Nevada Psychological Association, presented the findings of a survey the Association conducted related to the licensure process.

Regarding the licensing process, the survey found:

- Non-licensed individuals have a less favorable opinion of the licensing process than those who are licensed;
- Those who have been licensed in the past five years have a less favorable opinion of the licensing process than those who have been licensed for more than five years;
- The most commonly expressed concerns were administrative issues in receiving accurate information about licensing;

The survey also addressed the EPPP Part-2, the national examination for which Nevada is an early adopter. The respondents were split in their opinion about the new test but the majority seemed to be in favor of the adoption.

President Owens made comment about progress the Board has made to improve process and service to licensees and applicants.

8. (For Possible Action) DISCUSSION AND POSSIBLE ACTION RELATED TO THE LICENSE RENEWAL PROCESS FOR THE PERIOD 2021-2022

A. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO APPROVE AN EXPENDITURE OF NOT MORE THAN \$1,500 TO OUTSOURCE PRINTING AND DIRECT MAIL SERVICES OF THE RENEWAL PACKETS TO LICENSEES

Director Scurry updated the Board on the steps that have been taken to ensure a smooth renewal process for licensees. There are currently just under 600 active licenses in Nevada, and approximately 80 that are inactive.

Although the process is available online for licensees, many have requested that a hard copy also be sent. Ms. Scurry recommended outsourcing that work through a direct mail and printing service. That service would be utilized to print the new license expiration stickers, the printing of letters, stuffing of envelopes, and postage for the mailing. The estimated cost would be under \$1,500 and the company DigiPrint would be used. DigiPrint was used in the past for the printing of the stickers.

She added that there has been good response from licensees to ensure mailing addresses are correct. Additionally, the associated survey to the renewal process has been updated to include inquiring if the licensee is a member of PsyPact. There is also a new query to identify licensees who have been trained in trauma. State law requires this information be gathered and for anyone who is interested in being available

On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the expenditure of not more than \$1,500 to outsource printing and direct mail services to DigiPrint for the renewal packets to licensees. (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 DISCONTINUE THE PRACTICE OF PROVIDING LICENSEES A CARD IDENTIFYING THEM AS A LICENSED PSYCHOLOGIST AS SUCH CARDS MAY BE PRINTED BY THE LICENSEE FROM THE ONLINE DATABASE

Lisa Scurry, Executive Director, requested permission from the Board to stop the practice of automatically printing ID cards for licensees. She cited as reasons both the cost of card stock paper, the time expended in printing and mailing the cards, and the cost of postage. She added that licensees have the ability to print ID cards themselves through the database and to request one through the Board office.

On motion by Tony Papa, second by John Krogh, the Nevada State Board of Psychological Examiners discontinued the practice of automatically printing cards identifying licensees. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

9. (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.

There was no updated on the EPPP Part-2. As of the date of the meeting, the test is scheduled to launch as of November 1, 2020.

10. (For Possible Action) DISCUSSION AND POSSIBLE ACTION RELATED TO THE STATE EXAMINATION INCLUDING APPROVAL OF A CONTRACT WITH DR. STEPHEN BENNING, A CONSULTANT / PSYCHOMETRICIAN, IN THE AMOUNT NOT TO EXCEED \$5,000 AND EXPIRING NOVEMBER 13, 2020 TO CONDUCT AN EVALUATION AND VALIDATION OF THE ONLINE VERSION OF THE STATE EXAMINATION.

President Owens informed the members that at the September meeting, the Board approved contracting with a psychometrician, Dr. Stephen Benning, to conduct an evaluation of the online version of the State Examination. At the time the contract was not available so the item returned for formal approval of the independent contractor agreement in an amount not to exceed \$5,000.

On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the contract with Dr. Stephen Benning in an amount not to exceed \$5,000 for purpose of evaluating and validating the Nevada State Examination. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

11. (For Possible Action) REVIEW, DISCUSSION, AND POSSIBLE ACTION ON PENDING CONSUMER COMPLAINTS:

Harry Ward, Deputy Attorney General, informed the Board there was no update on the complaints listed below.

Mr. Ward also informed the Board of the process used should a complaint hearing be held virtually using an online platform. There are potential complications with reviewing exhibits, conducting witness testimony, etc.

- A. Complaint #19-0514
- B. Complaint #19-0626
- C. Complaint #19-0709
- D. Complaint #19-1106
- E. Complaint #19-1223
- F. Complaint #20-0501

- G. Complaint #20-0624
- H. Complaint #20-0728
- I. Complaint #20-0818
- J. Compliant #20-0819

12. (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.

(This item was taken out of order.)

President Owens presented the following names for licensure approval, dependent on satisfactory completion of the application process: Michael Abrams, Nats Babel, Chalenna Cassell, Nino Chkhaidze, Patricia McGuire, Valerie Modirpour, Katherine Pruzan, and Anthony Rodriguez.

Dr. Holland abstained from the vote on Valerie Modirpour.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the licensure applications of the following individuals, dependent on satisfactory completion of the application process: Michael Abrams, Nats Babel, Chalenna Cassell, Nino Chkhaidze, Patricia McGuire, Katherine Pruzan, and Anthony Rodriguez. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the licensure application of Valerie Modirpour, dependent on satisfactory completion of the application process. (Yea: Whitney Owens, John Krogh, Monique McCoy, Tony Papa, Stephanie Woodard. Abstain: Stephanie Holland) Motion Carries: 5-0

13. (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.

A. Jane Shatz, Ph.D.

(This item was taken out of order.)

Dr. Jane Shatz has applied for licensure in Nevada. Her license is currently inactive in the state of California following an administrative action by that licensing board. Dr. Shatz explained the issue that brought about the matter in California, as well as the process of the California licensing Board that resulted in the suspension of her license for a period of two years. It was alleged that Dr. Shatz submitted a declaration to the court; there was a multiple relationship issue; she failed to receive clinical consent and to contact unbiased family members; and she worked with her step-father and his attorney related to jurisdiction and shaped the report to fit the attorney's needs rather than the children's.

Dr. Shatz explained that mediation occurred and the mediation judge ruled there should not be probation. The California Board assigned two years of probation and additional directives such as psychological evaluation.

President Owens asked if the probation was completed. Dr. Shatz responded that she did not complete the probation but put the license on inactive status and left California. Dr. Owens asked what it would take to become active in California. Dr. Shatz explained that she would have to finish the probation and pass the California exam.

Board member Dr. Holland inquired about the California Board complaint and investigation process. Dr. Shatz explained what occurred with her situation.

Dr. Krogh expressed concern about setting a precedent before reviewing the packet fully. Asked if she was current with CEUs. Dr. Shatz stated she would get current.

President Owens expressed concern with setting a precedent of approving an applicant when discipline is ongoing in another state and/or final resolution has not been reached in that jurisdiction. She asked the Board if they wished to continue with the discussion or if they needed additional time to review the materials and have the item return at the November meeting.

Dr. Esmaeili asked about the Nevada complaint and discipline process. President Owens explained that the Nevada process would be similar to that described by Dr. Shatz.

Mr. Ward suggested that the Board has the option of continuing the matter to another date. Dr. Shatz responded that she would be in favor of the item coming back at a future meeting to ensure the Board members have time to review the packet of materials.

Dr. Shatz explained that because she has been on inactive status she had not kept up on those credits. She added, though, that she could get current quickly.

Ms. McCoy expressed concern about moving forward before the members have thoroughly reviewed the details of the matter.

On motion by Monique McCoy, second by John Krogh, the Nevada State Board of Psychological Examiners tabled discussion of the application for licensure of Dr. Jane Shatz until a future meeting. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

B. Anthony Francisco, Ph.D.

(This item was taken out of order.)

The application for licensure of Dr. Anthony Francisco was presented to the Board for approval. The background check revealed an arrest on a marijuana charge from more than 40 years prior.

Dr. Francisco explained the arrest was the result of marijuana being grown on the property at which he was living. He stated he would take steps to have the incident expunged from his record.

Mr. Ward added that Nevada has a simplified process for the expungement of minor drug arrests.

Dr. Krogh made motion to reinstate the licensure of Dr. Anthony Francisco, which was seconded by Dr. Woodard. Ms. Scurry clarified that the item is for consideration of licensure, not reinstatement. Dr. Krogh restated the motion.

On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the application for licensure of Dr. Anthony Francisco pending successful completion of the application process. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

14. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE APPLICATION OF SHELLEY K. KRACH, PH.D., FOR REINSTATEMENT OF LICENSURE AS A PSYCHOLOGIST.

President Owens presented the application of Dr. Shelley Krach for reinstatement of her license.

Proof of thirty continuing education credits were provided with the application. There was discussion of whether the provided credits included the suicide, ethics and live credit requirements.

Mr. Ward confirmed that the Board could issue a provisional license pending confirmation that the continuing education credits requirement had been met.

Dr. Krogh added that the live credit requirement was reduced for the current biennium.

On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the application to reinstate the license of Shelly Krach, Ph.D. contingent upon proof that the continuing education credits have been met. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

15. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE APPLICATION OF AVRAHAM SCHWEIGER, Ph.D., TO CHANGE HIS LICENSE STATUS FROM ACTIVE TO INACTIVE.

President Owens presented the application of Dr. Avraham Schweiger to change the status of his license from active to inactive.

Dr. Papa inquired, in general terms, why a licensee has to apply and pay to go to inactive status versus not renewing their license.

Director Scurry responded that the way the law is written, an individual who does not renew their license could have their license suspended. There is currently no provision in law or the corresponding administrative code that would allow a licensee to sever the license completely. She added that if the Board considered taking future action to allow a licensee to sever a license, it would be under the caveat that obtaining a license in the future would require the full licensure process.

Mr. Ward added that he has seen examples of a similar process in other disciplines, such as a license to practice law, where an administrative inactive fee is charged during each renewal period.

Ms. Scurry clarified that the Board would need to take action in order to change the process or add a method for severing a license.

On motion by Monique McCoy, second by Tony Papa, the Nevada State Board of Psychological Examiners approved the application to change the license status of Avraham Schweiger, Ph.D., from active to inactive. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

16. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE REGISTRATION OF GABRIELA A. OLAVARRIETA, PSY.D., AS A PSYCHOLOGICAL ASSISTANT. 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.

(This item was taken out of order.)

The application for registration as a psychological assistant of Dr. Gabriela Olavarrieta was presented to the Board for approval. The background check revealed a minor-incident (petty theft) from 12 years prior.

Dr. Olavarrieta explained the charge was dismissed. She believed the offense had been expunged from her record and stated she would take steps to ensure that happens in the future.

On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the registration of Dr. Gabriela Olavarrieta as a psychological assistant. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

17. (For Possible Action) CORRESPONDENCE - DISCUSSION AND POSSIBLE ACTION ON A LICENSEE PROPOSAL TO CREATE A PSYCHOLOGICAL ASSISTANT (POST-DOCTORAL) LICENSE

President Owens introduced correspondence from a licensee who would like the Board to consider adoption of a license for psychological assistants. Such credentialing would allow psychological assistants to bill commercial insurance. She added that there are other mental health disciplines who only require a masters degree before being licensed.

Dr. Papa supported the idea echoing the idea that psychological assistants have completed their doctoral education. He added that there are other states that issue a provisional type license at that level, such as a resident receives in the medical profession.

Dr. Krogh also agreed with bridging the gap as other professions have done, smoothing the transition.

Dr. Holland asked for clarification as to the purpose of a provisional license. President Owens clarified that a psychological assistant with such a provisional license would continue to work under a supervisor but would be able to bill insurance companies. This could increase access to quality health care to the citizens of Nevada.

The Board members discussed conducting research into the proposal, particularly the policies of various insurance companies and if a provisional license would be accepted.

18. Legislative Update. Discussion of the Upcoming 2021 Session of the Nevada Legislature Scheduled to Begin in February 2021

A. (For Possible Action) UPDATE AND DISCUSSION ON A PROPOSED BILL DRAFT REQUEST (BDR) RELATED TO LICENSURE PORTABILITY AND RURAL HEALTH CARE

Lisa Scurry, Executive Director, provided the Board with an update on efforts by a group supporting the Rural Health Board to increase mental health care access to the rural areas. The group includes representatives from the licensing Boards for social workers, marriage and family therapists, drug and gambling counselors, and psychologists. Discussion in meetings has centered around a potential bill draft request of the Rural Health Board for the upcoming legislative session.

The draft bill would include two areas related to psychologist licensure. Ms. Scurry explained that the draft language seeks to extend the provisions of the Governor's Directive 011 related to temporary registration in Nevada of health care providers who are licensed in other states. Those provisions would create an easier path toward licensure in Nevada for those providers. She explained, though, that there is the potential for conflict between their draft language and the work the Board of Psychological Examiners has previously done related to licensure by endorsement. As a result, at one of the meetings the draft language was changed to be permissive as it would relate to the provisions of Chapter 641 governing psychologists.

A recent draft of the bill was distributed to the group that had been attending those meetings. It was noted at that time by President Owens that new revisions to the language would once again impact psychological licensure. As a result, there was discussion that it may be necessary for the Board to submit a friendly amendment once the Legislative Session begins. The Bill Draft Request will be tracked to ensure language isn't enacted that could conflict or undermine existing licensure by endorsement language or PsyPact.

President Owens added that she, Dr. Woodard, and Ms. Scurry plan to attend the next meeting of the group in December for a final review of the document prior to the beginning of the Legislative Session.

Dr. Woodard described conversations she had with the group's lead regarding those potential conflicts and will also seek to ensure any adopted legislation advances the work of the Board rather than undermining it.

B. (For Possible Action) DISCUSSION AND POSSIBLE ACTION ON THE STATUS OF A BILL DRAFT REQUEST PROPOSING 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, gave an update on potential legislation related to audio and video recordings in therapy and assessment training. The Legislative Counsel Bureau (LCB) has inquired how health care records, as referenced in the draft language, are being defined. Specifically, is the intent to encompass all health care records or just those of a mental health care professional?

The Board of Medical Examiners provided a response that they did not want to be part of the bill. The response explained their position and provided some possible language related to the definition of records. The proposed definition and change to NRS 629.021 as presented by the Board of Medical Examiners read, "Health care records does not include video or audio recordings of mental health care treatment made for the purposes of training mental health care providers as long as the patient provides informed consent both to the creation of these recordings and the destruction of these recordings after the training purpose is achieved. This exclusion does not exempt mental health care providers from keeping clear and complete medical records related to the patient's medical history, examination, diagnosis or treatment."

The draft language will be provided to LCB.

C. (For Possible Action) **DISCUSSION AND POSSIBLE ACTION ON THE STATUS OF A PROPOSAL TO REMOVE OF LANGUAGE FROM NRS 641.390, REPRESENTATION OR PRACTICE WITHOUT LICENSE OR REGISTRATION PROHIBITED, DURING THE 2021 NEVADA STATE LEGISLATIVE SESSION.**

This item stems from a proposal to revise NRS 641.390 which allows for non-licensed psychologists to be employed by a public agency, such as the Department of Corrections. The proposed change will be reviewed by Mr. Ward, Deputy Attorney General. A meeting between the Board President, Dr. Woodard, and staff of the Department of Corrections will be scheduled to review the proposal and discuss any concerns that may exist.

19. (For Possible Action) DISCUSSION AND POSSIBLE ACTION ON REGULATIONS SUBMITTED TO THE LEGISLATIVE COUNSEL BUREAU (LCB) FOR CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 641 INCLUDING:

Executive Director Scurry provided an update on the status of the regulations.

Following conversations with the Legislative Counsel Bureau, it was determined that the proposed changes to Administrative Code described in R131-15, R114-19, and R115-19 (A, D, and E below) were never subjected to a public hearing following the Workshop in November 2019. As a result, Director Scurry recommended beginning the process again to ensure full transparency and compliance with the law. That will begin with a public workshop at the November Board meeting. From there, the steps outlined in NRS Chapter 233B, Nevada Administrative Procedure Act, will be followed to complete the adoption process, including a public hearing.

- A. R131-15: Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.
- D. R114-19: Foreign Graduates
- E. R115-19: Supervision, payment of psychological assistant, Closure of a Practice

Regulations R057-19 and R058-19 has completed the public hearing process and is with the Legislative Counsel Bureau for final review. From there, they should be referred to the Legislative Commission potentially for final adoption.

She added that a typo was found in R057-19 but the attorney for LCB felt it could be corrected without going back to a hearing. A typo was also found in R058-19 where one state was left out of the regulation. The attorney felt this was also a minor change as it would not change the intent of the regulation.

- B. R057-19: Fees.
- C. R058-19: Endorsement Language

20. (For Possible Action) DISCUSSION AND POSSIBLE ACTION ON PROPOSED REVISIONS, DELETIONS, AND/OR ADDITIONS TO PROVISIONS OF NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 641

Director Scurry provided an update on the status of newly proposed regulations that will move to a public workshop at the November Board meeting. No additional action should be necessary

- A. (For Possible Action) DISCUSSION AND POSSIBLE ACTION TO REVISE NAC 641.250 FOR THE ADOPTION OF THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGICAL BOARDS (ASPPB) CODE OF CONDUCT

This potential change would add ASPPB’s Code of Conduct to existing Nevada Administrative Code related to ethics. The Board has previously discussed and approved the language. Action was sought to move the change to a Public Workshop.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved moving proposed changes to NAC 641.250 to a public hearing at a future meeting of the Board. (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 REVISE NAC 641.025, 641.028, AND 641.208 TO REMOVE THE WORD “MORAL”

This potential change would remove references to the word moral throughout Chapter 641. The Board previously discussed and approved the language. Action was sought to move the change to a Public Workshop.

On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved moving proposed changes to NAC 641.025, 641.028, and 641.208 to a public hearing at a future meeting of the Board. (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Tony Papa, Stephanie Woodard) Motion Carries: 6-0

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.

Harry Ward, Deputy Attorney General, informed the Board there was no update on the status of this legal matter.

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

A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, November 13, 2020 at 8:30 a.m.

President Owens announced the date of the next meeting. There were no concerns expressed regarding that date.

23. REQUESTS FOR FUTURE BOARD MEETING AGENDA ITEMS (NO DISCUSSION AMONG THE MEMBERS WILL TAKE PLACE ON THIS ITEM)

There were no requests for future Board meeting agenda items.

24. PUBLIC COMMENT.

There was no public comment at this time.

25. ADJOURNMENT

There being no further business, President Owens adjourned the meeting at 11:09 a.m.