

# NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

## Meeting Minutes

Friday, March 26, 2021

### **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, Board Secretary/Treasurer John Krogh, PhD, and Members Stephanie Holland, PsyD, Monique McCoy, LCSW, and Soseh Esmaeili, PsyD, were present at roll call. Stephanie Woodard, PsyD, was not present at roll call but joined the meeting at 8:56 a.m.

Also present were Harry B. Ward, Deputy Attorney General, Sophia Long, Senior Deputy Attorney General, Gary Lenkeit, PhD, Board Investigator, Sheila Young, Board Investigator, Lisa Scurry, Executive Director, and members of the public: Donald Hoier, John Hunt, Rachel Davis, Brian Lech, Bree Mullin, Noelle Lefforge, Adaeze Chike-Okoli, Adrienne O'Neal, Sophia Long, Rachael Pinkerman, Scott Fidler, Shera Bradley, and Vincent Brouwers.

### **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) Discussion and Possible Approval of the Minutes of the Meetings of the Nevada State Board of Psychological Examiners from February 12, 2021.**

There was no discussion nor recommended changes to the minutes.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the meeting minutes from February 12, 2021.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, and Stephanie Holland) Motion Carries: 5-0

### **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).**

Board Secretary / Treasurer John Krogh presented the budget to actuals financial report. He stated the revenues and expenses are as to be expected. Approximately

70% of the expected expenses have been paid and 95% of expected revenues have been received with three months remaining in the fiscal year.

There were no questions.

**On motion by Monique McCoy, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the Treasurers Report for Fiscal Year 2021.** (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and John Krogh) Motion Carries: 5-0

**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 update or discussion on this item.

**5. Board Needs and Operations**

**A. Update and Report from the Nevada Psychological Association**

Dr. Noelle Lefforge stated the NPA Board is accepting nominees. There were no other updates.

**B. Report from the Executive Director on Board Office Operations**

Executive Director Scurry explained that some of the current projects in the office include monitoring of the legislative session, revision of the online application for licensure, and creation/revision of Board policies and office procedures. She added that a long-range goal is creation of a Strategic Plan for possible discussion in the Fall.

Stephanie Woodard joined the meeting at 8:56 a.m.

**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.**

Director Scurry updated the Board on Senate Bill (SB) 326. If adopted, SB326 would provide for provisional licenses in place of the current Directive 011 for up to two years. One concern with the bill is that it could provide a provisional license to an individual from a state that does not have substantially equivalent licensure requirements, such as a doctorate or supervised training hours.

Member Dr. Woodard added that Health and Human Services is working with the Governor's office on the proposed legislation. Information will be sought from the

various licensing boards regarding how Directive 011 has worked, who has received temporary registration, the use of telehealth in expanding services, etc.

President Owens asked if there is anything proposed that would ensure individuals using telehealth have received training, such as continuing education courses, in its use.

Member Dr. Woodard responded that she has not seen any proposed legislation related to such training but added there are hundreds of bills being reviewed. She noted that at the national level the trend is moving away from additional requirements for providers who deliver services by telehealth. It may be necessary for Boards to make that determination, if they deem it necessary.

No action was taken.

**7. (For Possible Action) Discussion and Possible Action Related to Consideration of Temporary Licensure to Ensure Continuity of Care For Patients Being Seen By Out-Of-State Providers When The Provisions Of Directive 011 Expire**

There was no update or discussion on this item.

**8. (For Possible Action) Discussion and Possible Action On The Status Of The State Examination, Including A Follow-Up On Direction To Implement Online Test Security And The Potential Increase In The Cost Allocation To Not More Than \$5,000 From The Original Allocation Of \$3,500.**

Executive Director Scurry provided the Board with an update on the State Examination. At the February 12, 2021 Board meeting, the Board directed online security system be sought to maintain the integrity of the exam.

Ms. Scurry explained that four systems had been reviewed. The first, Respondus, is a lockdown browser and would cost \$2,800 annually. There would be no proctor with that service. To add a proctor service would cost approximately \$2,500 annually. She questioned how an open-book exam would work with a lockdown browser system. Several requests for information from Pearson OnVue have gone unanswered. The other two companies researched would be too costly to merit consideration.

As an alternative, Ms. Scurry suggested allowing her to proctor the exam through Zoom, the online meeting service to which the Board already has a subscription. She provided the Board with a state exam application, procedure, and security agreement that would be used. Using that process, the test taker would be provided the Zoom link. Once the meeting starts, the candidate is provided the test link. Then, she is able to watch while the test is taken. Some of the rules for the test taker include not having a cell phone or writing utensils available. To date, two candidates had taken the exam and neither expressed any concerns with the format.

Although Ms. Scurry stated that she could still work while proctoring using this method, she added that eventually the office may want to consider hiring a part-time employee to work on Fridays for the purpose of proctoring the exam and adding extra office support. The cost for such an employee would be the same or less than a contract with a company like Respondus.

Member Dr. Krogh expressed support for the alternative option using Zoom.

President Owens stated that the option should provide the level of security the Board is looking for at a minimal cost. She added that the intent of the online exam is to increase access for candidates.

Member Dr. Holland suggested a certain number of exams be piloted and then the data reviewed by the Board to ensure this is the best route to take. At Dr. Holland's inquiry, Ms. Scurry explained that two candidates have taken the test using the Zoom proctoring method. Although they did not pass the test, neither expressed any concerns with that method. She added that by the may meeting, she could have tested 20 candidates, giving the Board sufficient data to make an informed decision.

Member Dr. Esmaeili inquired how the candidate gets their results. Ms. Scurry explained that the test platform provides the final score. They are then sent an official letter from the Board office documenting their score and providing next steps, particularly if they fail the exam.

President Owens asked if there is a standard set of instructions. Ms. Scurry explained that there is now an application the candidate submits when ready to schedule the test. The application includes some of the process and rules related to taking the exam as well as the security agreement. Prior to beginning the exam, she reviews a standard set of guidelines with each candidate. Lastly, when the test link is opened, rules related to security and test taking are provided which must be acknowledged. Some of the rules include not using a cell phone or writing instruments during the test.

Director Scurry explained that if a part-time person was hired to proctor the exam, the estimated cost would be 4 hours each Friday at \$15 an hour. That total maximum cost would be just over \$3,000 annually as no benefits would apply. She added that having the person work on Fridays also provides office coverage on days of Board meetings.

President Owens added that offering the test consistently, such as each Friday, removes a barrier to licensure. In the past, the test was offered periodically.

**On motion by John Krogh, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners directed the executive director to continue proctoring the state exam using an online monitoring method and to bring data related to that pilot of at least 10 applicants to a future meeting of the Board to consider the need to hire a part-time assistant for that purpose.**

(Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**9. (For Possible Action) Formal Disciplinary Hearing in Case No. 19-0514 Regarding Rachel Davis, Ph.D. Discussion of Evidence and Hearing Testimony and Possible Action to take Disciplinary Action Against Dr. Davis as Authorized by NRS Chapter 233B, NRS Chapter 622, NRS Chapter 622A, NRS Chapter 641, and NAC Chapter 641.**

(This item was taken out of order.)

Harry Ward, Deputy Attorney General, explained that a settlement agreement was reached in this matter between the two parties. The documents will be posted to the Board's website as they are a public record. He introduced Sophia Long, Deputy Attorney General, who was present to serve as a hearing officer.

John Hunt, attorney, and Dr. Rachel Davis, Respondent, introduced themselves and offered to respond to questions.

President Owens clarified that the Board's duty was to review the proposed settlement agreement and take action to accept or deny.

Member Dr. Holland inquired about the primary issue of the complaint regarding consent to release records. While the contract in question was with the Clark County School District (CCSD), the consent between Dr. Davis and the complainant did not specifically state that the report would be released to CCSD.

Mr. Ward responded that was correct. The Board had a problem with the report being released to CCSD as the form did not specifically name CCSD as the recipient. In the future, there will be a review by the Board (or the Board's investigator) of Dr. Davis' forms to avoid similar concerns.

Mr. Hunt explained that the consent agreement did state the report would be released to a third-party contractor. He added that his client's position was that the Complainant knew the third-party contractor was CCSD. He explained that the complaint against the school district was dropped and the lawsuit by the Complainant against the school district was dismissed by the judge as frivolous. Dr. Davis will revise her general consent forms for future use to include an area to indicate to whom records would be released.

Investigator Dr. Lenkeit explained that in his investigation the only problem uncovered was that the standard release form being used by Dr. Davis had no area to indicate to whom information could be released.

**On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the proposed settlement agreement regarding Dr. Rachel Davis.**

Mr. Ward asked that the motion be amended to include the case number.

**On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the proposed settlement agreement in the matter of Case No. 19-0514 re Dr. Rachel Davis.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, and Stephanie Holland) Motion Carries: 5-0

As the hearings were concluded, Senior Deputy Attorney General Long left the meeting at 8:45 a.m.

**10. (For Possible Action) Formal Disciplinary Hearing in Case No. 19-1106 Regarding Reverend Doctor Richard Diffenderfer. Discussion of Evidence and Hearing Testimony and Possible Action to take Disciplinary Action Against Rev. Dr. Diffenderfer as Authorized by NRS Chapter 233b, NRS Chapter 622, NRS Chapter 622A, NRS Chapter 641, and NAC Chapter 641.**

Harry Ward, Deputy Attorney General, explained that Items 10 and 11 were continued. He would meet with the Board following the Board meeting to discuss pending litigation (such a meeting with the attorney falls outside of the Open Meeting Law pursuant to NRS 241.015(3)(b)(2)).

For this item, a cease-and-desist order was issued in the matter.

Mr. Ward suggested the hearing may be re-scheduled for June or July of 2021.

**On motion by John Krogh, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners continued without date Case No. 19-1106 and Case No. 19-1223.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**11. (For Possible Action) Formal Disciplinary Hearing in Case No. 19-1223 Regarding Alexia B Kevonian, Psy.D. Discussion of Evidence and Hearing Testimony and Possible Action to take Disciplinary Action Against Dr. Kevonian as Authorized by NRS Chapter 233B, NRS Chapter 622, NRS Chapter 622A, NRS Chapter 641, and NAC Chapter 641.**

See Item 10 for discussion and action.

**12. (For possible action) Review, Discussion, and Possible Action on Pending Consumer Complaints.**

Harry Ward, Deputy Attorney General, reviewed the following matters

- A. Complaint #19-0514.** This complaint was settled in Item 9 above.
- B. Complaint #19-0626.** This matter is pending depositions and is expected to move forward to a hearing in late summer.

- C. **Complaint #19-0709.** This item is expected to move forward to a hearing in late summer.
- D. **Complaint #19-1106.** This matter was discussed in item 10 above.
- E. **Complaint #19-1223.** This matter was discussed in item 11 above.
- F. **Complaint #20-0501.** This matter is pending.
- G. **Complaint #20-0728.** This matter is pending.
- H. **Complaint #20-0818.** This matter is pending.
- I. **Complaint #20-0819.** This matter is pending.
- J. **Complaint #20-1130**

Board Investigator Dr. Gary Lenkeit explained that the Complainant alleged she was provided a substandard level of care, that the psychologist lacked compassion, and she did not feel safe with the psychologist in the final session.

The psychologist respondent denied the allegations and replied that she felt the complaint was influenced by a YouTube video on self-inquiry and a pathway to well-being. She alleged that the video maker does not have appropriate training. The respondent answered to each allegation of the complaint and provided information about her experience as a psychologist.

Dr. Lenkeit stated the investigation found no violation of Chapter 641 of Nevada Revised Statutes or Nevada Administrative Code. He recommended the complaint be dismissed.

**On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners dismissed Case No. 20-1130.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

Mr. Ward asked that the matter be removed from future agendas.

- K. **Complaint #20-1229.** This matter is pending.

**13. (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 proposed the following applicants be considered for approval contingent upon completion of licensure requirements: Luke Bigler, Tyler Camaione,

Aleesha Grier-Rogers, Sarah Henry, Timothy Law, Leigh Lustig, Rory Reid, and John Walker.

**On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the following applications for licensure contingent upon completion of licensure requirements: Luke Bigler, Tyler Camaione, Aleesha Grier-Rogers, Sarah Henry, Timothy Law, Leigh Lustig, Rory Reid, and John Walker.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**A. (For Possible Action) Discussion and Possible Action to Approve the Application for Licensure of Lisa Hancock, as Recommended by the ATEAM Committee on February 23, 2021, and Contingent Upon the Satisfactory Completion of all Other Licensure Requirements**

On February 23, 2021, the Application Tracking Equivalency and Mobility (ATEAM) Committee reviewed the application for licensure by endorsement of Dr. Lisa Hancock. The ATEAM also reviewed the educational program as Dr. Hancock had not attended an APA-accredited school. Following the review, the ATEAM recommended approval of the application contingent upon satisfactory completion of all other licensure requirements.

**On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the application of Dr. Lisa Hancock, contingent upon completion of licensure requirements, as recommended by the ATEAM Committee.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**B. (For Possible Action) Discussion and Possible Action to Reinstate the License of Jacquelyn Johnson**

Dr. Jacquelyn Johnson has applied for reinstatement of her license. The license was last active in 2018. Along with the application, Dr. Johnson provided proof of meeting the continuing education credit requirement.

**On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the reinstatement of the license of Dr. Jacquelyn Johnson, contingent upon any other licensure requirements.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**C. (For Possible Action) Discussion and Possible Action to Provide a One-Year Extension to the Application for Licensure of Sylvia Chang**

This item was moved to a future meeting.

**D. (For Possible Action) Discussion and Possible Action to Provide a One-Year Extension to the Registration of Psychological Intern Candis Mitchell**

The Board considered a one-extension of the registration of Candis Mitchell.

Member Dr. Krogh asked if the Board has approved extensions in the past. Executive Director Scurry informed the Board her supervised hours were delayed due to medical circumstances.

**On motion by John Krogh, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved a one-year extension of the registration of Candis Mitchell.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**E. (For Possible Action) Consideration and Possible Approval of a Request for Testing Accommodations for the Nevada State Exam for Licensure Applicant Cathy Reimers, Ph.D.**

Applicant Cathy Reimers requested a testing accommodation for the Nevada State Exam of an additional hour. The Board was provided an accommodation application and appropriate documentation. If approved, Dr. Reimers would have four hours to take the exam rather than the standard three hours.

**On motion by Soseh Esmaeili, second by John Krogh, the Nevada State Board of Psychological Examiners approved a testing accommodation for Cathy Reimers of an additional hour for the Nevada State Examination.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**F. (For Possible Action) Discussion and Possible Action to Approve the Psychologist Licensure Application of Hope Bagley, Ph.D., Contingent Upon the Satisfactory Completion of Licensure Requirements.**

Executive Director Scurry explained that as part of the license verification process of Dr. Hope Bagley, disciplinary documents were received from the Virginia Board of Psychology. Those documents indicate that the Virginia Board had suspended the license in 2013. As of 2017, the license was made active and is currently in good standing, but Dr. Bagley was placed on indefinite probation with a monitoring program.

President Owens asked the Board's investigators about precedent for monitoring a psychologist on this type of status in another state. Investigator Dr. Sheila Young replied that in the interest of public protection, it would be a good idea to also monitor the individual. Investigator Dr. Lenkeit stated he was not aware of any similar examples in the past.

President Owens suggested the members review the documents and have the item return at the next meeting.

Harry Ward, Deputy Attorney General, suggested inviting the applicant to attend that meeting to respond to questions.

**14. (For Possible Action) Discussion and Possible Action to Provide Revision to and/or Adopt a Policy and/or Procedures Related to the Application and Review Process for Licensure by Endorsement. Discussion may Include Proposed Legislation Presented During the 2021 Nevada State Legislative Session**

President Owens explained that the Application Tracking Equivalency and Mobility (ATEAM) Committee had been working to create a procedure for the review of applicants for licensure by endorsement and it was presented for the Board's review.

Member Dr. Holland added that the application and review process is fluid and additional changes may be necessary in the future.

Member Dr. Woodard spoke on the process and how it has changed based on the types of applications reviewed by the ATEAM. Those applications are increasingly complex which has led to good discussion about the education, training and professional experience of applicants.

President Owens explained that the requirements in other states do not always exactly align to those in Nevada. The procedures being proposed help to ensure the standards for licensees are equivalent and there is a level of security in place for the citizens of Nevada.

**On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the Application for Licensure by Endorsement Procedure.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

Senate Bill 208, related to licensure by endorsement, was presented and discussed. If adopted, the bill would require the Board to provide a provisional license to an applicant licensed in another jurisdiction pending approval of the application. President Owens reviewed the applicable provisions of the bill. She stated that the Board's objective is to get applicants licensed while ensuring reasonable protections of Nevada's citizens are in place through compliance with Nevada's licensure requirements.

Section 8(8) of the bill is proposed new language that would read, "Immediately upon receiving an application for a license by endorsement pursuant to the section with sufficient proof that the applicant holds a valid and unrestricted license as a psychologist in the District of Columbia or any state or territory of the United States, the Board shall grant a provisional license authorizing an applicant to practice as a

psychologist. Such a provisional license is valid until the Board approves or denies the application for a license by endorsement.”

President Owens stated the word “immediately” could be troublesome as it could allow an individual to begin practicing under the provisional license who may not qualify for licensure under Nevada’s laws. She asked about the definition of “application” and at what point is an application deemed to have been submitted? Is an application defined as the initial information form and fee or is it a complete application that includes the PLUS application (verification of education, internship and post-doctoral supervised hours) and proof of fingerprints. Without the complete application, a provisional license could be provided to an individual who only has a Master’s degree versus the doctorate that is required in Nevada, or someone who has been disciplined in another state.

Harry Ward, Deputy Attorney General, agreed with President Owens’ assessment of a complete application and suggested that the Board office would continue to fully vet applicants.

Member Dr. Woodard inquired if the bill’s sponsors have been contacted about the concerns. She added that often the mental health boards are lumped together and there is nuance that is lost related to the varying requirements of license requirements by the boards.

There was discussion about the application and review process including what is required for adequate review of an applicant’s education and experience as well as how to remove barriers to completing licensure.

Director Scurry added that proposed revisions to the initial application will require an applicant to provide an expanded set of information such as internship and post-doctoral hours that will assist in processing provisional licenses related to endorsement.

There was discussion related to contacting the bill’s sponsors and proposing a friendly amendment to the bill clarifying the difference between an application and a completed application, as well as a potential end date for a provisional license. The Board office has spoken to a number of individuals who have obtained temporary registration under Directive 011 who have stated they will not seek licensure until the Directive comes to an end. Placing an end date for a provisional license will keep such individuals from not indefinitely postponing taking the State Exam or complete other necessary steps.

President Owens stated a letter to the bill’s sponsors would be submitted expressing the concerns of the Board.

**15. (For Possible Action) Discussion and Possible Action to Provide Revision to and/or Adopt a Staff Performance Evaluation Policy and Evaluation Instrument**

President Owens explained that the evaluation system for the executive director needed revision. She spoke with other Board presidents about their processes. Ultimately, the evaluation tool used by the California Board was used to create the new documents.

Executive Director Scurry drafted an evaluation policy, as required by state law. The policy would direct the Board president to conduct the initial evaluation process with the executive director. The evaluation would then be brought to the Board in a publicly noticed meeting for input and action by the Board members.

Member Dr. Holland abstained from voting as she was not present during the discussion.

**On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the Staff Evaluation Policy and Executive Director Evaluation Instrument.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, and Stephanie Woodard. Abstain: Stephanie Holland)  
Motion Carries: 5-0

**16. (For Possible Action) Discussion and Possible Action to Define the License Types "Expired" and "Suspended". Discussion May Include if Those Terms, When Related to Non-Renewal of a License, Are Disciplinary in Nature And, If So, How Such Items Should Be Documented**

Executive Director Scurry explained that as she has been working on cleaning up the licensee database, she has noticed some inconsistencies in the license types and how information is recorded when a license is not renewed. Three examples were shown of individuals whose licenses expired. Some were notated in the database as expired and others as suspended. Additionally, some were marked as having discipline for not responding to the renewal and others were not.

Under state law, a licensee that fails to renew 60 days after the expiration date shall have their license suspended. Ms. Scurry asked for guidance from the Board as to whether those licenses should be marked consistently as expired or suspended and whether or not that suspension would be considered discipline. She added that the statute related to non-renewal does not fall under *discipline* in the statutory provisions but under *licenses*. Ms. Scurry also stated that she didn't feel that the executive director had the authority to mark a licensee as having discipline without action of the Board.

President Owens asked the Board if they felt that failure to renew a license was a disciplinary act. There was discussion about whether or not the executive director would have the ability to mark discipline against a license without Board action.

There was brief discussion about the difference between an inactive and an expired license. Dr. Lenkeit suggested that someone whose license is inactive only need apply to reactivate and present proof of continuing education. An individual whose license has expired would have to re-apply.

There was discussion and consensus that failure to renew a license shall be recorded as an expired license and that the executive director shall not mark such licenses as discipline related.

**On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners directed that non-renewal of a license shall be deemed as an Expired license and directed the Executive Director to make appropriate adjustments to the licensee database.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard.)  
Motion Carries: 6-0

## **17. Legislative Update**

### **A. (For Possible Action) Discussion and Possible Action Related to the 2021 Session of the Nevada Legislature Scheduled to Begin February 1, 2021**

Executive Director Scurry provided an update on the Nevada Legislative Session. She informed the Board that, in addition to endorsement and provisional licenses, there is pending legislation related to general board operations and oversight, open meeting law, and general mental health concerns. She and the Board lobbyist continue to monitor the session and work in the various committees.

### **B. (For Possible Action) Discussion and Possible Action on Assembly Bill 366 (Previously BDR 456) Which Proposes 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, Psychological Interns and Psychological Assistants.**

Director Scurry informed the Board that AB366 was scheduled for a committee hearing that day. Ms. Scurry stated there had been no opposition expressed to the bill that would clarify that recordings used for training purposes would not be considered medical records.

### **C. (For Possible Action) Discussion and Possible Action on Senate Bill 44 In Which Provisions of NRS Chapter 641, Psychologists, are Proposed for Revision Related to Data Collection and Licensure by Endorsement.**

SB44 is a bill developed by the Rural Health Board and includes language related to licensure by endorsement and granting of a provisional license. Ms. Scurry explained that the bill is undergoing revision and is being monitored by Board staff. The bill had been heard in committee but not been voted on to date.

**D. (For Possible Action) Discussion and Possible Action on a Proposal to Remove Language from NRS 641.390, Representation or Practice Without License or Registration Prohibited, During A Future Session of The Nevada State Legislature.**

Ms. Scurry stated that there had been two meetings to date with the Nevada Department of Corrections related to the potential change in statute requiring licensure of individuals with the title "psychologist" who are employed by the department. Those meetings were very positive, and Corrections staff seemed to be in favor of the proposed changes. A follow-up meeting will be held in or about September to start drafting language for the 2023 Legislative Session.

**18. (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**

Executive Director Scurry informed the Board that there was no status change to the regulations listed below. It is expected that no further work will be done towards revision or adoption until the conclusion of the current Legislative Session.

- A. R057-19: Fees**
- B. R058-19: Endorsement Language**
- C. R114-19: Foreign Graduates**
- D. R115-19: Supervision, payment of psychological assistant, Closure of a Practice**
- E. R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.**
- F. R174-20: Code of Conduct**
- G. R175-20: Removal of "Moral"**

**19. (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 that the plaintiff in the matter has until the end of the month to find new counsel. Otherwise, she will have to represent herself. There were no other updates.

**20. (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, April 9, 2021 at 8:00 a.m.**

There was no discussion or suggested changes to the next meeting date and time.

**21. 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.

**22. Public Comment**

There was no public comment at this time.

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

There being no further business before the Board, President Owens adjourned the meeting at 10:45 a.m.