

# NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

## Meeting Minutes

December 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 8:35 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 Stephanie Holland, PsyD, Monique McCoy, LCSW, Soseh Esmaili, PsyD, and Stephanie Woodard, PsyD, were present at roll call. Board Secretary/Treasurer John Krogh, PhD, was absent.

Also present were Harry B. Ward, Deputy Attorney General, Gary Lenkeit, PhD, Board Investigator, Neena Laxalt, Lobbyist, Lisa Scurry, Executive Director, and members of the public: Beth Farley, Teri Belmont, Tony Papa, Noelle Lefforge, W. David, Erin Briley, James Tenney, Erik Welsh, Davor Papic Zink, and Stephen Benning

### **2. Public Comment**

There was no public comment provided, nor had any public comment had been received by the Board Office as of the start of the meeting.

### **3. (For Possible Action) Workshop to Solicit Comments on a Proposed Regulation (Previously Known as R115-19P) (See Workshop Notice); and Possible Action to Forward the Proposed Regulation for a Public Hearing at a Future Meeting of the Nevada Board of Psychological Examiners in Accordance with NRS Chapter 233B**

President Owens opened the Public Workshop at 8:51 a.m. and asked for public comment.

There was no public comment provided. Director Scurry stated that no new public comment had been received by the Board office. She added that two letters related to the proposed regulation had been received for the November meeting and those letters were attached to the November meeting minutes.

Although the regulation was previously discussed at a public workshop in November, proposed language related to Section 6 (NAC 641.152) regarding supervisors being employed by the same agency as the psychological assistant or psychological intern, was not finalized. As a result, the regulation was scheduled for a second public workshop.

President Owens explained the purpose of the proposed change to Nevada Administrative Code (NAC). She described situations that had occurred in the past

when supervisors who were not employed by the same agency as the supervisee. In those cases, the supervisor may not have access to necessary records creating a barrier to providing adequate oversight of the supervisee, particularly when a complaint is filed. It was clarified that records refers to both patient records and records related specifically to the supervisee.

A concern was previously expressed from the Nevada Psychology Internship Consortium (consortium) that the new language would create a conflict for psychological interns and their supervisors. Often supervisors in the consortium are not employees of the agency where the intern is working. As the consortium is the source of many internship supervisors, the change in the regulation could have a damaging effect on the program. Members of the consortium contacted the Board suggesting that the language be revised to ensure adequate supervision is maintained while not interfering with the goals of the consortium to provide internship opportunities.

There was discussion about how to best revise the regulation to both meet the intent of the Board and the needs of the internship consortium. Suggestions including stating that the supervisor was employed by or "contracted with" the same agency. President Owens explained that such a contract, if not written to include the necessary information related to records, would not necessarily meet the goal.

Member McCoy, who is a Licensed Certified Social Worker, stated that in social work, the supervisor is often not employed by the same location as the supervisee and a contract is used to bridge that gap.

President Owens added that the intent is to protect the student and to prioritize their training. Agencies should prioritize hiring interns for the purpose of generating revenue rather than emphasizing adequate training of the intern.

Liza Tupa, Western Interstate Commission for Higher Education, and Emily Slife, Nevada Psychology Internship Consortium, made comment related to the roles of those two organizations and proposed revisions to the language.

Following thorough discussion, the following language was proposed to Section 6 #6(b) of the regulation. "A psychological assistant or psychological intern must be: (a) an employee of the supervisor; or (b) (suggested language:) *"An employee of an agency or institution that provides access to and oversight by a supervisor through a written formal affiliation with the agency or institution at which the psychological assistant or psychological intern is based. The psychological assistant or psychological intern may not be an independent contractor."*

The draft regulation will be forwarded to a future meeting of the Board for a public hearing. It was suggested that members, as well as other interested parties, bring further revisions to that public hearing for consideration by the Board.

President Owens asked for public comment. There was none at this time.

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners forwarded the draft regulation (R115-19) to a Hearing as part of a future meeting of the Board in accordance with NRS 233B.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

The public workshop was closed at 9:44 a.m.

In moving back to the regular agenda, President Owens asked if there was any public comment. There was none.

**4. (For Possible Action) Discussion and Possible Approval of the Minutes of the Meetings of the Nevada State Board of Psychological Examiners from November 13, 2020.**

There was no discussion nor recommended changes to the minutes.

**On motion by Monique McCoy, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the minutes of the meeting of November 13, 2020.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**5. 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).**

Lisa Scurry, Executive Director, presented an overview of the financials on behalf of Secretary/Treasurer Dr. Krogh.

The balance sheet, general ledger, and the budget-to-actuals were presented for review. The revenue noted on the balance sheet referred to deferred revenue rather than renewals. She explained this is a result of a change to the Government Accounting Standards (GASB) that requires that monies received prior to the time it will be used be accounted for in this way. In this case, the revenue is considered deferred because renewals occur in November/December of 2020 but the purpose of the monies is for the time period beginning January 1, 2021, the beginning of the license period.

Ms. Scurry stated that approximately 200 people had renewed their license to date putting the bank balance at over \$130,000. There was an additional \$20,000 on hold through the online banking service as that money is released in small increments.

Related to the external audit, Ms. Scurry explained that the accounting processes used in the office have been revised over the past few months, including the way in which the finances are recorded. She expressed gratitude for the work and support of the bookkeeper previously hired by the Board.

**On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the Treasurer’s Report, to date, for Fiscal Year 2021.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**B. (For Possible Action) Report, Discussion, And Possible Action To Accept The Annual Financial Audit For Fiscal Year 2020 (Ending June 30, 2020) As Prepared By Eide Bailly LLC And In Accordance With NRS 218G.400.**

(This item was taken out of order.)

Beth Farley, Partner from Eide Bailly, LLC, presented the findings of the annual financial audit for fiscal year 2020 (July 1, 2019 – June 30, 2020).

Ms. Farley reviewed the audit with the Board, including financial statements of net position and activities. No deficiencies were found related to state law nor were there any disagreements with the Board office on items in the audit.

Recommendations for strengthening the financial controls were reviewed. Ms. Farley recommended that staff should have an understanding of government accounting standards. She recognized that adjustments have been made to the financial oversight practices in the office to make the current staffing adequate.

The second recommendation was to ensure that the PERS reports and payments be accurate related to payroll. She noted a lack of consistency during the 2020 fiscal year.

The third recommendation was related to oversight of financial journal entries. Ms. Farley suggested that if those journal entries are made by the Executive Director a Board member should review the entries. She added that there should be documentation available for each entry.

**On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners accepted the annual financial audit for Fiscal Year 2020.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**C. (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.**

Ms. Scurry explained that the records of legal fees owed to the Board over the past several years have been located. Reconciling what was owed to what was previously paid is an ongoing project. She added that records related to monies owed should be uploaded to the state collection system after the start of the new year.

**6. (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.**

Member Stephanie Woodard provided an update on the Tier 1 rollout of the COVID-19 vaccine. That included confirmation that in- and out-patient practitioners are included in Tier 1. Dr. Woodard added that as she receives information about how information will be verified and the plan for distribution, it will be passed on to the Board Office.

Dr. Woodard inquired as to how many out-of-state providers are registered with the Board under Directive 011. Ms. Scurry responded that, to date, 254 individuals had requested temporary registration with 10 new applications since the beginning of November. She added that many of those who initially registered in the Spring have contacted the Board office again to ensure their registration was still active.

Dr. Woodard commented that discussion of continuity of care as the Directive ends in the future should continue to be an item for discussion by the Board. It was suggested that the topic be added as a separate and specific item for future agendas.

**7. (For Possible Action) Discussion and Possible Action to Extend the Independent Contract with Dr. Stephen Benning, Consultant / Psychometrician, To February 1, 2021 for the Purpose of Conducting an Evaluation and Validation of the Online Version of the State Examination. (Note: This Contract Was Approved by The Board on October 9, 2020 For an Amount Not to Exceed \$5,000.)**

President Owens explained that a contract was approved for Dr. Stephen Benning to conduct an evaluation of the State Examination at the October 9, 2020 meeting of the Board. As the start of the work was delayed and, therefore, could not be completed by the established date, an extension of the contract was proposed.

**On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners extended the independent contract of Dr. Stephen Benning to February 28, 2021, as previously approved by the Board on October 9, 2020.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**8. (For Possible Action) Report, Discussion and Possible Action on the Evaluation and Validation of the Online Version of The State Examination, Including A Report by Dr. Stephen Benning, Consultant / Psychometrician. Possible Action May be Taken to Adjust the Minimum Passing Score, Number of Questions in the Exam, and Length of Time Provided to Complete the Exam.**

(This item was taken out of order.)

Dr. Stephen Benning gave the Board an update on the status of the review of the State Examination. He stated he had received the data needed for review and was conducting the analysis.

President Owens inquired as to the timeline for completion, stating that the Board is aware that applicants are waiting to take the exam for completion of their licensure. Dr. Benning stated his hope the work would be completed by February.

## **9. Board Needs and Operations**

### **A. (For Possible Action) Discussion and Possible Action Related to PSYPACT, Including an Update from The PSYPACT Commissioner**

Dr. Gary Lenkeit, PSYPACT Commissioner, gave an update on discussions that occurred at the November meeting of the PSYPACT Commission.

There are now 15 member states and active legislation in 7 states to become members.

Applications continue to be received from ASPPB by individuals seeking the credential. A registry of individuals who have been approved is being compiled.

Regarding an inquiry as to how the PSYPACT credential should be indicated on an individual's VITA, website, signature line, etc., Dr. Lenkeit suggested the information be listed as a credential below the name, not after the name such as with a degree. The registration number and date issued could be listed.

Public Comment: Teri Belmont made comment about how to put the information on a business card.

### **B. Update and Report from the Nevada Psychological Association**

Dr. Noelle Lefforrge, Nevada Psychological Association (NPA), provide a report on activities of the NPA, including preparation for the start of the 2021 Legislative Session. She added that NPA was also asked to submit an amicus related to the Third-Party Observers matter going before the Nevada Supreme Court (Item #17 of the agenda).

### **C. Report from The Executive Director on Board Office Operations, Including the Status of License Renewals**

The status of license renewals was provided during the financial report.

## **10. (For Possible Action) Discussion on Social Media Guidelines Distributed by ASPPB In Comparison With Guidance Provided By The State Of Nevada Board Of Psychological Examiners**

President Owens suggested the Board review and compare the social media guidelines recently provided by ASPPB with the policy previously adopted by the Board. She asked for a volunteer to review both documents and present to the Board at a future meeting.

Member Dr. Esmaeili volunteered to conduct the review and create a document comparing the two.

**11. (For Possible Action) Review, Discussion, And Possible Action on Pending Consumer Complaints:**

Harry Ward, Deputy Attorney General, stated there was no update on the status of the following complaints. Dr. Lenkeit added that he had no updates.

Director Scurry stated that Item G, Complaint #20-0624, should have been removed from the agenda as it was previously resolved.

- 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.**

The following names were presented for approval of licensure pending satisfactory completion of the licensure application requirements: Beth Borosh Gissane, Kalana Greer, Lisa Hancock, Katherine Kruser, Luzviminda Morrow, Lyle Noisy Hawk, Brooke Norton, Christopher Shewbarran, and Leah York.

Member Dr. Esmaeili stated she needed to abstain from voting on the application of Christopher Shewbarran.

**On motion by Monique McCoy, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the licensing applications, contingent upon successful completion of the application requirements, the following: Beth Borosh Gissane, Kalana Greer, Lisa Hancock, Katherine**

**Kruser, Luzviminda Morrow, Lyle Noisy Hawk, Brooke Norton, and Leah York.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**On motion by Monique McCoy, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the licensing applications, contingent upon successful completion of the application requirements, the following: Christopher Shewbarran.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Stephanie Woodard. Abstain: Soseh Esmaeili) Motion Carries: 4-0

(The following item was taken out of order.)

Dr. Davor Zink Papic has requested approval to register as a psychological assistant pending completion of licensure as a psychologist. Ms. Scurry explained that the requirements as a psychological assistant have been met but the final PLUS application for full licensure had not been received by the Board Office. Registration as a psychological assistant will allow Dr. Zink to continue to work pending final licensure.

**On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the registration as a psychological assistant of Dr. Davor Zink Papic.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**13. (For Possible Action) Discussion and Possible Action to Approve a Change in License Status to Active from Inactive for Dr. Donald Salz (Py0768)**

The application of Dr. Donald Salz to move from inactive status to active status was presented to the Board. The application and required continuing education information was provided.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the change in license status from inactive to active for Dr. Donald Salz.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**14. (For Possible Action) Discussion and Possible Action to Approve the Application for Licensure of Dr. Erik Welsh. 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 background check of Dr. Erik Welsh had a minor finding of petty theft from 2002. Director Scurry explained that Dr. Welsh has completed all requirements for licensure



and is seeking approval of that application. There were no questions or comments from the Board members.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the licensure application of Dr. Erik Welsh.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**15. (For Possible Action) Discussion and Possible Action to Approve the Registration of Dr. Jesse Scott 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.**

The background check of Dr. Jesse Scott was presented to the Board. Dr. Scott had a minor finding of possession of drug paraphernalia and failure to appear from 2004. Director Scurry explained there was no conviction in the matter.

**On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the registration as a psychological assistant of Dr. Jesse Scott.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

**16. (For Possible Action) Discussion and Possible Action to Review and Approve the Request for Accommodations to take the National Examination (Examination for Professional Practice in Psychology (EPPP) Part 1 And 2) in Accordance with NAC 641.120**

**A. Carolina Meza Perez**

Dr. Carolina Meza Perez submitted a request for an accommodation to take the EPPP Parts 1 and 2. The requested accommodation is for three 10-minute breaks during the testing period.

There were no questions or comments from the Board.

**On motion by Monique McCoy, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the accommodation request from Dr. Meza Perez to take the EPPP Part 1 and Part 2.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

## **B. Rory Newlands**

Dr. Rory Newlands submitted an accommodation request for the EPPP Parts 1 and 2. The requested accommodation is for extra time (time and a half) to complete the test.

There were no questions or comments from the Board.

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the the accommodation request of Dr. Rory Newlands to take the EPPP Part 1 and Part 2.** (Yea: Whitney Owens, Stephanie Holland, Monique McCoy, Soseh Esmaeili, Stephanie Woodard) Motion Carries: 5-0

### **17. (For Possible Action) Review of the Opinion Letter to the Nevada Supreme Court Related to Third Party Observers During Neuropsychological and Forensic Psychological Evaluations as Approved at the November 13, 2020 Board Meeting**

At the November 13, 2020 meeting of the Board, following a request that the Board join in an amicus brief, it was decided an opinion letter would be drafted to the Nevada Supreme Court related to third party observers during neuropsychological and forensic psychological evaluations. The letter was written from the perspective that such third-party observers could constitute an ethical violation for the psychologist. The letter was provided to the requestor who will distribute it to the attorney in the matter.

There was no action on this item.

### **18. (For Possible Action) Correspondence - Discussion and Possible Action on a Licensee Proposal to Create a Psychological Assistant (Post-Doctoral) License**

At the request of a licensee, the Board has contemplated the creation of a license for psychological assistants rather than the current registration process. The purpose of the license would be, in part, to allow psychological assistants to bill insurance and Medicaid.

At the discussion of the item at the October meeting, several members of the Board volunteered to do research into the matter, particularly looking at whether insurance companies would accept licensure of a psychological assistant.

There was discussion about the ways in which social workers are licensed. Member Dr. Holland stated that social work interns are provided a license for their work which enables them to seek insurance.

Member McCoy, a Licensed Certified Social Worker, added that in social work, the various levels are licensed, including those that require supervision.

President Owens suggested the change could not only enable psychological assistants to bill Medicaid and insurance companies but increase patient access to mental health care.

Dr. Lenkeit inquired if the license would still expire after the same amount of time as the current registration process. Dr. Owens stated her belief that it would.

Member Holland stated that patients would need to understand the difference between a licensed psychological assistant and licensed psychologist. President Owens responded that individuals who are under supervision must inform the patient of that fact. Under this proposal, the psychological assistant would still be supervised and be required to disclose to the patient.

Member Woodard clarified that the license would be for a licensed psychological assistant and would not be conferring full licensure on the assistant. She added that if such a move is made, the public should be educated about the difference between a psychological assistant and a psychologist.

President Owens suggested the Board continue to discuss the topic over the next few months to potentially address during a future session of the Nevada Legislature.

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

Neena Laxalt, Board Lobbyist, provided an update on the upcoming session of the Nevada Legislature. The review of bill draft requests that have been filed is under way for any that could have impact on mental health, health care, or the work of the State boards. She described the tracking system used to watch bills that could have impact, particularly on NRS Chapter 622 and 641. There are 48 bills on the list currently.

#### **A. (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.**

Ms. Laxalt explained that Bill Draft Request (BDR) 456, proposed by the Board of Psychological Examiners, was submitted by Assemblywoman Tolles, the bill sponsor for consideration during the 2021 Legislative Session.

#### **B. (For Possible Action) Discussion and Possible Action on the Status of a Proposal to Remove Language from NRS 641.390, Representation or Practice Without License or Registration Prohibited, During the 2021 Nevada State Legislative Session.**

There was no update on the potential change to NRS 641.390 as it is not proposed for the 2021 Legislative Session.

**C. (For Possible Action) Discussion and Possible Action on Bill Draft Request (BDR) 55-428 of the Rural Health Board in Which NRS Chapter 641, Psychologists, is Considered for Revision.**

BDR 55-428 is currently the only bill that could directly impact NRS Chapter 641. It was proposed by the Rural Health Policy Board and was designed to remove barriers to licensure in mental health care. Ms. Laxalt described the provisions of the bill and added that Board staff have been attending meetings of the individuals who drafted the bill.

**D. (For Possible Action) Discussion and Possible Action on Potential Legislation from the Health Care Data Workforce.**

There was no update on this item.

**20. (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:**

There was no update on the following. A hearing for each will be scheduled at future meetings of the Board.

**A. R057-19: Fees**

**B. R058-19: Endorsement Language**

**C. R173-20 (Previously 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. R174-20: Code of Conduct**

**F. R175-20: Removal of "Moral"**

**21. (For Possible Action) Discussion and Possible Action to Provide Direction to the Executive Director on a Draft Policy and/or Procedure Related to Board Staff and Office Operations**

A draft policy related to Board staff and office operations was presented for review and discussion by the Board.

Member Woodard asked if performance evaluations are typically conducted during an open meeting. Mr. Ward explained that although evaluations are generally conducted in open meeting, the evaluation process can be completed outside of a meeting with just the final evaluation presented to the Board in an open meeting.

President Owens added that in the past the Board president has conducted the evaluation working in concert with the executive director. The final evaluation then goes to the Board.

Member Woodard asked if the policy should include a section about when and how disciplinary action or additional performance review may be initiated outside of the standard evaluation cycle.

Director Scurry stated the document was a rough draft for the purpose of gathering initial thoughts and comments from the Board. She added that many provisions in the policy may require detailed procedures that are still being drafted.

As to Dr. Woodard's inquiry, Director Scurry stated the policy contained language related to termination but agreed that language should be added related to steps to be taken for concerns, complaints, discipline, etc. She added that the process for addressing concerns of the executive director, as well as concerns of the Board, should be included.

Member Holland stated that the policy should indicate the executive director is not provided with insurance benefits.

Member Esmaeili suggested the addition of language that upon separation of employment the executive director will not remove any supplies or equipment and will remain bound to confidentiality.

Director Scurry agreed and added that a written confidentiality statement should be considered as part of the personnel file upon initial employment.

## **22. (For Possible Action) Discussion and Possible Action to Provide Direction to the Executive Director on a Draft Policy and/or Procedure Related to the Processing of Background Checks for License and/or Registration Applicants**

President Owens explained that the Board has discussed creation of a policy on background checks to provide guidance on when background checks should be brought to the Board for review.

Director Scurry stated that she checked with the other mental health boards and found that none of them have such a policy. She asked for guidance from the Board regarding the parameters of such a policy.

Harry Ward, Deputy Attorney General, commented that many times the background check indicates an arrest where there was no prosecution. He added that until a policy is developed providing the executive director with direction, background checks should be reviewed by the Board.

Dr. Lenkeit, Board Investigator, inquired if the policy can define a review team that would determine if a specific background check should go to the Board. He suggested

the review team be comprised of the executive director, Board President, and either another Board member or a Board investigator.

Member Woodard supported Dr. Lenkeit's proposal and asked why background checks are not kept confidential.

There was discussion about including language in the policy that names of individuals being reviewed will remain confidential. The Board would approve the review team's findings rather than individually stating each name on the public record. Once the review team is established, a rubric shall be created to create consistency in the application of the policy.

**23. (For Possible Action) Discussion of U.S. District Court Case 2:20-Cv-00651-KJD-VCF Where the State Board Psychological Examiners is a Named Defendant.**

Harry Ward, Deputy Attorney General, informed the Board that he has learned the plaintiff in this matter is looking for new counsel. He added that this may be because the case was taken on a contingency fee basis and the attorney may be looking at the case and not predicting a favorable outcome.

**24. (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, January 15, 2021 At 8:30 A.M.**

There were no concerns raised regarding the January 15, 2021 meeting date.

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

There were no additional items suggested.

**26. Recognition of Outgoing Board Member Dr. Tony Papa**

(This item was taken out of order.)

Dr. Tony Papa was recognized and thanked for his work and dedication to the Board during his term of service over the past two years.

**27. Public Comment.**

There was no public comment at this time.

**28. (For Possible Action) Adjournment**

There being no further business before the Board, President Owens adjourned the meeting at 11:41 a.m.